

requirement. Furthermore, Mr. President, using the spectrum sale now will remove another building block on which to construct a responsible balanced budget. The spectrum auction was, after all, included in last year's budget reconciliation measure. Is not a balanced budget a more lofty goal than a short-term, nonsolution to the recent elevation in the price of gasoline? Well, Mr. President, what I hear from my constituents is a real concern about the deficit and about the economic future of our country. I see a desire among the people to balance the budget in a way that does not undermine our Nation's ability to reinvest in itself or make us more dependent on foreign oil. Mr. President, reducing the gas tax now will make it harder to formulate any responsible plan to balance the budget in the future, and I will not support that effort.

I wish the President would veto the bill instead of saying he will sign it. I wish the President would veto the bill repealing the gas tax, if it is passed by Congress. This is pure political pandering, and both sides are engaging in it.

Mr. GRASSLEY. Mr. President, I rise to speak to the legislation now before this body that is called the TEAM Act, which is an amendment to the Minimum Wage Act, which, in turn, is tied to the legislation to decrease the gas tax. I speak in favor of the TEAM Act. It is a very good piece of legislation.

That position puts me opposite a union that I used to belong to. The union was the International Association of Machinists. I was a member of that union from February 1962 to March 1971, when the factory I worked for closed down and shut its doors. I was an assembly line worker making furnace registers. We were a sheet metal operation.

The International Association of Machinists, along with most other unions, are against passage of the TEAM Act. I am a Republican and I am proud to be a Republican. When I was a union member, I was proud to be a union member, and if I were still working there today I would be proud to be a union member as well.

But unions do not always speak for all workers, and this is an example, where the labor union leaders in Washington, DC, supposedly representing their members back at the grassroots, are not speaking for the rank-and-file members. I remember, even 30 years ago, rank-and-file members wanted to have something to say about the operation of the plant. They did not want it all to be confrontational. They wanted us to have a cooperative working effort, because with a cooperative working effort, we have more productivity, and the more productivity you have, the greater the chances are of preserving jobs and of having better wages, working conditions, and fringe benefits for the employees.

This is even more important today, because we are competing internationally and must focus on productivity in the labor force. Having friendly rela-

tionships between labor and management means more productivity. And we have to be more productive if we are to compete in this global-interdependent market.

So I support the TEAM Act because it would allow employees the privilege to participate in workplace decisions, giving them a greater voice in mutual interests such as quality, productivity, and safety. Current law prohibits this type of participation. This act would, among other things, encourage worker-management cooperation, preserve the balance between labor and management while allowing cooperative efforts by employers and employees, and permit voluntary cooperation between workers and employees to continue.

I also support it because, without this legislation, 85 percent of working folks are not allowed to talk with their employers in employee involvement committees about such things as extension of employees' lunch breaks by 15 minutes; sick leave; flexible work schedules; free coffee; purchase of a table, soda machine, microwave, or a clock for the smoking lounge; tornado warning procedures; safety goggles for fryer and bailer operators; ban on radios and other sound equipment; dress codes; day care services; and non-smoking policies.

The President indicated he was for this type of legislation in his State of the Union Message this year. At least to me it seemed an indication. He said: "When companies and workers work as a team they do better, and so does America."

I happen to agree with the President. Secretary Reich, in a July 1993 feature article in the Washington Post, said:

High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instructions. The old top-down workplace doesn't work anymore.

Again, I wholeheartedly agree with the Secretary of Labor. But just a few months ago, at a national union rally in Washington, DC, following a \$35 million campaign pledge made to the Democratic Party and a grand endorsement by the AFL-CIO, Vice President AL GORE promised President Clinton's veto of this TEAM Act that is now before the Senate. This is an act that would legalize workplace cooperation between nonunion employees and management.

Union representatives tell me they fear the TEAM Act would prevent them from organizing union shops. Let me emphasize, this act does not apply to union settings, and would not undermine existing collective-bargaining agreements. Under the TEAM Act, workers retain the right, as they should, to choose an independent union to engage in collective bargaining. Mr. President, I plan to continue my remarks this afternoon.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

LOW-LEVEL RADIOACTIVE WASTE POLICY ACT

Mr. PRESSLER. Mr. President, I want to speak about a matter that affects my State of South Dakota, but also several States, including California. We are part of a compact under the Low-Level Radioactive Waste Policy Act. Governor Wilson of California, and Governor Janklow of my State, have had a very difficult time with the Secretary of the Interior on this matter.

The original Low-Level Radioactive Waste Policy Act gave the States the responsibility of developing permanent repositories for this Nation's low-level nuclear waste. Now the Clinton administration wants to take away that authority.

For 8 years, South Dakota, as a member of the Southwestern Compact, along with North Dakota, Arizona, and California, has worked to fulfill its duties to license a storage site. It did the job.

Ward Valley, CA, is the first low-level waste site to be licensed in the Nation. After countless scientific and environmental studies and tests, the State of California and the Nuclear Regulatory Commission approved Ward Valley as a safe and effective place to store the Southwestern Compact's low-level radioactive waste.

However, there is one problem. Ward Valley is Federal land. It is managed by the Bureau of Land Management. The Southwestern Compact has requested that Ward Valley be transferred to the State of California. The Clinton administration refuses to take action. Instead, it has stalled again and again and again.

I spoke with the chairman of the Energy Committee, Senator MURKOWSKI, about this matter. He has introduced legislation to resolve the matter. But this is a tragic example of where the Secretary of the Interior for some reason is thwarting the intent of Congress and the intent of Governors of the States in the Southwestern Compact.

Mr. President, the reason behind all this is that the extreme environmentalists do not want to store radioactive waste anywhere because of their antinuclear agenda. But strangely enough, this type of low-level radioactive waste has been used in medical treatments and other areas to benefit humanity. I find this a very tragic situation. The Secretary of the Interior is cooperating with the extreme environmentalists against the public interest.

Nobody seems to know what is going on. What has the Secretary of the Interior done? He has stalled. First, he has

ordered a supplemental environmental impact statement. Then he ordered the National Academy of Sciences to perform a special report on the suitability of Ward Valley for waste storage. Each study presented the Southwestern Compact with a clean bill of health for Ward Valley, yet the administration still delays.

Now the administration has ordered additional studies on the effects of tritium, studies the State of California already intended to perform, but not until a land transfer was complete. Also, I should note the National Academy of Sciences made no mention that such a study should be a prerequisite to this land transfer.

Instead, the Academy believes this type of study should be ongoing, conducted in conjunction with the operation of the waste storage facility. Unfortunately, I suspect that even if California gives in to demands and performs these tests, the administration will think of new demands—anything to keep the Ward Valley waste site from becoming a reality.

Who really benefits from these delays? No one. This is yet one more example of the Clinton administration's pandering to the environmental extremists, extremists intent on waging a war on the West and on the American people.

Scientific evidence shows that Ward Valley is a safe location for low-level radioactive waste storage. Neither public health nor the environment will be at risk. In fact, most of the waste to be stored at Ward Valley is nothing more than hospital gloves and other supplies which may have come into contact with radioactive elements used by health care providers.

By contrast, continued delays create risks both to public health and the environment. Currently, low-level waste is simply stored on site at hospitals, industries, or research institutions. In the four States of the Southwestern Compact, there are over 800 low-level radioactive waste sites. These sites were not meant to be permanent facilities. Thus, there have been no environmental studies, no long-term monitoring systems, nothing to guarantee safe storage of the waste.

With no regional low-level radioactive waste sites available, South Dakota would be forced to transport its low-level radioactive waste across the country to a disposal facility in Barnwell, SC. Clearly, the costs of transporting this waste across the country would be great, from the monetary cost to the waste generators, to the legal ramifications, to transporting hazardous waste, to the potential Superfund liability incurred by the State and the generators.

This is far too costly a price, one my State cannot continue to bear. That is why, Mr. President, I am a cosponsor of legislation pending in the Senate to convey Ward Valley to the State of California and to allow the construction of the Ward Valley low-level ra-

dioactive waste site to continue unimpeded. The Senate Energy and Natural Resources Committee voted in favor of this bill.

This legislation is ready for Senate action. This legislation is necessary only because politics got in the way of good science. Transferring lands such as Ward Valley is a common procedure for the administration. However, because of a political fight waged by environmental extremists, this conveyance has been held up for more than 2 years. This fight, this continued delay, will continue unless Congress acts.

We have the opportunity to institute a rational approach to this process. By approving this legislation, we can allow the Southwestern Compact and the rest of the States to comply with the law we created. I urge my colleagues to support this legislation and to allow good science to prevail rather than politics.

Mr. President, I ask unanimous consent that correspondence between Gov. Pete Wilson of California and South Dakota Governor Janklow regarding the Ward Valley low-level radioactive waste storage site be printed in the RECORD.

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

STATE OF SOUTH DAKOTA,
Pierre, SD, April 2, 1996.

Hon. PETE WILSON,
Governor, State of California, State Capitol,
Sacramento, CA.

DEAR GOVERNOR WILSON: Thank you for your letter concerning the Southwestern Low-Level Radioactive Waste Disposal Compact and the site of the facility in Ward Valley. While the site in Ward Valley is currently owned by the federal Bureau of Land Management, the bureau has for about 10 years declared its intent to sell to California.

I, too, am concerned and upset with the continuing needless delays imposed by the U.S. Department of Interior on the Ward Valley land transfer. California has made tremendous efforts attempting to comply with the federal Low-Level Radioactive Waste Disposal Act and its Amendments. While these efforts have resulted in the issuance of the first license to construct a new low-level disposal site in this nation's recent history, implementation of this license has been set back again and again by the federal government. If these delays cause our generators within the Southwestern Compact to ship wastes across the United States to Barnwell, South Carolina for disposal, I fully agree that the federal government must comply with those stipulations you set forth in your letter.

Study after study has shown the proposed facility in Ward Valley to be protective of human health and environmentally safe. The US Congress had it right the first time; the Southwestern Compact can solve the problem of disposal of the low-level radioactive wastes generated within its states. But, we can do it only if the federal government will transfer the site and let us get on with it.

While I agree that the latest actions of the US Department of the Interior appear to confirm the notion that the Clinton Administration is trying to usurp the states' duly delegated power to regulate low-level waste disposal, I am still hoping the transfer can occur soon. If the delays by the Department of the Interior were to result in repeal of the

Low-Level Radioactive Waste Disposal Act and place the responsibility for trying to manage this problem on the federal government, that would be a huge step backwards.

Thank you again for your letter and for your efforts on behalf of the entire state of California and the other states in the Southwestern Compact to develop a responsible and safe disposal site for low-level waste.

Sincerely,

WILLIAM J. JANKLOW,
Governor.

GOVERNOR PETE WILSON,
Sacramento, CA, February 16, 1996.

Hon. WILLIAM J. JANKLOW,
Governor, State of South Dakota, 500 East Capitol Avenue, Pierre, SD 57507

DEAR BILL: As the host state for the Southwestern Low-Level Radioactive Waste Disposal Compact, California has labored diligently for ten years to establish a regional disposal facility in accordance with the federal Low-Level Radioactive Waste (LLRW) Policy Act. This facility would serve generators of LLRW in your state and the other compact states. In the absence of this facility, these generators have no assured place to dispose of their LLRW.

To fulfill its obligations, California carefully screened the entire state for potential sites, evaluated candidate sites and selected Ward Valley from those candidates as the best site in California for the regional disposal facility. Although the site is on federal land, the Bureau of Land Management has for about ten years now declared its intent to sell it to California. We identified a qualified commercial operator to apply for a license to construct and operate a facility at that site, and took steps to acquire this land from the federal government. We subjected the application for the license to a scrupulous review to ensure that the facility would satisfy in every respect the health and safety requirements established by the Nuclear Regulatory Commission.

A comprehensive Environmental Impact Report was prepared for the project, and an Environmental Impact Statement (EIS) and Supplemental EIS were prepared for the land transfer. We subsequently became the first state to license a regional disposal facility under the LLRW Policy Act, and have successfully concluded our defense of the license and related environmental documents in the state courts. In short, California has in good faith done all it can to fulfill its obligations to your state under the Compact and federal law.

The sole obstacle to the completion of this project is the failure of the U.S. Department of the Interior to transfer the Ward Valley site to California. After abruptly cancelling the agreed-to transfer almost completed by former Secretary Manuel Lujan, Interior Secretary Babbitt has created a series of procedural delays ostensibly based upon this own health and safety concerns. He demanded a public hearing, then abruptly cancelled it. He asked the National Academy of Sciences (NAS) to review site opponents' claims, then ignored NAS conclusions that these claims are unfounded and that the site is safe. He has unreasonably and unlawfully demanded that California agree to continued Department of the Interior oversight of the project after the transfer. Now, according to the attached press release, he intends to have the Department of Energy conduct independent testing at Ward Valley, and then will require another Supplemental EIS before deciding upon the conditions for transfer.

Every person and organization which has anxiously followed California's decade-long effort has concluded from this latest set of demands that the Clinton Administration

has no intention of transferring land to California for our regional disposal facility. I cannot help but agree. There is no scientific basis for further testing prior to construction or legal requirement for a Supplemental EIS. These demands are purely political, and made for the sole purpose of delaying, if not terminating, the Ward Valley project. It is clear that, once these demands are met, more demands will be made. In short, because President Clinton doesn't trust the states to assume the obligations which Governor Clinton asked Congress to give the states, he has proven that the LLRW Policy Act does not work. Faced with this lack of political will to implement the policy he himself once supported, many now question the wisdom of expending further resources in a futile effort to further that policy.

The intransigence of the Clinton Administration in connection with the Ward Valley land transfer leaves me few options as Governor of California. The Ward Valley site is clearly the best site in California for LLRW disposal, a fact upon which my predecessor Governor Deukmejian and former President Bush agreed. All other sites, including the alternative site in the Silurian Valley, present potential threats to public safety not found at the Ward Valley site. The Silurian Valley site is also located on federal land, and there is no reason to believe that the Clinton Administration has any greater motivation to transfer that site.

Consequently, to continue the effort to establish a regional disposal facility, California would need to identify a site on privately-owned land which would be technically inferior to Ward Valley and would be unlikely to license in accordance with California's and my own uncompromisingly high standards for the protection of public health and safety. For these reasons, I would personally oppose identifying any other potential disposal site in California.

Therefore, as Governor of California, I am compelled to inform you that, because the Clinton Administration has made compliance with our obligations impossible, California will be unable to provide a regional disposal site for your state and the other states of the Compact during the tenure of this president. California will continue to seek title to the Ward Valley land, but will devote greater resources to a repeal of the LLRW Policy Act, and to the enactment of federal legislation making the federal government responsible for the disposal of LLRW.

The Department of the Interior has formally announced that California's LLRW generators are not harmed by its interference with the opening of the Ward Valley LLRW disposal facility because they have access to the disposal facility in Barnwell, South Carolina. Given the public safety threat to the good citizens of South Carolina, and the additional costs and exposure to liability to users, I find this suggestion questionable. Nevertheless, in order to make this an even marginally acceptable solution, I am calling upon the federal government to do all of the following:

Assume responsibility for assuring continued access for all California generators of LLRW to Barnwell;

Subsidize the amount of any transportation costs to Barnwell which exceed transportation costs to Ward Valley;

Ensure that California generators obtain any necessary permits for transportation across the United States and to Barnwell;

Indemnify California generators and transporters for any liability which might result from the necessity to transport California waste from coast to coast; and most importantly,

Hold California generators, including the University of California and other state enti-

ties, harmless from any federal or state cleanup related (Superfund or CERCLA) liability which they might potentially incur as a result of using a waste facility which is on a substantially less protective site than Ward Valley and which has already experienced tritium migration to groundwater.

If LLRW generators in your state have problems with storage or with use of Barnwell similar to those of California generators, I urge you to join with me in demanding similar relief.

Sincerely,

PETE WILSON.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, on a separate subject, let me say I strongly support the efforts of the majority leader to repeal the President's Clinton 4.3-cent-per-gallon fuel tax. I also believe strongly that the efforts of the majority leader in this area will result in some relief to the consumers of America.

In my State of South Dakota, agriculture and tourism are the two most important industries. This is just the time of the year that farmers are driving their tractors, truckers are hauling agricultural supplies and produce and seeds, and tourists are beginning to come to see Mt. Rushmore and the attractions in southwestern South Dakota. They need immediate relief from high fuel prices.

I also support the Justice Department's antitrust probe into the recent price increases. Certainly, we need to know if price fixing is occurring. However, past antitrust investigations have failed to produce conclusive evidence of illegal activity. We need to take action now. I hope the Congress can avoid procedural delays and give immediate relief to millions of Americans at the gas pumps.

Let us remember that this Senate has been stalled by filibusters throughout this session. I know that the national media has stopped using the word "filibuster," but that is what is happening. The Senate is tied up in knots. The approach of the opposition in this Chamber has been nothing more than gridlock and filibuster.

Therefore, I hope we repeal the fuel tax very quickly. We are ready to do it. Members of the Senate Finance Committee have discussed this. We are prepared to act.

THE TELECOMMUNICATIONS ACT

Mr. PRESSLER. Mr. President, on yet another subject, I hope that the Federal Communications Commission follows the intent of Congress regarding the recently passed Telecommunications Act. I was privileged to be able to author and chair the Joint House-Senate conference committee on telecommunications. But I fear that some of the deregulation and some of the good things in that bill are being taken

away by regulators who are now writing the regulations for that bill.

I have asked in our committee that we hold a hearing and bring those Commissioners before the Commerce Committee. I know many Members of the Senate have written to me urging such a hearing because they are concerned that the intent of Congress is not being followed.

The telecommunications bill was a very well-written bill. We had a checklist for the entry of companies into the regional, local telephone business and also for entering into the long-distance telephone business. Those rules are set. Also, the whole issue of the States' power and participation with the States' public utilities commissions was clearly written out in that bill.

I was just this morning told by one of our good public utilities commissioners that the States' powers are being undercut by the Federal Communications Commission. So we must be vigilant in trying to remind the Federal Communications Commission that their No. 1 guideline in the implementation of regulations is supposed to be intent of Congress.

I remember in Clark Weiss' law class the importance of "intent of Congress" for administrative law. That is the key that these agencies are supposed to follow. But that has been abandoned in this Government because now the agencies are more powerful in some cases than Congress. That is unfortunate.

But the Federal agencies, when they write the regulations, the foremost thing in their mind is supposed to be intent of Congress and not going off and starting to legislate all over. If they want to be legislators, they can go out and run, as I am running this year, and submit their name to the public. But they are not legislators. They are regulators. They are a regulatory agency, not the legislative branch of Government. I will plead with the FCC to remember that as they write those regulations. Mr. President, I yield floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with consideration of the bill.

Mr. COVERDELL. Mr. President, I understand we are on the pending business and there are no time limits.

The PRESIDING OFFICER. That is correct.

Mr. COVERDELL. Mr. President, I rise today in support of the actions