

What we do know is this. Senator DECONCINI, at a very appropriate time here, was chairman of the Senate Intelligence Committee. His top staffer in charge of security on that committee, and thus one of the top experts in the whole country on how you keep these files secure, conducted an investigation of the White House Security Office and found its operations seriously inadequate. Senator DECONCINI wrote to the White House, telling them they better fix up this problem of security at the White House over FBI files and recommended they get somebody other than Mr. Livingstone and Mr. Marceca to take care of these matters and to get some people there who are trained in that area.

As I understand it, Lloyd Cutler—for whom I have a lot of respect, who is certainly a brilliant White House counsel—agreed with the letter 2 years before all this surfaced, and still nothing was done.

Now, we do not know who in the world hired Mr. Livingstone and Mr. Marceca, other than Mr. Stephanopoulos said, "Well, it was Vincent Foster." Vincent Foster is no longer with us, tragically; tragically, now deceased. It is easy to blame somebody who is deceased, who cannot speak for himself. But we know there are others there who had something to do with hiring these two yo-yos and putting them in charge of these sensitive files.

That is what is involved here. The only way all of that came out was because when the excellent chairman of the House Government Reform and Oversight Committee, Congressman CLINGER, demanded papers that the White House refused to give, throwing up executive privilege. They refused to give those papers. Finally he forced them into giving 1,000 of 3,000 pages that clearly were not covered by executive privilege. The White House tried to hold back on him. And, lo and behold, looming up out of all of those names was the name of Billy Dale, that for which they were looking, to see how badly treated this man and his associates were.

Frankly, that is how this has all arisen. But it is not only Billy Dale, but all kinds of other former White House heavyweight Republicans, as well as many others who were not.

People all over the country are now asking, when is this all going to end? When is the Federal Government going to quit being the all-seeing eye into the backgrounds and personal matters of its citizens? How can we protect ourselves from a "1984"-type government that noses into everything that we do or have done? All of that came out of the Billy Dale matter.

To my colleagues on the other side, I am going to give them just a little bit of advice. I am not used to giving them advice, but I will. This is one you would not want to play around with. This is one that, it seems to me, would be well to pass. Do what is right and

get rid of it. I think the White House, my friends on the other side and everybody else will be much better off if we do.

If this is not resolved and resolved quite soon, I have to admit, this is never going to end, because it is a mess. It is wrong. I, for one, am very, very upset about it. I hope my friends on the other side will see the clarity of getting rid of this matter and going on to the business of the U.S. Senate.

I hope we will not have any more desires to have nongermane amendments after we have gone through this fiasco of the minimum wage, which was ostensibly the reason for holding up the Billy Dale matter. If they have germane amendments, let us face them. Bring them out here, we will debate them, we will vote on them, and whoever wins, wins; whoever loses, loses. And we will pass this bill and do what is right, and, hopefully, when the President signs it, it will put it to bed. That is what I would like to do.

I know I have taken a little longer than I care to take on this, but this is something I feel very deeply about. I have gotten acquainted with Billy Dale through the hearing process and so forth. He is a very fine man. He did not deserve what happened to him. We should do what is right in rectifying this wrong that started in the White House, which misused the criminal process to abuse and persecute and, ultimately, prosecute this man at a huge cost, probably the cost of losing his whole estate under the circumstances.

So I apologize to my colleagues for taking so much time. I do feel deeply about this. I know my friend from Hawaii and others have important business to go ahead with.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first, let me commend my colleague from Utah. I think he made a very able, very cogent presentation with respect to the merits of reimbursing someone who found himself in a situation, through no fault of his own, having to spend hundreds of thousands of dollars. I certainly think we should move with speed to deal with that.

SEVERE ECONOMIC CONSEQUENCES TO NEW YORK UTILITY RATEPAYERS

Mr. D'AMATO. Mr. President, I rise to speak on another issue. Yesterday, the Senate gave overwhelming passage to H.R. 3448. Among other things, H.R. 3448 contained the Small Business Job Protection Act. That bill did a lot of good things for many Americans. For example, it extended the employer-provided education expenses for undergraduates and graduate students, something that had been allowed to run out.

It helped provide volunteer firefighters with their service awards—hundreds of thousands throughout this

Nation. It brought about spousal IRA's for nonworking spouses, which is long overdue. Both Republicans and Democrats talked about this. And the tax provisions were provisions which were unanimously supported by the Finance Committee. Indeed, the distinguished senior Senator from New York, my colleague and ranking member of the committee, and I both supported this bill.

But, Mr. President, we supported it with a caveat, as it came up for markup—before the markup. We pointed out to the committee and to the chairman and to the staff that there was a provision that would bring about very severe economic consequences to the State of New York and to the ratepayers, the utility ratepayers, because in this bill there was a provision that would require those utility companies, namely Brooklyn Union Gas, Long Island Lighting Co., and Con Edison to redeem their tax-exempt bonds within a period of 6 months. Let me tell you what that would mean, and let me tell you how much in the way of bonds that we have.

We have outstanding \$3.3 billion worth of tax-exempt bonds. Con Edison has \$1.7 billion; LILCO, \$950 million; Brooklyn Union Gas, \$650 million. If these utilities were required to redeem their tax-exempt bonds with ordinary bonds, it would mean that the taxpayers and ratepayers of Long Island, Westchester, and New York City would pay an additional \$65 million a year over the life of those bonds. We are talking about \$1.6 billion—more than \$1.6 billion.

Let me say, we already pay the highest electric rates in the Nation. This would cost Long Islanders alone more than \$35 million a year.

That is just unconscionable. Let me say here and now, we are not going to stand still for this. This Senator is not going to agree to conferees being appointed until or unless this onerous, ridiculous, confiscatory provision is dropped from the bill.

Now, we were assured that it would be dropped from the bill, it would be dealt with, that technically they would take care of it. "Don't worry," in between the time of the markup and bringing this bill to the floor and passage, "don't worry about it. It will be taken care of."

We are not looking to disadvantage anybody. If my State and the taxpayers of my State have to pay \$65 million a year more in order to save \$80 million over a 10-year period of time, somebody's arithmetic does not add up, and it does not make sense. I am not going to stand by and have our ratepayers get hit with this unconscionable kind of nonsensical—nonsensical—legal gymnastics. It does not make sense.

Understand, the Treasury will pick up \$80 million—approximately \$80 million—over a 10-year period of time, but it will wind up costing the New York ratepayers and taxpayers and those

who pay their utility bills, because those costs will be passed on from the utility to the ratepayers, \$65 million a year more. Over a 25-year life—and it is a minimum of 25 years—it is \$1.6 billion.

Let me tell you, Long Island already has the highest energy cost in the Nation. We are going to add another \$30 to \$35 million a year to that? We have jobs that are fleeing, industries that cannot compete, people who cannot use their air-conditioning in the summer because the rates are so high, the highest rates in the Nation.

So it was not an idle threat when this Senator and my distinguished colleague, Senator MOYNIHAN, indicated to the committee and to the chairman that this provision was not one that was acceptable. As a matter of fact, I assumed, given the promises that were made to us that it was taken care of, that it was dealt with in a way that would not create that burden, and that is what we were promised. That is not the case.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. He used the word "threat," but then said "promise." The point here is that we had an understanding. Would he not agree we had an understanding?

Mr. D'AMATO. That is correct.

Mr. MOYNIHAN. Would he not agree that this can be changed, but that if the bill is to go to conference, since we cannot bring it back up, it is possible for it to go to conference with an understanding on the part of the conferees that they will not return without a correction having been made?

Mr. D'AMATO. I believe that would be the only way in which we could handle this matter.

Mr. MOYNIHAN. We would not be able to agree to conferees.

Mr. D'AMATO. That is correct.

Mr. REID. Will the Senator from New York yield for a question?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. We have two here.

Mr. REID. Whichever New York Senator has the floor. It appears this is a bipartisan statement. I want to make sure it is a nonregional statement, and covers the whole United States. We in Nevada have utilities extremely hindered by the result of what we did to you yesterday.

Mr. MOYNIHAN. We would welcome associates and—I do not presume to speak for my colleague, I just think I can say that we would like to be of help to anybody on this question.

Mr. D'AMATO. Let me assure my colleague from Nevada that it would not be my intent to have this deal just with New York. Indeed, all of those utilities that would be impaired and the ratepayers should not suffer regardless of what State they are in.

Indeed, if your utilities have used tax-exempt bonds—and I imagine they have—they would find themselves in a similar position we find ourselves in.

Mr. REID. I appreciate the answer of the Senator. Nevada Power is the utility that handles the power generation for 67 percent of the people in the State of Nevada and is affected very badly. Therefore, we stand by the New York delegation to assist you in whatever way we can.

Mr. MOYNIHAN. If I may just say, with one last question, does the Senator agree we should speak with our distinguished friend, the chairman of the committee, and see if we cannot work out instructions to the conferees at the time they are appointed?

Mr. D'AMATO. I agree with my colleague and friend, the distinguished senior Senator and ranking member of the committee. That is why I have a great deal of confidence in the Senator's suggestion that this would be a way in which we could work it out.

I am sorry that we had to come to the floor. Let me say, this matter is now one that has been outstanding for approximately a week—more than a week—in which we have been attempting at the staff level to work it out. Then when we find that it has not been done, it gives me great cause for concern, because unless we can get that agreement prior to going to conference, I think we would be foolish to move to conference.

So I hope we can get this agreement worked out. But, failing that, notwithstanding there are some magnificent provisions in this bill—just take a look: giving to employers the educational expenses that my colleague and I have worked to restore, and I am very proud of the fact we worked to restore that. Our graduate students, our nurses who are required to get additional education, right now if the hospitals reimburse them, they have to pay income tax on their tuition. That is silly. We want to encourage education.

The spousal IRA is a wonderful thing. We want nonworking spouses to be able to contribute to an IRA.

Having said that, I do not believe that it is fair to the ratepayers of New York to be stuck with this onerous provision that does little in the way of raising revenue but creates a \$1.6 billion hit on our ratepayers.

Mr. President, I thank my distinguished colleague for joining with me, and I certainly hope we can resolve this matter, because I think the legislation is good, it is important, I want to see it passed, and I certainly hope we can work this out before this matter goes to conference.

I yield the floor. 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. REID. 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. REID. Mr. President, I ask unanimous consent that the brief statement

that I made will not consist of a second speech on the same issue. I am going to talk now on the underlying bill.

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

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, I advised my colleagues, Senator STEVENS and Senator INOUE, that I have been very patient here, but I think it would be to their interest if they went back to their offices and spent the afternoon doing something more profitable. I am going to talk here for as long as I am able to do so, which may take 4 or 5 hours. I may get tired after that.

But I have been over here. I told my friends I would not object to the defense appropriations bill being brought up, which I will not do. But I have been listening to what has gone on here this afternoon, and I think that we should talk about things that are important to talk about.

I have had the good fortune, since I came to the Senate, to be able to serve on the Appropriations Committee with my friend from Alaska, the senior Senator from Alaska, and the senior Senator from Hawaii. I have only the greatest respect for them and the work that they have done all the time I have served with them on the Appropriations Committee.

I think they have rendered great service to the country in the way that they have handled the appropriations bills every year that I have been on the committee. I am sure that will be the same this year. I am sure when the appropriations bill comes up, that I will support that appropriations bill. I am not on the subcommittee, but I have watched with interest and sometimes in awe at the way they have handled the bill.

But, Mr. President, there comes a time in the life of a Senator when you have to talk about principle. Even though I have the deepest respect for Senator STEVENS and Senator INOUE, I am going to have to take a little time with my colleague, Senator BRYAN, and talk about what is happening to the State of Nevada.

We have heard some lectures here this afternoon about moving to important things. We talked about something dealing with the Travelgate and Billy Dale. I am sure that is important, and I think we should spend some time debating that issue. I am willing to do that at the right time.

Mr. President, we have a matter that we have been told is going to be brought up, S. 1936, the Nuclear Waste Policy Act of 1996, which is a fancy name for putting, without any regulation or control or safeguards, nuclear waste in Nevada. In effect, what they will do is pour a cement pad and start dumping nuclear waste on top of the ground. That is about it. We cannot allow that to happen without putting up a fight.

I regret that the Senate has decided to take its limited and valuable time