

committee for many, many years. We have all come to know and respect WENDELL FORD. And I think within the institution of the Senate, certainly as it relates to all the employees, no matter whether they are in the cafeteria, no matter whether they are here on the dais, wherever they are, he feels a very keen sense of responsibility for their welfare and their safety and for their ability to achieve their goals and care for themselves and their families.

He has done a remarkable job on the Rules Committee over these years, and I look forward to working with him the balance of this distinguished Senator's term. The Rules Committee is often thought of as housekeeping. Fine, call it housekeeping if you wish. We saw an example today where it occasionally is a little more than housekeeping. But whether it is the complicated issue like today or caring for any employees in this institution of the Senate and working with the House on the overall protection of the Capitol of the United States, where the two bodies share joint jurisdiction, Senator FORD is always there, keeping in mind what is in the best interests of the Congress and of the Senate and of those people who serve the Senate. I salute my good friend and wish him well.

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. GRAMS. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. GRAMS. I ask unanimous consent that I be allowed to address the Senate as if in morning business for up to 12 minutes.

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

Mr. GRAMS. I thank the Chair.

NUCLEAR WASTE STORAGE

Mr. GRAMS. Mr. President, as the Senate further deliberates on the nomination of Federico Peña to become the next Secretary of Energy, I rise again to discuss an issue of paramount importance to our Nation's ratepayers and taxpayers: nuclear waste storage.

While I have already discussed on this floor the long history of this debate, I believe a brief review of this history is warranted.

Since 1982, energy consumers have been required to pay almost \$13 billion into a trust fund created to facilitate the disposal of our Nation's commercial nuclear waste.

In return for such payments, nuclear utilities and their ratepayers were assured that the Department of Energy would begin transporting and storing nuclear waste in a centralized Federal repository by January 31, 1998.

This deadline is less than a year away. Over \$6 billion of the ratepayer's money has been spent by the Depart-

ment of Energy, with very little progress being made by the Department in living up to the Federal law which requires the DOE to accept commercial nuclear waste. In fact, late last year, the DOE politically punted their problem by notifying utilities and States that it would not meet the deadline, despite a Federal court's ruling that it must do so or be liable for substantial damages.

Since then, the Department has failed to set forth a single, constructive proposal to meet its legal obligations, thereby threatening the interests of ratepayers and ultimately the taxpayers.

Who will be most affected by the lack of DOE action? Obviously, ratepayers come to mind. As I have stated before, our Nation's energy customers have already paid almost \$13 billion into the Nuclear Waste Fund. At the same time, since the DOE has not met its obligations to accept nuclear waste, utilities and ratepayers have paid and will continue to pay for onsite storage at over 70 commercial nuclear powerplants. In other words, ratepayers are being hit twice because the Department of Energy has failed to meet its legal obligations to the American people.

In addition, the Energy Department's failure to move nuclear waste out of the States affects not just our Nation's consumers; it compromises our taxpayers as well.

Last year, the Federal courts ruled that the DOE will be liable if it does not accept commercial nuclear waste by January 31, 1998. But under current law, no one at the DOE itself will have to pay the damages—that bill will go to the American taxpayers at an estimated cost of 40 to 80 billion taxpayer dollars. This staggering and irresponsible potential damage liability and the DOE's reluctance to provide specific answers to resolve this situation should be an affront to the President, the Vice President, the Congress and more importantly, the American taxpayer.

To make matters worse, DOE officials under the Clinton-Gore administration have not only avoided specific responses to this fiasco, but have openly indicated that the States—not the Department—have the responsibility to address the problem in the absence of action by the Federal Government. In other words, in the last hours, the DOE is saying that it will not meet its responsibility and is tossing the ball to the States and the ratepayers to handle the DOE's mistake.

For example, in a recent hearing before the Energy and Natural Resources Committee, DOE Under Secretary Thomas Grumbly argued that nuclear waste storage problems facing States like Minnesota are not the Federal Government's responsibility.

Mr. President, I find that attitude completely arrogant, devoid of the facts, and a threat to the viability of long-term energy resources for the American public. In 1982, States, utili-

ties and through them, ratepayers, signed a contract with the Federal Government to dispose of commercial nuclear waste, a contract upheld by the courts last year.

With that understanding, States planned for limited onsite temporary storage capacity, relying upon the Federal Government's fulfillment of its contractual obligation.

Yet, as the years passed, it became apparent that the Federal Government would not keep its word, prompting threats of potential energy crises in States with limited storage space.

For example, the depletion of storage space in my home State of Minnesota will mean that one of our utilities will lose its operating capacity by 2002 if the Federal Government does not act soon. This plainly means that consumers in Minnesota would not only lose 30 percent of their energy resources but would also have to pay higher energy prices—estimated as much as 17 percent more—as a result of Federal inaction.

Therefore, ratepayers will not get hit just once or twice, but potentially three times, if a resolution is not found on a national level.

The crisis facing both our ratepayers and taxpayers is simply unacceptable. The American people do not deserve excuses and inaction; they need real answers from the Clinton-Gore administration. They need leadership on this issue—not a crass political debate arising out of Presidential politics.

With that in mind, I took the opportunity to ask Secretary-designate Federico Peña of his specific and definitive views to resolve this issue.

Since I believe the American people deserve answers from their leaders, I sent a letter to Mr. Peña asking for a detailed response outlining the specific steps he would urge to meet the January 31, 1998, deadline.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an exchange of letters.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. GRAMS. After this exchange of letters, I still felt troubled 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.

Because I have not received a sufficient response to date, I objected to an effort to expedite full consideration of Mr. Peña's nomination late last week.

Since that time, however, I had a telephone conversation with the Secretary-designate over the nuclear waste issue. While I am still concerned with his continued lack of specific answers, I was pleased to hear Mr. Peña agree with me and the Federal courts that any resolution of this issue ultimately involves Federal responsibility. Contradicting what DOE Under Secretary Grumbly stated before the Energy and Natural Resources Committee

last month, Mr. Peña provided verbal assurances of his commitment that our nuclear waste storage situation is a Federal problem worthy of a Federal solution. But what that means is taxpayers will still be asked to pay extra for the DOE's failure to do its job, and it creates the possibility of taxpayer liability high enough to make the public bailout of the savings and loan collapse seem small in comparison.

While I am not completely satisfied with Mr. Peña's overall incomplete response to this quickly approaching crisis and will vote against his nomination based on his inability to provide specific answers, I will not object to moving his nomination forward for the sake of advancing this debate.

For this reason, I hope that as the new DOE Secretary, Mr. Peña will play an active role in pulling the administration's head out of the sand and becoming a constructive player in this debate.

Specifically, it is my hope that Mr. Peña will show the necessary leadership and push the administration to support the common-sense solution crafted by Senate Energy Chairman FRANK MURKOWSKI, Senator LARRY CRAIG and myself. We will mark up this bill in the Energy and Natural Resources Committee tomorrow, and I believe the chairman will deliver a bipartisan resolution.

With the January 31, 1998 deadline fast approaching, the administration and Congress owe the States, ratepayers, and the taxpayers nothing less than the assurance that promises made by the Federal Government will be promises kept.

EXHIBIT 1

WASHINGTON, DC, March 4, 1997.

MR. FEDERICO PEÑA,
Secretary-designate, Department of Energy,
Washington, DC.

DEAR MR. PEÑA. As the Senate Energy and Natural Resources Committee further deliberates on your nomination as Secretary of the Department of Energy (DOE), I'm writing to solicit your views on recent comments made concerning our nation's failed commercial nuclear waste disposal program.

As you know, the DOE has announced that it will be unable to meet its legal deadline of January 31, 1998 to begin accepting commercial nuclear waste despite a mandate by a federal court and the collection of over \$12 billion in ratepayer's funds. As a result of this failure, the Court of Appeals will decide the appropriate amount of liability owed by the DOE to certain utilities, possibly putting taxpayers at risk because of the Department's lack of measurable action. Meanwhile, the federal government continues to collect and transport foreign-generated spent fuel for interim storage without any apparent technical or environmental risks.

In light of these activities, it was no surprise that former DOE Secretary Hazel O'Leary recently contradicted the Clinton Administration's longstanding objection to resolving the centralized interim-storage impasse for our ratepayers and, ultimately, our taxpayers. Her comments on the need to move forward with a temporary waste storage site upon completion of the viability assessment at Yucca Mountain reflect the bipartisan, common-sense reforms contained in S. 104, the Nuclear Waste Policy Act of

1997. Unfortunately, the Clinton Administration has ignored this reality by failing to become a constructive player in this process.

Although I am disappointed that Mrs. O'Leary's comments came after her tenure as Secretary, I applaud her courage in expressing her views honestly and thoroughly. I strongly believe that the next DOE Secretary must provide the committed leadership necessary to resolve this critical situation while in office. With this in mind, I want to know your specific thoughts on Mrs. O'Leary's comments that the DOE should move forward on a temporary nuclear waste storage site next year at Yucca Mountain if a viability assessment is completed at the permanent site. If you disagree with Mrs. O'Leary, I want to know what specific alternatives you would propose to meet the federal government's legal obligation to accept nuclear waste by January 31, 1998.

For too long, our nation's ratepayers and taxpayers have been held hostage to what has become a political debate. They deserve better and, more importantly, deserve an immediate solution to this issue. For that reason, I expect a specific, constructive response to my questions before the Senate votes to confirm your nomination.

Sincerely,

ROD GRAMS,
U.S. Senator.

MARCH 5, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for your letter of March 4, 1997 concerning the Department of Energy's civilian nuclear waste disposal program and the comments made recently by former Secretary Hazel O'Leary. I have not spoken with Secretary O'Leary about her remarks and, therefore, am not in a position to comment on them.

As I stated when I appeared before the Committee on Energy and Natural Resources, I am committed to working with the 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.

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 on 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.

MARCH 6, 1997.

Hon. ROD GRAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMS: Your letter of March 5, 1997 asks me to outline the specific, constructive steps that may be taken to guarantee the Department of Energy will meet its contractual commitments to begin taking nuclear waste discharged from civilian nuclear reactors on January 31, 1998.

Let me say again that I am committed to carrying out a responsible strategy for disposing of nuclear waste. I will work with you and your colleagues toward that end, consistent with sound science and the protection of public health, safety, and the environment. I cannot, however, outline for you specific steps for meeting the January 31, 1998 date. The Department of Energy has indicated to the court and in responses to the Congress that there is no set of actions or activities that could be taken under the Nuclear Waste Policy Act to enable the Department to begin receiving spent fuel at an interim storage facility or a repository on that date. The Senate Energy and Natural Resources Committee has itself recognized that compliance with the January 31, 1998 date is not possible under the law or even under the Committee's bill reported in the last Congress.

In recognition of this state of affairs, I have indicated that following confirmation I intend to meet with representatives of the nuclear utility industry and other stakeholders to address the consequences of delay in

DOE's meeting its contractual obligations and the Department's response to the recent court action.

Again, I wish to emphasize my pledge to work with the Congress in addressing this matter, consistent with the President's policy.

Sincerely,

FEDERICO PEÑA.

Mr. GRAMS. Mr. President, I yield the floor and 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.

Mrs. HUTCHISON. 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 NOMINATION OF FEDERICO PEÑA

Mrs. HUTCHISON. Mr. President, I am going to speak until the beginning of the vote. As soon as that is called and they are ready, I would ask to be interrupted. But I want to speak briefly on the nomination of Federico Peña for Secretary of Energy. This is a very important position, and one that I think will certainly have an impact on the energy policy of our country in the future. Knowing how important having a healthy energy policy and a strong industry that can produce our own energy domestically is to this country, I think this nomination and the support for Federico Peña is important to all of the Senate.

I am cochair, along with Senator BREAUX, of the oil and gas caucus. We are going to work this year to make sure that we eliminate redundant and unnecessary regulations on the energy industry so we will be able to go out and drill in our country for our natural resources. We want tax incentives which encourage oil and gas drilling, especially marginal wells and formations which are difficult to develop. These are important because we want to have energy sufficiency in our country. Not only does it create jobs, but it creates security.

A country that is dependent on foreign oil and gas is not going to be a strong country. It is not going to be a superpower. So, having a healthy energy policy in our country will be most important for us to be able to strengthen the ability to get oil and gas on our own shores.

I see, Mr. President, that our leaders are ready to start a vote. I will stop and then hope to be able to speak on behalf of Secretary Peña's nomination at a later time.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

AMENDMENT NO. 23

Mr. WARNER. Mr. President, I see my distinguished colleague [Mr. GLENN], is in the Chamber. So, at this time, on behalf of both leaders, I ask unanimous consent that there be 5 minutes for debate equally divided on amendment No. 23; following the debate, the Senate proceed to vote on amendment No. 23 without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not object to this proposal for 5 minutes for debate equally divided on the amendment, and following debate, we proceed to vote. There has been a lot of negotiating going on here, as has been obvious to everyone. I think we have some satisfactory procedures worked out that will be generally far more acceptable than what we had prior to that. I look forward to the vote. I think that most people on both sides will probably be happy to vote for this because this is a way we get to a final solution out of the disagreements we have had here. I look forward to the vote.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate my distinguished colleague, because I doubt that we would be where we are right now had we not had the debate yesterday and the debate this morning. I think the Senator from Ohio would concur in that.

Mr. GLENN. I would, indeed.

Mr. WARNER. Therefore, Mr. President, I express my appreciation to the distinguished Republican leader, the Republican whip and others who worked on this resolution. The amendment, which was reported out from the Rules Committee, will be amended by the distinguished majority leader, and I will be a cosponsor, whereby we add the word "improper." That reflects on the original document that I drew from, namely the Watergate amendment which we referred to several times on the floor. That contained that particular word, and it has been throughout the various expressions by the Governmental Affairs Committee as to their desire. But that does not in any way infringe on the continuing role of the Rules Committee or the continuing role of the Ethics Committee.

Again, there is a clear division under the underlying resolution from the Rules Committee that these three committees will work together as a team

and, hopefully, resolve many problems relating to campaign reform and campaign finance and otherwise. I certainly will say to my distinguished colleague, and I see on the floor the distinguished chairman of the Governmental Affairs Committee, with whom I have had a dialog just about every day, their main focus will be on the question of allegations of illegality and the presence, or lack thereof, of illegality in the generic subject of campaign finance and campaign reform.

Mr. President, unless the distinguished Senator from Ohio has further remarks, I yield back the time and we can proceed with the vote.

Mr. GLENN. Mr. President, I don't want to get into another debate before we even get around to this vote, but I think the focus on where the wrongdoing is can be either on illegalities or on improprieties with the change that has been proposed by the leaders. I would not want to let it be said right now or let it be indicated that the main focus—what the main focus will be, I think, is up to the committee chairman and the ranking minority member to work out. I think we have language in here that will do that. It might be inappropriate at sometime to take up an illegality if it was looked at as fairly minor, or a giant impropriety over that, in our judgment, needed to be looked at first. I would not agree at this point that this vote we are about to take specifies exactly which direction we would go. I hope that my colleague will agree with that.

Mr. WARNER. Mr. President, at this time, I think all time has expired, has it not?

The PRESIDING OFFICER. The Senator has 30 seconds remaining. The Senator from Ohio also has 30 seconds remaining.

Mr. GLENN. I yield such time as I have to the Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if we can ask directly, the Senator, with this amendment, is not establishing any priorities between illegality and impropriety; is that correct? Either one would be within the scope, is that accurate?

Mr. WARNER. Very clearly we have drafted the language so that the word "improper" is added to the underlying resolution of the Rules Committee in two places.

Mr. LEVIN. And it is not given any lesser strength than the word "illegality," is that correct?

Mr. WARNER. I say to the Senator, we simply added one word. It speaks for itself.

Mr. LEVIN. Except that our good friend from Virginia suggested there might be a greater emphasis on one than the other. Is there anything in this—

Mr. WARNER. If I did, I did not wish to infer that. I thank my colleague.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 23, offered by the Senators from Mississippi, Tennessee, and Virginia.