

not, maybe our economy is going to deteriorate, and it will threaten somehow the Social Security recipients."

The problem for our economy is not our senior citizens. Sure we have to deal with what is going to happen after the year 2029 in terms of Social Security. Although the fact remains that for the next 40 years after that, three-quarters of the benefits could be paid without any changes in it, I want to make sure those recipients are going to get the full benefits. So I am going to work to try to make sure that we are going to do that.

But the problem in terms of 2003, 2004, and 2005, during that period of time, is not Social Security. It may be another factor. But why hold our Social Security recipients hostage to that factor? Why hold them hostage? That is basically the issue that is included in this amendment. I believe that the American people wisely are understanding the significance and the importance of this effort by Senator REID and other sponsors, the importance of this debate and this discussion.

Now we will hear from our colleagues on the other side. "Well, it is very nice of you to point that out, Senator KENNEDY, but look at what the President has done. The President has put Social Security into his budget when he makes that recommendation, and, therefore, don't you think that we ought to do that?"

Well, Mr. President, it is an entirely different system. We have what we call the walls that exist under the Federal budget that have been put there since 1990. So you cannot violate the funding of the Social Security system. Those walls exist, and they exist by statute. But you pass a constitutional amendment and, as every Member of this body understands, a constitutional amendment supersedes those statutes. They are off. It is an entirely different situation.

So, Mr. President, I have listened over the period of the last days to those—Senator REID, Senator DORGAN, and others—who have taken the floor and supported this. I have listened to the responses and find them woefully inadequate in terms of the power of this particular argument.

I think both in terms of fairness, in terms of justice, in terms of decency, and in terms of our commitment to our seniors that this amendment, which is going to remove the Social Security trust funds from the balanced budget amendment, is absolutely essential if we are going to maintain our commitment to our senior citizens. And I am going to welcome the opportunity to be a part of this debate that will take place in these next several days and toward the latter part of February because I think this is really one of the very, very most important, if not the most important, amendments that we will have on the balanced budget amendment.

Mr. President, I see my time is almost up.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. 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. SPECTER. 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. SPECTER. Mr. President, I ask unanimous consent that I may proceed in morning business for a period of up to 10 minutes.

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

#### THE NOMINATION OF ANTHONY LAKE

Mr. SPECTER. Mr. President, there has been considerable discussion in the public media and otherwise about the pending nomination of the Director of the CIA with the President having submitted the name of National Security Adviser Anthony Lake.

Last year the Senate Intelligence Committee did an extensive inquiry into a matter involving the sale of Iranian arms to Bosnia which involved Mr. Lake. I have written a "Dear Colleague" letter which I would like to read into the RECORD, and I ask unanimous consent that, at the conclusion of my statement, the Intelligence Committee report, a bipartisan report although there were some dissents, be printed in the RECORD.

We are checking to see how much of that may be printed in the RECORD under the rules.

The "Dear Colleague" letter which I am submitting today is as follows:

DEAR COLLEAGUE: Since the media is filled with commentary about National Security Adviser Anthony Lake's nomination to be CIA Director and a pro-Lake "Dear Colleague" letter has been circulated, I consider it important to give my fellow senators and others my thinking from last year's Intelligence Committee hearings, which I chaired, on his activities in connection with the sale of Iranian arms to Bosnia.

In my opinion, an indispensable qualification to be CIA Director is a mindset to keep Congress fully and currently informed on intelligence matters. Mr. Lake acknowledges he was a part of a plan by officials of the State Department and National Security Council to conceal from Congress and other key Executive Branch officials a new Administration policy to give a "green light" on the sale of Iranian arms to Bosnia when a U.S. and UN embargo prohibited it.

Secretary of Defense William J. Perry, Chairman of the Joint Chiefs of Staff John M. Shalikashvili and CIA Director R. James Woolsey told the Senate Intelligence Committee they knew nothing about that "green light" or the change in U.S. policy.

In concluding that Congress should have been informed about this matter, the bipartisan Intelligence Committee report stated:

"By keeping from Congress the full truth about U.S. policy, the Executive branch ef-

fectively limited Congress's ability to responsibly debate and legislate on the Bosnia issue."

Rejecting the argument that the matter involved traditional diplomatic activity, the bipartisan Intelligence Committee report stated:

"But it was not traditional diplomatic activity to: (1) give a response to a foreign head of state which effectively contradicted stated U.S. policy on isolating a country, in this case Iran, against which U.S. law imposed sanctions; (2) implicitly turn a blind eye to activity that violated a United Nations Security Council resolution which the United States had supported and was obligated to obey; and (3) direct a U.S. Ambassador not to make a written report of a conversation with a foreign head of state."

Even though I heard Mr. Lake's version during the Intelligence Committee's proceedings and have talked to him in a private meeting since his nomination, I believe he is entitled to be heard at his confirmation hearing before a final judgment is made on his nomination.

I strongly disagree with the practice of abandoning nominees like Lani Guinier, Douglas Ginsburg and Zoe Baird or reaching a conclusion on their nominations until they have had their day in court. If we are to persuade able people to come into government, nominees are entitled to state their case in Senate hearings so that the charges will not stand alone without an appropriate opportunity to respond.

It is beside the point that the Department of Justice concluded Mr. Lake did not commit perjury or obstruction of justice in the inquiries on the sale of Iranian arms to Bosnia. There never was any basis, in my opinion, for the referral by the House Committee on those issues.

Nor am I concerned about the ancient history of Mr. Lake's so-called leftist activities which have drawn considerable attention. I had thought the stock sale issue was of lesser importance until he agreed to pay a \$5,000 fine, so that issue calls for an inquiry; and it may be that other questions merit investigation such as the recent report that a member of his staff engaged in fundraising.

There is no doubt that Mr. Lake is a man of considerable ability, and I do not question the sincerity of his motives in acting in what he considered to be in the national interest on the Bosnia issue. But the critical question remains as to whether Mr. Lake can be counted upon to keep the Congress currently and fully informed.

The Congress must have positive assurance on that issue in the light of a half century's experience with the CIA including the Iran Contra affair.

And this "Dear Colleague" letter is signed by me and circulated to my colleagues.

In order to have a complete understanding of this issue, which as I say I consider to be central to whether Mr. Lake ought to be confirmed as Director of the CIA, it is necessary to review in some detail and in some depth the bipartisan report filed by the Intelligence Committee. I advise my colleagues that the report is available from the Intelligence Committee, and encourage all Senators to read it.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Alaska is recognized to speak for up to 10 minutes.

Mr. MURKOWSKI. Mr. President, I have several things I want to discuss this morning. I have some charts, and I want to proceed as the charts are put up.

#### TRIBUTE TO U.S. COAST GUARDSMEN

Mr. MURKOWSKI. Mr. President, I believe I have the unique distinction of being the only current Member of this body who has served in the U.S. Coast Guard, so as a consequence I rise today to pay tribute to three brave young men who perished early yesterday off the coast of Washington State.

Petty Officer 2d Class David Bosley of Coronado, CA; Petty Officer 3d Class Matthew Schlimme of Whitewater, MO; and Seaman Clinton Miniken of Snohomish, WA, were serving aboard a 44-foot motor lifeboat stationed on the Pacific Ocean coast of Washington State's Olympic Peninsula.

Early yesterday morning they took their vessel out to answer a distress call from two people aboard a sailboat in trouble in heavy seas. Tragically, the 44-footer capsized and three brave men died. Only one crewman, Seaman Apprentice Benjamin Wingo of Bremerton, WA, survived to reach the rocky shoreline and safety.

Some of my colleagues have heard me address this body in the past to give tribute to successful rescues made by Coast Guard personnel in dangerous situations where they themselves were placed in serious jeopardy by their effort to save others. Most such rescues end happily. This one—tragically—did not.

We pay formal tribute to those members of the military who fall in the line of duty while fighting our Nation's enemies. I hope the Members of this body will take just a moment to reflect on the sacrifice of these three young Coast Guardsmen. They, too, perished in the line of duty, fighting to protect human life.

The Coast Guard motto, "Semper Paratus," means "Always Prepared." Sometimes, it means being prepared to make the ultimate sacrifice.

#### INTERIM STORAGE OF RADIOACTIVE WASTE

Mr. MURKOWSKI. Mr. President, a very serious situation exists in our Nation that I would like to discuss with my colleagues today. It concerns the storage of nuclear waste that has been generated in conjunction with the operation of nuclear reactors that provide this Nation with about 22 percent of the power generation that we currently enjoy. Without this contribution from the nuclear industry, we would have to depend on some other form of generation to contribute that 22 percent. We would probably use more coal,

perhaps more natural gas. The potential for developing more hydro is somewhat limited, based on the costs and the fact that most of the potential hydro sites have already been developed. I happen to be chairman of the Energy and Natural Resources Committee, which has the obligation to oversee our country's electricity industry. It is an industry that most Americans take for granted. We are used to plugging in the iron, plugging in the coffee pot, and having them work. We do not recognize and we do not really reflect on what is behind it—the people, the men and women working in the power generating business, the business of transmitting the electric energy, distributing it and making sure it works.

In any event, in connection with the tremendous dependence we have on nuclear energy in this country—I might add, we are the largest consumers of nuclear generated energy of any nation in the world—I was staggered to read that the Senate-White House meeting which was held yesterday resulted in agreement on some issues, but no agreement to address the question of what to do with the nuclear waste generated by our power reactors.

I think a headline should have read, "The Clinton Administration Simply Wants to Keep the Status Quo." Keeping nuclear waste in the neighborhoods of our country, and the consequences of that, deserve some examination. This examination could start in your town, in your State, in your neighborhood. That is where it is being stored. High-level radioactive materials are piling up in 80 locations in 41 of our States. Onsite storage is filling up, and the States which control the ability of utilities to store nuclear waste on the reactor sites will have to address whether they want to increase onsite storage at the nuclear reactors, or whether they will give in to pressure to simply not allow any further storage beyond the limited amount of existing storage.

Some see this as a way to shut down the nuclear industry in this country. By objecting to any increase in authority to store onsite, the reactors can be forced to shut down because there is no place to put the spent fuel.

I have a chart which I am going to spend a few minutes on, because it shows the crucial nature of the problem. When the administration says, "We will just leave it where it is," I suggest to you, Mr. President, that this is an unrealistic and unworkable alternative. By 1998, 23 reactors in 14 States will run out of storage space. What we have here are plants with adequate storage, and they are indicated in the light blue. You can see most of them are on the eastern seaboard. But in purple are plants requiring additional storage by the year 2010. These States all have plants in purple: California, Arizona, Florida, Georgia, North and South Carolina, and all up and down the east coast. These plants do not

have adequate storage to hold waste within the areas immediately adjacent to the reactors, and are going to have to petition the States to increase the authorization for nuclear energy waste allowed to be stored at those sites. In the green are plants requiring additional storage by the year 2015. They are primarily on the eastern seaboard and the Midwestern States, such as Illinois.

So the point of this chart is to highlight that additional nuclear waste storage is needed in this country now. The bill we have introduced in our committee, S. 104, would provide a real solution to this crisis that is coming down the track. It is a train wreck that is coming. We have this material at 80 locations in 41 States. The Federal Government entered into a contractual commitment with America's ratepayers who depend on nuclear energy and the nuclear generation industry. In return for over \$12 billion ratepayer dollars, the Government committed to take this waste by the year 1998. This is less than 1 year away; it is about 10 months away. The Federal Government has no place to put this waste and will default on its contractual commitment in 1998, when it is obligated to take the waste.

There has been an effort to provide this Nation with a permanent repository. The government has a study program under way at Yucca Mountain, NV. We have spent \$6 billion on this effort, but that facility will not be ready for 15 years, at the earliest. Secretary O'Leary said it may be 20 years. It may be longer. But the point is, we are looking at somewhere in the area of 2015 or thereabouts, and where in the world are we going to be able to accommodate this waste? Because we are not going to have a permanent repository then. We may never have a permanent repository, and I will talk about that a little later.

S. 104 is a bill that got 63 votes in this body last year. The bill would provide for construction of a temporary storage facility, either at the Nevada test site or another site chosen by the President and Congress, until such time as we have a permanent repository constructed.

Why the Nevada test site? The geologists tell us it is the best site that has been identified for a permanent repository. Furthermore, it is a site where for over 50 years we have tested our nuclear weapons. It is a site that is monitored and secured. It is a site that is well known. And it is the most appropriate site that has been identified.

Now, the bottom line with this whole issue, Mr. President, is nobody wants nuclear waste. But you cannot throw it up in the air. It will come down somewhere. So the question is, what do you do with it? Again, last year, 63 Members of this body indicated that they approved of the construction of a temporary repository at the Nevada test site because it would allow us to proceed with the permanent repository,