

Committee and the Congress toward resolving the complex and important issue of nuclear waste storage and disposal in a timely and sensible manner, consistent with the President's policy, which is based upon sound science and the protection of public health, safety, and the environment.

I am very cognizant of the Department's contractual obligation with the utilities concerning the disposal of commercial spent fuel, and, after confirmation, I also expect to meet with representatives of the nuclear industry and other stakeholders to discuss the Department's response to the recent court decision and the consequences of the delay in meeting that contractual obligation.

As Chief of Staff Erskine Bowles emphasized in his February 27 letter to Chairman Murkowski, the Administration believes that the Federal government's long-standing commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste policy. Accordingly, 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 of the Yucca Mountain site has been determined.

In conclusion, I want to strongly emphasize again that I am committed to working with you and other members of the Committee and the Congress on these difficult issues.

Sincerely,

FEDERICO PEÑA.

U.S. SENATE,

Washington, DC, March 5, 1997.

Mr. FEDERICO PEÑA,
Secretary-designate, U.S. Department of Energy, Washington, DC.

DEAR MR. PEÑA: I received your letter, dated today, in response to my most recent questions on our nation's nuclear waste policy. Although I appreciate the timeliness of your response, I am still concerned about the absence of specific proposals from you on how best to resolve this important issue.

In your letter, you wrote that the Clinton Administration "believes that a decision on the siting of a storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998." Frankly, this response states nothing more than the position you have taken in the past, leaving questions about whether the viability study can be completed in time for the DOE to realistically accept waste by the legal deadline of January 31, 1998 and what can be done to meet the deadline if the permanent site at Yucca Mountain is not determined to be viable.

I certainly hope you can understand my concerns, given that you yourself have publicly admitted that following this track would make it impossible for the DOE to meet the January 31, 1998 deadline.

More importantly, you did not answer my central question regarding what specific, constructive alternatives you would propose in order for the DOE to begin accepting waste from states by January 31, 1998, as outlined in statute and ordered by the courts.

With that in mind, I would again request a specific response from you—prior to the Senate vote on your confirmation—to the following question: given that the current Administration position would result in the failure of the DOE to accept waste from states by January 31, 1998, what specific, constructive alternatives would you propose to guarantee that the DOE will meet this legal, court-imposed deadline?

I look forward to your response.

Sincerely,

ROD GRAMS,
U.S. Senator.

Mr. GRAMS. Today, when the Energy and Natural Resources Committee took up Mr. Peña's nomination, I voted "present," as I had announced I would several weeks ago.

As the author of legislation to eliminate the Department of Energy—legislation prompted, in part, by the nuclear waste fiasco—I had decided that I could not in good conscience vote for Mr. Peña's nomination to head up a department that should not continue to exist.

Yet, at the same time, I did not want to cast a vote that would be misinterpreted as a vote against Mr. Peña personally.

Since then, I have grown increasingly troubled, however, for the reasons that I have outlined here today, by Mr. Peña's inability to provide specific answers about how he and the Clinton-Gore administration intend to resolve our Nation's nuclear waste storage problem.

Again, he has to get these answers from the administration. And it is Clinton-GORE that have to make these decisions.

We in the Senate have our own proposal, and that is our bill S. 104. That is the Murkowski-Craig-Grams bill, which won the support of 63 Senators last year.

As a Senator representing Minnesota ratepayers who already have paid over \$250 million in exchange for no tangible benefit, representing taxpayers who may be held financially liable for the Federal Government's failure to act, and representing citizens concerned about protecting our environment, I believe that the Senate must not rush ahead in confirming Mr. Peña's nomination before we receive from him a specific and constructive response to our questions.

Now, while I hold out hope that we will receive such answers from Mr. Peña in the immediate future, I am willing to work with my colleagues in ensuring that a final vote is not taken before a specific, constructive response is given. Accordingly, I would object to any unanimous-consent agreement to bring up Mr. Peña's nomination for a vote at this time.

The Senate cannot simply allow itself to be lulled by vague promises to work together on this issue. Fifteen years of unfulfilled promises should have taught us that lesson.

Again, with the January 31, 1998, deadline fast approaching, we have our own responsibility to the American people to ensure that the obligations of the Federal Government are satisfied. We owe them nothing less.

DR. PIERCE BLITCH

Mr. COVERDELL. Mr. President, I rise today and ask my colleagues to join me in extending condolences to

the family and loved ones of Dr. Pierce Blitch, Jr., of Augusta, GA, who passed away on Wednesday, February 12, 1997. Dr. Blitch leaves a proud and indelible legacy for his family, profession, and community. He spent his professional and personal life dedicated to the field of medicine. After completing service to his country in the Navy during World War II, he graduated from the Medical College of Georgia in 1952. Dr. Blitch embarked on his medical career with an internship at University Hospital and a cardiology fellowship at Massachusetts General Hospital in Boston. He was active on staff at University Hospital and St. Joseph Hospital from 1956 until 1996. At University Hospital he served as a member of the executive committee and chief of staff and chairman of the department of medicine from 1976 until 1981. Dr. Blitch then went on to teach at the Medical College of Georgia as an instructor in the department of medicine in 1956, clinical professor of medicine in 1976 and ultimately awarded professor emeritus of medicine in 1992. He was truly a public servant and devoted leader of his field. He will remain a role model to the medical community for generations to come. I am proud of this fellow Georgian, his achievements and his contributions to our State and country. His passing is a great loss for the community.

TRIBUTE TO FDA COMMISSIONER DAVID KESSLER

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to an outstanding public servant who is leaving office as Commissioner of Food and Drugs, Food and Drug Administration, Dr. David Kessler. In 1991, the Food and Drug Administration was at one of the lowest points in its history. The agency was recovering from the generic drug scandal. It was not consistently enforcing the law. Patients felt they were not receiving the therapies they needed.

The appointment of David Kessler as commissioner changed all that. He launched an extraordinary period of reform and improvement in the agency's effectiveness. He began with the obvious—enforcing the law.

He initiated many other important reforms. He has worked tirelessly to provide improved treatments for cancer and AIDS, and to assure that life-saving drugs move quickly from the laboratory to the marketplace. Because of his leadership, the information supplied with prescription and over-the-counter drugs will soon be more user-friendly. He led the administration's initiative to reduce teenage smoking.

He led the way to many other impressive achievements. The United States is now as fast or faster than any other country in the world in getting new drugs to patients. David Kessler achieved this result without sacrificing the FDA's high standards for safety and effectiveness.

For David Kessler, the first priority was always the public health. He used his brilliant intellect, his boundless energy, and his unparalleled commitment to serve that great goal. He represents the best in public service. It has been a great privilege to work with him, and I wish him well in the years ahead.

I yield the floor and 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GREGG. Mr. President, may I ask what the parliamentary status is?

The PRESIDING OFFICER. Morning business recently expired.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

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

THE AMERICAN PRODUCTIVITY RENEWAL PACKAGE

Mr. GREGG. Mr. President, I want to speak about a series of initiatives that I have introduced to try to address what I see as the major public policy concerns as we move into the next century, on the fiscal side of the ledger, that affect people in their lives.

As we move out of the 20th century, we have seen a period where, certainly throughout most of the 20th century, there was a sense that, through a centralized Government, through an economy dominated by a Government, you could manage the lives and affairs of individuals and improve their lifestyle. Of course, the most exaggerated example of this was communism and the Russian revolution, which began the major Communist state of this century or any time. And it did not work. One of the great truths of the 20th century, of which there have been about three, one of the great truths is that communism—the concept that the state can manage the marketplace and make people better off by requiring that people function under a top-down system where their lives and their style of economic production is controlled by a central mechanism—simply does not function effectively. Instead of producing prosperity, it produced despair. Instead of producing freedom, it produced totalitarianism.

So, one of the great truths that has come out of this century is that capitalism works, that the free market works, that giving the individual the incentive to be productive, by allowing the individual to retain a large amount of the product of their work, is something that produces prosperity for the individual and, as a result, produces prosperity for society. And a prosperous society is a freer society, we

have also learned that. That is the second truth.

Yet, our Government continues to function, even here in the United States, with a hybrid of the theory that a centralized decisionmaking process can handle major social and economic issues more effectively than the marketplace can handle them or the individual can handle them. In the 1930's and 1940's, we as a nation, our intellectual community, especially the Northeastern intellectual community, was caught up in the concept that you could manage almost every major social and economic problem from the top down. We were caught up in the concept that a few good minds put together in a room, thinking, could resolve issues of major concern for the society at large, especially fiscal issues.

This led to a centralization of decisionmaking here in Washington throughout the 1950's, 1960's and 1970's, which reached its peak in the early 1970's, and gained momentum from that peak throughout the 1970's until the arrival of Ronald Reagan, who said, "Let's stop and think a minute as to what we have done here and whether it has been successful."

The conclusion was that many of the decisions to centralize the process of policymaking in the hands of a few here in Washington simply was not working, that it was not producing a resolution to the problems that were at the core of our society, and especially it was not helping the prosperity of the Nation and individuals who lived in the Nation in many ways. So, we have, as we move toward the end of this century, come to the conclusion that maybe a centralized Federal Government is not all that effective in solving all of our problems; maybe we should slow the rate of growth of this Government and return authority to the people and to the States. And that, really, is what the Republican revolution has been about.

If we take that as true, and I do happen to believe that is one of the things that has been proven by time, now—it is not a question of philosophy or theory any longer, it is a time-tested, proven event—then we still have some major issues to address, because some of the most significant social/fiscal issues which we have as a country today are still being driven in their policies as to how they are resolved by these concepts which came out of the thirties and the forties and the fifties of centralizing the decision in Washington and making the process of addressing those decisions a Washington-driven one.

The three issues that are at the core of this, the three concerns that we as a society must have, from a fiscal policy standpoint—I am not talking about social policy; there are a whole set of other issues dealing with social policy—but from a fiscal policy standpoint of how Government deals with major issues, the three core concerns which

we must have, as we head into the next century, are, one, how do we deal with Social Security; two, how do we deal with Medicare, which is a health care component for our senior citizens, and Medicaid; and three, our tax laws, how do we structure our taxes?

All three of those issues, all three of those functions of Government which deal with the broad spectrum of the quality of life of a vast majority of Americans, are now dominated by a philosophy which grew out of the thirties, which was that a centralized, Government-decisionmaking process can better manage these systems than a decentralized, marketplace-driven approach.

As a result, we have some chaos headed our way. We know that, under the present Social Security system, as a function of its present rate of return on investment and as a function of demographics, the system goes broke, taking the country with it, starting in about the year 2010. It goes broke in about the year 2020, but gets into what one might call a fiscal spiral beginning about the year 2017 which is not reversible.

This is driven by the fact that returns on investment in Social Security dollars put into the trust fund have been extraordinarily low. They are basically a rate of return set by the Federal Government on special bonds given to the Social Security fund, which is where the Government borrows.

Second, we have a population shift in this country, which is a function of the postwar, baby-boom generation, where we now have 3½ people paying into the system for every 1 person taking out, and in the year 2012, we will have 2 people paying into the system for every 1 person taking out, and this cannot support the present benefit structure when you have such a change.

In addition, there is the fact that people are living longer. When Social Security was first created, people lived to be 61. The time was set at 65. That was Franklin Roosevelt's choice. He was no slouch and understood actuarial tables. Today, people live to be, on the average, male, 72, female 78, and it is going up.

So we have a Social Security system which we know is headed toward bankruptcy due to demographics and due to the fact there is no prefunded system. It is a pay-as-you-go system with a very low rate of return on the investment.

Then we have the Medicare system, which is going broke, managed by the Federal Government. Basically, it is a Federal Government program, single manager, single opportunity for seniors. They have to buy fee-for-service delivery. They have to buy a certain set of benefit structures. That system is going to go broke in the year 2001 at the latest; probably in the year 2000, only 3 years from now.

It is going to go broke because of the fact that it is a system which is using