

didn't believe what they had done was perfect, but he doubted that they would do better.

I have found that every time we try to find perfection, every time we try to offer to accept this concern that our Democratic colleagues have, they end up backing away from it. There is no one so unconvinced as a person who will not be convinced.

So, I think it is important that the American people understand some basic facts about all we are going to do today, since the balanced budget amendment to the Constitution is going to fail by one vote. Two Members, who voted for this very amendment in the House and who campaigned for it, are going to cast votes to kill it today. What are we getting out of all this? Let me tell you what the lesson is to the Nation. There are 55 Republicans in the Senate, and every one of them—and I am proud to say every one of them—is going to vote for the balanced budget amendment to the Constitution of the United States. Our Democratic colleagues, in their concern for everything but deficit reduction, have offered amendments to exempt 95 percent of all domestic spending from the balanced budget. How can you balance the Federal budget when you don't count 95 percent of the domestic items that the Government spends money on?

The plain lesson here is this: Despite all we say in our campaigns, despite the fact that there are so many who want the public to listen to what they say at home and not look at what they do in Washington, the bottom line is, over and over and over again, what our Democratic colleagues have shown is that they are not for a balanced budget amendment. How can you vote to exempt 95 percent of the budget from the balanced budget amendment and be for it? You can always find an excuse to not balance the Federal budget. You can always be for it in the abstract and not in reality.

What I want America to get out of this 3-week debate that we have had is, there is a clear difference. There is a clear difference. Republicans, I am proud to say, are absolutely united, 55 out of 55, in favor of requiring, constitutionally, a balanced budget.

This is not our idea. Thomas Jefferson had come back from France where he had been Minister to France during the Constitutional Convention, and when he first saw the Constitution, he said if he could change one thing, he would limit the ability of Government to borrow money to incur debt. And we are here today, over 200 years later, trying to fix this problem in the Constitution.

Some say this is not perfect. Some say, "Shouldn't we exempt all these programs?" What is more important than the future of our children? A baby born in America today, if this current trend of spending continues—and it will without this amendment—will pay \$187,000 of income tax during their working lifetime just to pay interest on the public debt.

When does it end? Obviously, in the minds of our Democratic colleagues, not today. We are going to pass a balanced budget amendment, but I am very concerned that we are not going to pass it until we have a financial crisis, until we are all brought to our senses that this debt binge that we are on, mortgaging the future of our children, taxing people yet unborn to pay benefits to people today, has to end. I wish it were ending today. It is a profound disappointment.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, has all time expired on the pending issue?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senate is set to go into recess.

Mr. MURKOWSKI. I ask unanimous consent that I may speak in morning business for 5 or 6 minutes.

Mr. LEAHY. Reserving the right to object.

Mr. MURKOWSKI. Not on this subject.

Mr. LEAHY. Reserving the right to object, and I will not object, if—I want to accommodate my friend from Alaska—after that, we then recess for the party conferences. If he can include that in his unanimous consent request, I have no objection.

The PRESIDING OFFICER. Is there objection to the request as propounded? Without objection, it is so ordered.

#### NUCLEAR WASTE

Mr. MURKOWSKI. Mr. President, I rise to inform the Senate of recent events which relate to the nomination of Federico Peña to be Secretary of the Department of Energy. I would like to state up front, the issue is not Mr. Peña's qualifications, the issue is whether or not Secretary Peña will have the ability to work with Congress to solve the nuclear waste problem. As you know, I have been working for the past 2 years to find a solution to the Nation's nuclear waste storage problem. Currently, civilian nuclear waste is piling up in 41 States at 80 reactor sites and defense facilities around the country.

We have waited many years for a solution—we cannot wait any longer. There is a critical need right now to find a safe central storage facility to eliminate the current threat to the environment and to the American people posed by existing storage.

The administration's position has been that it would not support any nuclear waste legislation until Yucca Mountain has been found viable as a permanent repository. An event which was not scheduled to occur until late in 1998. This position completely ignored

the fact that a Federal court had ruled that the Department of Energy was required to take title to the waste in January 1998.

This administration's attitude toward nuclear waste storage is improper, irresponsible, and unacceptable. The American people deserve better.

I looked forward to working with the new Energy Secretary in the post-election spirit of bipartisanship. Indeed, when Mr. Peña testified during his confirmation hearing on January 30 that he would work with Congress to find a solution for nuclear waste storage, I was encouraged.

I was hoping to open a real dialog with the administration to explore possible compromise.

However, before the committee voted on Mr. Peña, the summit between the President and congressional leaders took place on February 11. Because I was encouraged by Mr. Peña's statements at his confirmation hearing, I asked Senator LOTT to raise the nuclear waste issue at that meeting. It was already an issue which had broad bipartisan support in Congress.

I was extremely disappointed when I received a report of what happened when Senator LOTT attempted to raise the issue. The Vice President said words to the effect: "That waste is going to stay right where it is until we have a permanent place to put it." He went on to say that he thought the meeting was to discuss items on which compromise was possible and nuclear waste was not such an item.

I found that to be a totally irresponsible position on the part of the Vice President. It also demonstrated a complete insensitivity to one of our most urgent environmental problems and ignored the contractual commitment. The Vice President had categorically ruled out safe, centralized interim storage. He said "leave it where it is."

I had planned to go ahead with a markup of the reintroduced nuclear waste bill and the Peña nomination the very next day, February 12, but I canceled that business meeting in an attempt to see if the new Secretary would have authority to work with Congress on the impending nuclear waste crisis.

Again the issue was not Mr. Peña's credentials, it was a question of would he have the power and authority as Secretary to work with Congress on the nuclear waste problem.

During the following week, I requested a meeting with White House Chief of Staff, Erskine Bowles, to discuss this matter. That meeting occurred last Tuesday.

I asked Mr. Bowles if there was any way the administration could start a dialog to find a responsible solution to our disagreement on the waste issue. Mr. Bowles said he would look into it and get back to me. The meeting was cordial and I had hoped productive.

Mr. Bowles got back to me last Wednesday morning by telephone. It

was a short conversation. I was told that there would be no discussions at all on nuclear waste until after Mr. Peña was confirmed. Let me repeat that—no discussions at all on nuclear waste until after confirmation.

This is the message from an administration which has had its head in the sand on this issue for 4 years. They have refused to discuss or take any kind of responsible position on this issue, yet they want me and the rest of the Senate to move forward on the nominee which will have responsibility over nuclear waste policy.

A nominee, who when Secretary, would have absolutely no authority to even discuss areas of compromise.

It's no wonder Secretary O'Leary waited until she was free from the administration to articulate her support for centralized interim storage. A CQ Monitor story last week reported "O'Leary blamed \* \* \* opposition [to interim storage] on White House officials connected with Vice President AL GORE. She said they see the issue more in political than technical terms." "You'll get more clarity from someone like me outside the system," O'Leary said. Unfortunately, we cannot wait until the next Secretary leaves office before we hear his views on this subject.

Safe nuclear waste storage should not be a political issue. It is a scientific issue and an environmental issue—and we need a solution now. Sadly, the administration has turned a blind eye and a deaf ear.

In addition to threats to the environment and safety, 20 percent of our electric generating capacity is at risk—20 percent. Starting in January 1998, there is a substantial likelihood that American taxpayers will either be paying for or be deprived of billions of dollars a year as a result of this administration's inaction. That's right, Mr. President, estimates of the Federal Government's liability under a recent lawsuit brought by the States run between \$40-\$80 billion.

Inaction is not an option. Inaction is irresponsible.

Mr. President, I have not asked the administration to change its position prior to Mr. Peña's confirmation. I would like that, but I'm trying to be reasonable. I have identified areas where S. 104 can be modified to alleviate concerns. I am working with Democratic colleagues on the committee to address some of their concerns. I would like to have the same opportunity for dialog with the administration.

Contrary to some White House leaks, that dialog has not been linked to any specific Alaska issue and it has not been about Mr. Peña's qualifications. It has been largely about the administration's lack of a plan to accept the waste by 1998. Americans have paid \$12 billion into the fund.

I look forward to working with a Secretary of Energy who can work with me and other Members of Congress on the nuclear waste problem. It is very

hard to explore compromise if one side won't talk.

It is also hard if one of the sides ducks the issue for years, and won't take a position until it is forced to.

The Vice President says no talk and no interim storage. Period. He says "Leave it where it is"—in 41 States. Other elements of the administration seem to want to be more cooperative.

It took a meeting with Mr. Bowles, a lot of other conversations, and a couple delays in the confirmation vote to get them to focus on this important safety and environmental issue. The national news attention has also raised visibility.

Now, they seem willing to face the issue. And they are beginning to sort out their real position. The current policy squabble inside the administration suggests it is finally facing up to this pressing issue.

I received a letter from Mr. Bowles. It signals that the administration is willing to engage in constructive dialog; it comes close to finally articulating a policy; and it contradicts the Vice President's non-policy policy of leaving the waste where it is until the final repository is built.

I am pleased to receive the letter. After 2 years, I think we finally may have a real dialog. The letter says Mr. Peña will have the portfolio to talk and work with Congress.

I ask unanimous consent that Mr. Bowles' letter be printed in the RECORD.

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

CHIEF OF STAFF TO THE PRESIDENT,  
*The White House, February 27, 1997.*  
Hon. FRANK MURKOWSKI,  
*Chairman, Senate Committee on Energy and Natural Resources, US Senate.*

DEAR SENATOR MURKOWSKI: The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner, consistent with sound science and the protection of public health, safety, and the environment. The Federal government's long-standing commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste management policy.

The Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability determination of a permanent geological repository at Yucca Mountain has been determined.

Following confirmation, Secretary Peña has the portfolio in the Administration to work cooperatively with the Committee and others in Congress on nuclear waste disposal issues within the confines of the President's policy as stated above. Secretary Peña will also be meeting with representatives of the nuclear industry and other stakeholders to discuss DOE's response to a recent court decision on the Department's contractual obligations regarding nuclear waste.

Sincerely,

ERSKINE B. BOWLES.

Mr. MURKOWSKI. Mr. President, based on Mr. Bowles involvement and the good faith commitment by the administration to treat this as a policy and not a political issue, I am announcing the Committee on Energy and Natural Resources will vote on the nomination Thursday at 9:30 a.m.

We look forward to resolving our differences with the administration and moving forward with legislation addressing the nuclear waste crisis by the end of this month.

I look forward to working with Mr. Peña to stop the irresponsible policy of piling high-level radioactive waste at 80 locations in 41 States, near our homes and schools.

Taxpayers are being exposed to billions of dollars in liability and American ratepayers are being cheated out of the \$12 billion they have paid into the nuclear waste fund.

Let's get on with it.

#### RECESS

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:48 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. There will now be 1 hour for debate under the control of the manager on the Democratic side with the first 20 minutes under the control of the Senator from West Virginia [Mr. BYRD].

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, would the Presiding Officer give me what the parliamentary situation is?

The PRESIDING OFFICER. Under the previous unanimous consent agreement, 1 hour of time is reserved at this point under the control of the manager on the Democratic side with 20 minutes allocated to the Senator from West Virginia.

Mr. LEAHY. Mr. President, while we are waiting for the Senator from West Virginia to arrive—and my understanding is there is not someone on the other side now asking to speak—I will, within the time on this side, continue some comments I made earlier this morning.

I talked about the fact that the amendments were, in almost lockstep fashion, knocked down by the proponents of the constitutional amendment. I was concerned about that because even many of the supporters of a constitutional amendment spoke in their testimony before the Judiciary Committee of the basic flaws in this amendment as worded.