SENATE—*Monday, April 7, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, Almighty Sovereign of our beloved Nation, and loving Lord of our lives, our hearts overflow with gratitude. Thank You for the privilege of living in this land You have blessed so bountifully. You have called this Nation to be a demonstration of the freedom and opportunity, righteousness and justice You desire for all nations. Help us to be faithful to our destiny. May our response be spelled out in dedicated service.

Dear God, empower the men and women of this Senate as they seek Your vision and wisdom for the problems we face as a nation. Proverbs reminds us that "When the righteous are in power, the people rejoice." We rejoice in the Senators who seek to be right with You so they will know what is right for our Nation. You have told us, "Righteousness exalts a Nation." Proverbs 29:2.

Lord, we live in times that challenge faith in You. As a nation, secularity often replaces spirituality and humanistic materialism substitutes for humble mindedness. Bless the Senators as they give dynamic leadership. Grant them wisdom, grant them courage, for the facing of this hour. I pray this in the name of Jesus Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, it is a pleasure to be back on this spring day and to hear the Chaplain's prayer and to see the distinguished Senator from South Carolina here ready for business. I know we are going to have a productive season as we go into April and May.

This afternoon there will be a period for morning business until the hour of 1 p.m. Following morning business, the Senate will resume consideration of the motion to proceed to S. 104, the Nuclear Policy Act.

As I announced prior to the recess, no rollcall votes will occur during today's session of the Senate. Under the order, a cloture vote on the motion to proceed to S. 104 will occur on Tuesday.

I had planned to ask unanimous consent that the vote on the motion to invoke cloture occur at 5:15 on Tuesday, with the time between 2:15 and 5:15 to be equally divided between the proponents and opponents. I understand that the Democratic leader may have a little bit of a conflict, where we may try to move that toward 5:30, although we have other Senators who have conflicts at that time. So we will get a definite unanimous consent request here shortly. The vote will be sometime between 5 and 5:30, I presume, and I believe we can get that worked out just as long as we have a minute more to confer with our colleagues on the other side of the aisle.

All Members should be aware that the next rollcall vote will occur, then, on tomorrow at either 5:15 or 5:30, something like that. It is my hope the Senate will invoke cloture tomorrow, which will enable us to begin consideration of this very important legislation, which is the nuclear waste legislation. I think there is no more important environmental issue pending in America than to make the decision of what we are going to do with nuclear waste that is sitting in sites across this country, from South Carolina to Vermont, from the banks of the Mississippi to the shores of the Pacific. We cannot ignore this. We cannot wait another 15 years for studies to be completed. We have spent billions of dollars. We have been working on this for years. It is time for action.

The Senate voted by a wide margin last year to make a decision on this issue, to pass this nuclear waste repository legislation. The House did not act. I have been assured this year the House will act, this matter will go to the President, and we hope that it will go to him in such a way that he recognizes that Senators and Congressmen and the American people all across this country feel that this decision must be made.

So, I am looking forward to our beginning the debate. If cloture is invoked, Senators can anticipate debate and rollcall votes during every day of the session this week so we may complete action on S. 104 as soon as possible. I remind my colleagues that this will be a busy period legislatively prior to the Memorial Day recess.

I think all Senators should be aware that bills are beginning to be reported out of committees. We have had 3 months to have the hearings to mark up legislation. We have a number of bills that have now been reported, including the TEAM Act and the Comptime and Flextime Act, which can be very helpful to families and working mothers who need time to be with their children. That legislation is ready. Sometime late this month or early next month we will, as I have said, have a vote on the partial-birth abortion ban legislation. So we are beginning now to enter a period where we will have a lot of legislation.

Obviously, we need to have a vote on the budget. I had hoped we could come to a grand agreement that would be in the best interests of all Americans with the President. So far, that has been fruitless. I have committed basically 3 months, along with the chairman of the Budget Committee, the time and the meetings, to try to see that something happened in this budget area, but we have not been successful with that. I had asked the President not to oppose the balanced budget constitutional amendment. He did. In fact, he and the leadership on the other side of the aisle twisted arms, and two Senators switched their positions, and we lost that by one vote. But every Republican and 11 Democrats had the courage of their convictions and voted for it.

Then I asked the President and his people to send us a real budget, a budget that showed courage, showed leadership, that would have some restraints in the entitlements area, that would preserve and protect Medicare, that would give some tax relief to working Americans, that would have some restraint and controls on the rate of increase on nondefense discretionary spending and would do what needs to be done in the defense area; show some leadership. They did not. They sent a political document.

Since that time, we have tried to encourage some movement with the suggestion that we have a commission to decide on the accurate, honest number of the Consumer Price Index. The President indicated preliminarily he thought maybe we could get a commission on that. To his credit, the Democratic leader indicated he thought that was a move in the right direction. But then they backed away from it. Other suggestions have been made by the Republican leadership, but there has been no reciprocation, no action.

The President needs to lead in this area. If he does not, we are moving on. We are moving on. We have to do this budget. We will do a budget in the Senate in the next few days. I think we have to get action in the Budget Committee here in the next couple of weeks. We have to get some decision made so the Appropriations Committee can begin to move forward. We hope it will be a bipartisan agreement. We would like to have the President's help, but the time is over for waiting. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

must move forward. I will be talking later today to the chairman of the Budget Committee and interested Republicans and Democrats to see how we can proceed. We still would like to have the President's involvement and help, but he does not seem, so far, to be ready to do that.

Our staffs were meeting during the past 2 weeks. They were supposed to be making progress. From what I understand, they had a grand time meeting and saying how wonderful it was they were meeting—but that is about all. It was my understanding, from what the President said, that he would meet with the leadership of Congress when we returned from the Easter recess period to discuss, hopefully, the final decisions on the budget—this week. But I understand now, that meeting is not going to occur this week. It is next week. Yet, as we wait for leadership from the White House, we see some people saying, why doesn't the Congress act? We have been trying to confirm the President's Cabinet. We have been trying to work with the administration and to work off of his budget agreement so we could move to a final agreement. It has taken time. But that time is gone. We have to go ahead and do our job. And it will be our intent to do so.

So, I thank all Senators in advance for their cooperation as we begin what I hope will be a productive couple of months. We have a lot of good legislation we can take up, we will take up, and I think when we go out for the Memorial Day period we will have several bills that we can point to with pride that we have voted on.

UNANIMOUS-CONSENT AGREEMENT—S. 104

Mr. LOTT. Mr. President, I ask unanimous consent that at 1 p.m. today the Senate resume consideration of the motion to proceed to S. 104.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business.

Mr. LOTT. Mr. President, seeing no Senator seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ASHCROFT. Mr. President, I ask unanimous consent that, for purposes of introducing a bill and making remarks in relation thereto, that I be granted permission to speak for up to 10 minutes.

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

Mr. ASHCROFT. I thank the Chair.

(The remarks of Mr. ASHCROFT pertaining to the introduction of S. 514 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

FDA REFORM AND PDUFA REAUTHORIZATION

Mr. JEFFORDS. Mr. President, we are here today to talk about the need for us to reauthorize the Prescription Drug User Fee Act and pass legislation to modernize the Food and Drug Administration.

I will just remind everyone as to what happened last year. The Senate Labor Committee passed an FDA reform bill out of committee with a strong, bipartisan vote of 12–4.

So we are here today to alert the body that we intend to move forward expeditiously this year in order to ensure that we improve the FDA review process for new products as well as reauthorize the Prescription Drug User Fee Act. And we are going to do so in a bipartisan manner.

Let me state that I intend that these issues will move together. It is my goal, as chairman of the authorizing committee, to have a bill ready for the full Senate's consideration before midyear. During the last Congress, my predecessor, Senator Kassebaum, led our committee in reporting out legislation which emphasizes the FDA has a role in bringing needed products to the public in a timely fashion as well as a role of protecting the public from harm.

This year I look forward to continuing that work. The objective of modernizing the FDA is to make more information and better products available to the public in an expeditious way, to foster and improve a new product review process, and require that the agency be as efficient and effective as possible in carrying out its statutorily defined duties.

As chairman of the Labor and Human Resources Committee, my approach will be to identify problem areas in the FDA regulatory system for drugs, devices, and other products which can be improved with legislation and gives the FDA the tools it needs to address other problems administratively.

Specifically, we will target areas that have the effect of needlessly delaying patient access to safe new therapies and products. In addition, we must not squander scarce FDA resources on bureaucratic procedures which confer no demonstrated public health benefit. We must also reauthorize the successful Prescription Drug User Fee Act, also known as PDUFA.

In 1992, the pharmaceutical and biotechnological industries were so concerned about the length of time taken by FDA to approve new drugs that they were willing to adopt FDA's proposal that they pay user fees in exchange for faster reviews. FDA has been able to reduce mean approval times for new drugs to which user fees were paid from almost 30 months in 1992 to 15.5 months in 1996. We need to continue this effort.

Notwithstanding the success in reducing the review time for new drug applications, the period of time it takes pharmaceutical and biotechnological groups to work with FDA on the drug development phase before an application is even submitted has lengthened. It is my hope that we can introduce new performance measures for the FDA in addressing the drug development phase and further enhancing the drug review and approval phases as part of the reauthorization of PDUFA.

It is essential to note that these user fees are contingent on the Appropriations Committee's making available to the FDA the pre-1992 level of appropriated funds to the Agency updated for inflation. This provides the assurance that user fees do not become a substitute for funds appropriated from general revenues.

The administration's budget puts this important principle at risk with an 8-percent cut in the funding for the FDA. I know of Chairman STEVENS' interest in the FDA and its approval process. I look forward to working with him, the other Appropriations Committee, and the majority leader to make sure that the FDA has the full level of funding it needs to perform its vital functions across each of the centers.

Mr. President, the Labor and Human Resources Committee will move expeditiously to have the reauthorization of PDUFA and legislation to modernize the FDA ready for the consideration of the Senate.

Mr. President, I know the Senator from Maryland is here and also wants to join myself and the majority leader in making sure that the Senate does what it must do in order to make the improvements necessary to bring the FDA up to what it can be and should be.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want to state very clearly that I agree with the distinguished majority leader, the Republican leader, and the respected chairman of the Labor and

Education Committee, Mr. JEFFORDS, in reauthorizing the Prescription Drug User Fee Act this year. And I also support strong bipartisan agreement on FDA reform. The time has come. The time is now. It is a window of opportunity to just do it.

I am so pleased that we are proceeding on this, and not only in a bipartisan fashion, but a nonpartisan fashion. I had the pleasure of working with the former chairman, Senator Nancy Kassebaum of Kansas, who retired, on fashioning a bipartisan framework on FDA reform.

I am so pleased that her successor, Senator JEFFORDS, has picked up the same framework as a working document for us to be able to proceed because this is what the American people want us to do—to work together to be able to have a Federal agency that oversees the approval of our pharmaceuticals, biotechnology, and biomedical devices to ensure their safety and efficacy, but also to make sure they move out into clinical practice in a timely way. This is what we need to do because it will save lives and generate jobs in the United States of America.

So I look forward to working with the distinguished chairman in fashioning the bill in committee and with the Republican leader in moving it to the Senate floor, because it is time to bring a smokestack regulatory framework into the computer age. FDA needs to adopt a new culture and move into the 21st century. That is why FDA reform is so important. We need a new regulatory framework that will make sure that we bring exciting new biomedical technology devices to not only millions of Americans in a timely fashion but this is a global field that will enable us to export around the world.

Our country has been often known for exporting smart weapons of war but this will enable us to export smart new technology in the war against disease. This will be absolutely crucial.

Reform is of great interest in my State of Maryland. Maryland is home to many biotechnology companies and medical device manufacturers and they are creating new scientific products which will save lives.

In the 104th Congress, under the able leadership of now retired Senator Kassebaum, we reached that bipartisan consensus on effective and responsible FDA reform. Then I was pleased to join several of my Democratic colleagues in supporting the Kassebaum bill. And I am committed to achieving meaningful bipartisan reform this year.

Coupled with FDA reform though, this is the year that we must reauthorize something called PDUFA. As has been outlined very ably by the chairman of the committee, this Prescription Drug User Fee Act has shown that it will significantly reduce drug approval time because it generated fees that have been used to hire more staff. It enabled the FDA to move more expeditiously in moving new drugs to patients more quickly. For example, new AIDS drugs are being approved now in a matter of months rather than a matter of years.

FDA itself is located in my own State. They work under very difficult situations. They work out of modular buildings, many of which are spread over 27 different sites. They often are short-staffed. And they need to make sure we pass PDUFA so that they have the adequate resources they need to do the job while we help them fashion an adequate legislative and regulatory framework.

We can build on this great track record. With the extension of PDUFA for another 5 years, we can have the opportunity to make further improvements. What can be done with some new drugs should be done for the benefit of many other patients.

Mr. President, we are talking about the need to provide all the help we can to a Government agency that has an enormous impact on the day-to-day lives of Americans. The FDA is involved with everything from the drugs we take to the food we eat. Let us move on PDUFA and FDA reform in a sensible, responsible bipartisan manner. And as this is done, we must focus on the values of safety and efficacy while we will also streamline our process.

I know also in the Chamber is the distinguished Senator from Oregon [Mr. WYDEN], who when we worked on the original PDUFA was in the House. He brings a great deal of knowledge to that. And we know he will be part of our bipartisan effort. So we thank you, I say to the Senator, and look forward to working with you.

In conclusion, I would like to also thank the chairman of the committee, Mr. JEFFORDS. He established a committee now called Public Health and Safety. It is the first time I believe in the committee's history that we have had a committee devoted strictly to focusing on the public health needs of the American people. The Centers for Disease Control and NIOSH and others will be so absolutely crucial. And being the gentleman that he is, he yielded that plum to another member of the committee, and enabled Dr. BILL FRIST to chair that committee, who brings to the committee the experience as a physician of a hands-on clinical practice as well as the know-how and what it really takes to be able to save lives.

This is what we need to be doing—the right committee structure, the right attitude within the committee so that we can all work together so that at the end of the term, we might not have solved every budget problem, we might not have balanced every line item, but at the end of this term people will be safer, their food, their pharmaceuticals, and so on, will be able to move quicker, faster, cheaper, maintaining safety and efficacy because of what this committee has done. I look forward to cooperating with that.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. We are awaiting the arrival of the majority leader. I know the Senator from Oregon has somewhat of a lengthy statement. I wonder if he would be willing to be interrupted by the majority leader should he arrive and that we also would place his statement preceding mine such that it would appear in the order originally intended.

Mr. WYDEN. I thank the gentleman for his courtesy. Perhaps we might wait a few more minutes for the leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, this Congress has an opportunity to build on the progress made in the 104th Congress to assist the Food and Drug Administration in meeting the needs of millions of Americans who are awaiting the advancement of new medicines.

Over the years, I have known individuals who have needed medicines and medical procedures that they could not get because the FDA had not done whatever was necessary, in their opinion, to approve these procedures. I have known of examples of people going to Mexico for medicine or to England for a medical procedure because they could not get that procedure in America. Yet 20 years later, one of the procedures that Americans had to go to England to get now is so common it is almost done as an outpatient procedure. That is ridiculous, and it is time we make some progress in advancing these new medicines in a more expeditious manner.

We also have an urgent need to act to extend the highly successful law that will expire later this year unless it is renewed in a timely fashion.

Let me review last year's legislation that would enable the FDA to meet the demands of the rapidly approaching 21st century.

This past year, we had wide bipartisan agreement on essential elements of FDA reform in both Houses of Congress. In the Senate, the Labor and Human Resources Committee approved S. 1477, the Food and Drug Administration Performance and Accountability

Act, by a 12-to-4 bipartisan margin. In the House, H.R. 3199, the Drug and Biological Products Reform Act was cosponsored by more than 200 Members of both parties.

It was unfortunate, Mr. President, that despite the best efforts of then Labor and Human Resources Chair Nancy Kassebaum, as well as my colleagues Senator DAN COATS and Senator CHRIS DODD, we ran out of time last year before S. 1477 could be brought to the Senate floor. I wanted to do it. They wanted to do it. A bipartisan group wanted to do it. In the face of a threatened filibuster by some Senators, we were not able to bring it to the floor with that threat hanging over the legislation.

However, as the urgency of this legislation becomes more and more apparent, I am confident that the Labor and Human Resources Committee under the able leadership of the distinguished Senator from Vermont [Mr. JEFFORDS], will undertake this worthy effort without delay.

Congress must also consider another important law this year, the 1992 Prescription Drug User Fee Act which is scheduled to expire on September 30, 1997.

The user fee law was the result of a historic agreement between Congress, the Food and Drug Administration, and the pharmaceutical and biotechnology industries. Industry agreed to pay $347 million in user fees during the 1993–97 period, which enabled the FDA to speed up the approval process by employing an additional 600 reviewers. Unless this vital law is renewed, the advances made by the FDA will be interrupted and the progress will be damaged.

As majority leader, I plan to do everything I can to ensure that PDUFA, the legislation I just referred to, is reauthorized for another 5 years, thus ensuring that our sickest patients will have fast access to life-saving products.

Mr. President, Congress must meet these two challenges. We must act now for the patients all across America. I certainly commend Senator JEFFORDS for his efforts in this area, his leadership, and my good friend, the Senator from Maryland, Senator MIKULSKI. She has been a leader in getting this colloquy and getting these statements printed in the RECORD today. I commend her and urge my colleagues on the appropriate committee and on both sides of the aisle to support these two very important pieces of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for 30 minutes as in morning business.

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

MEDICARE

Mr. WYDEN. Mr. President, the process of making public policy, like much of life, is about opportunity, risk, and reward. That proposition is clearly demonstrated when the Senate looks at the critical issue of Medicare reform.

I take the floor today, as I plan to do every day this week, to talk about a tremendous opportunity that the Senate has before it, the opportunity to finally remake Medicare for the 21st century in a bipartisan way. The Senate ought to seize this opportunity to act now and act boldly so that Medicare can be preserved for future generations of Americans.

As Senators return from visiting their respective States today, we begin a legislative period that I believe can be a critical few months in Medicare's history. There is an opportunity to engage this issue as serious debate begins on the fiscal year 1998 budget. I believe that there is now a unique window of opportunity for reforming Medicare that would come along in only rare instances.

Three factors combine to make this a special opportunity to try to set Medicare on track for the next century. The first is that the Federal deficit is less than was anticipated for this year, just over $108 billion. Second, we have a fairly benign economy. Surely, there are too many folks still hurting, there are too many folks falling between the cracks, but overall the economy has been strong. Third, it is very clear that our country will face a demographic earthquake in the next century with so many more older people, and we have a window of opportunity now to act before those demographic trends are set in place.

My view is that Medicare does not need to be reformed because it has failed but because it has been such a great success that it cannot be allowed to deteriorate. I argue that only enemies of this program would want it to stay exactly as it is, because the status quo, the Medicare status quo that encourages waste and discourages user-friendly innovation, in my view, consigns Medicare to very difficult times.

The General Accounting Office, for example, has estimated that the gap between expected revenues for the program and the enormous service demands is going to produce a gap of almost a half trillion dollars at the end of the next decade. This program, which is a lifeline to 38 million senior citizens, faces very serious, if not calamitous, financial circumstances by the end of the decade. There are a variety of reasons for this, as I am going to outline this week.

In much of the United States, Medicare is engaging in wasteful practices that the private sector consigned to the attic years and years ago. In much of the country, Medicare is inefficient, volume-driven, clunky health care, and it is one of the first things that needs to be changed.

I believe that there are substantial opportunities for this Senate to move on Medicare reform, and I think there are some special areas that we should be careful to avoid. I say, Mr. President, and colleagues, that I think it would be a great mistake to appoint yet another bipartisan commission to study Medicare. A number of our colleagues have proposed that. I have great respect for them, but if there is another bipartisan committee that studies this issue, I believe we will see bipartisan inertia for Medicare for years and years to come. The first question a bipartisan commission would face is should they report before the 1998 election. Then there would be a question about whether they would report before the year 2000 election.

I do not think that a commission can create a forum for avoiding the tough choices. That is why I come to the floor today, as I will this week, to outline first why it is so important to act and why I believe that finally, after a substantial period of sharp and acrimonious debate on Medicare, it ought to be possible to act in a bipartisan way.

I have had a number of private conversations with my colleagues on this issue over the last few months. I believe that despite some of the political backbiting that has gone on on this issue, every Senator understands that this program has to be reformed. In some measure, the U.S. Senate and the Congress have become like a bunch of reluctant seventh graders at a junior high school sock hop, standing on the gym sidelines, all waiting for the first brave soul to hit the dance floor.

In an effort to try to move the process forward, to jump-start the debate, I recently introduced S. 386, the Medicare Modernization and Patient Protection Act.

I offered this legislation not as a be-all and end-all solution to all of the financial challenges we face with Medicare, but rather as a direction to build on some of the progress that has been made in areas of the country like my own in Oregon. Much of Oregon is already operating 21st century Medicare services, operating Medicare in a way that is good for seniors and good for taxpayers. So when people tell me it's not possible to get this program on track, I invite them to come to my own State, because in my own State we have been able to do it.

Mr. President, I would like to outline briefly a few of the specific items in my Medicare legislation that I will go into further detail on throughout this week.

The first initiative in any responsible Medicare reform effort has got to be to bring more choices and more competition to the program. We have to see Medicare reform in comparison to what the private sector has done. Members of the U.S. Senate should not have too much difficulty grasping this concept because a model, the Federal employee

health benefits plan, exists. Members are part of it, and surely it can be a central plank for any bipartisan Medicare reform to look to the model of the Federal employees health benefits plan to produce more choices and more options.

The second plank of any Medicare reform effort should be to eliminate the rewards that the program has for waste and eliminate the way it penalizes the frugal. As incredible as it sounds, that's exactly what happens in the Medicare Program as it relates to health plans. If a plan holds down their costs, they end up getting penalized, and very often it is tough for providers, particularly in rural areas, to make a go of it. If a plan or part of the country sits on its hands and does not make an effort to hold down costs, they get bigger reimbursement checks. That's not right. The private sector consigned that kind of approach to the attic years ago in eliminating the rewards for waste and penalties. Efficiency should be a central component of any Medicare reform.

Third, Mr. President, it seems critical, in my view, to protect the rights of patients. I believe that when there is a modernized Medicare Program, there will be more managed care available under the program across this country. Many of our citizens, seniors and others, have had legitimate questions about managed care, and I believe it is important to put in place strong patient protections to safeguard the rights of older people. This would include provisions such as a ban on these gag clauses that keep older people from knowing their rights in managed care plans. It would include stronger appeals procedures, grievance procedures, and also the right of patients in managed care plans to get data through report cards about how their plan stacks up on key issues. I believe that part of the effort to reform Medicare ought to be to protect patients' rights, and this should be a central component of Medicare reform as the effort to promote more competition goes forward.

Fourth, Mr. President, I would change the reimbursement system that is used in Medicare, known as the average adjusted per capita cost. This is a sleep-inducing, eye-glazing concept by any calculus, but it is the guts of Medicare reform. To reform this system, we ought to gradually increase the reimbursement levels for low-cost areas, many of them in rural areas, and we ought to inject more competition in high-cost areas. There have been a number of recent analyses indicating that some managed care plans have been overpaid, many of them in the high-cost areas. Introducing more competition in those high-cost areas through changes in this Medicare reimbursement formula is a sensible way to enact bipartisan reform.

Then, Mr. President, it is critical that the Senate tighten up efforts to fight fraud in Medicare. The General Accounting Office recently indicated that about 10 percent of all of the costs of Medicare are lost due to fraud. In a $200 billion program, $20 billion lost to fraud and abuse has plagued the program. Stronger penalties ought to be imposed for defrauding Medicare. If someone engages in a flagrant, reprehensible fraud, they ought to be kicked out of the Medicare Program for all time, not just some sort of slap on the wrist in a revolving door situation. For flagrant frauds, there ought to be lifetime debarment.

Next, Mr. President, in my legislation we would expand the role of alternative health care providers. Nurses, physician assistants, pharmacists, and chiropractors, among others, have shown an ability across this country to deliver good quality, affordable health care to older people. They ought to be allowed to play an expanded role in the Medicare of the 21st century, both because these alternative professions will help us to hold costs down through more competition and also because they offer good quality care.

Next, Mr. President, I would unleash the power of new telecommunications technologies in the health care field. A number of Senators on both sides of the aisle have sought to expand the role of telemedicine, which is already delivering good quality, low-cost care, particularly in the preventive area. It is time for Medicare managers to employ these tools. But as we see in so many parts of Medicare, the Federal Government program, which is relied on by millions of seniors and their families, lags behind the private sector. The Federal Government hasn't even taken baby steps in terms of trying to set out a policy to utilize telemedicine. So my legislation tries to ensure that Internet access, which at least will help our rural communities, is available. And, Mr. President, Senators on both sides of the aisle have done good work that could be incorporated into a Medicare reform bill.

Finally, Mr. President, I propose in my legislation to clear away the regulatory underbrush that needlessly and expensively fragments our system of care for the older folks who are eligible for both Medicare and Medicaid. These are folks on a low, fixed income. They are the so-called dual eligibles. Right now, they are a big factor in major cost increases in both Medicare and Medicaid. It is time for some more creative approaches for dealing with those older people who are eligible for both Medicare and Medicaid. My legislation proposes that, and I intend to outline that further in the week.

Mr. President, the legislation that I have introduced can save about $100 billion in hard savings over the next 5 years to provide short-term financial stability for the program. I submit that our challenge now is to lay the foundation for the next century. My legislation doesn't, in any way, deal with all of the tough questions that the Senate is going to face on Medicare. Medicare is not just an important part of the Federal budget; Medicare is likely to be the Federal budget for the next 15 to 20 years. When we look at the technological explosion and the extraordinary technologies that are available, when we look at the demographic tsunami that is coming in the next century with so many older people, the challenge now is to lay a bipartisan foundation to build on in the years ahead. The program that I have described and the legislation I have introduced takes from the efforts of both political parties over the last few years on Medicare.

For example, my legislation protects defined, secure, guaranteed benefits for older people under Medicare. A number of Senators, led by Senator KENNEDY, have made this their priority, and I am of the view that they are absolutely right. I think it would be a great mistake to say that the future of Medicare ought to be to just involve handing a check to an older person and say, "Well, ma'am, buy health care until your money runs out. If the cost of your care is greater than your check, well, so be it." I think it is important to have guaranteed, secure, defined benefits. Many Senators have stood for this principle. It is at the heart of my legislation.

Let me also say that I believe that many Senators on the other side of the aisle have been absolutely right in saying that it is time to bring more competition and more choice to the Medicare Program. Many Senators on the other side of the aisle have made the case that competitive models—be it the Federal employee health plan or be it the private sector—ought to be the kind of approach that we look to for 21st century Medicare. I believe they are right. I believe, in addition, that it is now possible to forge a bipartisan coalition on Medicare between the two parties, where those who have advocated for guaranteeing secure, defined benefits can work with those who have called for more competition and more choice and the kinds of changes that have come to the private sector.

What it comes down to, Mr. President, is, will the Senate have the political will to do it? Will the Senate have the vision to see beyond the next electoral ridge? I believe that there is an extraordinary opportunity now to set out a foundation for the next century. We know that in the next century we are going to have to be dealing with the question of whether, hypothetically, Lee Iaccoca ought to be paying more for his Medicare than should a woman who is 75 years old and on a low income who suffers from Alzheimer's. I didn't address it in my legislation, but I happen to think that

ought to be done. Senators will have different views on that issue.

Mr. President, I am not convinced that's the issue that has to be tackled right now. The issue that has to be tackled by the Senate right now is to come up with $100 billion of hard savings to deal with the budget resolution and the short-term financial challenge of Medicare and then to lay the foundation for the next century. The foundation for the next century can build on some very good work being done by Senators of both political parties. I have been meeting with those Senators privately.

I will have more to say during this week, Mr. President, for I intend to go into further detail on my comprehensive Medicare reform legislation every day this week. I will close with one last point. This issue is so important to our country and so important to the Senate that I believe in the next century—2010, 2020, 2030—people are going to ask everyone in public life today: What did you do to try to get Medicare on track?

I believe the legislation I have introduced opens up the opportunity for bipartisan discussions toward Medicare reform. I have had a number of those already with Chairman DOMENICI, Chairman GRAMM on the other side of the aisle, and have been very gracious in that regard. I have had a chance to talk to the minority leader, Senator DASCHLE, and Senator KENNEDY, who have done so much good work.

Mr. President, I close by saying that my concern is to make sure that the Senate, after years of bitter and acrimonious discussions on Medicare, now tries to approach it in a different way, in a bipartisan way, in a way that will allow us to tap the revolution of private sector health care, in a way that is good for patients, and in a way that is good for seniors and for taxpayers.

Mr. President, I yield the floor.

HONORING THE MAPLES ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death us do part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Richard and Beatrice Maple of Sedalia, MO, who on April 19 will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Maples' commitment to the principles and values of their marriage deserves to be saluted and recognized.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NUCLEAR WASTE POLICY ACT AMENDMENTS—MOTION TO PROCEED

The PRESIDING OFFICER. The question is on the motion to proceed.

The Senate resumed consideration of the motion to proceed.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on Senate bill 104, the Nuclear Waste Act, occur at 5:15 on Tuesday, with the time between 2:15 and 5:15 equally divided between the proponents and opponents.

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

Mr. MURKOWSKI. Mr. President, I thank the Chair. I wish the occupant of the chair a good afternoon.

The Senate proceeded to consider the motion to proceed.

Mr. MURKOWSKI. Mr. President, I am going to be speaking this afternoon at some length on Senate bill 104. This is a bill that provides a comprehensive plan for the Federal Government to meet its obligations to provide a safe place to store spent nuclear fuel and nuclear waste.

Mr. President, I think it is important to reflect on some of the background associated with nuclear waste and the status of our continued dependence on nuclear energy.

First of all, let me refer to an article by Bertram Wolfe. Mr. Wolfe is a consultant at Monte Sereno, CA, and a former president of the American Nuclear Society. He suggests that by midcentury, the Third World population on this Earth will double from 4 billion to 8 billion people while the population of the industrial world will grow by about 20 percent, to 1.2 billion. He further suggests that unless we expect to see the majority of the world's people living indefinitely in dire poverty, we should be prepared for per capita energy use to rise rapidly with economic progress. Even if the Third World per capita energy use rises to only one-third of the United States level, that increase, in combination with the expected population growth, will result in a threefold increase in world energy use by the year 2050.

He further suggests that if fossil fuels are used to supply these increased energy needs, we can expect serious deterioration of air quality and possibly environmental disaster from global climate change due to the greenhouse effect. In addition, increased demand for fossil fuels, combined with the dwindling supply, undoubtedly will lead to higher prices, slower economic growth, and the likelihood of energy-related global conflicts.

I wonder if anyone in this Chamber would doubt that Kuwait's oil resources were a major factor in the United States willingness to take military action against Iraq. Unfortunately, alternatives to this scenario are few. Perhaps the future world energy use can be stabilized at a level much less than a third of present U.S. per capita use. Of course, that demand could be much higher. Perhaps solar or wind power will become practical on a larger scale. Perhaps fusion, or even cold fusion, will be developed. But as we enter the world's energy needs in the 21st century, we have to focus on one area that currently provides us with nearly 21 percent of our electricity in the United States, and that is nuclear power. Even conventional nuclear powerplants will face fuel supply problems in the next century if their use expands significantly, which is why we ought to consider the use of the advanced liquid metal reactor which can produce more than 100 times as much energy per pound of uranium as conventional reactors.

The United States, as we know, has been a leader in the development of nuclear power technology and in the adoption of stringent safety standards. It is important to note that not a single member of the public has been harmed by the operation of any of the world's nuclear plants that meet U.S. standards. The Chernobyl reactor, which lacked a containment structure, did not meet U.S. standards.

But the future of nuclear energy in the United States is now very much in question. Since 1973, all nuclear energy plant orders have subsequently been canceled. In 1993, U.S. utilities shut down three nuclear energy plants rather than invest in needed repairs. Of the 110 presently operating U.S. nuclear energy plants, 45 will reach the end of their planned 40-year lifetime in the next two decades.

Mr. President, this is the wrong time for the Nation, and for the world, for that matter, to ignore nuclear power. Demand for energy will grow. Our options are limited. Ironically, environmentalists who have opposed nuclear power since the 1970's should have the strongest rationale for promoting nuclear energy. Like all large endeavors, nuclear power has its problems and it has its risks. But the problems of nuclear power do not look so bad when compared with air pollution, global warming, and the supply limitations associated with fossil fuels. Besides, the major drawbacks of nuclear power from cost to waste disposal are due more to institutional impediments

than to technological difficulties. Considering the growth in energy demand and the risks associated with other energy sources, the benefit-risk ratio for nuclear power is very attractive.

We recall that peaceful nuclear power development started slowly in the 1950's. But by the mid to late 1960's, commercial nuclear powerplant orders began to take off. And by the 1970's, 30 to 40 nuclear plants were being ordered each year. This outlook resulted from several factors. The first was that electric use was growing at a rate of about 7 percent per year, leading to a need for doubling of electric capacity every 10 years.

Responding to some very negative public reactions to his company and the company's announcement that it would be starting up a new coal-fired plant in 1961, McChesney Martin, chairman of Florida Power and Light, promised never to build another coal plant. Shortly thereafter, Florida Power and Light submitted a plan to build a nuclear station in the mid-1960's.

Mr. President, the Sierra Club became the major supporter of the Diablo Canyon nuclear plant in California. This period of rapid nuclear expansion and environmental support of nuclear power ended in 1973 after the Arab oil embargo and the boycott. As a consequence of that, the rate of growth fell dramatically. As the years went by and the costs of crude oil continued to increase, we found a change in attitude. The surplus of oil distorted the Nation's perspective on energy in general and nuclear energy in particular.

A number of environmental organizations, such as Greenpeace and the Sierra Club, insisted that the Nation should hold out for ideal or risk-free sources, such as energy conservation, solar power, and wind energy. No one suffered from a shortage of electricity as the construction time for nuclear powerplants expanded a full 6 years—to 10 or 15 years, or even longer. These extended construction times have been ascribed to an even more complicated and inefficient regulatory system, and court delays resulting from suits brought by those opposed to nuclear power. In Japan and France, for example, where demand for electric energy continued to grow rapidly, new nuclear energy plants of U.S. design are today still being licensed and built in 4 to 6 years.

First, I personally would question whether Congress would have tolerated the delays if the new electricity were truly needed. One of the results of the delays, however, was that the cost of building a nuclear plant in the United States increased dramatically, making nuclear power uncompetitive and unattractive to many investors. But let's look at the benefits.

Although the rate of growth of electricity use declined after 1973, demand increased, as the economy expanded, to U.S. electric use, increasing 70 percent between 1973 and 1994. Coal generation doubled between 1973 and 1994, and today coal provides over 50 percent of U.S. electricity. The 74 nuclear energy plants that came on line in this period increased the nuclear share of electric generation from 4 percent in 1973 to more than 20 percent today, second only to coal.

The other sources, for the benefit of the Members, are natural gas at 4 percent, hydropower at 9 percent, wood, wind, and solar 3 percent, and oil 3 percent.

The added nuclear capacity allowed for the shutdown of oil-fired plants and permitted the utilities to reduce oil imports by some 100 million barrels per year. The substitution of nuclear or fossil fuel plants has reduced the present CO_2 atmospheric emissions by 140 million metric tons of carbon per year—roughly 10 percent of the total U.S. CO_2 production. Nevertheless, the United States still needs to reduce carbon production by an additional 10 percent to reach its goal of returning to the 1990 production level. In addition, replacement of fossil fuel plants with nuclear power has reduced nitric oxide emissions to the air by over 2 million tons annually, meeting the goal set by the Clean Air Act for the year 2000, and has reduced sulfur dioxide emissions by almost 5 million tons per year, half the goal for the year 2000.

The dilemma that we are in is a real one, because we are not able to store our waste that has accumulated as a consequence of our nuclear powerplants. As a consequence of that, we have not been able to move from a temporary storage to a safe, permanent storage. We have the temporary storage in the areas, in the pools, next to our reactors. But, as a consequence of that, we seem to face the situation where environmental Neros fiddle while Rome burns. The current generation of U.S. nuclear powerplants has performed remarkably well and an even better generation of new designs is ready. General Electric, in a partnership with Hitachi and Toshiba, has developed the advanced boiling water reactor. Construction of this reactor began in Japan in 1991, and the plant is already operating at full power. The ability to build and begin operation of a new design in less than 5 years is a testament to the quality of the firms that stand behind this.

Experience with the U.S. licensing and court review procedures suggest that today it can take 2 to 4 times as long to construct a nuclear plant in the United States as it does abroad, with the exorbitant cost increases.

Mr. President, this brings me to the point in the debate where I think it is appropriate to reflect on history. I am referring to an article that appeared in Scientific American in July 1976.

Mr. President, let me just read an excerpt from that particular article, because I think it reflects on something that has been overlooked. That is the natural element of nuclear fission as we know it today.

Mr. REID. Mr. President, will my friend yield for a unanimous-consent request that will just take a second? I just want to get staff in here, is all.

Mr. MURKOWSKI. Sure.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perret, a professional fellow, be granted the privilege of the floor during the pendency of this bill.

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

Mr. MURKOWSKI. Mr. President, I think it will be of interest for my colleagues to note that a high level radioactive waste experiment occurred some 1.8 million years ago in west Africa, in what is now the nation of Gabon, at a place called Oklo. The French were prospecting in their former colony for uranium for their developing nuclear program. Some 2 billion years ago, all the uranium on Earth contained some 3 to 4 percent uranium 235, and the rest is the normal level of uranium 238. But, because of natural radiation decay, all U-238 today contains only about 0.7 percent of U-235. U-235 is fissionable, and at about 3 percent enrichment can sustain a chain reaction. That means it can undergo fission. That is just what happened to the uranium in Oklo, approximately 1.8 million years ago. Some water seeped into the vein and began a slow chain reaction which continued for some several hundred thousand years, generating some 10 tons of radioactive waste, including almost a ton of plutonium. The reactor became dormant and scientists have now measured all the minerals at that site and they have shown that all the plutonium created at the site has decayed and that all the original radiation decay products of fission were recovered, close to the original natural fission reactor. This, altogether, released only a few feet from the surface.

It is interesting to note the plutonium did not migrate away, even though there were no engineered barriers to prevent transport of the waste product. This natural experiment shows that it is difficult, if not impossible, for such waste to enter the biosphere. It clearly demonstrates that geological repositories can successfully isolate radioactive waste from the biosphere. There is nothing unique about the geology of Oklo. That occurred, as I have indicated, some 1.8 million years ago.

As we enter the debate on a comprehensive plan for the Federal Government to meet its obligation to provide a safe place to store spent nuclear waste and nuclear fuel, I think it is important to refer to the historical natural occurrence that took place in Africa some 1.8 million years ago because

it represents a phenomenon, if you will, that shows, indeed, a natural experimentation that resulted in no unfavorable outfall associated with the process.

Getting back to where we are today, our Government entered into a contractual commitment to take the waste generated from our nuclear powerplants and provide a safe storage and disposition of that waste. That was some years ago. That contract is now due, for the Government to initiate performance, in 1998. As a consequence of the recognition of the inability of the Government to take that waste, on March 13 my committee on Energy and Natural Resources reported Senate bill S. 104 on a bipartisan vote of 15 to 5.

As you will recall, last year a similar bill passed the Senate by a bipartisan vote of 63 to 37. The bill would provide one safe, central, temporary storage site at the Nevada test site or, if the Nevada test site is found to be inadequate, another chosen by the President. At the same time, S. 104 reaffirms our Nation's commitment to development of a permanent repository for nuclear waste. Why the Nevada site? We have been conducting nuclear detonations related to the weapons testing program in the Nevada desert for some 50 years. One can fairly conclude that the area has radioactivity. The area has been, time and time again, subject to underground explosions of various types. The area is well established with an adequate security capability and an experienced work force.

Furthermore, when we get right down to this issue, we have to come to the conclusion that nobody wants the waste—not one of the 50 States. But clearly the experience in Nevada at the test site suggests that it is the best site that has been examined so far, and as a consequence we are committed to proceed with the effort to establish a permanent repository there.

What S. 104 further attempts to do is to reaffirm our Nation's commitment to development of a permanent repository for nuclear waste, which is our ongoing objective. Over the past several weeks I have worked with many of my colleagues, notably Senator BINGAMAN from New Mexico, to address concerns that he has with the bill and other concerns. As a result of these discussions, I am prepared to offer an amendment that makes significant changes to S. 104.

Let me comment a little further on this bill, because while this bill was resolved with a tremendous amount of work by the staff, what it really is is an effort to meet our obligation to take our nuclear waste in a timely manner and reduce the associated liability that is going to come from suits brought to the Federal Government for nonperformance of the contract. If someone has a better idea for this bill, or a better proposal to address the problem now, why, this Senator is certainly willing to listen and very likely accommodate it.

But let me explain the amendment. The amendment, first of all, extends the schedule for siting and licensing an interim facility, specifically siting and licensing an interim facility. This means we can start the process that we have had underway for a long, long time. Further, this allows even more time for the progress at Yucca Mountain to be taken into account in siting the interim facility. It would provide that the interim facility will be licensed by existing NRC regulations with no exceptions. It shortens the licensing term of the interim facility to 40 years, so it puts a limit on how long it can be used, and provides that its capacity will only be that needed to fulfill the Government's obligation until a permanent repository is available. And it preempts only State laws that are inconsistent with the provisions of the act. This language is virtually identical to that in the Hazardous Waste Materials Transportation Act.

These changes are significant, but do not harm the ability to reach the ultimate goal. The ultimate goal is safe, central storage; safe, central storage of our Nation's spent nuclear fuels and waste. High level nuclear waste and highly radioactive used nuclear fuel is, today, continuing to pile up. It is piling up in 41 States at some 80 sites, and it is stored in areas that are populated; near neighborhoods, areas where schools are not too far away—you might say in the back yards of people across America. One example that comes to mind is the Palisades plant in Michigan, which is within 100 feet of Lake Michigan. Another is the Haddam Neck plant in Connecticut. My colleague from that State has observed that he can see the plant from his home.

I refer to an editorial from the Hartford Courant that observes, "With the closing of the Connecticut Yankee plant at Haddam Neck, the issue of what to do with the State's high level nuclear waste has moved from the theoretical to the here and now. Experts say that Connecticut Yankee spent fuel could be stored at Haddam Neck for another 30 years, "another 30 years, Mr. President" if Congress fails to approve a temporary facility. Unfortunately, the hands of the clock cannot be turned back to a time when nuclear waste didn't exist. In terms of its disposal, a remote desert site in Nevada is simply the lesser of two evils."

(Mr. ENZI assumed the chair.)

Mr. MURKOWSKI. Mr. President, the waste was supposed to have been taken by the Federal Government for safe, central storage by, as I said earlier, 1998. Will that happen, Mr. President? The answer is clearly no. No, because we have not addressed the problem; we simply put it off.

Even though this $12 billion collection from American ratepayers to pay for this storage has gone into the Federal coffers, and even though a Federal court has reaffirmed that the Government has a legal obligation to take the waste by 1998, still, today, there is no plan for action.

By 1998, 23 reactors in 14 States are going to be full. What are we going to do then? Are we going to shift over to some other power? We are going to have to do something.

By the year 2010, 65 reactors in 29 States will be full. What are we going to do then?

The conservative estimate is that 25 percent of our nuclear plants will not be able to build onsite storage and will be forced to shut down. That would mean the loss of over 5 percent of our Nation's electric generating capacity. When is Yucca Mountain going to be ready for a permanent repository? Not until at least the year 2015. What do we do in the meantime? Simply leave it there? Let the litigation mount up for our inability to honor a contractual commitment? How good is a Government contract if the Government can simply ignore it? Therefore, in the mind of this Senator, what this Nation needs and what S. 104 is all about is a temporary solution.

When S. 104 passed the Energy and Natural Resources Committee, it passed with a solid bipartisan vote of 15 to 5. Almost half of the members and all majority members voted in favor of the bill. Americans have waited too long for a solution to this environmental and public safety challenge, and there is absolutely no purpose to be served by waiting any longer.

I am, of course, sensitive to the concerns of my colleagues from Nevada, but this is a legacy of our generation, and we have an obligation to address that legacy. To put it off to somebody else's watch, another Presidential administration, simply puts off a responsibility and an obligation that we have. We have an obligation to act, and to act in a timely manner, because we are going to be in breach of our contract next year. So there is a critical need to construct a safe, central storage facility to eliminate the growing threat to the environment and to the American people.

As I said earlier, I worked with Members on both sides of the aisle to attempt to solve the problems that they have with this bill. In the markup, we accepted several amendments from the Democratic side, and I am ready to work with other Senators on amendments they may have to improve the bill, because our goal is a responsible one. It is safe, central storage as soon as reasonably possible after 1998. We have offered, time and time again, to work with the new Secretary of Energy, Secretary Pena, and the staff at the Energy Department. During his

confirmation, we pressed the White House to ensure that the Secretary has the portfolio to respond to this pressing problem, and they indicated that he did have that portfolio.

Over the recess, the committee staff has worked on a proposed compromise. Senator BINGAMAN's staff has been very constructive in this regard. Much of what Senator BINGAMAN has proposed appears acceptable. However, the bottom line is the need for a predictable path, with certainty, to interim and permanent waste storage. We simply cannot leave trap doors that allow central storage to be delayed for decades.

I want to refer to a chart to identify just what we are talking about relative to spent fuel and radioactive waste that is destined for geologic disposal. This chart on my right shows the United States, and for some reason or another they left Hawaii and Alaska off, but that is not uncommon around here. The brown areas show commercial reactors, and they are primarily in the Midwest—Illinois, Minnesota—and on the eastern seaboard. Those are some 80 sites where we are generating nuclear power at the present time.

One of the things we have to keep in mind is, unless we find a way to take care of this waste—we are still going to have reactors, some of which have already shut down and have spent fuel in onsite storage—we will simply be storing spent fuel in shutdown reactors. Currently, we have, designated by the blue little pyramids, a number of shutdown reactors in Oregon, California, and a few in the Midwest.

The next little block we have are the commercial spent nuclear fuel storage facilities. We have fewer of those. We have a couple of them in the Midwest. We have non-Department of Energy research reactors scattered all throughout the country, in blue. We have naval reactor fuel in Idaho, Washington, New Mexico, Georgia, and we have the Department of Energy spent fuel and high-level radioactive waste. I could go on and on with a description of this chart.

One can quickly recognize that we have nuclear waste all over the country, and I am sure those in opposition to this bill will suggest that the best thing we can do is simply leave it there. I do not know, Mr. President, if that makes sense to you. It does not to me. Do we want this scattered all over the country when it simply makes sense to put it in one area where we have had testing for some 50 years, where we have an experienced work force, a security capability and the knowledge that we are proceeding with a permanent repository in that area of Yucca Mountain in Nevada?

The fact is, as we proceed with Yucca Mountain in Nevada and the realization that might be completed by the year 2015, or thereabouts, the question is, why not move it, move it now, transport it now to a interim repository adjacent to the permanent site?

Then one might say, "What happens if the permanent site does not become suitable?" Let me tell you a couple things about that permanent site, Mr. President. We have expended some $6 billion so far. It is estimated to cost some $30 billion by the time it is completed. So we are well on our way, assuming it is licensable and assuming that it receives the certification necessary.

So you are going to hear the argument, if you move it out there and it is not suitable, then what are you going to do? Then you obviously are going to have to find someplace else to take it, and that is not going to be easy. By the same token, it has to go somewhere. There are 48 States on that map. It has to go somewhere.

We have another chart that I want to bring up which shows what S. 104 is all about. If we look over at the lower left-hand corner, we find that in 1998, if we accept the status quo, we have 81 sites in 40 States. If we look over at the red arrow and find that Yucca Mountain is viable for a permanent repository, then we have achieved our objective, we have one safe, central storage site.

What are we going to do if Yucca Mountain is not viable for a permanent repository? We are going to address our obligation. We are going to take that blue arrow right up to the top, and if Yucca Mountain is not a viable site for a permanent repository, then it requires the President to pick an alternate site. If the President refuses, we are not going to let the President off the hook. The President still has an obligation. If the President does not select an alternate site, the site defaults back to the Nevada test site. If the President picks an alternate site and Congress ratifies the site, then we have one safe, central storage site.

The point of this chart is to show where we are trying to go with this bill, which is to address our responsibility and resolve this situation. This Senator, the chairman of this committee, is not going to accept amendments that penetrate the objective of this legislation, which is to address it and resolve it and do it now. So we have alternatives framed in this debate.

The alternatives are a little more complicated, but we have the status quo, 81 sites in 40 States. That is a given. The red line says Yucca Mountain is viable for a permanent repository. If that is fine, we have one safe, central storage site. If the license application for Yucca Mountain is not filed, then we go back, if you will, and take the blue line—Yucca Mountain is not viable for a permanent repository—the Secretary picks an alternative storage site. If no site is chosen, it goes back to one central storage site.

So what we have attempted to do here is address concerns of Members and still get the job done, because if we do not get the job done, we are going to waste several hours in debate and find ourselves not addressing the obligation we have to take this waste under the contractual commitment that we have.

I am willing to be flexible in the shape of either one of these boxes, but the result must always be the same. We now have an opportunity for bipartisan action, and I think that we must seize that opportunity. I know that my friends from Nevada will object to the bill. They consider it probably a political necessity to oppose it. I can understand that. If it were not for Nevada, I am sure it might be Vermont where they have a lot of marble, or it might be Montana, where they have a lot of rock. The point is it has to go somewhere.

There are going to be allegations that there is some bad science here. There are going to be efforts to try to scare us with references to "mobile Chernobyl." That is an irresponsible statement, Mr. President. Everybody who has looked at Chernobyl knows it was not poor reactor design and human error that resulted in the accident. There was no containment building. The design was flawed, and not to United States or western standards. The technicians bypassed the safety systems, the reactor went critical, and we had a terrible accident.

But to suggest that our bill is mobile Chernobyl is just simply irresponsible. What we are trying to do is accept an obligation, a legacy of our generation, and that is to properly dispose of this waste, and properly disposing of it does not suggest leaving it where it is. Those nuclear reactors and those pools that are being filled now were not designed for extended storage. They are reaching their capacity.

Many in the environmental community see this as an opportunity to shut down a portion of the industry because any additional storage, once the storage is filled, will require additional licensing. Some of that licensing is going to be controlled by States. The States will attempt to block it by using various concerns, little of which have any scientific foundation. But nevertheless, they see this as a way to substantially reduce the contribution of nuclear energy to generate power in this country.

Some will imply if this bill does not pass, nuclear waste will not be transported through this country. Well, let us take a little look at that.

I have another chart here, because if one looks at the record, there have been 2,500 shipments of used fuel across this country in the last 20 years. It is just not history, Mr. President, it is happening today. The Department of Energy is transporting spent fuel from nuclear reactors all over the world into the United States virtually as we speak, by truck, by train, by barge, by boat.

If you do not hear about this from the other side, there is probably a reason. And that reason is because these shipments have been and continue to be completely uneventful. They are shipped in casks that have been designed to address the emergencies forecast. In short, these spent fuel shipments, history shows, are safe. As a consequence, Mr. President, they are not news anymore.

At our hearing in February, all four members of the Nevada delegation acknowledged there was no process and no level of scientific proof that would decrease their opposition. I understand that, Mr. President. I appreciate that. I know where they are coming from. They are coming from the reality that regardless of what State we are talking about, there would be an objection. But we have a responsibility, Mr. President. The objections are based on politics, not science.

One of the Nevada Senators was in favor of sending high-level materials to the Nevada test site as a State legislator. He voted for A.J.R. 15 which was signed by the Nevada Governor in May 1975, which asked, in my opinion, the Federal Government to simply do just that. I think he was right the first time. It is safer, smarter, and cheaper to contain these materials at one location in the remote Nevada desert.

The Nevada test site was used, as stated, for decades to explore testing of nuclear bombs and it helped win the cold war. And now it can help us win the war on radioactive waste disposal.

High-level nuclear waste, as I have stated time and time again, Mr. President, is our legacy, and it is our obligation to dispose of it. It is irresponsible to let this situation continue. It is unsafe to let dangerous radioactive materials pile up. Pile up where, Mr. President? Back in the 80 sites in 41 States. It is unwise to block safe storage in a remote area when the alternative is to simply leave it in the 41 States.

Mr. President, this is a national problem. It requires a national solution. We need to pass Senate bill 104.

I should comment briefly on the administration's attitude toward nuclear waste storage because it has been a rather interesting one. They have been content to simply ignore the problem as though they did not have one, as though there was no obligation to take the waste, and simply disregard the Government's contractual obligations. The American people, I think, deserve better.

Safe nuclear storage should not be a political issue. It is a scientific and legitimately environmental issue. We need a solution now. And why I do not know, but the administration has again turned a blind eye and a deaf ear.

In addition to threats in the environment and safety, 22 percent of our electric capacity is at risk now by not taking decisive action on what to do with the waste generated by our nuclear powerplants.

Mr. President, starting in January 1998, taxpayers throughout the Nation, whether you use nuclear power or not, are going to be subjected to claims of billions of dollars in liability payments because our Government has not met its obligation to take that waste.

There is a contractual commitment outstanding, Mr. President. The estimate of taxpayers' liability under a recent lawsuit blocked by States are estimated to run as high as $80 billion. How much is that per family, Mr. President? That is about $1,300 per family. You may say, what do you mean? Why are we subjected to liability if the Government does not take the waste?

There was a contractual commitment, Mr. President, to take the waste beginning in 1998. The Government is not going to be able to take that waste, so there are going to be claims filed and there is going to be interest accrued. If they have to relocate it or expand facilities, there are additional costs. The last estimate I saw was about $59.9 billion. The estimate, as I indicated, could run as high as $80 billion.

The cost of storage of spent nuclear fuel: That is about $19 to $20 billion. Return of nuclear waste fees: About $8.5 billion. Interest on nuclear waste fees: $15 to $27 billion. Of course, depending on the interest rate used. Remember the interest rate in December 1980? The prime rate was 20.5 percent. A lot of people have forgotten that, Mr. President. Consequential damages for shutdown of 25 percent of the nuclear plants due to insufficient storage, power replacement costs: Some $24 billion. I do not know what it is, but it is going to be full employment for all the lawyers certainly.

Inaction is not an option. Inaction is simply irresponsible. That is why we have attempted to craft this legislation to address a reality that we are not going to be able to take the waste in a permanent repository until the year 2015. So this allows a temporary action to move the waste out so it is retrievable for disposition when a permanent repository is constructed.

Mr. President, many of the opponents' claims, I think, have little foundation. If we look back, interim storage at the Nevada test site will not delay construction at Yucca Mountain. The type of construction we anticipate would be a concrete pad with a cask designed to hold the waste until a permanent repository is at hand. There will be a viability assessment that will occur before the interim site is built. The President will have a choice of interim sites after the viability assessment.

This Nation faces a major decision, Mr. President: Either continue storing high-level radioactive waste materials at these 80 locations in 41 States indefinitely, for the next administration, for the next Congress, or the next Congress, and pay the claims and subject the taxpayers to more litigation, or more safely contain them in one centralized facility.

I am indeed sorry that facility has to be in one State, but it simply has to be. So the option is clear and safer. It is safer and cheaper. And the time for action is now.

Mr. President, I would like to refer to another chart relative to a misnomer that has been brought up time and time again. And it is a legitimate concern but it escapes a reality, and that is the issue of transportation.

There has been 2,500 shipments of used nuclear fuel over the past 20 years. There has been no fatality, no injury, or no recorded environmental damage that has ever occurred because of radioactive cargo. I have a map here behind me that shows the routes for transferring used fuel. And this took place from 1979 to 1995, the routes used for 2,400 shipments.

They cover from Washington down through Oregon, close to California, Montana, Idaho, Salt Lake, Nevada, Arizona, New Mexico, Colorado, Wyoming, North Dakota, Nebraska, Kansas, Oklahoma, Texas, up and down the entire east coast seaboard, Minneapolis, and Milwaukee. I could go on and on but, Mr. President, I am sure that you will agree it is a pretty impressive transportation route. The map shows roads, rail lines.

Some would say that they did not know these shipments took place. Maybe that is why they have become uneventful. There has been an accident with a truck carrying a cask, but the cask that contained the nuclear materials performed as designed. They have not broken open. They were designed for an accident of that nature.

We currently have about 30,000 metric tons of spent fuel in the United States. The French alone have shipped that amount of spent fuel all over Europe, all over the world. The Japanese are moving spent fuel from Japan to France for reprocessing until they build their own reprocessing plant.

This is not history, Mr. President. This is happening today all over our country and all over the world. There seems to be somewhat of a double standard why the Department of Energy claims it cannot possibly fulfill its obligation to the U.S. electric ratepayers and the obligation to take spent nuclear fuel. The Department of Energy is doing exactly that for foreign countries.

Let me show you another map. Here are foreign research reactors throughout the world—Canada, South America, Africa, Europe, Asia, Australia.

They may ask why American taxpayers are paying for the Department of Energy to transport, store nuclear waste from foreign countries while

American ratepayers are subjected to a Government that refuses to honor its contractual commitments, refuses to take the waste.

All the countries in color ship fuel to the United States for storage at the Department of Energy facilities. It seems to be a mystery. There are a lot of mysteries around here. If they support taking fuel waste from overseas, then you wonder if the issue of safety is really an issue.

How can it be safe for the Department of Energy to ship spent fuel halfway across the world but not across some of our States? Well, let us take a little closer look because this is going to be the crux of a lot of the arguments. Let us look at what the Department of Energy does to transport nuclear waste across the United States.

This map, Mr. President, shows America's research reactors. They are all over the place—all the red lines. Idaho National Engineering Lab in Idaho; University of Missouri, Missouri; University of Missouri, Columbia; Iowa State University; Purdue University; the University of Michigan; Ohio State University; Massachusetts, MIT; University of Lowell, Maine; Rhode Island Nuclear Science Center; Brookhaven National Labs; University of Virginia; University of Florida; Georgia Institute of Technology; Oak Ridge; Sandia National Laboratory; Los Alamos, and on and on and on, Mr. President. They are scattered all across the country. They move all over the country.

What we have here is a double standard. Why does the Department of Energy pay to transport and store nuclear waste from foreign countries but will not do its duty for U.S. power reactors that have paid for the service? They do it for research reactors. The Department of Energy says they may take foreign fuel to help with nonproliferation. That perhaps is all well and good, but spent nuclear fuel is spent nuclear fuel wherever it is. If transportation storage is safe for some, why should it not be safe for all?

I think this proves my point that I mentioned earlier. The obstacles to moving our Nation's spent nuclear fuel are political; they are not technical. Senate bill 104 provides the authority to coordinate a systematic, safe transportation network that requires the Department of Energy to use NRC-certified transportation containers to transport fuel along special routes. That transportation cannot occur until the Department of Energy has provided specific technical assistance to funding, to States, and to Indian tribes for emergency response planning across the transportation routes. The language builds on what is already a set system for spent fuel in the country.

It is further interesting to note with this volume of traffic, some 2,400 shipments, the problem has never been exposure to radiation from spent fuel cargo, even in the fuel accidents between 1971 and 1989. The Department of Transportation tells us that only seven accidents occurred involving trucks carrying nuclear waste. There was no radioactivity released in any of these accidents. Why? Because transportation containers were designed to maintain their integrity. At one time they were designing transportation casks, and the objective was to have it so they would withstand a free fall from 40,000 feet, assuming there was an accident, and they were anticipating moving it by airplane, and the engineers claimed they could do that.

Mr. President, we will have an extended debate on this issue in the coming days. As a manager of the bill, I will be sharing time with my colleagues on various statements, accommodating amendments and pursuing the debate with my colleagues from the other side. I think it is important as we reflect on reality that there is no excuse for continuing to delay this obligation any further.

I have gone over the liability of the taxpayers. I have gone over the transportation that is in existence where we have moved nuclear waste around this country safely. And to suggest that we are somehow going to gain some significant benefit by putting off the decision is not supported by any logic or rationalization that would convince this Senator that there is any other action than moving forward on Senate bill 104, accommodating Members' amendments, with the idea of getting the job done.

Getting the job done now is a responsibility for all of us for the future of nuclear energy in this country and the world. We simply cannot move forward in this regard, we cannot address our concerns over greenhouse gasses, which are increasing, without looking toward relief. Nuclear energy offers us that relief. We have the technology. We are seeing that technology move over to France and Japan. The bottom line is, unless we address the issue of a repository for waste that has been generated by the nuclear powerplants, we simply are going to be unable to meet our responsibility in this body relative to that contractual commitment that we made several years ago. This bill provides a responsible alternative. The time to do it clearly is now.

Mr. President, I ask unanimous consent the Senator from Nebraska [Mr. HAGEL] and the Senator from Michigan [Mr. LEVIN] be added as cosponsors on Senate bill 104, to amend the Nuclear Waste Policy Act of 1982.

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

The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Let me say as we begin this debate in this Congress, it reminds me that we are talking about old wine in a new bottle. These arguments have been advanced for decades now, and the prime mover is the nuclear utility industry.

The fatal flaw in S. 104 is that it is unnecessary, unneeded, and bad policy. That is not just the Senator from Nevada making that statement. Let me review for the record some of the statements made by various boards and commissions created by the Congress in terms of their response.

We have the 1989 MRS Commission review. The commission report found no safety advantage to centralizing the storage of spent fuel. In 1996, the Nuclear Waste Technical Review Board analyzed the issue of interim storage and concluded that there is no urgent technical need for centralized storage of commercial spent fuel—no need, no compelling necessity, no safety advantage to be achieved. That was 1996. Now, the Nuclear Waste Technical Review Board underwent a change in the composition of the chairmanship, so in effect there was an opportunity for essentially a new board composed of new members to review whether or not they would agree with the position taken by their predecessors in 1996. In testimony offered on February 5, 1997, by Dr. Jared L. Cohen, the chairman of the Nuclear Waste Technical Review Board, Dr. Cohen simply reaffirmed the position taken by his predecessors, that there is no need, either for technical or safety reasons, to move spent fuel to a centralized storage facility for the next few years. He further maintains that to maintain the credibility of the site collection process, any decision with respect to interim storage should be deferred until a technologically defensible site-suitability determination can be made at Yucca Mountain.

Mr. President, that is what the scientists, the people who the Congress, through a series of legislative enactments, have asked to take a look at that, that is what they say—no need, no safety reasons, no compelling necessity, bad policy. That is what the scientific community says.

I said at the beginning this is old wine in new bottles. Indeed, Mr. President, it is very, very old wine. The driving policy here is not science; it is the nuclear utilities. It is not a new car. If one looks back nearly two decades ago, on July 28, 1980, this issue was before the Congress. This Senator was not a Member of the body at the time, but the CONGRESSIONAL RECORD reflects debate on a proposed away-from-reactor concept, which is akin, if you will, to this interim nuclear waste proposal.

At that time, the distinguished Senator from Louisiana, Mr. Johnston, addressed himself to the issue, referring again to this need to move this nuclear waste away from the reactor sites—the same issue, identical to what is being debated today. This is what the Senator from Louisiana said nearly 17

years ago: "Mr. President, this bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem." Sound familiar? Urgent problem. Urgent problem. "Mr. President, for this Nation, it is urgent, first, because we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983." That was 14 years ago. Not a single nuclear reactor in America has been closed or been forced to close because of this issue. Some have closed because of overriding safety concerns about their operation and maintenance. That, Mr. President, is a separate issue.

So here again we have the nuclear utility industry sounding the drumbeat, issuing a clarion call, generating hysteria, that indeed there will be brownouts across the country and reactors will have to close unless we pass S. 104, the modern day equivalent to the legislation that was before the Senate of the United States some 17 years ago. The answer today is the same as the answer then. There is no compelling necessity, no need, no rational policy to do so, and no safety issue that makes that a compelling issue.

So we come back to a policy that is driven by the nuclear utilities and their desire, insatiable as it may be, to move the reactor storage from site, somewhere, anywhere, but in this particular piece of legislation to a place at the Nevada Test Site or so-called interim storage.

I want to take just a few minutes, Mr. President, and we will have an opportunity to debate this at some length, as the distinguished chairman indicated, but let me review the bill, because it is flawed not only in its premise, it is flawed in its content. I want to talk first of all about the National Environmental Policy Act. The National Environmental Policy Act was enacted in 1969, enacted by bipartisan actions of this Congress, signed by a Republican President, and it was designed to do many things. But it was designed, first, to have an environmental impact addressed before, not after, the decisions are made.

Now, what this legislation does—and I must give the nuclear utilities credit—their handsomely paid lawyers, legislative advocates, have been skillful, if somewhat deceptive, in terms of what they have crafted here. They say the National Environmental Policy Act, yes, it is applicable. But the Secretary—referring to the Secretary of Energy—shall not prepare an environmental impact statement under this section before conducting the activities that are authorized and commanded by the bill. Yes, the act exists, but you may take no action on it at this earlier phase. And then it goes on to say that the impact statement of the commission, in terms of what it may not address, shall not consider the need for interim storage.

Mr. President, this is the total antithesis of the underlying predicate of an environmental impact statement. In effect, this ties one hand behind the back of those who would conduct such an environmental impact statement and, on the other hand, writes the script as to its conclusion before any study is undertaken.

So the first thing they cannot do—Heaven forbid that they should examine the need for interim storage. They can't do that. No, they can't examine the time of the initial availability. They may not, Heaven forbid, consider any alternatives to the storage of spent nuclear fuel and high-level radioactive waste in an interim storage. Heaven forbid that they would be able to consider any alternatives to the site of the facility, or any alternatives to the design criteria, or the environmental impacts of storage of spent nuclear fuel at a high-level radioactive waste at the interim storage beyond the initial term of the license.

Now, this is very good lawyering, but disastrous public policy, because the initial application calls for a licensure period of 20 years. But when you look at the fine print, that can be extended for another 100 years and can be renewed for 100 years thereafter. So any environmental impact evaluation would be limited to the initial term of the license, 20 years. Why is that particularly significant? Mr. President, what we are dealing with is high-level nuclear waste. It is deadly, not for 20 years, 100 years, or 1,000 years, but for more than 10,000 years. The National Academy of Sciences and other distinguished groups that have looked at this have indicated that indeed the impacts must be considered, and they must be considered even beyond the 10,000 years, they argue. This would say limit it to the first period of the initial term of the license, which is 10 years. And, oh, yes, we don't want to have the courts review what may happen. No, that would certainly be contrary to our tradition, our history, our society, and our culture to have any kind of a timely judicial review. This limits judicial review only to the time of licensing. So the impacts, such as they may be, must be considered only at the time that the commission makes a decision on licensing. "No court shall have jurisdiction"—we are talking about Federal court, not a State court. "No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the commission's licensing action."

It makes a mockery of the National Environmental Policy Act, an absolute mockery. So, indeed, that is the first thing it does that would destroy a carefully framed set of legislative policies enacted by members of both political parties and a Republican President in 1969.

Now, let me also talk for a moment about a preemption section. This was a subject of considerable debate in the last session of Congress when this virtually identical bill—now, the chairman made some reference to this fact—and I have not seen the language—that there may be some changes in this section. But because we don't have them, let me indicate that the bill as processed by the committee, in section 501, reads as follows: "If the requirements of any Federal, State, or local law, including a requirement imposed by regulation, or by any other means under such a law, are inconsistent with or duplicative of the requirements of the Atomic Energy Act or of this act"—this specific legislation—"the Secretary shall comply only with the requirements of this act and the Atomic Energy Act."

Mr. President, make no mistake as to what that means. That wipes out virtually every environmental law passed in the last 25 years by this Congress—clean air, safe drinking water—it wipes them all out. That was the posture of the bill when it was presented and acted upon in the last Congress—preemption. That language remains in the committee draft. If there are changes in that, we will comment at a later time.

Let me talk also about the standards. One may agree or disagree that nuclear energy is good or bad national policy. That is something that is reasonable to debate. But I want to speak specifically here to the standards that are referenced in the act. Now, why are the standards—and the distinguished occupant of the chair is very much aware of the fact that our States are Western States with vast expanses of land, but we are as concerned about the health and safety of our citizens as those of our urban brethren who live along the eastern seaboard. So let us talk about what this legislation does with respect to the standards issue.

The first thing that it does is it seeks to impose a limitation on the Environmental Protection Agency. Surely, one would agree that if we are to have a facility to store nuclear waste, we ought to have a safe standard. Can there be any fundamental disagreement with that? Well, the answer might appear to be yes. But, clearly, the legislative wordsmiths who have crafted this piece of legislation, much as they did in the last legislative session, have sought to handcuff and limit the Environmental Protection Agency's ability to establish standards. It is cleverly done. Give a gold star for that. But here is what it

says: "Such standards shall be consistent with the overall system performance established by this subsection, unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety." Clearly, it shifts the burden of proof. It mandates a legislative standard, greatly diminished, unless the Environmental Protection Agency can prove to the contrary, that it would constitute an unreasonable risk to health and safety.

Now, why would it be unreasonable to say, look, if you are going to establish this unnecessary, costly and, in my judgment, foolhardy venture, at least provide health and safety standards for the people who are going to have to live with that for 10,000 years. It doesn't mean that that is unreasonable. It is not narrow or parochial. One would think that every Member of this institution would feel that way. But not here. Let me just say that that has been debated before in the context of the WIPP facility and with respect to the WIPP facility, the two able Senators from New Mexico took the floor and, at great length, advocated very effectively that the standard for health and safety should be the toughest standard possible. That occurred in debate in this very Chamber in June 1996. The distinguished senior Senator, Mr. DOMENICI, said, "What is most important to us and what is most important to the people of New Mexico is that, as this underground facility * * *"—they were talking about the WIPP facility—"proceeds to the point where it may be opened, that it be subject to the Environmental Protection Agency's most strict requirements with reference to health and safety. As a matter of fact, they must certify it before it can be opened."

I applaud the senior Senator from New Mexico for his concern for his constituents. I agree with him. I hope my colleague from Nevada and I will be provided the same benefit that would be afforded to the New Mexico Senators, as they expressed it. Mr. BINGAMAN expressed himself eloquently to the issue on that same day, the foremost concern that I have. What the junior Senator from New Mexico said is, "Our concern from the beginning is whether or not we are adequately protecting the health and safety of our citizens."

Mr. President, we may not agree on everything in terms of public policy. There is certainly ample room for policy debate on a whole host of issues. I acknowledge that. But believe me, it seems to me that we ought to be able to agree that health and safety is the most important thing that we ought to be about.

I want to return to the subject of additional standards, because what this legislation does is quite manipulative. It limits the ability of those that we have vested with the responsibility of protecting our health and safety, in my view, in a very, very sinister way. First of all, it establishes, by legislative fiat, a 100 millirem standard. We are talking about radioactive emission exposure. I freely acknowledge, Mr. President, that I could not define a millirem with any degree of specificity. But I do know that it is the scientific unit that is accepted as the standard by which emissions are to be measured. I invite the attention of the body to the fact that for safe drinking water, it is a four millirem standard. We have other standards that are set, such as the WIPP standards, which the distinguished Senators from New Mexico addressed so eloquently last year as they were concerned about the health and safety of New Mexicans, just as Senator REID and I are concerned about the health and safety of Nevadans.

Let me suggest—it's perhaps wildly idealistic—shouldn't we all be concerned about the health and safety of Americans? We are one country, one nation. As I will point out in a minute, this is not just a Nevada issue. This affects tens of millions of people who would be affected by the policy implications of this bill. Let me go on and say that if you are from the Nordic countries, it is 10 millirems. The upper range Yucca Mountain study is 30 millirems. I cite this because it is so blatant. 100 millirems. That is a standard that is fixed not by science—oh, no, the utility lawyers put that one in there for us to contend with.

Now, the National Academy of Sciences is a highly respected body. What they have indicated would be appropriate is a risk-based standard. It seems reasonable to me. I hasten to emphasize, Mr. President, there are no Nevadans that are on the National Academy of Sciences. They were not selected by the Nevada delegation, Nevada's Governor, or the Nevada Legislature. They were created by an act of Congress—the National Academy of Sciences. That is what they have recommended. Who is to be protected? This gets a little technical. Under S. 104, the standard of protection is greatly reduced. It is done in almost an arcane expression, but, in effect, a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons living in the vicinity of the site—the "vicinity of the site"; we do not know what that means—extremes in social behavior, eating habits, or other relevant practices or characteristics, shall not be considered.

Has the National Academy of Sciences agreed with that standard? They have not. They believe that it ought to be a critical group, a small, relatively homogeneous group whose location and habits are representative of those expected to receive the highest doses. Those expected to receive the highest doses makes sense to me.

One of the other provisions in here is the application. In other words, for what period of time must health and safety be considered? We are talking about an interim facility that could, under the terms of this legislation, last for thousands and thousands and thousands of years. There is a limitation again because the utilities don't want a scientific standard. They want something that they can lobby through the Congress and get what they want.

So this legislation tells us that the commission shall issue the license—referring to the license to operate the interim facility—if it feels or finds reasonable assurance that for the first 1,000 years following the commencement of the repository operations—1,000 years; the recommendation by the National Academy of Sciences is that the repository should be required to meet a standard during a period of greatest risk and that there is no scientific basis for limiting the time period to 10,000 years, or any other value. I hasten to note that they believe that the standard should be considered even beyond the 10,000 years.

There is another provision in here that again is arcane but particularly significant. That is that the commission is mandated to assume no human intrusion—that is to say, in the next 10,000 years—if no human intrusion would be possible. The National Academy of Sciences conclude that there is no scientific basis for assuming there would be no human intrusion.

> The performance of the repository * * * should be assessed using the same analytical methods and assumptions, including those by the biosphere, the critical groups used in the assessment of the performance for the undisturbed case.

The National Academy of Sciences also recommends another very important provision. That is, that because these involve important policy issues, opportunities for rulemaking necessitates wide-ranging inputs from all interested parties.

That simply means giving people an opportunity to be heard, to express themselves, to offer their own insights, and to allow those with the technical background to offer the technical analyses. That should be a matter of record before a decision. But not S. 104; these are set by statute with no public comment period allowed.

So, Mr. President, we have something that is fatally flawed because it is not needed. It makes no sense. We have something that currently preempts the environmental laws of this country, emasculates the National Environmental Policy Act of 1969, and establishes standards which are arbitrary and not predicated upon science.

We will hear, as we have heard in previous debates, that this is all about science, to let science prevail. This legislation makes a mockery of the scientific process. It seeks to impose by

legislative fiat a policy and a parameter limitation that is inconsistent with science.

So let no one take the floor and argue that this is science that is speaking. This is nuclear utility politics speaking. That is the only thing that is being responded to.

We have all agreed—the White House, the Congress, Democrats and Republicans—that we are going to balance the budget in the next 5 years. I want to specifically reference some of the language as it relates to the funding.

The General Accounting Office has indicated in a report that the current fiscal condition of the nuclear waste fund will experience a shortfall of some $4 to $8 billion. That is to say that under its current construction, without the changes that this legislation makes, there would be a shortfall of $4 billion to $8 billion. I think many of my colleagues are aware that the nuclear waste trust fund is funded by a mill tax, a mill tax that is assessed on each kilowatt-hour that is generated. If we are currently underfunded, as the General Accounting Office has indicated, let me show you that the real significance of this legislation from a financial point of view is to shield the nuclear utilities from the liabilities that they agreed to undertake at the time the Nuclear Waste Policy Act was entered into and the agreements were signed and to shift their responsibility in the financial sense to the American taxpayer.

This legislation provides that until the year 2002 the current 1 mill per kilowatt-hour will get capped. That is the maximum that can be collected from the utilities. That is a cap, contrary to the existing law which presents no such cap.

In addition, this legislation provides that from the year 2003 the aggregate amount of fees—I will read the specific language. Although it is written in bill-drafting legalese, I think it will be clear to all. "The aggregate amount of fees collected during each fiscal year, or thereafter, shall be no greater than the annual level of appropriations for expenditures on those activities."

If we put that in the context of what is being spent this year, it would be roughly one-third of the mill, which would be the most that could be assessed.

Why is that significant? That is significant because the last reactor license will expire sometime around the year 2033, and the responsibility for maintaining a repository would go on, in an active sense, for at least, say, roughly another 40 years. So that means that that kind of funded liability will be shifted from the nuclear utilities to the American taxpayer.

I say to my friends—and I was supportive of a constitutional amendment to balance the budget, and I think that makes sense—that I believe one of the great legacies this Congress could leave to the American people is to get our fiscal house in order, to do some responsible things for the budget, and to reach that balanced budget goal by the year 2002. But, Mr. President, there is no way that you can give the utilities a bailout, a subsidy, if you will, a new corporate entitlement, to elevate corporate welfare to a high art form as this piece of legislation does. It caps their liability and says we will take care of the rest contrary to existing law. Existing law does not contemplate that that be true.

Moreover, this legislation, S. 104, contemplates that that would be an interim storage. That would still fund the site characterization and the study activities of the permanent repository. But the estimate for funding interim storage, as this bill constitutes—and that comes from the Congressional Budget Office—in the first 5 years is $2.3 billion. If you add that to the cost of what we are currently expending, an amount of about $380 million a year—that is the total we are spending right now—in the next couple of years you are going to have to have $1 billion by the fiscal year 1999—that is $1 billion—to fund the current operation of an interim storage facility and the high-level nuclear waste repository proposed at Yucca Mountain.

It is pretty clear what this is all about. This is an interim storage. This is a thinly disguised attempt to establish a permanent high-level dump without any of the safeguards that are provided in the current legislation form for a permanent repository.

Mr. President, my colleague from Nevada has joined me. If I might inquire of him, I know that he might care to speak extensively on the transportation issue. I am prepared to do so if he cares to address another aspect of that. But I will invite his response.

Mr. REID. I say to my friend from Nevada that I appreciate that. I have a few things to say. But I will not speak at length about the transportation aspect. If my friend would allow me to speak for a few minutes at a time which he feels appropriate.

Mr. BRYAN. I yield to the senior Senator from Nevada.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Nevada.

Mr. REID. Mr. President, we need to understand what this debate is all about, and that is how powerful the nuclear lobby is. We acknowledge that it is pretty strong. They have gotten more out of a worthless piece of legislation than I could ever imagine. They continually are allowed to bring this up and continually talk about it.

Mr. President, my friend, the junior Senator from Alaska, said that nuclear waste is all over, that we need to put it in one spot. Nuclear waste is all over, and it will stay all over for years to come no matter what happens with this legislation; no matter what happens with the legislation as it relates to the permanent repository, where my friend is absolutely wrong. Nuclear waste is not in some States. Commercial nuclear waste is not in Nevada. We don't manufacture nuclear waste. It is not in the Dakotas. It is not in Montana and a number of other States. So the statement was a little wrong.

Mr. President, this legislation, I repeat, is being driven by the nuclear lobby. As shown in the chart that the junior Senator from Alaska had, there are a number of nuclear generating plants around the country; a little over 100 generating facilities. The average lifespan of those facilities is about 15 years. Some will last 25 years. Some will be out of business in 5 years.

The point is that nuclear waste manufactured by power companies generating electricity is in our lifetime going to be a thing of the past. It is not going to happen in the future. Generating electricity by nuclear power is no longer going to happen. It has been determined that the environmental concerns are too much and the American public simply won't stand for another nuclear power facility being built in this country at any time.

The powerful nuclear lobby recognizes that they are going to be out of the business of generating electricity by nuclear power. So they want to wash their hands of the mess they have created and shift the responsibility to the Federal Government now. They don't want to wait, as the law now indicates, until someday a permanent repository is constructed. They want to short-circuit the system. They want to change the law, which now says you can't have a permanent repository and a temporary repository in the same State. They want to eliminate that. They want to also do an end run around all environmental law.

Mr. President, my friend, the junior Senator from Alaska, said that they were working on amendments with the junior Senator from New Mexico. Well, I would just alert everyone. Be very careful about the amendments because, as we learned last year, amendments in name are not amendments in fact. The fact is that they cannot make changes in this legislation to any standard that will allow them to go forward with this legislation. They are talking about changes in this legislation by amendments just like they did last year. But when the facts come down, you will find that their amendments mean virtually nothing. You had better read the amendments very carefully.

Mr. President, I think it is important to note that from 1982 to today, the scientific community has been working on methods of transportation, as indicated on the chart that my friend, the Senator from Nevada had, showing the

transportation routes around the country—they, the scientists, have been working on a way to transport nuclear waste. They have been working on it, now, for 15-plus years. Interestingly enough, they have not found a way to safely transport nuclear waste. The best they have been able to come up with is something called a dry-cask storage container, which is a canister, and in it would be placed spent fuel assemblies.

What they have come up with to this point is a dry-cask storage container that is safe unless it is immersed in a fire that burns at more than 1,400 degrees. Diesel fuel burns at 1,800 degrees. So these dry-cask storage containers are not safe because, of course, fires that are going to occur on a train or a truck are going to be of diesel fuel. These casks cannot withstand the intense heat of a diesel fire.

Second, the dry-cask storage containers have been made safe only to transport nuclear waste if an accident occurs at less than 30 miles an hour. Trains and trucks in this modern day and age rarely travel less than 30 miles an hour. So a dry-cask storage container is basically worthless for transporting nuclear waste around this country. Remember, most of the nuclear waste is produced in the eastern and southern parts of the United States. It would have to be hauled, sometimes, more than 3,000 miles to an interim site at the Nevada test site. You cannot carry it safely because the dry-cask storage containment does not allow it; because accidents occur at more than 30 miles an hour and fires occur at more than 1,400 degrees. In effect, that is why a number of entities, including entities in the State of Colorado, have said we want no part of nuclear waste. And that is why the senior Senator from Colorado has spoken out in committee on our behalf, saying interim storage is not important and not necessary at this stage.

Yucca Mountain is being evaluated—it will be determined if that is a site that can safely store nuclear waste for up to 10,000 years—remember, they are digging a hole inside that mountain. The cavern they are digging is more than 25 feet in diameter. It is a huge hole. You can take a train through it easily. But I think it is interesting, and that the taxpayers should know, that hole, piercing that mountain, is costing $60,000 a foot. The cost now is approaching $2 billion. What this legislation would do is say we will forget about that, the billions of dollars spent there. We want to short circuit the system, pour a big cement pad out there and dump the waste on top of the ground.

Anyone who thinks that is temporary is temporarily insane. The purpose of that is to store it permanently at the so-called interim site.

My friend, the junior Senator from Alaska said, and I was surprised to hear him say this, it is so absolutely true—he said this legislation is little about science and a lot about politics. I could not say it better myself. I agree with the junior Senator from Alaska. This legislation deals totally with politics, nuclear politics. The powerful nuclear lobby is driving this legislation. They want to wash their hands of this. It appears that we are about to repeat last year's wasteful mistake. They tried all last year to get S. 1936 passed. What was learned at that time was that the President was going to veto that. We had enough votes at that time to sustain the President's veto. We still have the same votes. Everyone knows that. This is a gesture in nuclear politics, to show the nuclear power lobby: "We are doing everything we can to satisfy you. Please, accept our offering, that is the taxpayers' time, energy and money, in this Senate Chamber. Do not be upset with us, utilities. We are doing the best we can, even though we all recognize this legislation is going down to defeat."

Nothing has changed from last year that would make S. 104 any more attractive than S. 1936 was at the conclusion of the 104th Congress. In fact, we have another year of progress toward understanding the suitability of Yucca Mountain. Hundreds of millions of dollars have been spent in this past year in Nevada, characterizing Yucca Mountain. I have been there within the past 2 months. I took a ride through that huge hole that is being dug. They are trying—in fact, within weeks they should be able to cut through the side of the mountain a tunnel 5 miles long, $60,000 dollars, and after they do that they will start running shafts, adits and cross-cuts and drifts from that, for purposes of determining the suitability of this site.

We need to find out if Yucca Mountain is suitable. The interim storage would vitiate all the time, energy, effort and money spent on that facility. The President and this administration remain committed to the present law that prohibits siting an interim storage facility at a site undergoing evaluation for permanent disposal of nuclear fuel or other high-level nuclear waste. This commitment is not political posturing, it is good government. And mostly, good science. It is only proper and responsible, given the importance and difficulty of managing the most dangerous substance known to man, plutonium and nuclear waste in general.

As I have indicated, this Nation has already spent billions of dollars—I said $2 billion, it is approaching $3 billion—on the Yucca Mountain evaluation. We have dug a very large tunnel through the mountain, as I have indicated. It is huge. It is more than 2 stories high. It is not easy or cheap to do these things, because something like this has never been done before. Yet the proponents of this legislation are saying we want to do it the easy way. We want to do it the cheap way. We want to pour a cement pad out in the middle of the desert and dump this stuff on top of the ground. That's it.

We all know, no matter what verbiage the junior Senator from Alaska uses—"we are going to limit the time to 40 years"—it doesn't matter if you limit the time to 20 years or 80 years, this interim site will be the permanent site. That is why they want to change the law to say you can have a permanent repository and a temporary repository in the same place.

Time is what the proponents of S. 104 would take away from the science. The scientists have said we are doing the best we can to make a scientific determination as to whether geological burial at Yucca Mountain is appropriate. Much of the money necessary to resolve critical uncertainties would be spent unnecessarily on interim storage at Yucca Mountain and the money spent on the permanent repository would be wasted, totally wasted.

We have heard talk here, by everyone, last year and this year, about the Nuclear Waste Technical Review Board. They are a group of scientists chosen because they are scientists, first of all. The chairman of the board is a dean from Yale University. I do not think we can quibble with his qualifications. But his expertise is only one of the qualifications these scientists have. These are some of the most brilliant scientists in the world, on the Nuclear Waste Technical Review Board.

They have told us a number of things. No. 1, what they told us is "Don't have an interim storage site." They have also said that:

> The civilian radioactive waste management program will have to sustain the support of the general public and the scientific and technical community for generations. Such support may be more difficult to maintain if the determination of site suitability, perhaps the most critical step in the entire process of developing a repository, is not viewed as a technically objective evaluation by a very broad segment of the population.

The Nuclear Waste Technical Review Board opposes this S. 104. It is wrong. And for the reason, among others that I have just read, that it is not viewed as technically objective.

The board chairman went on to say, at a hearing on S. 104, Professor Cohen:

> Predicting the performance of a repository for thousands of years involves inherently large uncertainties. The Board believes that scientists and regulators can evaluate those uncertainties. Ultimately, however, the public and its representatives must have confidence that technical analyses count; if the analyses are viewed as facades serving only to justify foregone conclusions, public confidence cannot be achieved.
>
> A premature decision to store spent nuclear fuel near the Yucca Mountain site could contribute to the perception that the suitability of the site for development as a repository has been prejudged and that the

reviews by scientists and regulators are meaningless.

I say to my friend, the junior Senator from Nevada, that Nuclear Waste Technical Review Board—would you acknowledge that they are some of the greatest scientists we have in America today?

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Nevada.

Mr. BRYAN. They are. They are not motivated by any political, geographic, sectional, or partisan bias. They are chosen because they have the preeminent qualifications. I believe the senior Senator was off the floor when I made the observation, we have had two successive technical review boards—the one that made its report in 1996, which the Senator will recall was part of our debate. But a new board, constituted under the distinguished chairmanship of the dean, as you just referenced, they have looked at the issue and have reached the same conclusion.

So, here you have a board of preeminent scientists examining the issue in 1996 and they reached the conclusion which you have just declared, namely that it is unnecessary, there is no advantage to it, indeed it is bad public policy. And, now the 1997 board, essentially consisting of new members, but equally eminent and distinguished scientists, has reached the same conclusion.

Mr. REID. I would also say to my friend, and ask his response to this—would you agree with the board, the technical review board, that one of the most important things to do, as it relates to nuclear waste, is have public confidence?

Mr. BRYAN. I think that is absolutely essential. And that is one thing that has beleaguered this legislation, dating back to the 1982 Act.

As the Senator from Nevada knows, because of the nuclear utilities' constant driving, pushing, insisting upon unrealistic deadlines, trying to shortcut science, this act has faced a considerable series of failures. And, as the board has pointed out from time to time, this is not something that you can rush. Indeed, it is something that needs to be very carefully reviewed. And because there is this constant pressure by the nuclear lobby to constrict the timelines, to shorten all of the opportunities for public comment, this legislation, and S. 104, would certainly fit within the same category—is not going to enjoy public confidence.

Indeed, the very point that the Senator has made on many occasions on the floor is true, that the 1998 timeframe, which has been invoked by the proponents of S. 104 as if it were a date carved in stone, attested to by all of the deities, is, in fact, a deadline which the scientific community urged not to be placed in the legislation for the very reason the Senator inquired of the junior Senator from Nevada, the timeline was unrealistic.

So, now, in effect they are using their argument of 1998 to, in effect, bootstrap their argument that 1998 will come and there will be no permanent resolution to it, and, therefore, we need this ill-conceived proposal that is before us.

Mr. REID. I ask my friend another question. Eminent scientists have said S. 104 is bad. You agree?

Mr. BRYAN. Absolutely true.

Mr. REID. Can you think of a single environmental organization in the world—well, let us limit it to the United States. Can you think of a single environmental organization, for-profit or nonprofit, that supports this legislation?

Mr. BRYAN. I cannot, and, in point of fact, every nationally recognized environmental group that I can think of has indicated its strong opposition to this legislation as being unsound environmental policy. I think the point that the Senator from Nevada makes is a good point. Frequently, in what I would refer to most respectfully and charitably as convoluted logic, I have heard S. 104 characterized as an important piece of environmental legislation. That would give new meaning to environmental legislation. No environmental organization, as the senior Senator points out, supports this legislation and, again, for the basic reason that it is unnecessary and it is bad policy. It simply is not good policy.

Mr. REID. If we change our course now, Madam President, there is no doubt in my mind that a permanent repository will never be built and all the effort and all the money will just go down the drain as misguided nuclear politics.

The work done at Yucca Mountain is an essential part of the program that was promised to guarantee public health and safety at any site selected for a permanent repository. This guarantee was done in 1982 by Chairman Udall and others who were prominent in pushing this legislation through, the 1982 Nuclear Waste Policy Act.

Without their assurance, the Congress would never have supported the policy amendment, would never have supported the underlying legislation and the policy amendment that designated Yucca Mountain in 1987 as the only site to be characterized. The arguments then were, "We'll do such a grand job of scientific study and evaluation that there will be no question about Yucca Mountain suitability, reliability; we will never compromise on safety, not where the American public is concerned; we will do everything necessary to identify and resolve any concerns that Yucca Mountain might not be a suitable repository site; we guarantee Yucca Mountain will not become a storage site before all concerns have been satisfied."

Madam President, that was then, and this is now. Then was a time for promises that they hope everybody has forgotten. Now is a time for political expediency and smoothing the ruffled feathers of the powerful nuclear power-generating lobby. Now is the time for pushing the waste into Nevada before anything is ready, even without a repository site, even though the scientific community says no, even though the environmental community says no. Never mind repository reliability and permanent isolation from the environment. If anything happens, it will happen on someone else's watch, in someone else's backyard. That, Madam President, is bait and switch if I ever saw it. It is a well known, but not a highly respected way of doing business, and it should not be done here.

I have talked about the independent reviews by competent Government-chartered experts. We have talked about the Nuclear Waste Technical Review Board. Here is a direct quote that you will hear from the two Senators from Nevada of what the chairman of the Nuclear Waste Technical Review Board said:

> . . . because there are no compelling technical or safety reasons to move spent fuel to a centralized storage facility for the next few years, siting a centralized facility near Yucca Mountain can be deferred until a technically defensible site-suitability determination is made. . . . Deferring the siting of a storage facility until that time will help maintain the credibility of the site-suitability decision.

Madam President, I hear people and I know my friend from Nevada has heard the same thing, "Well, what are you going to do with the waste?"

If I can call upon my friend from Nevada again for a question, he will recall last year in the debate there were dire urgings that if something did not happen last year, powerplants would close down last year. Do you recall in the early eighties statements similar to this being made?

Mr. BRYAN. I do, indeed. It was made in 1980. Neither the senior Senator from Nevada nor the junior Senator from Nevada were Members of this body or of the other one at that time. But then, as now, the nuclear utilities were urging the Congress to adopt interim storage, they then were called away from reactor storage. The statements were made during the floor debate that if this were, in fact, not done, that within the next 3 years, by 1983, nuclear utilities would have to close down and there would be brownouts.

As the senior Senator from Nevada knows, that was 1980. In a sense, if you took the date off that legislation and inserted the words "interim storage" for "AFR," it would be identical to the context of the debate.

If the senior Senator from Nevada will indulge me for a moment, this is what was said by the then chairman of the Energy Committee, Mr. Johnston, the distinguished Senator from Louisiana:

Mr. President, this bill—

Referring to the AFR legislation—

deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem—

Sounds somewhat familiar, does it not?

Mr. President, for this Nation. It is urgent, first, because we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983. . . .

I say to my friend from Nevada, that is, in essence, the debate that we heard in 1996. Just substitute a date and put it 3 or 4 years into the future. Those are the opening comments made by the chairman of the Energy Committee that we just heard. This is the nuclear utility refrain. It has become kind of a mantra, their Holy Grail, and, in point of fact, as the senior Senator from Nevada well knows, that is simply not the case. That is scare tactics; that is hysteria.

Mr. REID. I say also to my friend from Nevada, we established with the dry cask storage containers I spoke of earlier that if they burn from diesel fuel, that is bad. If you are in an accident because of going fast, that is bad. I say to my friend from Nevada, we acknowledged what some of the scientists are saying: Leave it where it is. Put these spent-fuel rods in dry cask storage containers in onsite storage. It would be safe, you would not have a diesel fire or accident from going fast. It would be safe and cheap. It would cost hardly anything to do that. There are utilities doing that right now, is that not true?

Mr. BRYAN. That is absolutely correct. There are a number of utilities that do it. One is just about 40 miles from the Nation's Capital. It is authorized by the Nuclear Regulatory Commission. So this is not a proposal that originates from those of us in this body, it is a scientifically accepted alternative that is available onsite storage which provides a 100-year storage option without, as the senior Senator from Nevada correctly points out, the risk involved in transportation and handling.

I might just add parenthetically, with all the talk about the casks that are going to be used to be shipped across the country, those casks have not yet been designed and licensed.

Mr. REID. Even if they were, with the standards they have now been able to establish, it would be unsafe to transport them.

Mr. BRYAN. Absolutely.

Mr. REID. "Deferring the siting of a storage facility until that time will help to maintain the credibility of the site-suitability decision."

That is what was said by the chairman of the Nuclear Waste Technical Review Board, among other things.

These same reviews have cited the steady and productive progress toward the objective—and I underline and underscore "objective"—of determining Yucca Mountain's suitability for siting the Nation's repository for spent nuclear fuel and high-level radioactive waste.

The powerful, aggressive, obsessive nuclear power lobby is not willing to wait. They are not willing to wait. They do not care about the credibility of the site-suitability decision. They are only interested in getting it out of their pockets, out of their backyards and putting it someplace else. Their arguments, I say, are mindless and reckless. Their arguments are specious.

As we have indicated, spent fuel is safe right where it is. My friend, the senior Senator from Colorado, stated during the committee hearing that if the waste is safe enough to ship, it is safe enough to leave in place. That says it all.

The arguments for consolidation are without substance because an interim storage facility at Yucca Mountain will not reduce the number of storage sites. On the contrary, it will increase their number. This is fact, it is not supposition, it is not presumptive, it is not vulnerable to contradiction. Continuing operations will require onsite storage of spent fuel in cooling ponds or in an onsite interim facility for transportation staging.

Nuclear waste will always be stored temporarily at operating nuclear power-generating sites. For those generating sites that either have terminated operations or will terminate operations, preparation for transportation will take far more time than is required for the 1998 viability decision for Yucca Mountain. They know that. Preparations to ship this waste material across the country have hardly begun, and that is an understatement.

In his arguments against S. 104, the chairman of the Nuclear Waste Technical Review Board pointed out:

The country currently has a capacity to transport only a few hundred metric tons of spent fuel a year.

And, I might say as an aside, some people would agree we cannot even haul that much. He went on to say:

Developing a transportation infrastructure necessary to move significant amounts of waste, including the transportation of casks and enhanced safety capabilities along the routes, will take a few years longer than will be needed to develop the simple centralized storage facility currently envisioned by DOE. A site-suitability decision could be made beginning the interim storage facility with no lost time.

If transportation performance is not improved, there will be at least 50 accidents involving spent fuel or high-level radioactive waste on our railroads and highways here. That is what the average would be under the present statistics—50 accidents involving spent fuel or high-level nuclear waste. That is a lot of accidents, I must say.

Madam President, I want to close this part of my statement by reminding everyone why we are here. We are here because of the nuclear power lobby. There is no other reason. The President has said he is going to veto this legislation. The legislation will be vetoed. The President's veto will be sustained. There is no reason that we are doing this other than because of the nuclear power lobby, and some are trying to satisfy this lobby. We would be better off by dealing with the budget, which, I say to my friend from Nevada, as I understand the law, were we not to have completed a budget before the April break when we went home for Easter? Isn't that the law?

Mr. BRYAN. That is my understanding, that we are obligated to do so, but we have not yet done so.

Mr. REID. I will also state that if we do not have a budget, we cannot deal with the 13 appropriations bills. I am a member of the Appropriations Committee, and we have done nothing, basically, on our appropriations legislation because we have not gotten our marks from the Budget Committee. Thirteen appropriations bills and not a single one has been marked up.

We are absolutely going nowhere. But what are we doing here? We are spending a week on legislation that the President said he is going to veto, which failed last year because of that. If there were ever a colossal waste of legislative time, which means taxpayers' time, this is it. I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Madam President, the junior Senator from Nevada has been criticized and taken to task somewhat because he has referred to this legislation as a "mobile Chernobyl." In that criticism, it has been said, "Look, what happened at Chernobyl is a different situation entirely. There you had a reactor explode. This is not going to explode." I concede that there are differences in terms of causation, but the results are equally devastating.

We are talking about the shipment of 85,000 metric tons of nuclear waste. That would involve, as has been estimated, about 15,638 shipments—6,217 by truck, roughly 9,421 by rail. So we are looking at about 15,638 to roughly 17,000 shipments.

Each of those truck casks would weigh 25 tons. Each rail cask would weigh 125 tons. One rail cask—one rail cask—carries the long-lived radiological equivalent of 200 Hiroshima bombs—200.

So when I use the "mobile Chernobyl" analogy, the risk to Nevadans, the risk to Americans, if indeed a rail cask ruptured as a result of an accident and radiation was released, it would be a mobile Chernobyl because

the spread of radioactivity and the resultant contamination that results as a consequence could be widespread.

I would simply point out to those who are so sanguine about transportation that we are daily reminded that human error—the chairman of the Energy Committee pointed out that Chernobyl was a product of human error. Indeed, Madam President, I suspect that a great many of our accidents, maybe even a majority of them, are a product of human error. We see that every time there is a major rail collision or a train that is derailed as a consequence of some neglect in trackage. We have certainly seen it in the context of terrorist activities of late.

But the National Environmental Law Center provides that EPA data analysis shows that 7,959 accidents occurred during the transportation of toxic chemicals from 1988 to 1992. The American Petroleum Institute tells us that heavy truck accidents occur approximately six times for each million miles traveled with thousands of truck shipments. This means that at least 15 such accidents could be expected each year.

So the risks are considerable in terms of this transportation, all of which are unnecessary. It is not necessary or advisable or prudent or sound policy to do so.

This is frequently characterized as a Nevada battle. But let me just say, fairly recently there has been a proposal to move the nuclear waste from a port in Oakland through Nevada and into Idaho. It has generated a considerable amount of controversy, not only in my own State, but in California. I believe that those who are watching across the Nation should be aware of the fact that Nevadans are not the only ones who are placed at risk by this ill-conceived proposal.

The shipment routes involve 43 different States, and 51 million Americans live within 1 mile of either the rail or highway corridor routes.

On this chart that we are exhibiting, the highway corridors are depicted in red, the rail routes are depicted in blue. With the kinds of massive shipments we are talking about—125 tons by rail, 25 tons by each truck cask—you could only use the major corridor routes. You would not use some back road or unimproved surface. You would need a full-scale transportation route.

With all the potential for accident, with all the potential for some serious, unintended, unavoidable consequence, we risk the lives of 51 million Americans to satisfy the request of a single industry in America—the nuclear utility industry. They are the only ones that bring us to the floor to debate this issue today. As my senior colleague pointed out, they were the ones in 1980 that brought it to the floor. They were the ones that brought it to the floor in 1996. And if we are successful, as I believe that we will be in 1997 in preventing this legislation from being enacted into law, based upon a carefully considered Presidential position that he will veto such legislation, I would predict that they will be back here in 1998, 1999, and the year 2000 because this is something that they covet and that is a priority for them.

So the transportation issue, of which we will comment more during the course of the debate tomorrow, is a consideration that affects 51 million Americans in 43 different States. As they say, you cannot get there from here. You have to take that lethal waste across the heart of America. Most of this waste—most of this waste—being east of the Mississippi River will involve transportation over literally thousands of rail or highway miles.

Let me briefly comment on a couple of other points. The chairman of the Energy Committee pointed out that there is a lawsuit that was filed. He said, as others have said, that it requires that the Department of Energy must take possession of nuclear waste that is stored throughout the reactor sites by 1998 and, if we do not do so, that all kinds of horrendous consequences will occur.

First, let me point out that the lawsuit was decided last year prior to the vote that we took on S. 1936, which is the predecessor to S. 104 and essentially in the significant aspects is virtually identical. So this is not a new development.

But I think it is important to comment because the utilities have sought to obfuscate the issue and have given the impression that, indeed, in 1998 there will be a series of Department of Energy trucks or vans or rail cars that must back up to every reactor site in America and begin to load those on board and that, lo and behold, if they do not have an interim storage facility, these vehicles will be traveling endlessly for all time and in perpetuity.

Nonsense. The lawsuit did conclude that the Department of Energy has an obligation, a legal responsibility. And you look to what the remedy is in the contracts.

In 1982, the Nuclear Waste Policy Act was enacted by the Congress, signed into law by President Reagan. In that Act it required utilities to enter into contracts with the Department of Energy. And all the utilities that are part of this debate have done so.

When you look at the contract, there are two provisions, two provisions that specifically deal with this issue.

I again remind my friends that 1998 was not a date sanctified by the scientific community. That was a date the utilities insisted upon. The Department of Energy and others argued that that date was unrealistic. "We're not going to be able to reach that date," they said. But the utilities said, "No. 1998, we want that." That is what the law reflected.

But in the contract that was required to be entered into with each of the utilities with the Department of Energy, there were two provisions. Both of these provisions are contained in article 9.

What it said is this: In anticipation that the 1998 date may not be fulfilled, it indicated that if the delays were unavoidable by the Department of Energy, that is, if the delays were beyond their control, that there was no culpability. Then the remedy that was provided was simply to reschedule the delivery dates. It makes some sense.

The other provision that is applicable—and I am sure the utilities will urge this point of view—is, indeed, there is culpability on the part of the Department of Energy. As a result of their culpability, it would be classified under the provisions of the contract as an "avoidable" delay. That, too, is part of article 9, section B.

The contract remedy is, in the event of any delay in the delivery, acceptance or transport caused by circumstances within the reasonable control of the Department of Energy or their respective contractors or suppliers, the charges and schedules specified by this contract will be equitably adjusted to reflect any estimated additional cost. That strikes me as being reasonable.

I had occasion in many years past to practice law, not nuclear utility law or environmental law, but what this says is that, look, if the Department of Energy is found to have been negligent in moving the process forward, the utility is entitled to an adjustment of what they are paying into the nuclear waste trust fund based upon additional costs that are being incurred. Indeed, that is not a novel concept.

When this Senator first came to the Senate in 1989, and in each session thereafter, joined by my senior colleague from Nevada, we have offered legislation that does indeed provide that the utilities would be entitled to an offset or compensation for the additional expense that they may incur as a result of this 1998 deadline being unattainable.

So there is no great mystery about the lawsuit. It changes nothing in the debate that we have, nothing whatsoever, and should not be used as a basis for supporting the legislation that is currently before us.

Finally, let me make just one additional comment that the senior Senator from Nevada addressed. That is that this legislation is not going to become law.

The President of the United States, as he did in 1996, indicated that this is bad policy, and following the advice and counsel of the scientific community—the Nuclear Waste Technical Review Board concluded that it was unnecessary, unwise, and indeed there is no necessity for this, no safety is to be

gained by this massive shipment of 85,000 metric tons of waste. This is a scientific body that concluded that in 1996, and although the board is newly constituted with a new chairman and many new members, it reached the same conclusion in 1997, this very year, in testimony that verified that interim storage is not necessary. So the President, following the wise counsel of those who have examined this from a scientific and objective point of view, has indicated, as shown in testimony before the Senate Energy Committee, that this legislation will be vetoed if indeed it should reach his desk.

We will have much more to say about this issue as we debate it during the course of the next week or so. We will point out with greater particularity a number of the issues that we have touched upon lightly today. I just hope, for my colleagues who are watching and their staffs, that we not be misled. This is legislation that is a carbon copy of the legislation that was debated in S. 1936 in the last session of the Congress.

I yield the floor.

Madam President, I see no one else is on the floor seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Madam President, I ask unanimous consent to speak as in morning business for a period of about 10 minutes.

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

Mr. DASCHLE. I thank the Presiding Officer.

Madam President, let me begin by complimenting my distinguished colleagues for their statements on the floor this afternoon. My intention is not necessarily to speak on that issue, but as I have in the past, I am supportive of their efforts and commend them once more for their concerted effort to bring some fairness to the issue that they have addressed. This is a matter of great import to the State of Nevada. No one has been more articulate, more aggressively persuasive on the issue than have the two distinguished colleagues from Nevada. I commend them and urge our colleagues to listen carefully to their counsel and support their efforts as we proceed for the remainder of this week on this very important issue.

CRITICAL ISSUES TO ADDRESS

Mr. DASCHLE. Madam President, we have 7 weeks between now and the next legislative recess, a period within which a great deal of work must be done. This has not been our most productive Congress so far. There are a lot of reasons why we have not been as productive as we would like it to be. I hope now as we get into the very critical months of April and May that we spend as much effort as we can to bring about the consensus we must have on a series of issues that this Congress must address. Some of them have deadlines. Some of them do not. But all of them are of extraordinary importance to this body and to the American people.

There are two with deadlines that I hope we can begin work on in earnest this week. First and foremost, the Chemical Weapons Convention. There is no doubt we are facing the prospect that the United States could miss its opportunity to become a full-fledged member of the international convention responsible for bringing about the elimination of chemical weapons. If we fail to ratify the convention by the 29th of April, we will miss the opportunity to commit ourselves fully to the obligations of that convention and to the international community. We are told that enrollment of the convention requires at least 10 days, which means we only have until the 19th. In other words, we have fewer than 14 days within which all of the ramifications of that important convention can be addressed here on the Senate floor.

This has been the subject of extraordinary debate, countless deliberations, numerous hearings, and efforts on both sides of the aisle to resolve the differences that still exist.

It is my understanding that we are not that much closer today than we have been for several weeks. If that understanding is inaccurate, then I hope someone will come to clarify the current set of circumstances.

Madam President, we simply cannot wait. We must deal with this convention. Time is running out. We are not inclined to support any other legislation or the movement of any other bill until such time as we have some appreciation of where we are with regard to this convention and when we can expect it to come to the Senate floor. I give great credit to the majority leader for his efforts in attempting to do that. He has been patient and diligent, but, so far, I think it is fair to say that none of us have been successful. So while our approach has always been to try to work through this and to give everyone the benefit of the doubt in the hopes that, ultimately, we can come to a resolution, the bottom line is that time is quickly running out. When time has run out, the last laugh may be on us.

Madam President, the stakes are too high, the issue is too important, and the consequences are too severe for us to ignore this important deadline. We must confront it and we must recognize that this must occur this week. Hopefully, tomorrow must be the day we finally come to the conclusion about when it is this important treaty will come to the U.S. Senate for ratification. Anticipating failure, I don't think we have any other choice but to do all that we can to hold off on taking any action on any other piece of legislation until such time as we can anticipate success.

So, Madam President, I am very hopeful that tomorrow we can resolve whatever remaining procedural questions there may be in an effort to deal with this issue directly.

Second, let me just say that we are also running up against another deadline, and that deadline involves the budget. We already missed April 1. That was the deadline that the Budget Committee was supposed to have reported out its budget resolution. Now we have the important deadline of April 15. That is the deadline under the law for the Senate to pass a budget resolution.

I didn't hear the distinguished majority leader this morning, but I am told that he had indicated that they are waiting for the White House to take additional steps and to make an additional effort. I must say, Madam President, I have heard that excuse now for too long. The fact is that the President has taken the action that is required of him under the law. He has presented a budget on time. He has presented a budget, by the way, that balances by the year 2002, using CBO figures. So, Madam President, as far as I am concerned, the President has done what he is required to do. The question now is, can we? And will our Republican colleagues take the leadership that comes with being in the majority and meet the April 15 deadline?

I hope that we will no longer rely on excuses. I hope that we can come together, Republicans and Democrats, in the Budget Committee, first, and, second, on the floor, and meet the obligations proposed by law, with no more excuses about who has acted under what circumstances. While the negotiations are not going well enough, the time has come to act now, and the time has come for us to come together, to work in the regular order under the budget process, through the Budget Committee, and get the job done.

So there is an array of pressing issues, Madam President. As I indicated, some have deadlines—the Chemical Weapons Convention and the budget. Time is running out. Excuses are getting old. Let's get on with the work and get the job done.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Idaho.

Mr. CRAIG. Mr. President, I assumed the minority leader was speaking on his own time.

Mr. DASCHLE. That is correct.

Mr. CRAIG. Apart from the debate on the nuclear waste bill.

Mr. DASCHLE. Yes.

The PRESIDING OFFICER. The pending question is the motion to proceed on the bill.

The Senator from Idaho.

Mr. CRAIG. Mr. President, before I speak in relation to the motion to proceed on S. 104, let me only say to the minority leader of the Senate, with due respect to him—and I do respect Senator DASCHLE—the Senate and the leadership of the Senate and the House, for well over a month and a half, deferred to the President and the responsibility of the President in submitting a budget to Congress. I sat on the floor of the U.S. House of Representatives and listened to our President refer to the submitting of a balanced budget; 12 times in the State of the Union Address our President spoke of a balanced budget. We received that budget. No one chose, in their own good form, to criticize it. In fact, we sent it off to be analyzed by the Congressional Budget Office. And it came back.

I must report to the minority leader that it was not a balanced budget, and we all know that now. It was well out of balance by nearly $100 billion for the 4 years of this President, with the inclusion of a major tax increase and some tax cuts. And then, of course, the year after this President leaves office, the tax cuts go away, the tax increases stay, and a major cut in programs or a major increase in revenue. That is why we haven't dealt with the budget, because we were willing to give this President the benefit of the doubt. Certainly, the Senator knows that, and it was a fair willingness on our part.

Now that that day has passed, the Senate is beginning to work its will on the budget. We first wanted the President to have a fair and uncriticized opportunity, and that is exactly what he got. But in all fairness, the public now knows that this President's budget includes major spending increases and major new Federal programs and no real commitment to balance, not in the context of the political reality that certainly the minority leader operates in and that we operate in. No Congress has made those kinds of dramatic cuts, nor, frankly, have they raised that much revenue as the President is proposing, because while he appears to give on one hand, he rapidly takes away on the other.

In all instances, his program spending wraps up a major increase in 1 year of $25 billion of new domestic spending in this country. That is what we are wrestling with. Certainly, this Senate is going to deal with the budget, and they are going to deal with it in a very timely manner. What I hope we can do is something that I know the minority leader will appreciate and that is to deal with it in a bipartisan way. That we can accomplish and we should accomplish. Already, moderate and conservative Democrats are speaking up and saying they can't deal with the President's budget, not in the context of our commitment. Our commitment was that if we would not support a balanced budget amendment to the Constitution, we could produce a balanced budget without it.

Now, the Senator knows how disappointed I was that he worked so hard to destroy the vote on a balanced budget amendment to our Constitution, because I worked a long time to get that because I think that without it we won't get a balanced budget. But all the while he was working to change that vote and worked with the administration to do so, there was a constant drumbeat of promise to get us to a balanced budget by the year 2002.

I know that the Senator was sincere in that commitment. We are committed to that commitment. But we cannot get there with the President's schedule of new spending, and we cannot get there with the President's new tax increases, and we cannot get there with doing all of the cuts and all of the changes in the fifth year after this President has left office. It must start now. It must ramp its way toward the year 2002. Let it be said—and I think it is important that it be said—that for the last 2 weeks, with the President's commitment and with the leadership's commitment, meetings have gone on. I think the only problem is that everybody has been sitting around at those meetings talking about how delightful it is that they are meeting, instead of time lines and commitments to the American people meeting what we have said to the American people we would give them, and that is, of course, a balanced budget by 2002.

We need to start this year, not 4 years out. We don't need major tax increases to get there, and we can do so with reasonable responses to our domestic spending, not major new programs, but reprogramming, giving the priorities where it ought to be. Many of those is where the President knows he wants them, and we are willing to participate in that. So the budget process is now well underway. But it took a month's detour, with the commitment that it would allow the time for the President's budget to play out. That has now played out. We now need to get on to the real budgeting that is the responsibility of the Congress.

I would be happy to let the minority leader comment, if he wishes, before I go on with my discussion on the nuclear waste bill.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I thank my colleague from Idaho for his comments. I appreciate very much having the opportunity to hear them just now.

Let me respond with four specific points. First of all, I don't know of a time when the Congress required the President to submit a budget that we were in total agreement with. That isn't what we do here. We are not waiting for the perfect document to come from the White House. That isn't what we did in past Congresses. It isn't what we did with Republican or Democratic Presidents.

The President submits a vehicle, the President submits a budget, and we either accept it as the vehicle and mark up the vehicle and provide a budget that will allow the consensus to work its will, Republicans and Democrats, or we present an alternative. My argument this year is that, so far, the Republicans have done neither. They have said we don't like the Democratic budget, but they have not proposed one either.

As I said in my comments a moment ago, time is running out. April 15 is soon to be here. We don't have many more days, legally, for the Republicans and the Democrats to do what my friend suggests we do—work together to come up with some resolution. That is No. 1.

No. 2, June O'Neill, the Director of the Congressional Budget Office, sent a letter directly, I think, to all members of the Senate Budget Committee reaffirming CBO's analysis of the President's budget, that indeed it does reach balance by the year 2002. Now, the Senator may not subscribe to the triggers used by the President to assure that we reach CBO figures and balance the budget by the year 2002, but there is no doubt whatsoever that the President did what he said he was going to do—present a balanced budget—and he uses a mechanism that will allow us to do that, which has been embraced wholeheartedly by Republicans and Democrats in past budgets, including the Republican budget in the last Congress.

No. 3, there will always be differences between Republicans and Democrats on priorities. We have no doubt that, ultimately, whether or not we get a resolution, our differences may or may not be bridgeable. We feel very strongly about the need to commit resources to education beyond that which was committed in the past. We feel that if we lose the opportunity to educate the next generation, we lose the kind of freedom and greatness this country aspires to.

So, Mr. President, there will be differences, and we will have our debates about those. But that is really what the debates ought to be all about, those fundamental differences on our priorities. I will argue for whatever length of time we have that investments in education, health care, housing, and investments in the people of this country in ways that will make them stronger and less relying upon Federal programs are in our long-term best interest regardless of what form they may take.

Mr. President, No. 4, I believe that all too often in this country we get

hung up on whether or not a given budget is going to achieve everything that we had hoped it would. You know, the funny thing is that we never find out, because the Congress, in all of its wisdom, oftentimes never gets to that point where we can pass a budget agreement that allows us to move on through the process of reconciliation and appropriation and the whole process here.

I want to say that I think there are Republicans and Democrats who have come to a point of asking whether or not an annual budget resolution makes a lot of sense. That is a debate for another day. Someday I hope that we can have a good debate about whether annual budget resolutions make sense. My personal preference is to have a biannual budget resolution because I think it would allow us a lot more opportunities to cope with all of the circumstances involving the $1.5 trillion budget that we have to consider on an annual budget today. But that is the law right now, which takes me back to the first point. The law says that regardless of how we may feel about biannual budgets in the future the law requires an annual budget today. The President has fulfilled his obligations under that law. Now it is time to fulfill ours, working together to meet that April 15th deadline to do exactly what the President proposed that we do—balance the budget by the year 2002.

Mr. REID. Will my friend yield for a question?

Mr. DASCHLE. I do not have the floor. The Senator from Idaho yielded to me.

Mr. CRAIG. I would be happy to yield briefly to the Senator from Nevada.

Mr. REID. I ask the Democratic leader, is it not true that last year was the fourth year in a row in which we had a declining deficit, and the first time in a row since before the Civil War?

Mr. DASCHLE. Mr. President, in response to the Senator from Nevada, the answer to that is yes. We have made great progress to reduce the deficit by 60 percent. OMB and the Congressional Budget Office fought aggressively over past budget projections. But OMB has been more accurate than the Congressional Budget Office in the last 4 years. That has brought about economic strength that we didn't anticipate as we wrote this budget. So we have exceeded our target. We ought to continue to do that. We are prepared to use the Congressional Budget Office figures even though OMB is more accurate because the Congressional Budget Office tends to be more conservative, and that is fine when it comes to economic projections. But the bottom line is that we have come more than halfway already. Now it is time for us to complete the job.

Mr. REID. Mr. President, I also ask my friend, the Democratic leader, is it not true that inflation and unemployment have been at a 40-year low, and economic growth is at a 40-year high, and we have 300,000 fewer Federal employees than we had 4 years ago?

Mr. DASCHLE. That is correct. I thank the Senator.

Mr. REID. Have they led to a general surge in economic viability of this country?

Mr. DASCHLE. There is no question about it.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, regaining my time, we are certainly going to have ample time to debate the budget and budget issues. But I did think it was important to respond to the minority leader as it relates to his overall statement today and what we have done here in the last month that I think was an effort to accommodate this President. Now it is the job of the Congress to get on with their business, and they will, and those priorities will be well spelled out, and we will continue our efforts toward a balanced budget and a reduced deficit which the President did not honor in his commitment of his new budget, although what the Senator from Nevada has said certainly is a valid statement. The Congress has participated jointly in that.

NUCLEAR WASTE POLICY ACT AMENDMENTS—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. CRAIG. Mr. President, when it comes to establishing national priorities—and I know what our President is doing in the area that I am about to discuss now—it is a great frustration to many States across our Nation because this President refuses—I repeat, refuses—to take a firm position and establish as a national priority in this country the appropriate handling of spent nuclear fuel and high-level nuclear waste in a way that is acceptable to the American people and commensurate with the public law.

So what I am about to speak to is a piece of Senate legislation that I and the chairman of the Energy and Natural Resources Committee introduced on this floor last year, and that we passed last year in the U.S. Senate with 63 votes—63 bipartisan voices that said that this administration was wrong with their policy, and wrong with their priorities when it came to honoring public law and the 42 States that felt it necessary that this President honor public law. I am talking about the expeditious and timely management of high-level nuclear waste and spent nuclear fuel.

For all the right reasons, our Nation has spent a long time generating radioactive materials—nearly five decades. Most of this material is the byproduct of two principal activities: National defense operations, and commercial nuclear power plants. While it was our national policy for well over five decades that the Federal Government have oversight and primacy in the area of management and control of nuclear materials, it is no longer, tragically enough, a high-level policy of this country that is discernible by administrative position and by the clearness of administrative leadership. That is why we are here today on the floor of the U.S. Senate debating a timely action that this country must take to be responsible for the five decades of activity in the generation of high-level radioactive waste.

What I am talking about clearly is a national concern. To ignore this responsibility would be unwise, irresponsible, and in some instances, with regard to taking timely action, unsafe.

I am pleased now to rise in support of Senate bill 104, the Nuclear Waste Policy Act of 1997. As I mentioned, last year I and the Senator from Alaska were here on the floor with the Senators from Nevada debating a similar bill, although this year we have changed the bill some by actions in the committee itself and by possible amendments that will be made here on the floor during the course of the debate and the final vote on this legislation.

What we are talking about is the timely storage and disposal of spent nuclear fuel and high-level nuclear waste from our Nation's defense program and from, of course, the commercial nuclear power plants. Senate bill 104 creates an integrated system that will ensure construction of an interim storage facility and permanent repository to manage spent fuel and high-level waste that is currently stored in over 80 sites in 41 States across this country.

I have in the backdrop a map of our country that demonstrates the locations of reactors and storage sites, 80 sites in 41 States. Yet our administration basically has had no policy for nearly two decades on this issue.

We spoke as a Congress and we spoke as a people in 1982: That there needed to be a national policy and a national program. The legislation that we have before us, in my opinion, demonstrates that kind of critical need, and the need also to operate and respond in a timely fashion.

Transferring nuclear waste from the many defense and commercial nuclear sites to a single Federal facility beginning in 1998 was the intent of the Congress and the President of the United States when the Nuclear Waste Policy Act passed in 1982.

It became law. It was signed by the President. It was a national commitment. It was this Nation speaking to the need to handle the kind of waste that I am talking about and to do so in a safe and responsible fashion.

Unbelievably, we are less than one year away—just 9 months—from the date when the Department of Energy is obligated by the law that was passed in 1982 and is obligated under contract, in response to the law signed and honored by our Government, to accept the waste. Now we have to come to the floor in the 11th hour and plead with this administration to come with us in the shaping of national policy to deal with this issue. Just last year the U.S. Court of Appeals reaffirmed the Federal obligation.

The Nevada test site was selected in the early 1970's as one of the sites under consideration for a geologic repository. This site has been under study for now over two decades by scientists and engineers. Here is a photograph of the Nevada test site where the interim storage facility would be located. Scientists and engineers at Yucca Mountain near this site where a permanent geologic repository for these high-level wastes would be placed have conducted the most thorough and comprehensive geological survey ever undertaken on any piece of property on the face of the Earth.

Let me repeat that claim because I believe it to be valid. The site that we are looking at, the Yucca Mountain deep geologic repository, has been studied more thoroughly, more comprehensively, both from a geologic point of view, from a seismic point of view, and from the overall need to meet the certification process for it to be a permanent, safe, high-level waste repository—that site has been more comprehensively studied than any piece of real estate on the face of the Earth. During all of this time and all of the studies, nothing has been discovered which would indicate that this site is unsuitable for use as a repository.

Because of the endless bureaucratic delays that have plagued the program, the Federal Government now says it will not have a repository operating until the year 2010 at the earliest. Remember, this was a Federal Government that in 1982 signed the Nuclear Waste Policy Act committing by contract to take the waste by 1998, 9 months from now. Yet this administration and their representatives at the Department of Energy shrugged their shoulders and said, "Well, gee, the year 2010 will have to do because we just can't get there." Yet the courts last year said "Wrong. Foul ball. Go back to home plate. You have to abide by the law." And the Department of Energy said, "Yes. You are right. We do have to do that. We recognized that."

This is 12 years after the Federal Government is contractually obligated to take title to and remove spent fuel from civilian power plants. Electric consumers and taxpayers have committed approximately $12 billion solely to study, test and build a radioactive waste management system. So when the Federal Government made its obligation in 1982 to the taxpayer, but most importantly the ratepayer of the utilities that were generating electricity through nuclear power, and the Government owed this commitment by paying out money to build the facility, to do the siting, to do the studies, to do all of the test work and to have a facility ready to operate and receive by 1998. That was a $12 billion commitment and $4.5 billion of that money has already been spent. This chart will give you an idea of where the moneys come from.

So, in other words, these were the folks that made the commitments. These were the folks that signed the contracts. These were the folks that believed that the Federal Government was an honorable agent that would honor those contracts. And the courts just this past year said, "You are right. The Federal Government has to do it." And the administration says, "Well, we can't do it. In fact, we probably won't be able to do it until 2010, or sometime beyond."

We enjoy the benefits of having the world's most reliable and powerful electricity supplies to drive our economy. In supplying more than 20 percent of the Nation's electricity, nuclear energy is part of the foundation of our Nation's high standard of living and economic growth. Twenty percent of the lights in our country, of the industry in our country, of the economy of our country, is fueled by nuclear power plants.

Mr. President, here is the thing that frustrates me most. I am going to quote from the President of the United States, this President. This is the President who doesn't have any idea how he will honor the commitment that the courts said just this last year he has to honor. This is the President who, in my opinion, has established the most antinuclear policy and attitude of any President since Harry Truman. Yet, this President this year in his fiscal 1998 budget request for the Department of Energy includes the following statement.

He says, or the Department of Energy says, this President's Department of Energy:

> [Nuclear power] plants represent a $200 billion investment by electric ratepayers and provide reliable baseload power without emitting harmful pollutants such as those associated with global climate change.

In other words, it is this President who recognizes that nuclear power or electrical power generated by nuclear energy is the safest, the cleanest, and provides a huge investment of $200 billion. Yet, this is the President who shrugs his shoulders and says, "But we don't know what to do with the waste. We do not have a policy. We cannot react."

I agree with the statement that I just quoted from the Department of Energy's fiscal year 1998 budget. Nuclear power is a major generator. Nuclear power is safe. Nuclear power is clean. Responsible management and disposal of spent fuel from these plants is a vital component of the energy security of this country and is, in my opinion, the No. 1 environmental issue that we face. Managing the waste stream safely and soundly is the No. 1 environmental issue in 41 States at 81 sites across this country.

S. 104 authorizes construction of an interim storage facility on the Nevada test site near Yucca Mountain. This facility will be constructed in full compliance with the regulations of, and will be licensed by, the Nuclear Regulatory Commission. It is an interesting drawing we have up here on this chart that shows how simple the technology to store this fuel is, but what is important to understand is that you do it by the rules and you do it by the science, the technology, and the engineering of the day.

The interim storage capacity provided for in the legislation would stem the Government's looming financial liability in its current lawsuit with utilities. In other words, I have just entered into a new dimension in this battle that we now have going over—how to be responsible and where to be responsible and when to be responsible as it relates to the appropriate management of spent fuel and high-level nuclear waste.

On January 31 of this year, 46 State agencies and 36 utility companies filed suit against the Department of Energy in Federal court. The lawsuit asks the court to order immediate action by the Department of Energy to comply with the Nuclear Waste Policy Act of 1982 by beginning to remove spent nuclear fuel from reactor sites by January 31, 1998, as specified under the Act. The Department of Energy not only has failed to take any steps to fulfill this obligation, as I have spoken to earlier, but, rather, it has acknowledged it will not begin waste acceptance in 1998 and has solicited suggestions on what it might do in light of this failure.

Let me repeat. Here is the Department of Energy that has basically said: We cannot do it, so tell us how to do it. Give us some ideas of how we, as Government, can honor the commitment that we have made under the law.

Let me suggest to our Secretary of Energy and to the President that the way you honor the commitment is S. 104. Don't fight the Congress. Don't fight a majority bipartisan effort here. Come with us, work with us in solving this problem as S. 104 provides. Not only does it recognize the commitment by law, but it recognizes the need to respond in a timely fashion.

Just last week our new Secretary of Energy, Federico Peña, met with nuclear energy executives. Despite the

potential for billions of dollars of liability judgments against his Department, Secretary Peña and the administration again failed to offer any concrete solution to this issue. Why did they fail to offer it? Because they do not want to recognize the need for S. 104. They do not want to recognize the commitment they have made, or at least are responsible for under the law.

In the course of this debate, you will hear and you have already heard the two Senators from the State of Nevada talk about the issue of transportation. Our opponents will raise the specter of a mobile Chernobyl. This fear-mongering is simply not supported by facts.

Let me digress here to talk about the safety of transportation for a moment. In doing so, let me make this statement. I have had the privilege over the course of my time in service in the U.S. Congress from the State of Idaho to deal with a lot of issues, all of them or most all of them were political, but 99 percent of them are not just political. Some of them deal with economics. Some of them had differing opinions as to the engineering or the science or the technology involved in a given issue. But never have I dealt with an issue that, in my opinion, is exclusively political—not scientific, not engineering, not mechanical in any way. Because when it comes to the management of nuclear waste, none of those charges have any base to them. The only dynamics in this debate is politics. Where do you want to put the waste? Because, once that decision is made, our science, our engineering, and our technology knows without question that it can be effectively and responsibly stored and safely stored in an environmentally sound way.

Those decisions were made—that it be a deep geologic repository. So, when it comes to the movement of that waste to that repository, the same argument holds true. The fact is, there have been over 2,500 commercial shipments of spent fuel in the United States in the timeframe that I have talked about; the same timeframe we have dealt with the management and the handling of nuclear waste. There has not been a single death or injury from the radioactive nature of the cargo.

Let me repeat. There has never been a single death or injury from the radioactive nature of the cargo.

What am I saying when I say that? I am saying that the integrity of the shipment vessel in which high-level nuclear waste or nuclear fuel was transported was never breached, even though there were some accidents. There is no other product or waste material transportation in our country today that can make that claim—none, except nuclear waste. It has been transported more safely with no escape of radioactivity, and therefore no human injury resulting from it, and transported more safely than any other waste, toxic substance, or human-harming substance in the United States. That is a unique claim.

The reason that claim can be made was the understanding at the front end of the need to transport this waste in a safe manner and the importance of the vessel in which it was transported in accomplishing this.

Let me add to these national statistics by describing the experience of my State, because my State receives high-level nuclear waste shipments. There have been over 600 shipments of Navy fuel and over 4,000 other shipments of radioactive material to my State. I will say that while some Idahoans resist and speak out about these shipments, none of them have been harmed. There has never been a spill. There has never been an accident that resulted in the radioactivity of the cargo being released. There have never been—let me repeat once more, for the record—injuries related to the radioactive nature of shipments.

Why? Why the great record? Well, largely because of what I just said, because there was rigorous attention paid in the very early days, recognizing the need for safe transportation of these materials. In fact, according to the Nuclear Regulatory Commission, "The safety record for spent fuel shipments in the United States and in other industrialized nations is enviable. Of the thousands of shipments completed over the last 30 years, none have resulted in an identifiable injury through a release of radioactive material."

An example of this care and handling is the testing sequence to which spent fuel packages must be subjected. Once again, we have talked about the routes. You have seen the picture. Here are some examples of the kind of testing that has gone on to create the integrity of the shipping vessel that allows me to make the claims on the floor of the U.S. Senate that I have just made. For a spent fuel package design to receive a license from the Nuclear Regulatory Commission, it must be demonstrated that the cask can survive the following tests, in sequence: A 30-foot drop onto an unyielding surface. In other words, I am talking about a concrete slab; then, a shorter drop onto a vertical steel punch bar. In other words, dropping a vessel onto a steel spike, if you will, of the size that could fully penetrate the vessel; that it be engulfed in fire for 30 minutes; finally, submerged in 3 feet of water; and separately, that the cask must not leak for 1 hour under 200 meters of water. That is the rigorousness of the testing and that is why, of course, I can make the claims I made, that no spills have resulted.

To further ensure that this care and caution be continued, we have supported an amendment offered in the committee by our colleague from Oregon, Senator WYDEN. All shipments pursuant to S. 104 will be conducted in full compliance with all relevant Nuclear Regulatory Commission and Department of Transportation regulations, in addition to complying with the Department of Energy's requirements for advance notification and emergency response.

My colleagues from Nevada have been very vocal on this issue of transportation. I would like to quote from a letter dated March 11, 1997, sent by the Western Governors' Association, of which Nevada is a member. This letter went to Senator WYDEN, giving the Western Governors' Association response to Senator WYDEN's transportation amendment that our committee accepted, that is now within S. 104. The letter reads:

> [Y]our transportation amendments to S. 104, dated March 11, are generally consistent with the WGA's adopted policies for the safe and uneventful transport of radioactive waste through western States.

We feel that the committee action has strengthened the already substantial transportation safeguards of S. 104, as introduced.

The point of this whole comment was that not only had we made significant strides to ensure questions about transportation, because the vessel itself is not of issue, in my opinion, nor are there scientists or engineers that would argue it.

The other question happens to deal with the general nature of exposure, and what is 100 millirems. We are going to talk about this in the debate. Already the Senators from Nevada have had this issue on the charts before us. I think it is important that we set radiation exposure levels in context, so that we can compare them to exposures that we assume routinely in our day-to-day living.

Mr. President, it is something that not all of us recognize or understand, but the fact is that we receive radiation by just being alive under natural environments, whether it is your relationship in altitude and exposure to the Sun or whether it is the fact that you are encased in granite or marble. For example, we receive 80 millirems dosage on an annual basis by merely serving in the U.S. Senate. Why? Because of the general radioactive nature of granite and marble. That is the way our world is made up.

In your State of Colorado, and in your city of Denver, residents receive approximately a 53-millirem annual dose because you live in a mile-high city where the air is thinner and your exposure to solar radiation is simply higher. It is the character of the environment we live in.

When I hear suggestions that we set exposure levels at 4 millirems for groundwater or setting a level of 15 millirems, I am reminded of the quote

I heard when this debate occurred earlier. It talked about the differences of exposure in, again, Denver—and I do not know why they like to use Denver, CO, as an example—the difference between 4 millirems exposure for groundwater and setting it at 15 millirems is a difference of standing up or sitting down in Denver, CO, as it relates to your relative exposure to radiation and the Sun. I doubt that anybody in the State of Colorado, or in the city of Denver, thinks that they are more exposed standing or less exposed seated, to the natural environmental radiation that occurs there and has always occurred there because of the altitude and the atmosphere.

What I am trying to make here is a point that if you want to stand on the floor of the U.S. Senate and debate millirems in the 15 or the 4 context, you do not have a point. It cannot be made. It does not make sense, because you receive them in the natural environment of Denver or you receive them in the natural environment by being encased in a building of sandstone and marble and granite right here in the U.S. Senate. That is the reality of what we have. That is the situation that we face.

Support of S. 104 is coming from all quarters, including State and local government officials, public utility commissioners, newspapers, editorial boards, labor unions, chambers of commerce, national trade associations, the electric utilities, just to name a few. A similar measure, as I have mentioned, S. 1936, passed this body last year with strong bipartisan support.

I know that many people would prefer not to address the problem of spent nuclear fuel disposal. For this Congress not to address this problem, in my opinion, would just be irresponsible. We cannot let the source of 20 percent of our country's electricity drown in waste, nor can we allow our Government to default on contractual obligations that it has made. This Government's default would leave the taxpayers of this country vulnerable to a financial liability as high as $80 billion.

As I close, let me use these examples. The minority leader and I were just discussing budgets and who is on first and who is on second and who proposed and who has not proposed. The bottom line is we are all concerned about the budget and, most importantly, we are all concerned about getting it to balance in a responsible fashion and not doing so with major tax increases.

Yet, if this Government walks away from its commitment under the law, it may well be placing itself in a liability environment that could equal upwards of $80 billion. How does that translate? That translates to an additional $1,300 per family in the United States. On the dollar and cents costs, let me relate them to you as I understand them.

If we do not assume the responsibility and deal in a timely fashion, the cost of storage of spent fuel, because the courts have said to the Federal Government, "You will take charge of it. It will become your obligation," it will start costing the taxpayers money. That cost could go as high as $19.6 billion. Return of nuclear waste fees could be $8.5 billion. Interest on nuclear waste fees, $15 to $27.8 billion, depending on the interest rates used, and consequential damage for shutdown of potential nuclear powerplants that would lose their storage capability and would not be allowed to license new storage capability could be upwards of $24 billion.

When the bipartisan leadership of the House and Senate met with the President and the Vice President some weeks ago, our leader, TRENT LOTT, said to the President, "It is our priority to deal with the nuclear waste issue." The President deferred to AL GORE and said, "It is not ours," and the Vice President largely said, "Leave it where it is until the year 2010."

Eighty billion dollars and 2010? Mr. President, Mr. Vice President, wake up. Not only will the taxpayers not allow that, but the politics of this country will not tolerate that. We must deal with this issue, and S. 104 is clearly a way of dealing with it.

The United States has benefited from the many uses of nuclear materials which have deterred a global conflict. Our nuclear fuels now generate electricity in a clean, non-air-polluting way. Our generation now must take the responsibility that it has to properly manage spent nuclear fuels for the defense program of our country and for the 110 commercial powerplants that it obligated itself to do so in 1982.

The Nuclear Waste Policy Act of 1997, the legislation that we are now asking for the right to proceed with on the floor and deal with in a timely fashion, S. 104, is the proper way to move. It allows our citizens the comfort of knowing that our Government has acted responsibly to assure environmentally safe long-term storage and disposal of spent nuclear fuel and high-level radioactive material. I hope that tomorrow evening, when we vote cloture that would give the Senate the right to proceed to debate on the legislation, that we can have the kind of overwhelming, bipartisan support of the type that we have received in the past.

Mr. President, I believe we will get that support. I believe it because it is now time to deal with this issue. I hope that during the course of the debate on the floor of the Senate and action that will follow in the House, that somehow and in some way we can catch the attention of this administration, to do what they are legally and contractually obligated to do, so that we can stand bipartisan, shoulder to shoulder, in a national policy that deals with this issue in a way that we can all be proud of. Then we can say to our fellow citizens, "Yes, when the Government makes a commitment, when the Government signs a contract, when the Government obligates resources and taxes it citizenry for a dedicated cause, that cause can be responded to in a timely fashion." S. 104 allows us to do so, and I hope that by tomorrow evening we will have the support to vote cloture. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can ask the Chair, after we finish debate on this matter today, it is my understanding that, again, this matter will be taken up at 2:30 tomorrow afternoon.

The PRESIDING OFFICER. That is correct.

Mr. REID. And there will be a vote at 5:30 or 5:15?

The PRESIDING OFFICER. I believe it is scheduled for 5:15.

Mr. REID. And the debate between 2:30 and 5:15 is equally divided between the——

The PRESIDING OFFICER. It is equally divided between 2:15 and 5:15.

Mr. REID. I recognize that my friend from Minnesota has been on the floor, and I will just take a few minutes because there are many things we can talk about during the time tomorrow. I will just say, so I do not have to answer today everything that my friend from Idaho propounded, that the $80 billion figure that my friend has brought up is, I suggest, maybe not modern math. It simply does not make sense. If in fact we are talking about saving money, the thing to do would be to leave it where it is. We would save not only the cost of the site of construction at Yucca Mountain and the proposed interim storage site of billions of dollars, maybe as much as $10 billion, but we would also not have the American public frightened and concerned about the transportation of nuclear waste. We will talk about that more tomorrow.

I will also say, tomorrow we will discuss in some detail the argument that because there has been nuclear testing there, we should also have nuclear waste; we will establish that is a clearly erroneous and fallacious reason.

Also, we will spend time tomorrow indicating how this legislation would wipe out environmental laws in this country, and that is the reason all environmental organizations in this country vehemently oppose this legislation.

Mr. President, there is a lot that we need to talk about with this legislation. As indicated, however, my friend from Minnesota has been waiting all afternoon. My friend from Idaho, my friend from Alaska and the two Senators from Nevada will discuss this in more detail tomorrow.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. We are not under controlled time.

Mr. GRAMS. Before I begin, I yield a few moments to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Kristine Svinicki, a legislative fellow who works with my office, be granted the privilege of the floor for the duration of the debate on S. 104.

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

The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today in strong support of S. 104, the Nuclear Waste Policy Act of 1997. This much-needed legislation, as has been outlined today, will help resolve our Nation's nuclear waste storage crisis, help restore the commitments to our Nation's ratepayers, and ultimately to save taxpayer dollars from the Department of Energy's failed policies of the past.

Again, I applaud the majority leader and Energy and Natural Resources Chairman MURKOWSKI and Senator CRAIG of Idaho, for their leadership in moving this bill.

Again, bottom line, our Nation cannot afford further delay, and the time to act on this commonsense legislation is now. But for the Senate to fully appreciate the gravity of the situation, I believe a brief summary of its history is in order. Since 1982, utility ratepayers have been required to pay the Federal Government nearly $13 billion of their hard-earned money in exchange for the promise that the Department of Energy would transport and store commercially generated nuclear waste in a centralized facility by January 31, 1998. However, with this deadline less than a year away and with over $6 billion already spent by the Department of Energy, there has been little progress toward keeping this 15-year-old promise of establishing a centralized Federal storage facility. In fact, though there has been measurable progress at the Yucca Mountain, NV, facility, a permanent repository will not be completed until well into the next century. As of today, nuclear waste is piling up at more than 80 sites due to the DOE's failure to live up to is commitment.

Clearly, if the DOE is to meet the January 31, 1998 deadline, it must begin accepting nuclear waste at an interim storage facility—that, however, has not yet happened. In fact, the DOE recently notified States and utilities that it would not accept their commercial nuclear waste despite the law and the Federal court's effort to enforce it. Meanwhile, utility ratepayers are still being required to pay for a mismanaged program. In fact, over $630 million from the ratepayers go into the nuclear waste fund each year—without any tangible benefits or results to show for them.

Our Nation's utility consumers and their pocketbooks aren't just hit once, either. Because of the DOE's failure to act, ratepayers are currently being forced to pay their hard-earned dollars to store waste on-site at commercial utility plants—a burden that would not be necessary had the Energy Department lived up to its legal obligation. Take, for example, the situation facing ratepayers in my home State of Minnesota. Since 1982, Minnesota's nuclear energy consumers have paid over $250 million into the nuclear waste fund believing that the Federal Government would fulfill its obligation to transport nuclear waste out of Minnesota. But as time went on and the DOE continued to ignore their responsibilities, utilities in Minnesota and around the country were forced to temporarily store their waste within the confines of their own facilities. When it became clear to many utilities that storage space was running out and the Department of Energy would not accept waste by the established deadline, utilities then had to go to their States to ask for additional on-site storage or else be forced to shutdown their operations.

For example, ratepayers in Minnesota, North Dakota, South Dakota, and Wisconsin were forced to pay for on-site storage in cooling pools at Prairie Island in southeastern Minnesota. In 1994, with storage space running out, the Minnesota Legislature—after a bruising battle—voted to allow for limited on-site dry-cask storage until the year 2004.

Mr. President, the cost associated with this on-site storage is staggering. Ratepayers in the Midwestern service area alone have paid over $25 million in storage costs and will pay an estimated $100 million more by the year 2015, and that is in addition to the required payments to the Federal Government.

To make matters even worse, storage space will run out at Prairie Island just after the turn of the century, forcing the plant to close unless the State legislature once again makes up for the DOE's inaction. This will threaten over 30 percent of Minnesota's overall energy resources and will likely lead to even higher costs for Minnesota's ratepayers.

In fact, the Minnesota Department of Public Service estimates that the increase in costs could reach as high as 17 percent, forcing ratepayers to eventually pay three times: once to the nuclear waste fund, again for onsite storage, and yet again for increased energy costs.

And Minnesota is not alone in facing this unacceptable situation. Thirty-six other States across the Nation are facing similar circumstances of either shutting down and losing their energy-generating capacity or continuing to bail out the Federal Government for its failure to act.

Ratepayers are not the only ones who face serious consequences because of inaction by the DOE. The taxpayers are threatened too. Last year, the Federal courts ruled that the DOE will be liable for damages if it does not accept commercial nuclear waste by January 31, 1998.

Under current law, no one at the DOE will be held personally liable for any assessed damages; the bill will go to the American taxpayers at an estimated cost between $40 to $80 billion. Such a tremendous liability burden on taxpayers would make the public bailout of the savings and loan collapse seem small in comparison.

What is worse is that while our States, our utility ratepayers, and the taxpayers are being unfairly punished by the Department of Energy's inaction, the Federal Government has been active in meeting the interim nuclear waste storage needs of foreign countries.

Under the Atoms for Peace Program, the DOE has resumed collecting spent nuclear fuel from a total of 41 countries. Last year, the DOE completed urgent relief shipments of 252 spent nuclear fuel assemblies from European nations to the agency's facility at Savannah River. It has also accepted nuclear spent fuel from Latin American countries.

Ultimately, as I learned during a recent trip to the Savannah River site, which is down in South Carolina, up to 890 foreign research reactor cores will be accepted by the DOE over a 13-year period. Again, up to 890 foreign research reactor cores will be accepted by the DOE over a 13-year period.

In addition, our Government is actively helping other countries reduce their nuclear waste stockpiles. With the Department of Defense spending up to $400 million on designing and constructing an interim nuclear waste storage facility in Russia to help dismantle the cold war threat, the world will certainly be a safer place, if that happens.

But, again, our Defense Department is spending $400 million to help Russia design, construct, and facilitate an interim waste storage facility, but yet cannot do it in this country.

Now, Mr. President, as a Senator who is concerned about our national security needs, I understand the rationale behind reducing our international nuclear dangers. But what I and many others cannot comprehend is how our Government has made it a priority to help foreign countries with their nuclear waste problems while simultaneously ignoring the concerns right here in our own country.

It seems clear to me that while States, utilities, and ratepayers have

kept their end of the bargain, the DOE has not done its part. That sends the wrong message to the American people about trusting the promises of the Federal Government. Maybe that is why the National Association of Regulatory Utility Commissioners, 48 State agencies and 36 utilities have now all joined together in a lawsuit to stop ratepayers' payments into the nuclear waste fund and to escrow $600 million that will soon go into that fund this year. Because too long, our States, utilities, and ratepayers have acted in good faith and relied upon the Federal Government to live up to its obligations. Evidently, they have had enough of the DOE's excuses for inaction and have proposed their own recourse.

This issue has created strange bedfellows as well. In a recent interview, former DOE Secretary Hazel O'Leary agreed that action on an interim site is needed as soon as possible. It is unfortunate that Secretary O'Leary waited until she was free from the administration to openly support interim storage, but I think her comments are important to remember as we attempt to protect our Nation's ratepayers and taxpayers.

In addition, Mr. President, the former head of the Office of Civilian Radioactive Waste Management under the Clinton administration, Daniel Dreyfus, also said that he believes the DOE must move to meet the January 31, 1998, deadline. Key labor unions have even joined the fight to restore the DOE's promises. J.J. Barry, president of the International Brotherhood of Electrical Workers, recently wrote me, and he said, "I am calling on you and your colleagues to put partisan politics aside for the good of our Nation and America's workers and their families. We must address this problem now or else face serious economic and environmental consequences later." He went on to say, "Please support passage of S. 104."

Despite this widespread support, the DOE has failed to offer an alternative to our legislation.

Although the Department's new Secretary now admits that a Federal solution is needed to resolve our interim storage problems, he recently indicted in a meeting with nuclear utility executives that the DOE is still unwilling to move commercial spent fuel. Instead, the DOE offered a proposal to compensate utilities for onsite storage.

Unfortunately, this proposed compensation scheme does little but needlessly spend the taxpayers' money while continuing the failed status quo. It signals to the ratepayers that the Federal Government has no intention of moving commercial nuclear waste in the near future, despite a Federal court mandate that it does.

So again, who will pay for this? It will not be the new Secretary, Mr. Peña. It will not be the Department of Energy or out of its budget. It will gladly pay the fines, but it will come out of the ratepayers' and the taxpayers' pockets in order to do this. So they are playing fast and loose with the taxpayers' money once again.

Moreover, continuing the policy of noncentralized storage facilities may lead to the premature shutdown of one nuclear plant in Minnesota—compromising 30 percent of the State's energy needs and increasing ratepayer costs.

So again, clearly, leadership is needed to restore the promises made to the American people. If such leadership will not come from the Clinton-Gore administration, then it will have to come from Congress. Senate Energy and Natural Resoruces Committee Chairman FRANK MURKOWSKI, Senator LARRY CRAIG, and I crafted a bipartisan proposal, again, S. 104, identical to legislation supported last year by 63 Senators.

We have put this proposal forward as a good-faith effort to help resolve this situation for the sake of protecting the legitimate interests of our ratepayers and taxpayers, as well as protecting national security and protecting the environment. Last month, the Energy and Natural Resources Committee passed this bipartisan legislation on a 15 to 5 vote.

Mr. President, Congress has an obligation to protect the American public also from the estimated $40 to $80 billion that they face in liability expenses, because the DOE has refused to act.

Our bill will reform our current civilian nuclear waste program to avoid the squandering of billions of dollars of ratepayers' and taxpayers' money. It will eliminate the current need for onsite storage at our Nation's nuclear plants and keep plants from shutting down prematurely due to the lack of storage space. And it will also help to maintain stable energy prices.

Our legislation also assures that transportation of nuclear waste will continue to be conducted in a safe manner.

For the interests of my colleagues, there have already been 2,400 shipments of high-level nuclear waste in our Nation, including numerous shipments of naval spent fuel and foreign research reactor fuel.

In fact, in these pictures behind me it illustrates the means by which shipments of foreign-generated fuel are being transported to the Department of Energy's Savannah River facility. The safety record of these shipments speaks for itself.

They come into the Port of Charleston, SC. They are loaded off the ships and on to rail cars, and then transported to Savannah River. That is 2,400 shipments. And they have all been completed safely. And I think, again, the safety record of these shipments speaks for itself.

Again, this is spent fuel that is already being shipped across the United States, so it is no longer a question of technology but becomes one of politics.

Even so, modifications have been made to this legislation to further ensure that all spent fuel will be transported safely.

Mr. President, for too long our States, our ratepayers and taxpayers, have been threatened by a policy, again, one of inaction. As passed out of the Energy and Natural Resources Committee, this legislation sets up a reasonable deadline for the DOE to finally live up to its promises. We cannot, in good conscience, delay that deadline any further. It is unreasonable to ask the taxpayers to sacrifice any further for a department that has failed—a department that has failed—to do its job.

So I am here today also to urge my colleagues to take a giant step forward in moving this legislation closer to Senate passage by voting for cloture and allowing the bill to be debated.

Again, this is not a question of science. It is not a question of technology. And I do not believe it is a question of safety in transportation. But it has become a plain question of politics. Will the political decisions be made to allow this bill and the solving of this problem to go forward? I think this bill is the first step in that direction. As I said, I urge my colleagues to support this.

I want to thank you, Mr. President, very much.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGES OF THE FLOOR

Mr. BRYAN. Mr. President, I ask unanimous consent during the duration of the consideration of S. 104 that floor privileges be extended to two more members of my staff, Jean Neal and Andy Vermilye.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. NICKLES. Mr. President, I send a second cloture motion to the desk on the pending motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

Trent Lott, Larry Craig, John Ashcroft, Dan Coats, Tim Hutchinson, Sam Brownback, Mitch McConnell, Conrad Burns, Frank H. Murkowski, Jon Kyl, Connie Mack, Spencer Abraham, Chuck Hagel, John McCain, Don Nickles, Gordon Smith.

Mr. NICKLES. Mr. President, it is my understanding that under rule XXII this cloture vote would occur on Wednesday morning. It is my hope cloture will be invoked on Tuesday and therefore this vote would not be necessary. However, if cloture is not invoked tomorrow, I will notify all Members as to when the second cloture vote can be expected.

Mr. President, I now ask unanimous consent that the mandatory live quorum be waived.

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

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

TARTAN DAY

Mr. LOTT. Mr. President, as a result of the recent recess of the U.S. Senate, I did not get the opportunity to come to the Senate floor and recognize Sunday, April 6, 1997, as Tartan Day. This day is set aside to honor the millions of Scottish-Americans who have made outstanding contributions to our great country.

This date has a special significance for all those of Scottish heritage. It is the 677th anniversary of the Declaration of Arbroath—the Scottish Declaration of Independence which was signed on April 6, 1320.

This declaration of independence includes these inspirational lines: "* * * we fight not for glory, nor riches, nor honors, but for freedom alone, which no good man gives up, except with his life."

Mr. President, Scottish-Americans have left their mark as pioneers and innovators in the fields of science, technology, medicine, government, politics, economics, architecture, literature, the media, and the visual and performing arts. Their contributions to the history and development of the United States are invaluable.

Some of these great past and present Scottish-Americans include: Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, Julia Child, Hugh Downs, Thomas Alva Edison, Malcom S. Forbes, Katherine Hepburn, Billy Graham, Brit Hume, Washington Irving, Robert MacNeil, William Holmes McGuffey, Andrew Mellon, Samuel B. Morse, Grandma Moses, James Naismith, Edgar Allen Poe, Willard Scott, Robert Louis Stevenson, Gilbert Stuart, Elizabeth Taylor, and James McNeil Whistler just to mention a few.

Mr. President, almost 11 percent of all the Nobel Prizes awarded have gone to people of Scottish ancestry.

Mr. President, a Tartan provides an instant recognition of a family and its kinship.

By recognizing Tartan Day we are commemorating all that is best in Scottish heritage. I believe it is important for the Senate to pause, even if it is belated, and to recognize Tartan Day. I firmly believe it will further emphasize the many Scottish contributions to the growth and development of the United States.

Mr. President, as I look around the Senate Chamber I see many who can claim Scottish ancestry. I see my colleague and friend, JOHN MCCAIN. His family ancestry and my mother's actually goes back to four Scottish families who migrated to Carroll County, MS, back in the 1830's. I see others in this Chamber—JUDD GREGG and KAY BAILEY HUTCHISON, and there are many more. Every day the Scottish in this Chamber live by the words in the Declaration of Arbroath that I quoted—they are here to advance freedom.

Mr. President, when our Nation was founded, almost half of the signers of America's Declaration of Independence were of Scottish descent. Throughout the history of our country three-fourths of our Presidents have been of Scottish ancestry. This tells me that despite the fact they are few in number, Scots tend to take seriously the word from the Declaration of Arbroath.

Many organizations were involved in making the observance of Tartan Day on April 6 a success. There are clan societies, clubs, and fraternal associations and individual Scots-Americans representing literally millions of Americans nationwide that participated. They include the Scots' Charitable Society (the oldest charitable society in the United States), the St. Andrew's Society of the City of Charleston, SC (the first St. Andrew's Society in the United States), the Saint Andrew's Society of New York (the second oldest society in the United States); Scottish Society of Martha's Vineyard, MA; the American-Scottish Foundation, Inc.; the Association of Scottish Games and Festivals; the Caledonian Foundation, Inc.; the Clans of Scotland, U.S.A.; Council of Scottish Clans and Associations; Scottish Heritage USA, Inc.; the Illinois St. Andrew's Society; the Tartan Education and Cultural Association, Inc.; Highland Light Scottish Society, Massachusetts; Scottish Historic and Research Society of the Delaware Valley, PA, and numerous individual Scottish Americans including those from my own State of Mississippi.

Mr. President. I am proud to declare my Scottish-American ancestry and it is an honor to recognize the 677th anniversary of the Declaration of Arbroath. Tartan Day is indeed a significant day for all Americans.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 4, 1997, the Federal debt stood at $5,384,750,396,046.34.

One year ago, April 4, 1996, the Federal debt stood at $5,137,761,000,000.

Twenty-five years ago, April 4, 1972, the Federal debt stood at $428,814,000,000, which reflects a debt increase of nearly $5 trillion ($4,955,936,396,046.34) during the past 25 years.

HONORING THE REINSCHS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Clarence and Helen Reinsch of Argyle, MO, who on April 9 will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Reinschs' commitment to the principles and values of their marriage deserves to be saluted and recognized.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on March 21, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, with amendment:

S. Con. Res. 14. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on March 21, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 514. An act to permit the waiver of the District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia.

S. 410. An act to extend the effective date of the Investment Advisers Supervision Coordination Act; to the Committee on Banking, Housing, and Urban Affairs.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on March 21, 1997, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second time and ordered placed on the calendar:

S. 515. A bill to provide uniform standards for the awarding of compensatory and punitive damages in a civil action against a volunteer or volunteer service organization, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 20, 1997, he had presented to the President of the United States the following enrolled bill:

S. 410. An act to extend the effective date of the Investment Advisers Supervision Coordination Act.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of March 27, 1997, the following reports of committees were submitted on April 2, 1997:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment:

S. 4: A bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes (Rept. No. 105-11).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, without amendment:

S. 295: A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes (Rept. No. 105-12).

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. ASHCROFT:

S. 514. A bill to provide uniform standards for the awarding of compensatory and punitive damages in a civil action against a volunteer or volunteer service organization, and for other purposes; to the Committee on the Judiciary.

S. 515. A bill to provide uniform standards for the awarding of compensatory and punitive damages in a civil action against a volunteer or volunteer service organization, and for other purposes; read twice.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DODD, Mr. AKAKA, Mr. INOUYE, Mr. ROBB, Mr. LAUTENBERG, Mr. MOYNIHAN, Mrs. BOXER, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. FEINGOLD, and Ms. MIKULSKI):

S. 516. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on Labor and Human Resources.

S. 517. A bill to provide relief to agricultural producers who granted easements to, or owned or operated land condemned by, the Secretary of the Army for flooding losses caused by water retention at the dam site at Lake Redrock, Iowa, to the extent that the actual losses exceed the estimates of the Secretary; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT:

S. 514. A bill to provide uniform standards for the awarding of compensatory and punitive damages in a civil action against a volunteer or volunteer service organization, and for other purposes; to the Committee on the Judiciary.

THE LIABILITY REFORM FOR VOLUNTEER SERVICES ACT

Mr. ASHCROFT. Mr. President, in his "Democracy in America," Alexis de Tocqueville observed "Americans of all ages, all stations in life * * * are forever forming associations." Be it to repair a public thoroughfare or to promote temperance, de Tocqueville noted volunteer associations were Americans' best response to community needs and to cultural pathologies.

This observation, made over 150 years ago, certainly has been the case until a little over a decade ago. Volunteers have nurtured the elderly, they have coached generations of children, they have cleaned up our communities, they have supported and counseled those in need throughout American history.

I look back at my time as Governor of the State of Missouri when we started the Clean the Highways Program using volunteers. We had 5,000 groups of volunteers—5,000 groups, not 5,000 volunteers—who accepted responsibility. It is a sort of fulfillment of de Tocqueville's observation about America, that Americans of all ages, of all stations in life are forming associations to do good things.

These groups have been catalysts that interact with all elements of our culture. It is to volunteers that we owe a great deal of gratitude for our social cohesion—our sense of community in America. When things are done from the perspective of government, people view them as entitlements. When things are done by individuals because they volunteer, people know that we love one another. Basically, it is in our care and regard for each other—expressed when we do things on a voluntary basis—that is the real glue that binds us together as communities and holds us together as a culture.

It was in 1982 that the first warning signs went out that our intricate system of volunteers fulfilling social work was under attack. In Runnemede, NJ, a Little League coach volunteer was sued because he repositioned his Little League shortstop to the outfield, and in the outfield the Little League shortstop then misjudged a flyball and sustained an eye injury. A suit was filed on the allegation that the 10-year-old youngster was a born shortstop, but not an outfielder, and the courts found the volunteer coach negligent.

Over the next 5 years, liability rates for Little League baseball shot up from $75 to $795 forcing many leagues to stop playing.

In another example, a boy in a Scouting unit with the Boy Scouts of the Cascade Pacific Council suffered a paralyzing injury in a game of touch football. Several adults volunteered to supervise the trip. The youth filed a personal injury suit alleging that the Boy Scouts and the volunteers were negligent for failing to supervise him adequately.

I remember playing aggressive games as a Boy Scout. I remember playing a game we called fox over the hill. One group was supposed to run from one

line to the other line without getting tackled, pummeled, and roughed up. That is the way boys operate. That is part of boyhood. But the jury found that the volunteers were personally liable for some $7 million. Oregon law caused the judgment to be reduced to around $4 million, but few Boy Scout volunteers can afford that kind of a judgment.

The jury held the volunteers to a heightened standard of care, charging them with a meticulous constant supervision level of care in their supervision over activities that routinely have been permitted without oversight. Such a standard is impossible to uphold. Anyone who has been a Boy Scout or certainly tried to supervise Boy Scouts knows that such a standard would be very difficult, and such an impossible standard has basically caused a marked drop off in voluntarism across the country.

In fact, the Gallup organization studied voluntarism and, in a study titled the "Liability Crisis and the Use of Volunteers of Nonprofit Associations," the Gallup organization found that approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns and that 1 in 6 volunteers reported withholding services due to a fear of exposure to liability suits.

What we have basically done in the last two decades is to send a signal to people: If you volunteer to be helpful, you could jeopardize the well-being of your own family; you could make it very difficult to maintain the home and lifestyle to which you have become accustomed; in trying to help others, you might, as a matter of fact, hurt yourself. I think that is sad because it has reduced this good impulse of Americans.

The study also found that 1 of 7 nonprofit agencies had eliminated one or more of their valuable programs because of exposure to lawsuits. So, instead of having more programs to help more people, we have narrowed that because of the threat of lawsuits and the potential of liability. Sixteen percent of volunteer board members surveyed reported withholding their services to an organization out of fear of liability—16 percent. That is almost 1 out of every 6 volunteer board members said, "No, I'm going to think carefully about whether I'm going to be on the board, because I don't want to get sued, and I don't want to ruin the chances of my family to live properly just because some mistake is made somewhere.

The average reported increase for insurance premiums for nonprofits over the previous 3 years, from 1985 to 1988, was 155 percent. That was over the years prior to the study, a 155 percent increase in insurance. And one in eight organizations reported an increase of over 300 percent. So, nonprofits found an increase in their insurance premiums. These numbers demonstrate rather clearly that the cost of lawsuits and the excessive unpredictable and often arbitrary nature of damage awards have a direct and a chilling effect on the spirit of voluntarism and on the nature of our communities.

I do not want to wring from the fabric of American society that healthy component that lubricates our social exchanges, the component of caring and loving and dealing with and helping each other, but if our legal system makes it dangerous to help each other and dangerous to care and dangerous to volunteer, we will have done this great country a tremendous disservice. Voluntarism is one of these defining characteristics of American culture. The understanding that people have been historically willing to help one another is a mainstay of who we are as Americans.

The hyperlitigious nature of the civil justice system is creating a barrier between the desire of Americans to help others and their ability to do so. So, Mr. President, today I rise to introduce a bill that will offer a new level of protection to volunteers who give selflessly of themselves to help others. The Liability Reform for Volunteer Services Act will reinstate reason, it will reinstate rationality, it will reinstate certainly and fairness to a judicial system with regard to voluntarism.

The Liability Reform for Volunteer Services Act covers volunteer services organizations which are defined as nonprofit organizations that are organized for the public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. Health care providers, however, specifically are excluded from coverage. Many of them fly under the banner or nonprofit, but we all know that they are anything but volunteer organizations, and they are not, in many respects, charitable. Persons volunteering for service organizations or governmental entities are covered by the bill if they are acting in good faith, within the scope of their official duties, and not being compensated for their services. This really is an effort to say to that person that volunteers, "We are going to give you a fair situation in which to volunteer, and if you are not being compensated, we are still going to hold you to the standard which requires you to have good behavior, but we are not going to expose you to tremendous liability."

The bill establishes a standard for awarding punitive damages. It is a rather high standard for awarding punitive damages which is designed to punish defendants or defer others from engaging in the same activity against the volunteer services organization or the volunteer. An injured party would be required to establish by "clear and convincing evidence" that a volunteer organization or its volunteers acted with a "conscious and flagrant indifference" to the rights or safety of others and this conduct caused the harm for which the volunteer is being sued.

The clear and convincing standard is greater than the standard for most civil cases, which is merely the preponderance of the evidence, but it is less than the criminal standard which is beyond a reasonable doubt. The clear and convincing standard is a higher standard than the more-likely-than-not or preponderance of the evidence standard, but, obviously, it is less than the criminal standard of beyond a reasonable doubt.

Punitive damages would be capped so that punitive damages could not exceed $250,000, or twice the economic and noneconomic losses. So, actual damages would not be affected here. If there were real damages, they would be recoverable, but punitive damages would be capped. In other words, if there were to be punitive damages, not only would they be capped at a maximum of $250,000, or twice the economic damages, you would have to be able to provide that there was clear and convincing evidence that there was a conscious and flagrant indifference to the rights or safety of others.

Given either party the right to separate any court's proceeding covered by the act into two parts, the first would determine whether the volunteer or service organization is liable to the injured party, and the second would be to determine whether punitive damages should be awarded.

A volunteer services organization or volunteer would only be responsible in proportion to its degree of fault. That would mean that there would not be the kind of joint liability. If the Salvation Army were 10 percent responsible and some other organization 90 percent responsible, and the organization that was 90 percent responsible did not cover all of their 90 percent in the case, the Salvation Army would not be asked to pick up the tab for the other organization. It would only be responsible for that damage that it had been found to have caused.

I do not single out one of the most virtuous organizations in America, suggesting that they might ever be liable, but if there were a case against a charitable organization like that, that would be the framework for adjudicating and awarding damages. A volunteer services organization or volunteer only would be responsible for damages in proportion to the degree of fault that was found on their part.

The protections provided for in this Bill would not apply if the activity for which damages were awarded constitutes a crime of violence or terrorism. If the volunteer commits a hate crime or is convicted of a civil rights violation these protections would not apply. If a volunteer is convicted of a sexual offense under State

law, these protections would not apply. In addition, if a volunteer is found to have been under the influence of alcohol or drugs when the incident giving rise to the litigation occurs and that influence caused the harm, these protections would not apply. This is not a bill designed to authorize people to be high on drugs or alcohol or to commit crimes when they are volunteering. In those instances, the sky would be the limit. We would be under the old system.

Let me just say that volunteers do play an integral part in America, in community service. They should not have to fear litigation. They should not have to withdraw from giving themselves to those in need. The Gallup study shows we have had a withdrawal of talent from the volunteer pool. This is the time when we need more Americans being involved in community in a sense of helping each other, not less.

In conclusion, let me just make the following observations. The basis for the American community and culture is, in large measure, the result of voluntarism. Alexis de Tocqueville said this is what makes America "America." America is great because America is benevolent—this goodness is the impetus within us to help each other.

We have had a development of a legal system which has made that very difficult and costly for volunteers. In a very focused and balanced way, we are trying to say to people that their liability for acts in the volunteer community should be limited only to economic damages unless there is a very flagrant disregard for the rights of others and, in those events, punitive damages should be limited.

I believe that this measure will help restore to the American people the capacity to be caring and giving people, to live with each other in a sense of community—bound together by the glue of mutual concern—in service to one another in valuable and selfless ways.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Liability Reform for Volunteer Services Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the increasingly litigious nature of the legal profession in the United States has created an unnecessary and ultimately harmful barrier between the traditional desire of individuals to help other individuals and their ability to act on those desires;

(2) the cost of lawsuits, excessive, unpredictable, and often arbitrary damage awards, and unfair allocations of liability have a direct and chilling effect on the spirit of volunteerism and the provision of charitable service in the United States;

(3) arbitrary and capricious damage awards against volunteers and charitable institutions have contributed considerably to the high cost of liability insurance, making it difficult and often impossible for volunteers and volunteer service organizations to be protected from liability as those volunteers and many volunteer service organizations serve the public without regard to receiving any personal or institutional economic benefits from that service;

(4) as a result, volunteer service organizations throughout the United States have been adversely affected and often debilitated as volunteers have refused to help because of a fear of frivolous lawsuits;

(5) without a resurgence in volunteerism, the essential services that volunteer service organizations provide, including crisis counseling, volunteer rescue services, coaches and referees for sports activities of children, and support for the elderly, will continue to diminish;

(6) clarifying and limiting the personal liability risks assumed by individuals and institutions who volunteer to help others without benefit to themselves is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits; and

(B) the citizens of the United States depend on, and the Federal Government expends funds on, numerous social programs that depend on the services of volunteers; and

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(7) liability reform for volunteer service organizations will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights and that liability reform is thus an appropriate use of the powers contained in Article I, Section 8, Clause 3 of the United States Constitution, and the Fourteenth Amendment to the United States Constitution.

(b) PURPOSES.—The purposes of this Act are to provide protection from personal financial liability for volunteers and volunteer service organizations that provide volunteer services that are conducted in good faith—

(1) to promote the interests of social service program beneficiaries and taxpayers; and

(2) to sustain the availability of programs, volunteer service organizations, and governmental entities that depend on volunteer contributions and services; and

(3) to provide the protection by—

(A) placing reasonable limits on punitive damages;

(B) ensuring the fair allocation of liability in certain civil actions; and

(C) establishing greater fairness, rationality, and predictability in the civil justice system of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who asserts a claim for damages in an action covered by this Act and any person on whose behalf such a claim is asserted.

(B) CLAIMANTS FOR CERTAIN CLAIMS.—If a claim described in subparagraph (A) is asserted through or on behalf of—

(i) an estate, the term includes the claimant's decedent; or

(ii) a minor or incompetent, the term includes the claimant's legal guardian.

(2) CLEAR AND CONVINCING EVIDENCE.—

(A) IN GENERAL.—The term "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.

(B) DEGREE OF PROOF.—The degree of proof required to satisfy the standard of clear and convincing evidence shall be—

(i) greater than the degree of proof required to meet the standard of preponderance of the evidence; and

(ii) less than the degree of proof required to meet the standard of proof beyond a reasonable doubt.

(3) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and noneconomic loss.

(4) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(5) HARM.—The term "harm" means—

(A) any physical injury, illness, disease, or death;

(B) damage to property; or

(C) economic loss, including any direct or consequential economic loss.

(6) HEALTH CARE PROVIDER.—The term "health care provider" means any person, organization, or institution that—

(A) is engaged in the delivery of health care services in a State; and

(B) is required by the applicable laws (including regulations) of a State to be licensed, registered, or certified by the State to engage in the delivery of health care services in the State.

(7) NONECONOMIC LOSS.—The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(8) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(9) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded against any person to punish or deter that person or any other person, from engaging in similar behavior in the future.

(10) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the foregoing.

(11) VOLUNTEER SERVICE ORGANIZATION.—The term "volunteer service organization" means a not-for-profit organization (other than a health care provider) organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(12) VOLUNTEER SERVICES.—The term "volunteer services" means services provided, in

good faith, without compensation or other pecuniary benefit (other than reimbursement of expenses incurred in providing such services) inuring to the benefit of the service provider or any other person (other than the recipient of the volunteer service), and within the scope of the official functions and duties of the service provider with a volunteer service organization or governmental entity.

SEC. 4. APPLICABILITY.

(a) IN GENERAL.—

(1) COVERED CLAIMS.—Subject to paragraph (2), this Act governs any claim for damages in any civil action brought in any State or Federal court in any case in which the claim relates to—

(A) volunteer services performed by the defendant for a governmental entity or a volunteer service organization; or

(B) activities or services performed by a volunteer service organization.

(2) ACTIONS EXCLUDED.—The limitations on damages contained in this Act shall not apply in any action described in subparagraph (A) or (B) of paragraph (1) in any case in which—

(A) the misconduct for which damages are awarded —

(i) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or an act of international terrorism (as that term is defined in section 2331(1) of title 18, United States Code) for which the defendant has been convicted in any court;

(ii) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note)) for which the defendant has been convicted in any court;

(iii) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(iv) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law for which the defendant has been convicted in any court; or

(B) the defendant was found to be under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug, at the time of the misconduct for which damages are awarded and (such influence) was a proximate cause of the harm that is the subject of the action.

(b) RELATIONSHIP TO STATE LAW.—This Act supersedes State law only to the extent that State law applies to an issue covered by this Act. Any issue (including any standard of liability) that is not governed by this Act shall be governed by otherwise applicable State or Federal law.

(c) EFFECT ON OTHER LAW.—Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede or alter any other Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

SEC. 5. UNIFORM STANDARD FOR AWARD OF PUNITIVE DAMAGES.

Punitive damages may, to the extent permitted by applicable State or Federal law, be awarded against a defendant if the claimant establishes by clear and convincing evidence that conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action in any civil action for a claim described in subparagraph (A) or (B) of section 4(a)(1).

SEC. 6. LIMITATION ON THE AMOUNT OF PUNITIVE DAMAGES.

The amount of punitive damages that may be awarded in an action described in section 5 shall not exceed the lesser of—

(1) twice the sum of the amounts awarded to the claimant for economic loss and noneconomic loss; or

(2) $250,000.

SEC. 7. PREEMPTION.

(a) IN GENERAL.—This Act does not—

(1) create a cause of action for punitive or compensatory damages; or

(2) preempt or supersede any State or Federal law to the extent that such law further limits the amount of an award of punitive or compensatory damages.

(b) REMITTITUR.—Nothing in this section shall modify or reduce the ability of courts to grant a remittitur.

SEC. 8. APPLICATION BY COURT.

The application of the limitation imposed by section 6 may not be disclosed to a jury by a court. Nothing in this section authorizes the court to enter an award of punitive damages in excess of the initial award of punitive damages awarded by a jury.

SEC. 9. BIFURCATION AT REQUEST OF ANY PARTY.

(a) IN GENERAL.—At the request of any party the trier of fact, in any action for punitive damages that is subject to this Act, shall consider in a separate proceeding, held subsequent to the determination of the amount of compensatory damages, whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(b) INADMISSIBILITY OF EVIDENCE RELEVANT ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If any party requests a separate proceeding under subsection (a), in a proceeding to determine whether the claimant may be awarded compensatory damages, any evidence, argument, or contention that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

SEC. 10. LIABILITY FOR COMPENSATORY DAMAGES.

(a) GENERAL RULE.—In any action described in subparagraph (A) or (B) of section 4(a)(1) brought against more than one defendant, the liability of each defendant for compensatory damages shall be determined in accordance with this section.

(b) AMOUNT OF LIABILITY FOR COMPENSATORY DAMAGES.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of compensatory damages allocated by the trier of fact to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is found to be liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of compensatory damages allocated to a defendant under this section, the trier of fact in an action described in subsection (a) shall determine the percentage of responsibility of each person responsible for the harm to the claimant, without regard to whether that person is party to the action.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DODD, Mr. AKAKA, Mr. INOUYE, Mr. ROBB, Mr. LAUTENBERG, Mr. MOYNIHAN, Mrs. BOXER, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. FEINGOLD, and Ms. MIKULSKI):

S. 516. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on Labor and Human Resources.

THE EQUAL REMEDIES ACT OF 1997

Mr. KENNEDY. Mr. President, I am proud to introduce the Equal Remedies Act of 1997, for myself and 13 other sponsors. The purpose of our legislation is to end a glaring inequality in the current Federal antidiscrimination laws.

The Civil Rights Act of 1991 gave women, religious minorities, and disabled persons the right to recover compensatory and punitive damages for intentional employment discrimination, but only up to specified monetary limits. By contrast, victims of such discrimination on the basis of race or national origin can recover damages without such limitations.

The Equal Remedies Act of 1997 will end this double standard by removing the caps on damages for victims of intentional job discrimination on the basis of sex, religion, or disability. No one should be subject to second-class remedies under our civil rights laws. Victims of discrimination who suffer injuries deserve a full remedy for those injuries, without arbitrary limits.

The caps serve no justifiable purpose. The standard of proof and the definition of intentional discrimination are identical under the Civil Rights Act of 1991 and the longstanding race discrimination statute. There is no reason to expect significantly more litigation, or significantly larger jury awards if the caps are removed.

For the vast majority of victims of intentional discrimination, the caps do not affect the amount of damages. But, for others—victims with the most serious injuries from intentional discrimination—the caps are an unfair barrier to recovering full damages for their injuries. Employers who have committed

the most outrageous acts of discrimination will no longer be shielded from full responsibility.

The double standard in current law protects the worst lawbreakers and denies relief to those who have been harmed the most. By enacting the Equal Remedies Act of 1997, Congress will be affirming the basic principle of equal justice for all Americans.

Mr. President, I ask unanimous consent that the text of the legislation may be printed in the RECORD.

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

S. 516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Remedies Act of 1997".

SEC. 2. EQUALIZATION OF REMEDIES.

Section 1977A of the Revised Statutes (42 U.S.C. 1981a) is amended—

(1) in subsection (b)—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (c), by striking "section—" and all that follows through the period and inserting "section, any party may demand a jury trial.".

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 104

At the request of Mr. MURKOWSKI, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 104, supra.

S. 184

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 184, a bill to provide for adherence with the MacBride Principles of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes.

S. 197

At the request of Mr. ROTH, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 220

At the request of Mr. GRASSLEY, the names of the Senator from Virginia [Mr. ROBB], the Senator from South Dakota [Mr. JOHNSON], the Senator from North Dakota [Mr. CONRAD], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 220, a bill to require the U.S. Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to U.S. meat and pork exporting facilities, and for other purposes.

S. 269

At the request of Mr. ABRAHAM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 269, a bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes.

S. 311

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 311, a bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare Program.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 351

At the request of Mrs. MURRAY, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 351, a bill to provide for teacher technology training.

S. 352

At the request of Mr. BIDEN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 352, a bill to require the U.S. Sentencing Commission to amend the Federal sentencing guidelines to provide an enhanced penalty for follow-on bombings.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the titles XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid Programs.

S. 370

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 380

At the request of Mr. DURBIN, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 380, a bill to prohibit foreign nationals admitted to the United States under a nonimmigrant visa from possessing a firearm.

S. 385

At the request of Mr. CONRAD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 385, a bill to provide reimbursement under the Medicare Program for telehealth services, and for other purposes.

S. 387

At the request of Mr. HATCH, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 400

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 400, a bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

S. 413

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 413, a bill to amend the Food Stamp Act of 1977 to require States to verify that prisoners are not receiving food stamps.

S. 419

At the request of Mr. BOND, the name of the Senator from Kentucky [Mr. FORD] was added as a consponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 460

At the request of Mr. BOND, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 460, a bill to amend the

Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 466

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 466, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 502

At the request of Mr. GRASSLEY, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 502, a bill to amend title XIX of the Social Security Act to provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Georgia [Mr. COVERDELL], the Senator from Virginia [Mr. WARNER], the Senator from Colorado [Mr. ALLARD], the Senator from Idaho [Mr. CRAIG], and the Senator from Iowa [Mr. GRASSLEY], were added as cosponsors of Senator Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE JOINT RESOLUTION 24

At the request of Mr. SARBANES, his name was added as a cosponsor of Senate Joint Resolution 24, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. GREGG, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Indiana [Mr. COATS], and the Senator from Louisiana [Mr. BREAUX], were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Dakota [Mr. DORGAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from California [Mrs. FEINSTEIN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from Michigan [Mr. LEVIN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week."

NOTICE OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Tuesday, April 8, 1997, at 9:30 a.m. in room 485, Russell Senate Building to conduct an oversight hearing on issues of juvenile justice in Indian country.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on April 10, 1997, entitled "S. 208, the HUBZone Act of 1997." The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on the nominations of Velma Ann Jorgensen of Garrison, IA, to be a member of the Farm Credit Administration Board of Directors, and Lowell Lee Junkins, of Waukee, IA, to be a member of the Federal Agricultural Mortgage Corporation Board of Directors on Thursday, April 10, 1997 at 2:30 p.m. in SR-328A.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a markup on April 16, 1997, to mark up legislation pending before the committee. The markup will begin at 10 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, April 17, 1997, at 9 a.m. in SR-328A. The purpose of the hearing will be to receive testimony regarding crop and revenue insurance.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Monday, April 7, at 2 p.m. for a nomination hearing on James B. King, to be Director, Office of Personnel Management.

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

ADDITIONAL STATEMENTS

HAROLD E. STASSEN CELEBRATES HIS 90TH BIRTHDAY

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to Harold Edward Stassen who will be celebrating his 90th birthday on April 13, 1997. Harold Stassen has an outstanding record of public and military service to America. There is no question that his unique contributions have left a lasting impression on not only the history of his home State and his country, but at an international level as well.

In 1938, at the age of 31, Harold Stassen was elected Governor of Minnesota and remained our Nation's youngest Governor until 1943. He then resigned to accept a commission in the U.S. Navy where he attained the rank of captain during World War II. He also won the Legion of Merit, three other decorations, and was awarded six major battle stars. Moreover, he was personally responsible for freeing thousands of American prisoners of war in Japan shortly before that country's surrender.

Although Mr. Stassen also served as a key adviser in a variety of influential posts throughout the Eisenhower administration, he will be best remembered for his service under President Franklin D. Roosevelt. At the President's personal request, Harold Stassen served on the American delegation to the 1945 San Francisco Conference that founded the United Nations. Indeed, he is now the only living American who drafted, negotiated, and signed the original U.N. Charter. Moreover, Mr. Stassen has maintained a dedicated, passionate interest in the United Nations since its founding—educating the American public about the United Nations, and striving to make the organization more effective.

Harold Stassen is celebrating his 90th birthday just 2 years after we celebrated the 50th anniversary of the United Nations. On April 13, numerous national and State officials, including former Vice President and United States Ambassador to Japan Walter Mondale, will come to St. Paul, MN, to honor Mr. Stassen.

As Harold Stassen commemorates this significant milestone it is indeed an honor for me to join with his family, friends, and colleagues in conveying my warmest birthday wishes to this remarkable American and fellow Minnesotan who has such a proud and exceptional record of distinguished public service.•

TRIBUTE TO GEORGE R. ROORBACH

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to George Roorbach of Franconia, NH, former president of Crown Worsted Mills, for his outstanding service as a volunteer executive in Krasnodar, Russia.

George worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization which sends retired Americans to assist businesses and private enterprises in the developing countries and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

George helped provide managerial and technical assistance to improve the lives of people in Krasnodar, Russia. He assisted Kubantex, a wool fabric manufacturer, to set up a business, marketing and financial plan. George was Ambassador for our country and has represented our democratic believes and methods of a free market economy.

His outstanding patriotic engagement provides active assistance for people in need and helps build strong ties of trust and respect between Russia and America. George's mission aids to end the cycle of dependency on foreign assistance.

I commend George for his dedicated service and I am proud to represent him in the U.S. Senate.•

TRIBUTE TO ROLLAND LOWE, M.D.

• Mrs. BOXER. Mr. President, I rise today to pay tribute to Rolland Lowe, M.D., who was installed on March 24 as the 132d president of the California Medical Association, the largest State medical association. He is the first Asian-American president in its history and has earned my admiration on both a personal and professional level.

Dr. Lowe has built an extraordinary list of achievements throughout his career. He has served as the chief of surgery and chief of staff at the Chinese Hospital in San Francisco, working to ensure high-quality health care for low-income immigrants. He currently holds a position as a member on the board of trustees for the hospital and is the former chair.

Dr. Lowe has served as president of the San Francisco Medical Society in addition to serving on the California Medical Association's board of trustees since 1987.

In addition to distinguishing himself in his career, Dr. Lowe has been a role model for the community through his philanthropic work and community activism. He serves on dozens of the boards of organizations. He also has founded and currently is the chair of the Lawrence Choy Lowe Memorial Fund in Chinatown.

I ask my colleagues to join me in recognizing Dr. Lowe for his commitment to the people of San Francisco and congratulating him on this achievement.•

TRIBUTE TO JAMES D. BOND

• Mr. INOUYE. Mr. President, today, it is with great pleasure and appreciation, mixed with a certain measure of sadness, that I rise to recognize and pay tribute to Mr. James D. Bond on the occasion of his retirement from a long and distinguished career on the staff of the Senate Committee on Appropriations.

For the past 20 years, Mr. Bond has served the Senate on the staff of the Subcommittee on Foreign Operations, Export Financing, and Related Agencies as either the clerk or the minority staff director. Throughout this time, his expertise and leadership have proven invaluable to the committee's work on appropriations and oversight of the economic and military assistance programs of the United States. Senators on both sides of the aisle are indebted to him for his sage advice, honest counsel, and tireless effort. His contributions to legislation on American foreign policy have been numerous, including his original drafts of laws ranging from Israeli loan guarantees to the creation of the Development Fund for Africa. On foreign operations matters, Jim Bond has been the key liaison with Members of the House of Representatives; officials within the Department of State, the Agency for International Development, the Export-Import Bank, the Overseas Private Investment Corporation, the Trade and Development Agency, and other agencies of the U.S. Government; as well as international organizations, including multilateral development banks and U.N. agencies; and public interest groups. Mr. President, the breadth of his grasp and the depth of his understanding of the process and the issues is unparalleled; he will be sorely missed.

Prior to his service with the Subcommittee on Foreign Operations, Mr. Bond worked as the minority staff director for the Subcommittee on HUD and Space Science, Subcommittee on Agriculture, Subcommittee on Public Works, and the Subcommittee on the Interior. He also served on the staff of our former colleague, Milton Young, as a legislative assistant. After 25 years of work in the Senate, I know that he is highly respected by staff and Senators alike. I and many of my colleagues are proud to call him our friend. Mr. President, a man who is called friend by PAT LEAHY and Jake Garn, by MITCH MCCONNELL and Mac Mathias, by TED STEVENS and Howard Metzenbaum—such a man is remarkable indeed.

Mr. Bond's public service is not limited to his work with the Senate. For several years, he has been an adjunct professor at Georgetown University, teaching a course on the appropriations process in the Graduate Public Policy Program, as well as lecturing at Marquette University's Les Aspin center and the American University's Washington Semester. Through his teaching, Mr. Bond shares his knowledge and experience with America's future leaders.

Jim Bond began his service to our country during the Vietnam war, when he served in the infantry with the 101st Airborne Division, 327th Infantry Battalion. For his service and heroism, he was awarded the Bronze Star and Combat Infantryman's Badge.

Mr. President, Jim Bond has served this institution with honor and conviction. He has served the citizens for whom we all work in an exemplary fashion. Our work has been enhanced by his contributions. I am confident that Mr. Bond will continue his commitment to American government and will utilize his knowledge and experience toward the betterment of our foreign policy and trade relations. I am sure he will continue his humanitarian work for the poor of the world. I know he will continue his efforts to sustain American prosperity in an era of increased competition.

Mr. President, I wish Jim Bond well as he leaves the Senate. I know our paths will cross again and I will welcome him. I ask my colleagues to join me in honoring Mr. Bond for his service and congratulating him on his retirement from the staff of the U.S. Senate.

Aloha Jim.•

TRIBUTE TO THE 16 DEDICATED NEW HAMPSHIRE VOLUNTEERS OF THE DOMINICAN REPUBLIC MEDICAL MISSION TEAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 16 dedicated volunteers from New Hampshire who willingly devoted countless hours and tremendous energy to provide free medical and dental care to the people of the Dominican Republic. Last month, the volunteers of the Medical Mission Team traveled to the Dominican Republic where they operated free medical and dental clinics for

a week and treated numerous people who normally cannot afford medical care. I commend all 16 volunteers for their genuine concern and true commitment to such an honorable cause. I am very proud of their unending support for the needy people of the Dominican Republic.

Months of careful planning and preparation allowed the Medical Mission Team to venture into different areas of the Dominican Republic to treat a variety of patients. The team members included: Dr. Mark McDonald; his wife, Ruth; and daughter, Jill; Jack Meibaum; his wife, Joanne Parkington; and son, David Parkington; Dr. Marianne Hopkins; and her husband, Dr. Andrew Hopkins; Werner Muller; and David Gabrielli, all from Concord; Claire Roberge, of Epsom; Don Gagne, of Penacook; Doug Tabor, of Boscawen; Gordon Barrett, of West Swanzey; and Lisa Ann Wiener and George Rogers, both from Bow.

Prior to the February mission trip, the volunteers met regularly in the evenings to learn minor medical care, repair pieces of dental equipment, build specially designed dental units, and plan the details of the clinics. Jack Meibaum, a contractor; Dr. Mark McDonald, a Concord dentist; and others salvaged old dental equipment and spent many hours in their basements updating and improving the equipment for the medical work they would perform.

After discussing the trip with New Hampshire businesses and organizations, and several pharmaceutical companies, Jack and Mark solicited critical donations for the trip. The Bow Rotary Club donated funds for a dental equipment compressor, A & B Lumber in Concord sold the compressor to the team at cost, and the Concord Tire Co. generously gave donated money for medical and dental supplies. Siemens X-ray Co. also donated a portable dental x-ray machine and numerous national pharmaceutical companies provided free or discounted medical and dental supplies. In the end, the team had so many supplies that they even had difficulty getting the large, overstuffed suitcases of supplies through customs with the local officials at the Puerta Plata Airport in the Dominican Republic.

Five of the volunteers—Mark, Jack, Doug Tabor, Don Gagne, and Claire Roberge—made up the first team to arrive. During their first 3 days, the team made daily trips to a small church in Moca where they worked tirelessly unpacking bulky dental equipment that had been shipped separately in a crate from New Hampshire. I was honored to have helped get this crate shipped to the Dominican Republic after the team asked for my assistance.

In addition to numerous other tasks, Jack and Mark set up the portable dental units making certain the air and water pumps worked on the dental units while Don, Claire, and Doug constructed a stand for the indispensable dental light. Doug's construction expertise was very helpful, Jack and Mark demonstrated their engineering brilliance in building equipment, and Claire and Don were energetic and happy to do even the most mundane tasks. All five volunteers worked until they were exhausted to ensure the equipment would run efficiently when used for the clinics the following week.

The remaining team members arrived on Friday, February 21, bringing more medical supplies, and helped make the final preparations for the long-awaited clinics.

For an entire week, the medical and dental teams treated the needs of numerous Dominican patients. Jack cleaned teeth for hours, Mark and Don filled cavities, and Jill, Lisa, and David sterilized dental equipment and developed dental x rays. At the medical clinic locations, Marianne, a pediatrician, and her husband, Andrew, who is also a doctor, treated endless lines of needy patients rarely taking a break even for lunch. Mothers came in with babies that had parasites, an elderly man complained of arthritis, a young boy's cut and infected feet were cleaned, two little girls were treated for asthma, and other sick Dominicans asked for assistance. Joanne, Claire, Werner, and George worked quickly to compile each patient's medical history and check their temperature and blood pressure. The medical team had prepared so thoroughly that they even brought preprinted medical charts. Lisa, Jill, David, and Ruth performed a puppet show for the waiting children and Gordon, a professional photographer, documented everyone's efforts. The demand for dental and medical care was truly overwhelming. The team worked long hours each day to ease the pain and anxiety of so many people.

On the first day of the medical clinic, a young woman came in with her very sick 2-year-old boy. According to his mother, the little boy had cut his head while playing in one of the typically filthy ditches that carried trash and sewage. He was sick from an infection. Twice during the next 2 days, Marianne treated the little boy for the terrible infection that had spread through his body. The medical team was very concerned that he would not be able to fight off the infection until Tuesday morning when Marianne could hook him up to an IV. They had witnessed their worst fear—a dying child.

Just 2 days later in the morning, as the medical team had just set up a second clinic in Moca, the little boy made an appearance. He walked into the clinic with his mother following behind. Upon seeing the phenomenal progress the little boy had made, the entire medical team began clapping exuberantly. Soon the clapping changed to cheers and words of relief that echoed their greatest feeling of accomplishment—saving a life. I was very impressed with this story, relayed to me by one of my staffers, Anna Matz, who volunteered her time to participate in the mission.

For a over a week, these New Hampshire volunteers poured endless energy into helping the many Dominicans that ventured into the clinics. Their work was exhausting but very fulfilling. Toward the end of the week, the dental and medical clinics became mobile and operated in neighborhoods where children and families were the most sick. At one point, the medical team went into a barrio, a very poor neighborhood, and knocked on each door asking if any family members needed medical care.

While the 16 New Hampshire volunteers worked day after day, several American missionaries and a few native Dominicans provided support and assistance. Paul and Eileen Allyn, American missionaries in Santa Domingo, oversaw the teams' every need with Marge and John Gudmunsun, other missionaries. Denny, Rafael, and Vladimir, young Dominican men, accompanied the team as translators and provided an occasional laugh.

Many Dominicans, for whom pain is a way of life, got a little relief last month as these dedicated New Hampshire citizens gave their time, devotion and compassion to the needy people of this Caribbean island. I am proud of their work and congratulate them on a job well done. They truly embody the real spirit of voluntarism, and I am proud and honored to represent them in the U.S. Senate.•

TRIBUTE TO BERNARD NEVILLE

• Mr. DODD. Mr. President, I rise today to pay tribute to a true public servant and a dear friend, Bernard Neville of Cromwell, CT.

Bernie was honored this past Saturday as the Democrat of the Year by the Cromwell Democratic Town Committee, for his nearly 25 years of service as Cromwell's town clerk and treasurer. I join all the residents of Cromwell in congratulating and honoring Bernie on his impressive record of achievement.

Over the past 30 years, Bernie has also been a loyal and faithful Democrat. He's not only served as chairman of the town committee, but several times worked as cocoordinator of Congresswoman BARBARA KENNELLY's election campaign. Most of all, he's been an invaluable asset in energizing and registering Democratic voters.

The fact is, public servants like Bernard Neville serve as the backbone of our democracy. They don't receive much attention, but they are truly an essential element of our representative government.

You don't often see them on Sunday talk shows or on the front page of the New York Times, Washington Post, or Hartford Courant. They're not much interested in partisanship or political maneuvering. But, on a local level they ensure that public services are provided and local tax dollars are spent wisely.

For the past 25 years, Bernie ensured that town elections ran smoothly, citizen petitions and lawsuits were filed correctly, local funds were shrewdly invested and Cromwell's government was working for the benefit of its citizens. In that time, he's done his job with professionalism, integrity, and a strong commitment to serving the people of Cromwell.

I congratulate and thank him for his efforts.

I am also pleased to note that even at 83 years young, he plans to continue working toward his degree at Trinity College, where he is majoring in history. I wish Bernie the best of luck in all his future endeavors and congratulate him again on this wonderful honor.•

TRIBUTE TO GERALDINE DEFANT

• Mr. LEVIN. Mr. President, I rise today to honor my good friend Geraldine DeFant, a visionary leader, who recently passed away. In her 79 years, she worked tirelessly to help others, especially her fellow citizens of Michigan's Upper Peninsula. Her accomplishments have established her as a legend among Upper Peninsula labor, political, and social leaders. She came to Marquette County in 1949 to organize the employees of the H.W. Gossard factory in Ishpeming for the International Ladies Garment Workers Union. She guided the women employees of the factory through a landmark strike that energized the local labor movement and was the first strike in the Upper Peninsula at a plant with primarily women workers. The organization of this plant had wage implications for union plants throughout the Nation. In addition to organizing the union at this plant, she established a kitchen and strike fund for them and classes on labor history. This was only the beginning of her efforts to improve the lives of workers and their families in the area.

Geri was also a longtime activist in the Democratic party, serving as district chair, and coordinating campaigns from the local to the national levels. One of her proudest achievements was serving as Upper Peninsula Representative for U.S. Senator Phil Hart, who was renowned as the "conscience of the Senate." She continued her service in Senator Don Riegle's U.P. office. From 1982 to 1991 she served on the Marquette County Board of Commissioners where she fought for economic development, mental health and services for seniors. She served on the Michigan Women's Commission for 6 years, during which time she pioneered legislation that allowed the Friend of the Court's office to garnish wages for child support. Most of our Nation now has similar legislation.

Geri was a founder and longtime board member of the Marquette Women's Center. She continued her interest in and support of labor issues and was inducted into the U.P. Labor Hall of Fame this past September for her many efforts. She was deeply committed to equality and justice. Geri was also a friend, mentor, and role-model to countless people over the years.

Geri's family was always very important to her and a source of joy and pride. She was married to Probate Judge Michael DeFant from 1952 until his death. They had three children, David, Dan, and Miriam, who survive her. Her warmth, humor, and dedication will be greatly missed by those of us who had the privilege to know Geri. I know my Senate colleagues join me in honoring this exceptional woman.•

"DISECTING THE JONES ACT"

• Mr. INOUYE. Mr. President, I rise today to call the attention of my colleagues to an excellent article by Warren Dean that appeared in the March 11, 1997 edition of the Journal of Commerce, which so eloquently states the reasons why it would be foolish to weaken or repeal the Jones Act.

I am a longstanding supporter of the Jones Act and of the American-flag Merchant Marine. But it is important for those Members who are less familiar with the Merchant Marine to consider Mr. Dean's article. Mr. Dean is a senior partner in a Washington law firm, and an adjunct professor of transportation law at Georgetown University Law Center.

In his column, Mr. Dean spells out clearly and succinctly the reasons America stands to lose if foreign-flag ships and foreign crews are allowed to take over our domestic waterborne commerce, and why it would be unfair not only to America's maritime industry but also to our trucking, rail, and pipeline industries as well. If the Jones Act is eliminated, all these industries would have to abide by U.S. laws and regulations, and pay U.S. taxes, while their foreign competitors in our Nation's domestic market would not. Those who claim they want to deregulate domestic shipping and reform the Jones Act would do well to read this article. It explains just how poorly thought out and unfair such actions would be.

Mr. President, I request that the full text of the article be printed in the RECORD.

The article follows:

DISSECTING THE JONES ACT

(By Warren L. Dean)

Congress is facing an old and tired issue this year—the Jones Act Reform Coalition's clamor to "deregulate" domestic deep-water transportation services by repealing the Jones Act. This putative controversy speaks volumes about how poorly Washington understands what it is doing.

The Jones Act reserves for qualified U.S. corporations the right to carry domestic waterborne cargoes of the United States. The coalition wants to allow foreign-flag vessels to carry cargoes between points in the United States, such as New York and Miami. Those vessels, however, do not operate subject to U.S. law—and would not, under the coalition's proposals.

In an effort to keep the Jones Act Reform Coalition from wasting its members' money, and to help the U.S. government understand the difference between trade in goods and trade in services, I will offer a few thoughts.

First, the Jones Act regulates domestic transportation services. Companies in those industries pay U.S. income and excise taxes, employ workers who pay taxes, comply with fair labor standards and other employment laws, meet environmental and safety requirements and face tort and other liabilities.

Foreign companies that get involved in U.S. markets usually do so through U.S. affiliates established for that purpose. What the reform coalition is pushing, however, is permission for foreign flag-of-convenience operators to participate in domestic interstate commerce, while taking a pass on as many of the laws applicable to domestic commerce as possible.

Just repealing the Jones Act won't do the job, however. What the Jones Act reform coalition is really advocating is a repeal of a variety of U.S. tax and labor laws that are at the heart of the U.S. economy.

Under international law, the applicable law on a vessel is that of the ship's registry. So, for example, to allow foreign seamen working for foreign-flag operators to work in U.S. interstate transportation, we would have to waive our tax, immigration, minimum wage, collective bargaining, workplace safety and unemployment laws, among others. We would have to pre-empt state laws in these areas as well.

Admittedly, some laws—particularly in the environmental area—currently apply to both U.S. and foreign-flag vessels, and would continue to do so under the coalition's proposal. But what's really going on here is that the coalition is out to create a whole new list of economic preferences—in effect, subsidies—for foreign-flag vessels to "compete" in our domestic commerce.

The only reason that other domestic transportation industries have not yet objected to this nonsense is that they aren't persuaded that anyone in Washington is that stupid.

Their confidence may be misplaced. There actually is a federal agency that spent taxpayer's money to publish a report in 1993 proving that it doesn't have the foggiest idea where its money comes from. It's the U.S. International Trade Commission, which investigates allegations of damage to U.S. industries caused by trade.

The ITC report estimated that "the economy-wide effect of removing the Jones Act is an economic welfare gain to the economy of approximately $3.1 billion." The ITC's main source for this conclusion was its own 1991 study that found the 1989 cost to the economy of the Jones Act ranged from $3.6 billion to $9.8 billion.

The ITC staff developed these estimates by figuring the difference between U.S. and world shipping rates, and saying the higher U.S. costs are a sort of "tariff" charged to shippers using Jones Act vessels.

But the flaw in the ITC's analysis is that it took the rates charged by foreign-flag operators using "flag of convenience" registry in countries such as Panama, Liberia or the Bahamas. Those nations have either nonexistent or very low rates of taxation and regulation.

The ITC then concluded that shippers could obtain world-rate savings in the waterborne domestic commerce of the United States by allowing in competitors who are free of the burdens of U.S. taxation and regulation, and who could compete with land and air modes of transportation that are subject to U.S. regulation and taxation. That premise is, of course, fatally flawed as a matter of law and policy.

The ITC doesn't understand the difference between importing shoes and importing transportation services. With shoes, the producer's costs, including associated tax and regulatory burdens, are incurred in the exporting state.

With most services, the producer's costs, including associated tax and regulatory burdens, are incurred in the importing state. But the reform coalition wants to change that with respect to domestic maritime transportation, and preserve the law of the flag of registry.

The reason is simple: If U.S. tax and regulatory costs were extended to all competitors in domestic trades, whether U.S. or foreign flag, then the savings to shippers from repealing the Jones Act would range from $0 to nearly $0—setting aside the separate cost of building vessels in U.S. yards.

There's not much fuel for reform there.•

TRIBUTE TO RICHARD MORGAN ON BEING NAMED THE CENTER OSSIPEE CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Richard Morgan, chief of police of Ossipee, NH, on being named the Center Ossipee's Citizen of the Year. I commend his outstanding community involvement, and congratulate him on this well-deserved honor.

Richard's commitment to his community is outstanding. He volunteers as a community member of the Domestic Violence Committee, as a moderator for the Central Ossipee's Fire Precinct, and as a community member on the board for Lakeview Neurorehabilitation Center. Richard also volunteered to chair the annual Ossipee Old Home Week. He is a Carroll County representative to executive board of New Hampshire Association Chiefs of Police, and president of the Carroll County Chiefs of Police.

Many know Richard as always willing to take responsibility, whether to chair the Ossipee Rescue Advisory Board, help organize and run the first annual winter carnival, or organize the annual fishing derby, and Safe Haven Homes for kids in town. Whatever he commits to, he always does the job well.

Richard has dedicated his time, talent, and energy to serving the residents of Ossipee in an exemplary way.

As a fellow Carroll County resident, I am proud to honor Richard Morgan's outstanding community commitment which is so important to the future and prosperity of Center Ossipee. We are indeed indebted to him for his efforts. Congratulations to Richard on this distinguished recognition. I am honored to represent him in the U.S. Senate.•

JACK THOMPSON

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a constituent, a friend, a leader, and a great American. Jack Thompson recently retired from the Monroe Auto Equipment Co. in Michigan after a long and legendary career that is the embodiment of the American dream.

Jack started working at Ford Motor Co. in 1957. He later rose from the factory floor to lead a billion-dollar automotive supply company. Along the way, Jack demonstrated what it is to be not only a great leader, but a great human being. Jack's respect for the people working the floor drove his manufacturing philosophy throughout his career. His experiences gave him a lifelong respect and admiration for these workers, who are the keystone of success for any company.

Jack never measured success by a better title, a bigger office, or higher profits. Jack's success was measured by the success of his workers, whom he continuously cheered on and challenged. He has always been his workers biggest champion. A telling example of Jack's leadership qualities came in 1986 when Jack received the Monroe Management Club's first Manager of the Year Award. Voted by Jack's subordinates, peers, and superiors, the award recognized his excellence in not only what he accomplished, but also how he accomplished it.

Twenty years ago, Jack put together a 10-point operating philosophy that he used and taught others. The first point on that list says a lot about how Jack approached business and life. It simply said, "be completely honest." That's just one of the qualities that have made Jack a shining example to his workers, friends, and neighbors.

I know my Senate colleagues join me in honoring Jack Thompson on his outstanding career.•

MUSEUM OF AFRICAN AMERICAN HISTORY

• Mr. LEVIN. Mr President, I would like to make my colleagues aware of an important event taking place in my home city of Detroit, MI—the opening of the new Museum of African-American History. The museum is unique in its size, scope and mission.

Located in Detroit's Cultural Center, the 120,000 square foot Museum of African-American History is the largest museum in the Nation dedicated to documenting and celebrating the African-American experience. It is led by Kimberley Camp, who was the first African-American gallery director in the history of the Smithsonian Institute. Under Dr. Camp's leadership, the museum is poised to become a destination for tourists and researchers from around the country. The Detroit News recently reported that, "Camp wants every visitor's experience to be personal. Some may be moved by the reality of slave sleeping quarters and pieces of a slave ship. Others may be enchanted by an exhibit on quilting, an African-American tradition. Still others may appreciate an Africa exhibit that opens in June, exploring the continent's diversity."

The museum was designed by prominent Detroit architects Howard Sims and Harold Varner, of Sims-Varner and Associates, Inc. Using contemporary building materials, Mr. Sims and Mr. Varner created a building thoroughly American in design, but with significant accents which evoke African culture and traditions. Two Detroit artists, Richard Bennett and Hubert Massey, created the most striking of these accents. Mr. Bennett's massive African-style masks adorn the facade above the bronze front doors, which he also created. Mr. Massey's terrazzo tile mosaic, "Genealogy," is interwoven with the floor in the rotunda. Crowning the rotunda is a glass and steel dome, the largest dome in southeastern Michigan.

The central display in the museum will be the core exhibition, "Of the people: An African-American experience." This exhibition will use historical artifacts, audio recordings, documents, and three-dimensional displays to take visitors through the totality of the African-American experience, from the first slave ships through the present day. Displays will also put into context the importance of African traditions in historical and modern American culture. Two additional galleries will be used for new and changing exhibits.

The men and women of the new Museum of African-American History are committed to creating an institution which is truly a partner in the community. To that end, the museum will offer a lecture series, after-school programs for Detroit children, weekend workshops for children and adults and theatrical arts programs.

The museum never would have been built without the leadership of two remarkable mayors, Coleman Young and Dennis Archer, and without the financial support of the residents of Detroit and the corporate community. All of them came together and pledged their support for what will be the finest institution of its kind in the country.

At the museum's grand opening on April 12, the U.S. Postal Service will

unveil the winning design for the first stamp celebrating Kwanzaa. The Kwanzaa stamp, which has been designed by the internationally acclaimed artist Synthia Saint James, will highlight the importance of African traditions in the lives of so many Americans. Ms. Saint James is an accomplished author, poet, and award-winning illustrator of books for children and adults. She has previously been commissioned to create works of art for organizations like UNICEF, Dance Africa and the Girl Scouts of America.

Mr. President, it is important that we recognize the incredible contributions African-Americans have made to our nation's cultural heritage. People of all races will learn and be touched by their experience at Detroit's Museum of African-American History. On the occasion of the museum's grand opening, I know my colleagues join me in congratulating the men and women who helped make this remarkable institution a reality.•

ARLYNE BOCHNEK

• Mr. LEVIN. Mr. President, I rise today to recognize the achievements of Arlyne Bochnek, who is retiring from her position as regional director of the central region United Synagogue Youth. In her 9-year career with central region USY, Mrs. Bochnek has provided leadership and guidance to numerous young people in Michigan, Indiana, Ohio, Kentucky, West Virginia, and western Pennsylvania.

Mrs. Bochnek has been deeply devoted to her organization and the teenagers who make up its membership. She planned activities that encouraged young people to put their religious faith into action by giving back to their communities. Under her direction, teenagers throughout the Midwest have painted inner-city churches, volunteered at schools for the blind and homes for the elderly, and spent days cleaning up the environment. In addition, central region USY raises money to support charities in the United States, Europe, and Israel. This year, with Mrs. Bochnek's guidance, the teenagers of central region USY expect to raise $17,000.

Arlyne Bochnek has been a powerful, positive influence in the lives of so many young people over the past 9 years. Her commitment to improving our communities and helping young people recognize the importance of voluntarism should serve as an inspiration to us all. I know my colleagues join me in expressing my appreciation and gratitude to Arlyne Bochnek on the occasion of her retirement from central region United Synagogue Youth.•

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE OF S. 104

• Mr. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained a letter from the Congressional Budget Office containing an estimate of the costs of S. 104, the Energy Policy and Conservation Amendment Act, as reported from the committee. In addition, pursuant to Public Law 104–4, the letter contains the opinion of the Congressional Budget Office regarding whether S. 104 contains intergovernmental mandates as defined in that act. I respectfully request that the opinion of the Congressional Budget Office be printed in the RECORD.

The opinion follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 21, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 104, the Nuclear Waste Policy Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 104—Nuclear Waste Policy Act of 1997

Summary: S. 104 would amend the Nuclear Waste Policy Act by directing the Department of Energy (DOE) to begin storing spent nuclear fuel and high-level nuclear waste at an interim facility in Nevada no later than November 30, 1999. The bill would direct DOE to continue site characterization activities at the proposed permanent repository site at Yucca Mountain, also in Nevada. Title IV would modify how the nuclear waste program is funded after 2002.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 104 would cost about $4 billion over the 1997–2002 period. (The increase in 1997 spending only would be about $15 million.) In addition, enacting the bill would affect direct spending—but not until 2002. Because S. 104 would not affect direct spending or receipts in either 1997 or 1998, pay-as-you-go procedures would not apply.

The state of Nevada and localities in the state would incur some additional costs as a result of this bill, but CBO is unsure whether the provisions causing those costs would be considered intergovernmental mandates, as defined in the Unfunded Mandates Reform Act of 1995 (UMRA). We estimate that the costs incurred by state and local governments would total significantly less than the threshold established in the law. (UMRA set a threshold of $50 million for 1996, adjusted annually for inflation).

CBO estimates that S. 104 contains private-sector mandates that exceed the $100 million threshold identified in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 104 over the next five years is shown in the table below. CBO estimates that building and operating an interim storage facility and continuing the study of the Yucca Mountain site as authorized by the bill would require appropriations of about $4 billion over the 1998–2002 period, resulting in outlays of about $3.8 billion over that period. In addition, section 401 would result in an increase in offsetting receipts in 2002 because it would require certain utilities to make a one-time payment of nuclear waste fees to the government of about $2.7 billion before the end of fiscal year 2002. Under current law, this payment is not expected to be made until 2010 or later.

S. 104 also would affect direct spending in later years by ending the current mandatory nuclear waste fee. Lost receipts would total about $630 million annually beginning in 2004.

	By fiscal years, in millions of dollars					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget authority[1]	382	0	0	0	0	0
Estimated outlays	375	38	0	0	0	0
Proposed Changes:						
Authorization level	0	555	1,000	940	855	640
Estimated outlays	15	490	782	894	917	751
Spending Under S. 104:						
Authorization Level[1]	382	555	1,000	940	855	640
Estimated Outlays	390	528	782	894	917	751
CHANGES IN DIRECT SPENDING						
Estimated budget authority	0	0	0	0	0	−2,700
Estimated outlays	0	0	0	0	0	−2,700

[1] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget functions 050 (defense) and 270 (energy).

Basis of estimate: This estimate is based on DOE's program plan issued on May 6, 1996, and on information from the department concerning the costs of an interim storage facility. For purposes of the estimate, CBO assumes that S. 104 will be enacted by July 1, 1997, and that the department will proceed to develop an interim storage facility in Nevada to accept waste beginning in fiscal year 2000, as authorized by the bill. We assume that following the assessment of the viability of the Yucca Mountain site as a permanent waste repository, DOE would apply for a license from the Nuclear Regulatory Commission (NRC) to construct a permanent nuclear waste repository there in 2002, as detailed in the May 6, 1996, nuclear waste program plan.

Spending subject to appropriation

Yucca Mountain. S. 104 would direct DOE to proceed with its Civilian Radioactive Waste Management Program Plan of May 1996. This plan calls for continuing with the evaluation of the Yucca Mountain, Nevada site as a permanent repository for nuclear waste, and applying for a license from the NRC to construct a repository in 2002, if the site appears to be viable for this use. Based on information from DOE, we estimate this effort would cost about $330 million annually over the 1998–2002 period.

Interim Storage Facility. The bill would require DOE to design and develop an interim nuclear waste storage facility at the Nevada test site. Based on information from DOE, we estimate the total costs of building, operating, and transporting nuclear waste to the Nevada facility would be about $2.3 billion over the 1997–2002 period, including $85

million appropriated in 1996. Spending from the existing $85 million appropriation was made contingent upon enactment of an authorization of an interim nuclear waste repository, such as S. 104.

The facility would be built in two phases and designed to accept 55,000 metric tons of uranium (MTU). Initially, the facility would be designed to accept nuclear waste in special storage canisters; later it would accept fuel without canisters. If DOE does not apply for a license to construct a permanent repository in 2002, or if DOE does not begin to operate a permanent repository in 2010, the capacity could be increased to 75,000 MTU. Based on information from DOE, CBO estimates that the interim storage facility would initially cost about $940 million to design, construct, and operate over the 1997–2002 period. This amount includes annual payments to Lincoln County, Nevada, of $2.5 million before the first shipment of waste, and $5 million after waste shipments begin, as authorized by section 201.

The federal government would be responsible for all transportation costs for shipping nuclear waste from nuclear reactors to the interim storage facility by rail and heavy-haul trucks. Procurement of special shipping casts and waste storage canisters would account for most of the initial transportation costs. Based on information from DOE, we estimate that waste transportation costs would total $1.4 billion over the 1997–2002 period. This amount includes $10 million annually over the 1997–1999 period for grants to state, local, and tribal governments for emergency transportation planning and training of public safety personnel along routes used to ship waste to the Nevada facility.

Other Authorizations. Section 506 would direct the NRC to establish regulatory guidance for the training and qualifications of nuclear powerplant personnel. This authorization could result in an increase in the NRC workload, but would not result in a net cost to the government because the NRC recovers all costs of regulating the nuclear industry through user fees.

Section 508 would authorize DOE to compensate the Dairyland Power Cooperative for any cost related to the storage of nuclear waste at the cooperative's La Crosse reactor site, until this waste is removed for temporary storage or disposal. Based on information from DOE, CBO estimates that these storage costs would be $1 million to $2 million annually over the 1998–2002 period.

Section 509 would authorize such sums as are necessary to establish a decommissioning pilot program to decommission and decontaminate a sodium-cooled fast breeder experimental test-site reactor acquired by the University of Arkansas in 1976. Based on information from the university, this activity could cost $20 million and take about four years to complete, assuming that all fuel has already been removed from the facility.

Section 602 would authorize continuation of the oversight activities of the Nuclear Waste Technical Review Board. Based on the board's ongoing work, CBO estimates this agency would spend about $3 million annually over the 1998–2002 period, assuming appropriation of the necessary amounts.

Direct Spending

Section 401(a)(3) would result in an earlier payment by utilities to the government of about $2.7 billion in one-time nuclear waste disposal fees. The bill would require these fees to be paid no later than the end of fiscal year 2002. Utilities that fail to make these payments in 2002 would have their nuclear operating permits suspended by the Nuclear Regulatory Commission. Under current law, these one-time fee payments, along with accrued interest, are due prior to the delivery of nuclear waste to a government storage or disposal facility. Currently, DOE does not expect such a facility to be available until 2010 or later. Thus, the bill would accelerate the payment of these one-time fees by at least 8 years. While this change would result in budgetary savings in 2002, the government would derive no significant benefit over the long run because it would otherwise receive the same amount later, with interest.

Starting in fiscal year 2004, section 401(a)(2) would limit the aggregate fees the government charges each year to electric utilities for disposal of nuclear waste to no more than the amount appropriated from the nuclear waste fund that year. CBO estimates that, under current law, income from these fees would total $630 million annually over the 2004–2007 period and would decline in subsequent years as nuclear power plants are decommissioned. Because S. 104 would make annual fees dependent on future appropriations action after 2003, CBO cannot assume their collection for the purpose of estimating the budgetary impact of the bill. Therefore, we estimate that the bill would cause a loss of offsetting receipts (that is, an increase in direct spending) of $630 million a year from 2004 to 2007 and of smaller amount in subsequent years.

In sum, CBO estimates that enacting the bill would decrease direct spending by $2.7 billion in 2002, but would increase direct spending by $2.5 billion over the following five years.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: *Mandates.* CBO is unsure whether the bill contains intergovernmental mandates, as defined in UMRA, but we estimate that costs incurred by state, local, and tribal governments as a result of the bill would total significantly less than the threshold established in the law. (UMRA established a threshold of $50 million for 1996, adjusted annually for inflation.)

While S. 104 would, by itself, establish no new enforceable duties on state, local, or tribal governments, constructing and operating an interim storage facility, as required by the bill, probably would increase the cost to the state of Nevada of complying with existing federal requirements. CBO cannot determine whether these costs would be considered the direct costs of a mandate as defined by UMRA.

Based on information provided by state officials, CBO expects that state spending would increase by as much as $30 million per year until shipments to the facility begin (assuming that they begin in fiscal year 2000) and $5 million per year between that time and the time that the permanent facility at Yucca Mountain begins operations. This additional spending would support a number of activities, including emergency response planning and training, escort of waste shipment, and environmental monitoring. In addition, spending by Nevada counties for similar activities would probably increase, but by much smaller amounts. Not all of this spending would be for the purpose of complying with federal requirements.

These costs are similar to those that the state would eventually incur under current law as a result of the permanent repository planned for Yucca Mountain. DOE currently does not expect to begin receiving material at a permanent repository until at least 2010, while S. 104 would require that it begin to receive material at an interim facility in fiscal year 2000. As a result, the state would have to respond to the shipment and storage of waste at least ten years sooner than under current law. Further, the state's costs would increase because it would have to plan for two facilities.

Other impacts

Federal Payments to State and Local Governments. S. 104 would authorize payments to Lincoln County, Nevada, of $2.5 million in each year before waste is shipped to the interim facility and $5 million annual after shipments begin. In addition, the bill identifies several parcels of land that would be conveyed to Lincoln County and Nye County, Nevada by the federal government.

The state of Nevada might lose payments from the federal government if S. 104 is enacted, while Indian tribes might receive payments. The bill would amend section 116 of the Nuclear Waste Policy Act, which authorizes payments to the state of Nevada and to local governments within the state. Section 116 currently authorizes DOE to make grants to these governments to enable them to participate in evaluating and developing a site for a permanent repository and to offset any negative impacts of such a site. S. 104 would authorize such payments only to affected local governments and Indian tribes, not to the state.

In recent years, Congress has appropriated amounts ranging from $12 million to $15 million per year under this section for Nevada and for local governments in the state. For the current fiscal year, however, the Energy and Water Development Appropriations Act, 1997 (Public Law 104–206) prohibits DOE from making any such payments to the state or to local governments.

Transportation. S. 104 would also amend the provision in current law that directs DOE to provide technical assistance and funds for training of public safety officials to state and local governments and Indian tribes through whose jurisdictions radioactive material would be transported. This bill would specifically authorize planning grants of $150,000 for each such state and Indian tribe as well as annual implementation grants. CBO estimates that these grants would total about $10 million per year over the 1997–1999 period. Further, the bill would prohibit shipments through the jurisdiction of any state or tribe that has not received technical assistance and funds for at least two years.

The state of Nevada could incur substantial additional costs relating to road construction and maintenance as a result of the shipment of waste by heavy-haul truck from the transfer facility in Caliente to the interim storage facility. Based on information provided by DOE, however, CBO expects that the federal government would pay most of these costs.

Estimated impact on the private sector: CBO has identified private-sector mandates in the bill that would accelerate the payment of certain fees by private nuclear utilities and impose new training standards and requirements on workers. CBO estimates that the direct costs of these private-sector mandates would exceed the statutory threshold established in UMRA ($100 million in 1996, adjusted annually for inflation) in 2002. Because the bill would direct the federal government to begin storing nuclear waste at an earlier date than is now anticipated, the direct costs of these new mandates could be at least partially offset by savings to private nuclear utilities that would no longer have to pay for this storage.

Fourteen nuclear utilities have chosen the option, available to them under current law, to delay payment of certain one-time disposal fees and to pay the federal government the required additional interest. S. 104 would require nuclear utilities to accelerate payment of those fees to the government. CBO assumes that nuclear utilities would make the required payment of about $2.7 billion to the government in 2002, which would be considered the direct cost of a private-sector mandate, as defined in UMRA. Under current law, such payments would be paid in 2010 or later, when DOE opens a permanent storage facility to accept nuclear waste.

Acceleration of these payments would likely result in a real economic loss to the utilities over the long run because interest on the payments is accruing at the rate paid on Treasury bills, which is lower than the market rate of interest. The industry does, however, expect to experience significant savings under S. 104 if interim storage facilities begin to accept nuclear waste in fiscal year 2000. Currently, spent nuclear fuel is stored at nuclear reactor sites around the country. Thus, nuclear utilities would save storage costs upon transfer of the nuclear waste to a federal facility.

S. 104 would also impose a mandate by requiring that the Secretary of Transportation establish training standards applicable to workers directly involved in the removal, transportation, interim storage, and permanent disposal of spent nuclear fuel and high-level radioactive waste. These workers, under current law, are already required to undertake extensive training. Based on information provided by industry experts, CBO estimates that the added costs of this mandate would be minimal. In addition, these costs could be partially offset by appropriated funds designated to cover training costs. Section 203(c) would direct the Secretary of Energy to provide technical assistance and funds for training directly to nonprofit employee organizations and joint labor-management organizations that implement safety and training requirements under this bill.

Estimate prepared by: Federal Cost: Kim Cawley. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Lesley Frymier.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–4

Mr. NICKLES. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 7, 1997, by the President of the United States: International Grains Agreement, 1995, Treaty Document No. 105–4.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Grains Trade Convention and Food Aid Convention constituting the International Grains Agreement, 1995, open for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1995. The Conventions were signed by the United States on June 26, 1995. I transmit also for the information of the Senate, the report of the Department of State with respect to the Conventions.

The Grains Trade Convention, 1995, replaces the Wheat Trade Convention, 1986, and maintains the framework for international cooperation in grains trade matters. It also continues the existence of the International Grains Council.

The Food Aid Convention, 1995, replaces the Food Aid Convention, 1986, and renews commitments of donor member states to provide minimum annual quantities of food aid to developing countries.

The International Grains Council and the Food Aid Committee granted the United States (and other countries) a 1-year extension of time in which to deposit its instruments of ratification, and have permitted the United States in the meantime to continue to participate in the organizations.

It is my hope that the Senate will give prompt and favorable consideration to the two Conventions, and give its advice and consent to ratification so that ratification by the United States can be effected and instruments of ratification deposited at the earliest possible date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 7, 1997.*

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–5

Mr. NICKLES. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 7, 1997, by the President of the United States: The Flank Document Agreement to the CFE Treaty, Treaty Document No. 105–5.

I further ask unanimous consent that the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, which was adopted at Vienna on May 31, 1996 ("the Flank Document"). The Flank Document is Annex A of the Final Document of the first CFE Review Conference.

I transmit also, for the information of the Senate, the report of the Department of State on the Flank Document, together with a section-by-section analysis of the Flank Document and three documents associated with it that are relevant to the Senate's consideration: the Understanding on Details of the Flank Document of 31 May 1996 in Order to Facilitate its Implementation; the Exchange of Letters between the U.S. Chief Delegate to the CFE Joint Consultative Group and the Head of the Delegation of the Russian Federation to the Joint Consultative Group, dated 25 July 1996; and the Extension of Provisional Application of the Document until May 15, 1997. I take this step as a matter of accommodation to the desires of the Senate and without prejudice to the allocation of rights and duties under the Constitution.

In transmitting the original CFE Treaty to the Senate in 1991, President Bush said that the CFE Treaty was "the most ambitious arms control agreement ever concluded." This landmark treaty has been a source of stability, predictability, and confidence during a period of historic change in Europe. In the years since the CFE Treaty was signed, the Soviet Union has dissolved, the Warsaw Pact has disappeared, and the North Atlantic Alliance has been transformed. The Treaty has not been unaffected by these changes—for example, there are 30 CFE States Parties now, not 22—but the dedication of all Treaty partners to achieving its full promise is undiminished.

The CFE Treaty has resulted in the verified reduction of more than 50,000 pieces of heavy military equipment, including tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters. By the end of 1996, CFE states had accepted and conducted more than 2,700 intrusive, on-site inspections. Contacts between the military organizations charged with implementing CFE are cooperative and extensive. The CFE Treaty has helped to transform a world of two armed camps into a Europe where dividing lines no longer hold.

The Flank Document is part of that process. It is the culmination of over 2 years of negotiations and months of intensive discussions with the Russian Federation, Ukraine, our NATO Allies, and our other CFE Treaty partners. The Flank Document resolves in a cooperative way the most difficult problem that arose during the Treaty's first 5 years of implementation: Russian and

Ukrainian concerns about the impact of the Treaty's equipment limits in the flank zone on their security and military flexibility. The other Treaty states—including all NATO Allies—agreed that some of those concerns were reasonable and ought to be addressed.

The Flank Document is the result of a painstaking multilateral diplomatic effort that had as its main goal the preservation of the integrity of the CFE Treaty and achievement of the goals of its mandate. It is a crucial step in adaptation of the CFE Treaty to the dramatic political changes that have occurred in Europe since the Treaty was signed. The Flank Document confirms the importance of subregional constraints on heavy military equipment. More specifically, it revalidates the idea, unique to CFE, of limits on the amount of equipment particular nations in the Treaty area can locate on certain portions of their own national territory. Timely entry into force of the Flank Document will ensure that these key principles are not a matter of debate in the negotiations we have just begun in Vienna to adapt the CFE Treaty to new political realities, including the prospect of the enlarged NATO.

I believe that entry into force of the CFE Flank Document is in the best interests of the United States and will contribute to our broader efforts to establish a new European security order based on cooperation and shared goals. By maintaining the integrity of the CFE flank regime, we take a key step toward our goal of ensuring that the CFE Treaty continues to play a key role in enhancing military stability into the 21st century. Therefore, I urge the Senate to give early and favorable consideration to the Flank Document and to give advice and consent prior to May 15, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 7, 1997.*

ORDERS FOR TUESDAY, APRIL 8, 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m., Tuesday, April 8. I further ask unanimous consent that on Tuesday, April 8, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until the hour of 12:30, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator THOMAS for 30 minutes; Senator LOTT or his designee, 30 minutes; Senator BOXER, 15 minutes; Senator LAUTENBERG, 10 minutes; Senator DASCHLE or his designee, 15 minutes; and Senator WYDEN for 20 minutes.

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

Mr. NICKLES. Mr. President, I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. for the weekly party caucuses to meet.

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

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, tomorrow, following the party conferences, the Senate will resume consideration of the motion to proceed to S. 104, the Nuclear Policy Act. By previous consent, a cloture vote on the motion to proceed to S. 104 will occur at 5:15 p.m., Tuesday afternoon. In addition, the time between 2:15 and 5:15 has been set aside for debate on the motion, with time equally divided between the proponents and opponents of the legislation.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Tuesday, April 8, 1997, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 7, 1997:

OFFICE OF PERSONNEL MANAGEMENT

JAMES B. KING, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. TAD J. OELSTROM, X...

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. TOMMY R. FRANKS, X...

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. LEE F. GUNN, X...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENTS TO THE GRADES INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 618, 624, AND 628:

To be lieutenant colonel

JOHN M. BARKER, JR., X...
STEPHEN C. BARRON, X...
ROBERT A. DEIVERT, X...
STEPHEN L. HOERNLEIN, X...
SCOTT M. KAPES, X...
RALPH E. MCDONALD, X...
VICENTE E. SANCHEZ-CASTRO, X...

To be major

MICHAEL R. FIEDLER, X...
RANDY A. KEE, X...
JOHN H. SCHUMACHER, X...
JESSICA R. YBANEZ-MORANO, X...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be colonel

TODD H. GRIFFIS, X...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

GILDA A. JACKSON, X...

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant commander

JAMEL B. WEATHERSPOON, X...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant colonel

ROBERT J. ABBLITT, X...
RICHARD C. ADAMS, X...
KATHRYN A. ALLEN, X...
TRAVIS M. ALLEN, X...
GEORGE S. AMLAND, X...
DONALD J. ANDERSON, X...
TRUMAN D. ANDERSON, JR., X...
PHILLIP J. ANTONINO, X...
WALTER H. AUGUSTIN, X...
BRUCE A. AVERITT, X...
LISA M. BACHILLER, X...
RONALD F. BACZKOWSKI, X...
KURT A. BADEN, X...
THOMAS M. BANE, X...
HOWARD F. BARKER, X...
ROBERT H. BARROW, JR., X...
WILLIAM L. BARTELS II, X...
MAUREEN A. BASHAM, X...
GREGORY A. BASS, X...
MARK H. BEAN, X...
ROBERT K. BEAUCHAMP, X...
DAVID R. BECKER, X...
PAUL D. BENNETT, X...
WILLIAM S. BENNETT, X...
DAVID W. BERKMAN, X...
KENNETH D. BEST, X...
STUART C. BETTS, X...
KEITH A. BIRKHOLZ, X...
CHRISTOPHER E. BLANCHARD, X...
JOSHUA J. BOCCHINO, X...
JEFFREY W. BOLANDER, X...
MICHAEL S. BONEM, X...
GREGORY A. BOYLE, X...
DARLENE A. BRABANT, X...
BROOKS R. BREWINGTON, X...
MARK A. BRILAKIS, X...
MICHAEL M. BROGAN, X...
MICHAEL F. BROOKER, X...
JEROME W. BROWN, JR., X...
LORRIN K. BROWN, X...
MARLON F. BROWN, X...
STEPHEN E. BROWN, X...
JAMES F. BROWNLOWE, X...
JOHN J. BRYANT, X...
DONALD M. BURLINGHAM, X...
STEVEN W. BUSBY, X...
SCOTT R. CAMPBELL, X...
SCOTT T. CAMPBELL, X...
ERIC H. CARLSON, X...
DON D. CLINE, X...
ROBERT D. CLINTON, X...
DAVID D. COBERT, X...
PATRICK COFFEY, X...
JOSEPH M. COLE, X...
JOHN T. COLLINS, X...
DANIEL J. CONN, X...
KEVIN E. CONYERS, X...
CHARLES J. COOGAN, X...
WILLIAM C. COOK, X...
STEPHEN B. COOPERIDER, X...
BRADFORD T. COPPOCK, X...
GREGORY V. CORBETT, X...
BRIAN T. COSTELLO, X...
ROBERT A. COTTERELL, X...
RICHARD E. COYLE, JR., X...
PETER B. COZ, X...
LYLE M. CROSS, X...
STEPHEN W. CROWELL, X...
DANIEL F. CROWL, X...

FRANCIS X. COBILLO, X...
JOSEPH H. DAAS, X...
JAMES R. DALEY, X...
CHARLES A. DALLACHIE, X...
DAVID F. DAMBRA, X...
RAYMOND C. DAMM, JR., X...
PAUL S. DAUGHTRIDGE, X...
CLAUDE H. DAVIS III, X...
JON M. DAVIS, X...
KELVIN M. DAVIS, X...
STEPHEN W. DAVIS, X...
JAMES A. DAY, X...
MICHAEL J. DEAN, X...
JEAN C. DERESCHUK, X...
GILBERT DESROCHES, X...
KEVIN M. DEVORE, X...
JOHN K. DODGE, X...
JAMES J. DOLL, X...
JOHN D. DOWNEY, X...
JAMES C. DUNCAN, X...
EDWARD T. DUNLAP, X...
DAVID C. DURHAM, X...
ANDREW P. DWYER, X...
BASCOM D. EAKER, X...
JOHN K. ELDER, X...
KARL S. ELEBASH III, X...
THOMAS D. ELLIS, X...
JAMES J. EMERSON, X...
DAVID W. ESTRIDGE, X...
JOHN F. FELTHAM, X...
WILLIAM L. FISER, X...
ROBERT A. FITZGERALD JR, X...
JOHN D. FOLDBERT, X...
JOHN A. FORQUER, X...
KEVIN B. FOSSETT, X...
GARY D. FRALEY, X...
STEVN L. FRANKLIN, X...
KEVIN F. FREDERICK, X...
DAVID G. FRITZ, X...
DAVID C. FUQUEA, X...
LEE P. FUTCH, X...
THOMAS B. GALVIN, X...
MARK E. GANDER, X...
STEPHEN T. GANYARD, X...
MICHAEL A. GARRISON, X...
JOHN C. GAUTHIER, X...
STEPHEN L. GEIGER, X...
THOMPSON A. GERKE, X...
STEPHEN V. GIUSTO, X...
WILLIAM W. GO, X...
PATRICK J. GOUGH, X...
GLEN C. GRAHAM, X...
JUDY A. GRETCH, X...
FREDERICK R. GRIGGS III, X...
GREGORY W. GROVE, X...
DAVID H. GURNEY, X...
ELLEN K. HADDOCK, X...
ANDREW S. HAEUPTLE, X...
JOHN W. HALINSKI, X...
JAMES E. HALL, X...
WILLIAM E. HARRIS, X...
CALVIN E. HASTINGS, X...
MANTFORD C. HAWKINS II, X...
MICHAEL G. HAWKINS, X...
STEPHEN D. HAWKINS, X...
ERIC HEIDHAUSEN, X...
JOSEPH A. HEINS, X...
HUGH A. HENRY, X...
STEVEN HICKEY, X...
PAUL K. HILTON, X...
CHAD W. HOCKING, X...
STEVEN D. HOGG, X...
RICHARD G. HOUCK, X...
RAYMOND W. HOWER, X...
CHARLES L. HUDSON, X...
CARL F. HUENEFELD, X...
NORA S. HUETE, X...
PAUL D. HUGHES, X...
DONALD M. INGRAM, X...
KENNETH E. JACOBSEN, X...
JAMES F. JAMISON, X...
RONN C. JOHNSON, X...
RUSSELL I. JONES, X...
JAMES C. JUMPER, JR., X...
DANIEL P. KAEPERNIK, X...
JOKI, P. KANE, X...
MARK M. KAUZLARICH, X...
CHRISTIAN J. KAZMIERCZAK, X...
PATRICK A. KELLEHER, X...
DAVID A. KELLEY, JR., X...
JOSEPH L. KELLEY, X...
ROBERT G. KELLY, X...
BRUCE G. KESSELRING, X...
JAMES A. KESSLER, X...
MARK A. KING, X...
ROBERT F. KLUBA, JR., X...
RALPH H. KOHLMANN, X...
ROGER L. KRAFT, JR., X...
JOHN T. KRAUSE, X...
DONNA J. KRUEGER, X...
DAVID W. KUEHN, X...
ODIN F. LEBERMAN, JR., X...
GEORGES E. LEBLANC III, X...
WILLIAM P. LEEK, X...
WILLIAM J. LEITHEISER, JR., X...
CLARKE R. LETHIN, X...
DOARIN R. LEWIS, X...
CARL A. LEWKE, X...
MICHAEL A. LHEUREUX, X...
FREDERIC W. LICKTEIG, X...
THOMAS J. LINDBLAD, X...
STEPHEN L. LITTLE, X...
SCOT D. LLOYD, X...
JOHN P. LOPEZ, X...
EDWARD W. LOUGHRAN, X...
JUERGEN M. LUKAS, X...
JAMES W. LUKEMAN, X...
JEROME M. LYNES, X...
DAVID A. MAHONEY, X...
JAMES C. MALLON, X...
RICHARD V. MANCINI, X...
BRIAN MANTHE, X...
MARK E. MAREK, X...
JOEL A. MARQUARDT, X...
KENNETH B. MARTIN, X...
ALEXANDER V. MARTYNENKO, X...
DEAN H. MARVIN, X...
TIMOTHY P. MASSEY, X...
DANIEL C. MCCARRON, X...
PETER G. MCCARTHY, X...
JAMES E. MCCOWN III, X...
WILLIAM F. MCEVOY, X...
MARK D. MCMANNIS, X...
JOHN D. MCMASTER, X...
CHRIS D. MCMENOMY, X...
JAMES F. MCNEIVE, X...
TIMOTHY L. MECOMBER, X...
DANNY L. MELTON, X...
JAMES E. MEYEN, X...
DWAIN A. MEYER, X...
STEPHEN N. MIKOLASKI, X...
PAMELA D. MILLER, X...
RALPH F. MILLER, X...
RICHARD A. MINOR, X...
GREGORY K. MISLICK, X...
WILLIAM R. MITCHELL, X...
MARK E. MONROE, X...
TERRY M. MOORES, X...
MICHAEL F. MORGAN, X...
JOSEPH A. MORTENSEN, X...
MATHEW D. MULHERN, X...
WILLIAM L. MUNCK, X...
DWIGHT A. MUNDY, X...
JAMES T. MURTHA, X...
KEVEN J. NALLY, X...
DAVID A. NEESEN, X...
RONALD G. NEILSON, X...
LAWRENCE D. NICHOLSON, X...
DONALD A. NIESEN, X...
CARLOS I. NORIEGA, X...
GORDON P. OBERMUELLER, X...
PATRICK W. O'BRYAN, X...
CHRISTOPHER L. O'CONNOR, X...
ANDREW W. O'DONNELL, JR., X...
JAMES G. O'HAGAN, X...
JOHN C. O'KEEFE, X...
GARY R. OLES, X...
MARK T. OLSEN, X...
REUBEN A. PADILLA, X...
PAUL E. PAQUETTE, X...
RICHARD L. PARK, X...
CHARLES A. PETERSON, X...
CURTIS J. POWELL, X...
THOMAS A. PROGAR, X...
LOUIS N. RACHAL, X...
CHARLES H. RADERSTORF, X...
CARL K. RADFORD, X...
HENRY G. RAUM, X...
DANNY D. RAY, X...
DENNIS W. RAY, X...
JACKY E. RAY, X...
RICHARD M. RAYFIELD, X...
MATTHEW D. REDFERN, X...
JAMES A. REISTRUP, X...
GREGORY J. RHODES, X...
DAVID M. RICHTSMEIER, X...
DAVID A. RIEDEL, X...
JAMES E. RILEY, JR., X...
JAMES S. ROBERTSON, X...
NORMAN J. ROBISON, X...
JOSEPH C. RODGERS, JR., X...
CRAIG D. ROSS, X...
JAMES G. ROUSE, X...
JOSE D. ROVIRA, X...
ROBERT R. RUARK, X...
MICHAEL E. RUDOLPH, X...
BEVERLY J. RUNOLFSON, X...
JOSEF E. RYBERG, X...
DONALD W. SAPP, X...
CLARKE J. SCHIFFER, X...
SUE I. SCHULER, X...
KEVIN M. SCOTT, X...
MICHAEL W. SCOTT, X...
JEFFREY M. SENG, X...
SCOTT E. SHAW, X...
ROBERT E. SHELOR, X...
CARLYLE E. SHELTON, X...
KEITH C. SHULTIS, X...
MICHAEL P. SLATER, X...
RICHARD S. SLATER, X...
GEORGE S. SLEY, JR., X...
DALE M. SMITH, X...
DAVID E. SMITH, X...
RICHARD E. SMITH, X...
ROBERT G. SOKOLOSKI, X...
STEPHEN L. SPEHN, X...
JAMES L. STALNAKER, X...
TERRY D. STEELE, X...
THOMAS G. STEIN, X...
DOUGLAS M. STILWELL, X...
PETER J. STRENG, X...
MARK H. STROMAN, X...
JOHN M. SULLIVAN, JR., X...
JOSEPH L. SULLIVAN, X...
KEITH M. SWEANEY, X...
ROLAND C. SWENSEN, X...
TERRENCE S. TAKENAKA, X...
MARK H. TANZLER, X...
WILLIAM H. THOMAS, X...
CHARLES T. THOMPSON, X...
KENNETH J. THOMPSON, JR., X...
JEFFREY P. TOMCZAK, X...
MARK H. TRIPLETT, X...
CRAIG A. TUCKER, X...
DAVID K. UNDELAND, X...
ERIC J. VANCAMP, X...
MARK W. VANOUS, X...
EDWARD E. VAUGHT, X...
PETER S. VERCRUYSSE, X...
ANTHONY J. VERDUCCI, X...
JEREMIAH J. WALSH, X...
TROY A. WARD, X...
STANLEY H. WATKINS, X...
TIMOTHY C. WELLS, X...
FRED WENGER III, X...
RICHARD B. WERNER, X...
MARK E. WHEELER, X...
FREDERICK J. WHITTLE, X...
ROBERT A. WIEDOWER, X...
JOHN R. WILKERSON, X...
KEITH R. WILKES, X...
DAN B. WILLIS, X...
MARY P. WILLIS, X...
MARK F. WOOD, X...
WALTER T. ZABICKI, X...
ROBERT S. ZAK, X...
ROBERT M. ZEISLER, X...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

ROY P. ACKLEY, JR., X...
CURTIS R. ADAIR, X...
ROBERT A. AKIN, X...
JULIAN D. ALFORD, X...
JAMES S. ALLEY, X...
RICHARD E. ANDERS, X...
DALE E. ANDERSON, X...
BRYAN E. AREMAN, X...
FRANK S. ARNOLD, X...
BRIAN M. BAGGOTT, X...
JAMES M. BAKER, X...
GRANT C. BAKLEY, X...
EDWARD L. BARBOUR III, X...
BRETT D. BARKEY, X...
MICHAEL W. BARNES, X...
VINCENT A. BARR, X...
BRETT M. BARTHOLOMAUS, X...
BRIANT T. BECHWITH, X...
CHARLES A. BELL, X...
STEVEN F. BELSER, X...
ALLEN L. BENNETT, X...
PHILIP J. BETZ, JR., X...
ANDREW D. BIANCA, X...
JAMES W. BIERMAN, JR., X...
DOUGLAS H. BIGGS, X...
CARLYLE P. BINNS, X...
ROBERT A. BISHOP, X...
JEFFREY L. BLAU, X...
ENOCH J. BLAZIS, X...
SEAN C. BLOCHBERGER, X...
GARY G. BLOESL, X...
PATRICK S. BLUBAUGH, X...
PHILLIP W. BOGGS, X...
KELLY R. BOLE, X...
COREY K. BONNELL, X...
PAUL A. BOURGEOIS, X...
ANTHONY W. BOWMAN, X...
BRUCE K. BRAHE III, X...
KARL D. BRANDT, X...
ROBERT M. BRASSAW, X...
GREGORY T. BREAZILE, X...
JAMES M. BREITINGER, X...
MARK C. BREWSTER, X...
JAMES M. BRIGHT, X...
DONALD W. BROOKINS, X...
BILLY B. BROWN, JR., X...
BRADLEY W. BROWN, X...
GERALD R. BROWN, X...
RAPHAEL P. BROWN, X...
KURT J. BRUBAKER, X...
MICHAEL A. BRUNO, X...
PETER D. BUCK, X...
BRIAN K. BUCKLES, X...
STEVEN L. BUCKLEY, X...
WILLIAM S. BUDD, X...
TODD R. BUECHS, X...
MICHAEL J. BURKE, X...
TERRANCE L. BURNS, X...
CRAIG M. BURRIS, X...
TIMOTHY G. CALLAHAN, X...
WILLIAM E. CALLAHAN, X...
SCOTT D. CAMPBELL, X...
SCOTT K. CAMPBELL, X...
CURT A. CAREY, X...
LARRY G. CARMON, X...
TIMOTHY J. CARROLL, X...
WINFIELD S. CARSON, JR., X...
MITCHELL E. CASSELL, X...
CHRISTOPHER W. CASTELLI, X...
CURTIS E. CATENCAMP, X...
MIGUEL CHABOLLA, X...
DAVID G. CHANDLER, X...

IRA M. CHEATHAM, X...
GREGORY L. CHESTERTON, X...
KENT A. CHURCHILL, X...
MARK D. CICALI, X...
EDWIN S. CLARKE, X...
STEPHEN A. CLARKE, X...
THOMAS M. CLASEN, X...
BIAGIO COLANDREO, JR., X...
AUTHUR COLLINS III, X...
JOSEPH W. COLLINS, JR., X...
JAMES W. COLMAN, JR., X...
JEFFREY P. COLWELL, X...
WILLIAM J. CONLEY, JR., X...
SHAWN P. CONLON, X...
JEFFERY T. CONNER, X...
JONATHAN P. COOK, X...
MARK E. COSTELLO, X...
VERNON S. COUCH, X...
ROBERT A. COUSER, X...
PATRICK F. COX, X...
DENNIS CRALL, X...
SCOTT A. CRESSMAN, X...
VINCENT S. CRUM, X...
GLENN A. CUNNINGHAM, X...
JOHN M. CURATOLA, X...
PAUL G. CURRAN, X...
PETER W. CUSHING, X...
BRUCE A. DANIEL, X...
SHARON A. DANJOU, X...
MICHAEL G. DANZER, X...
ROBERT J. DARLING, X...
GLENN M. DAVIDSON, X...
JEFFREY P. DAVIS, X...
JAMES P. DAY, X...
GREGORY P. DEEB, X...
MARK C. DELUNA, X...
DAVID A. DEMORAT, X...
MARSHALL DENNEY III, X...
DOUGLAS B. DENNIS, X...
TIMOTHY E. DESALVO, X...
RAYMOND R. DESCHENEAUX, X...
HENRY J. DOMINGUE, JR., X...
CHARLES W. DOUGHERTY, X...
THOMAS A. DOUGHERTY III, X...
JONATHAN F. DOUGLAS, X...
TERRY M. DRESBACH, X...
JEFFREY W. DUKES, X...
FLOYD W. DUNSTAN, JR., X...
ROBERT L. DYSON, X...
CHRISTOPHER B. EDWARDS, X...
DANIEL Q. EGGE, X...
EMILY J. ELDER, X...
NORMAN R. ELIASEN, X...
RUSSELL W. EMONS, JR., X...
TERRI E. ERDAG, X...
SCOTT E. ERDELATZ, X...
DANIEL P. ERMER, X...
JORGE A. ESPARZA, X...
JOHN A. ESQUIVEL, X...
SCOTT J. FAZEKAS, X...
JAMES P. FEENEY, X...
FRANCIS S. FERRARO, X...
WALTER F. FISCHER, JR., X...
CLAYTON J. FISHER, X...
JOHN M. FITTS, X...
TIMOTHY J. FLANAGAN, X...
MARK S. FLANNERY, X...
DAVID S. FLORES, X...
TIMOTHY A. FLORIAN, X...
JOHN J. FOLEY, X...
DAVID R. FOLSOM, X...
ANDREW W. FORTUNATO, X...
MICHAEL V. FRANZAK, X...
CHRISTOPHER L. FRENCH, X...
STEPHEN M. FRENCH, X...
RICHARD W. FULLERTON, X...
JOHN D. FULP, X...
JEFFREY W. FULTZ, X...
RODNEY A. FUNK, X...
DAVID J. FURNESS, X...
MARK C. GAMBESCIA, X...
EDWARD C. GARDINER, X...
JOSEPH E. GEORGE, X...
GREGORY A. GEPHARDT, X...
JAMES P. GFRERER, X...
CHARLES J. GIBSON, JR., X...
ANDREW J. GILLAN, X...
FRANCIS B. GILLIGAN, X...
JOHN C. GISCARD, X...
CHRISTOPHER W. GOEDEKE, X...
ROBERT S. GORDON, X...
PAUL G. GOSNELL, X...
PATRICK A. GRAMUGLIA, X...
PHILIP E. GRATHWOL, X...
PAUL D. GREATSINGER, X...
ALAN S. GREENE, X...
RICHARD L. GRIMM, X...
GREGORY J. GRINAKER, X...
BROOKS S. GRUBER, X...
DONALD K. HANSEN, X...
DREW A. HANSEN, X...
ERNEST A. HARPER, X...
WILLIAM D. HARROP III, X...
JAY L. HATTON, X...
DREXEL D. HEARD, X...
SCOTT M. HECKERT, X...
BRIAN F. HENRY, X...
JAMES H. HERRERA, X...
HARRY J. HEWSON III, X...
CLINTON M. HIGGINBOTHAM, JR., X...
ANNMARIE HIGGINS, X...
MICHAEL C. HITCHCOCK, X...
JEFFREY L. HOING, X...
JONATHAN B. HOLMBERG, X...
JEFFREY Q. HOOKS, X...
MATTHEW C. HOWARD, X...
DAVID S. HOWE, X...
MATTHEW P. HOWELL, X...
KYLE J. HOWLIN, X...
STEPHEN M. HOYLE, X...
SCOTT A. HUELSE, X...
DONALD E. HUMPERT, X...
KIMBERLY A. HUNTER, X...
JAMES H. HUTCHINS, X...
PAUL E. HUXHOLD, X...
ALEXANDER G. IHDE, X...
WILLIAM M. IVORY, X...
TAL H. JACKSON, X...
BRIAN P. JIMENEZ, X...
CHARLES H. JOHNSON III, X...
MARK D. JOHNSON, X...
DAVID R. JONESE, X...
ANDREW R. KENNEDY, X...
JEFFREY J. KENNEY, X...
MICHAEL W. KETNER, X...
DENIS J. KIELY III, X...
KEVIN J. KILLEA, X...
SEAN C. KILLEEN, X...
RONALD S. KIMBROUGH, X...
CARL M. KIME, X...
STEVEN W. KIRTLEY, X...
JOHN D. KLEMM, JR., X...
BRIAN T. KLINE, X...
THEODORE S. KLINE, X...
GARY A. KLING, X...
JOSEPH H. KNAPP, X...
EDONNA L. KOON, X...
ROBERT R. KOSID, X...
BRIAN L. KU, X...
ROBERT C. KUCKUK, X...
TED J. KUHN, X...
DAVID S. KUNZMAN, X...
THOMAS L. LANGLOIS, X...
JEFFREY W. LARK, X...
DAVID K. LAYNE, X...
MICHAEL J. LEE, X...
MICHAEL A. LESAVAGE, X...
JOSEPH A. LETOILE, X...
DEAN F. LEVI, X...
JASON G. LINDSTROM, X...
THOMAS A. LOGAN II, X...
JEREMY B. LOVELL, X...
CULLIN L. LUMPKINS, X...
WALTER E. LUNDIN, X...
EDWARD D. LUNDSTROM, X...
MARK E. LYON, X...
RALPH A. LYONS, X...
JON CHESTEA MACCARTNEY, X...
ROBERT S. MACFARLAND, JR., X...
PAUL G. MACK, X...
MICHAEL J. MACLANE, X...
KEVIN W. MADDOX, X...
EDWARD O. MAGEE, JR., X...
MICHAEL P. MAHANEY, X...
CHRISTOPHER J. MAHONEY, X...
THOMAS P. MAINS III, X...
KATHY J. MALONEY, X...
ANDREW G. MANCHIGIAH, X...
CHRISTOPHER S. MANIS, X...
TOMMY J. MARIS, X...
THOMAS P. MARTIN, X...
GREGORY L. MASIELLO, X...
DOUGLAS E. MASON, X...
TIMOTHY L. MATHEWS, X...
WILLIAM H. MAXWELL, X...
CHRISTOPHER T. MAYETTE, X...
KEITH E. MAYO, X...
EDWARD J. MAYS, X...
DAVID S. MAZENKO, X...
MITCHELL J. MCCARTHY, X...
DARIN J. MCCLOY, X...
BRIAN K. MCCRARY, X...
JON E. MCELYEA, X...
JAMES G. MCGARRAHAN, X...
DAVID B. MCGILLIS, X...
DANIEL J. MCGOUGH, X...
JACKSON L. MCGRADY, X...
SCOTT L. MCLENNAN, X...
BRAD J. MCNAMARA, X...
DAVID G. MCRITCHIE, JR., X...
STEPHEN C. MEIZOSO, X...
ERIC M. MELLINGER, X...
MARK P. MELZAR, X...
PAUL C. MERRITT, X...
ROBERT C. MICHAUD, X...
AUBREY L. MIHALCOE, JR., X...
SCOTT G. MILES, X...
DUNCAN S. MILNE, X...
JAMES J. MINICK, X...
JOSEPH T. MINICUCCI, X...
DENNY A. MIRELES, X...
FRANK G. MITTAG, X...
JOHN L. MOHS, X...
GREGORY B. MONK, X...
JACK P. MONROE IV, X...
PHILLIP D. MOORE, JR., X...
RUSSELL A. MOORE II, X...
MICHAEL T. MORAN, X...
KEVIN J. MORONEY, X...
JOHN C. MORTON, X...
FRANK R. MOTLEY, JR., X...
KRISTIN L. MOXLEY, X...
ROBERT J. MUISE, X...
STUART K. MULADORE, X...
STEVEN J. MULLEN, X...
TIMOTHY S. MUNDY, X...
ANDREW J. MURRAY, X...
JAMES E. MYERS, X...
DAVID D. MYERSON, X...
MARK G. MYKLEBY, X...
SAMUEL C. NELSON III, X...
JOHN M. NEUMANN, X...
RANDALL P. NEWMAN, X...
PATRICK ODONNELL, X...
ROBERT C. OMEARA, X...
ALLAN C. ORR, JR., X...
DAVID A. OTTIGNON, X...
ROBERT F. PADILLA, JR., X...
RICHARD W. PALERMO, X...
CHARLES A. PANTEN, X...
JAMES R. PARRINGTON, X...
WILLIAM G. PEREZ, X...
KEN A. PERMANN, X...
CURTIS M. PERMITO, X...
MICHAEL W. PERRY, X...
DANNY G. PETERS, X...
ROBERT R. PIATT, X...
CHARLES D. PINNEY, X...
ROBERT N. PLANTZ, X...
DONALD J. PLOWMAN, X...
JEFFREY M. POHLMANN, X...
PAUL A. POND, X...
ANTHONY W. PRATO, X...
CHARLES E. PROTZMANN, X...
NEAL F. PUGLIESE, X...
FRANK D. QUATTROCCHI, X...
THOMAS M. QUIGLEY, X...
KENT S. RALSTON, X...
DAVID L. REEVES, X...
JOHN C. REIMBER, X...
MARY H. REINWALD, X...
EDWARD L. REYELTS, X...
STEPHEN E. REYNOLDS, X...
MARK W. RICHTER, X...
JOSEPH R. RIZZO, X...
STEVEN T. ROBERTSON, X...
DAVID A. ROBINSON, X...
EUGENE H. ROBINSON, JR., X...
FREDERICK C. RODY, X...
STEVE M. ROEPKE, X...
GREGORY T. ROPER, X...
HOKE M. ROSE, X...
DAVID L. ROSS, X...
ROBERT L. ROUSE, X...
MICHAEL J. ROVENSTINE, X...
JOCEPHAS ROZIER, X...
JAMES L. RUBINO, JR., X...
CHARLES B. RUMSEY, JR., X...
GARY P. RUSSELL, X...
JOSEPH J. RUSSELL, X...
JOHN A. RUTHERFORD, X...
JOSEPH RUTLEDGE, X...
MARGARET A. RYAN, X...
JON E. SACHRISON, X...
BRYAN F. SALAS, X...
MICHAEL S. SALEH, X...
MATTHEW T. SAMPSON, X...
TERRENCE J. SAUBER, X...
JAMES B. SCHAFER, X...
TY A. SCHIEBER, X...
MICHAEL M. SCHMIDT, X...
DAVID G. SCHNORENBERG, X...
LEE F. SCHRAM, X...
DAVID S. SCHULZ, X...
JOHN G. SCOTT, X...
MARC A. SEHRT, X...
MICHAEL T. SHEERIN, X...
MICHAEL T. SHIRING, X...
JOSEPH F. SHRADER, X...
ANNE M. SHUFFORD, X...
KEVIN J. SHUSKO, X...
PAUL G. SICHENZIA, X...
CHRISTOPHER J. SILL, X...
PHILIP C. SKUTA, X...
JEFFREY S. SMALL, X...
ANDREW H. SMITH, X...
ANTONIO B. SMITH, X...
ERIC M. SMITH, X...
RUSSELL E. SMITH, X...
TRACY R. SMITH, X...
WILLIAM C. SMITH III, X...
JAMES D. SNELLGROVE, X...
DANIEL J. SNYDER, X...
JOSEPH SPAIR, X...
SCOTT R. SPEELMAN, X...
NANCY A. SPRINGER, X...
KEITH E. SPURLOCK, X...
JOHN B. STARNES, X...
WAYNE R. STEELE, X...
PATRICK G. STEININGER, X...
JOHN C. STEVE, X...
ALAN R. STOCKS, X...
KIRBY A. STOKES, X...
LYNN A. STOVER, X...
MICHAEL R. STROBL, X...
THOMAS K. STRUCKMEYER, X...
BRIAN J. SULLIVAN, X...
VINCENT J. SUMANG, X...
EUGENE L. SUMMERS, X...
FRANK J. SVET, X...
STUART M. SWAN, X...
JOHN J. SWEENEY, X...
STEPHEN P. SWEENEY, X...
MICHAEL E. SWEITZER, X...
THOMAS L. TALOVICH, X...
TROY D. TAYLOR, X...

JOSEPH W. TENNEY, [redacted]
STEPHEN R. TERRELL, [redacted]
GREGORY K. TESCH, [redacted]
DONALD J. THIEME II, [redacted]
JOHN M. TILL, [redacted]
HUGH V. TILLMAN, [redacted]
PAUL TIMONEY, [redacted]
CHRISTOPHER A. TJARKS, [redacted]
WILLIAM A. TOSICK II, [redacted]
TROY A. TOTH, [redacted]
VAN K. TRAN, [redacted]
WILLIAM T. TREUTING, [redacted]
DAVID L. TURNER, [redacted]
WINBON J. TWIFORD III, [redacted]
MICHAEL J. UTKE, [redacted]
DAVID J. VAIL, [redacted]
KRISTI L. VAN GORDER, [redacted]
PETER L. VENIOT, [redacted]
DAVID A. VICKERS, [redacted]
COLBY C. VOKEY, [redacted]
NICHOLAS M. VUCKOVICH, [redacted]
ANDREW J. VUILLEMOT, [redacted]
CLINTON D. WADSWORTH, [redacted]
MARIANNE S. WALDROP, [redacted]
CODY W. WALL, [redacted]
KEVIN J. WALL, [redacted]
JOHN M. WALLS, [redacted]
THOMAS C. WALSH, JR., [redacted]
ALBERT C. WANG, [redacted]
JAMES R. WARIS, [redacted]
JOHN W. WASEK, [redacted]
WILLIAM H. WEBER IV, [redacted]
JOHN S. WEDEMEYER, [redacted]
DAVID L. WEGNER, [redacted]
THOMAS D. WEIDLEY, [redacted]
JAMES L. WELLING, [redacted]
JON M. WELLS, [redacted]
STEPHEN A. WENRICH, [redacted]
JAMES W. WESTERN, [redacted]
BRIAN D. WHETSTONE, [redacted]
MARK A. WHITSON, [redacted]
DAVID A. WILBUR, [redacted]
PARTICK R. WILKS, [redacted]
KIRK C. WILLE, [redacted]
ALAN F. WILLIAMS, [redacted]
BRIAN A. WILLIAMS, [redacted]
EUSEEKERS WILLIAMS, JR., [redacted]
GEORGE S. WILLIAMS, [redacted]
RICHARD E. WILLIAMS, [redacted]
ROBERT WILLIAMS, [redacted]
WENDELL C. WILLIAMS, [redacted]
BRENT S. WILLSON, [redacted]
JAMES G. WILSON, [redacted]
JUSTIN M. WISDOM, [redacted]
MARK R. WITZEL, [redacted]
THORI E. WOLFE, [redacted]
RONALD F. WOODAMAN, [redacted]
CHRISTOPHER I. WOODBRIDGE, [redacted]
CHRISTOPHER P. WOODBURN, [redacted]
MICHAEL E. WOOTEN, [redacted]
HUGH A. WORDEN, [redacted]
KENNETH E. WYNN, [redacted]
RICHARD G. YAKUBOWSKI, [redacted]
MARK E. YAPP, [redacted]
PETER E. YEAGER, [redacted]
TODD M. YEATTS, [redacted]
JEFFREY V. YOUNG, [redacted]
MICHAEL W. YOUNG, [redacted]
ROBERT C. ZAORSKI, JR., [redacted]
JOSEPH S. ZIMMERMAN, [redacted]
PHILIP J. ZIMMERMAN, [redacted]