

Mr. DASCHLE. There is no question about it.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, regaining my time, we are certainly going to have ample time to debate the budget and budget issues. But I did think it was important to respond to the minority leader as it relates to his overall statement today and what we have done here in the last month that I think was an effort to accommodate this President. Now it is the job of the Congress to get on with their business, and they will, and those priorities will be well spelled out, and we will continue our efforts toward a balanced budget and a reduced deficit which the President did not honor in his commitment of his new budget, although what the Senator from Nevada has said certainly is a valid statement. The Congress has participated jointly in that.

#### NUCLEAR WASTE POLICY ACT AMENDMENTS—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. CRAIG. Mr. President, when it comes to establishing national priorities—and I know what our President is doing in the area that I am about to discuss now—it is a great frustration to many States across our Nation because this President refuses—I repeat, refuses—to take a firm position and establish as a national priority in this country the appropriate handling of spent nuclear fuel and high-level nuclear waste in a way that is acceptable to the American people and commensurate with the public law.

So what I am about to speak to is a piece of Senate legislation that I and the chairman of the Energy and Natural Resources Committee introduced on this floor last year, and that we passed last year in the U.S. Senate with 63 votes—63 bipartisan voices that said that this administration was wrong with their policy, and wrong with their priorities when it came to honoring public law and the 42 States that felt it necessary that this President honor public law. I am talking about the expeditious and timely management of high-level nuclear waste and spent nuclear fuel.

For all the right reasons, our Nation has spent a long time generating radioactive materials—nearly five decades. Most of this material is the byproduct of two principal activities: National defense operations, and commercial nuclear power plants. While it was our national policy for well over five decades that the Federal Government have oversight and primacy in the area of management and control of nuclear materials, it is no longer, tragically enough, a high-level policy of this country that is discernible by administrative position and by the clearness of administrative leadership. That is why

we are here today on the floor of the U.S. Senate debating a timely action that this country must take to be responsible for the five decades of activity in the generation of high-level radioactive waste.

What I am talking about clearly is a national concern. To ignore this responsibility would be unwise, irresponsible, and in some instances, with regard to taking timely action, unsafe.

I am pleased now to rise in support of Senate bill 104, the Nuclear Waste Policy Act of 1997. As I mentioned, last year I and the Senator from Alaska were here on the floor with the Senators from Nevada debating a similar bill, although this year we have changed the bill some by actions in the committee itself and by possible amendments that will be made here on the floor during the course of the debate and the final vote on this legislation.

What we are talking about is the timely storage and disposal of spent nuclear fuel and high-level nuclear waste from our Nation's defense program and from, of course, the commercial nuclear power plants. Senate bill 104 creates an integrated system that will ensure construction of an interim storage facility and permanent repository to manage spent fuel and high-level waste that is currently stored in over 80 sites in 41 States across this country.

I have in the backdrop a map of our country that demonstrates the locations of reactors and storage sites, 80 sites in 41 States. Yet our administration basically has had no policy for nearly two decades on this issue.

We spoke as a Congress and we spoke as a people in 1982: That there needed to be a national policy and a national program. The legislation that we have before us, in my opinion, demonstrates that kind of critical need, and the need also to operate and respond in a timely fashion.

Transferring nuclear waste from the many defense and commercial nuclear sites to a single Federal facility beginning in 1998 was the intent of the Congress and the President of the United States when the Nuclear Waste Policy Act passed in 1982.

It became law. It was signed by the President. It was a national commitment. It was this Nation speaking to the need to handle the kind of waste that I am talking about and to do so in a safe and responsible fashion.

Unbelievably, we are less than one year away—just 9 months—from the date when the Department of Energy is obligated by the law that was passed in 1982 and is obligated under contract, in response to the law signed and honored by our Government, to accept the waste. Now we have to come to the floor in the 11th hour and plead with this administration to come with us in the shaping of national policy to deal with this issue. Just last year the U.S. Court of Appeals reaffirmed the Federal obligation.

The Nevada test site was selected in the early 1970's as one of the sites under consideration for a geologic repository. This site has been under study for now over two decades by scientists and engineers. Here is a photograph of the Nevada test site where the interim storage facility would be located. Scientists and engineers at Yucca Mountain near this site where a permanent geologic repository for these high-level wastes would be placed have conducted the most thorough and comprehensive geological survey ever undertaken on any piece of property on the face of the Earth.

Let me repeat that claim because I believe it to be valid. The site that we are looking at, the Yucca Mountain deep geologic repository, has been studied more thoroughly, more comprehensively, both from a geologic point of view, from a seismic point of view, and from the overall need to meet the certification process for it to be a permanent, safe, high-level waste repository—that site has been more comprehensively studied than any piece of real estate on the face of the Earth. During all of this time and all of the studies, nothing has been discovered which would indicate that this site is unsuitable for use as a repository.

Because of the endless bureaucratic delays that have plagued the program, the Federal Government now says it will not have a repository operating until the year 2010 at the earliest. Remember, this was a Federal Government that in 1982 signed the Nuclear Waste Policy Act committing by contract to take the waste by 1998, 9 months from now. Yet this administration and their representatives at the Department of Energy shrugged their shoulders and said, "Well, gee, the year 2010 will have to do because we just can't get there." Yet the courts last year said "Wrong. Foul ball. Go back to home plate. You have to abide by the law." And the Department of Energy said, "Yes. You are right. We do have to do that. We recognized that."

This is 12 years after the Federal Government is contractually obligated to take title to and remove spent fuel from civilian power plants. Electric consumers and taxpayers have committed approximately \$12 billion solely to study, test and build a radioactive waste management system. So when the Federal Government made its obligation in 1982 to the taxpayer, but most importantly the ratepayer of the utilities that were generating electricity through nuclear power, and the Government owed this commitment by paying out money to build the facility, to do the siting, to do the studies, to do all of the test work and to have a facility ready to operate and receive by 1998. That was a \$12 billion commitment and \$4.5 billion of that money has already been spent. This chart will give you an idea of where the moneys come from.

So, in other words, these were the folks that made the commitments.

These were the folks that signed the contracts. These were the folks that believed that the Federal Government was an honorable agent that would honor those contracts. And the courts just this past year said, "You are right. The Federal Government has to do it." And the administration says, "Well, we can't do it. In fact, we probably won't be able to do it until 2010, or sometime beyond."

We enjoy the benefits of having the world's most reliable and powerful electricity supplies to drive our economy. In supplying more than 20 percent of the Nation's electricity, nuclear energy is part of the foundation of our Nation's high standard of living and economic growth. Twenty percent of the lights in our country, of the industry in our country, of the economy of our country, is fueled by nuclear power plants.

Mr. President, here is the thing that frustrates me most. I am going to quote from the President of the United States, this President. This is the President who doesn't have any idea how he will honor the commitment that the courts said just this last year he has to honor. This is the President who, in my opinion, has established the most antinuclear policy and attitude of any President since Harry Truman. Yet, this President this year in his fiscal 1998 budget request for the Department of Energy includes the following statement.

He says, or the Department of Energy says, this President's Department of Energy:

[Nuclear power] plants represent a \$200 billion investment by electric ratepayers and provide reliable baseload power without emitting harmful pollutants such as those associated with global climate change.

In other words, it is this President who recognizes that nuclear power or electrical power generated by nuclear energy is the safest, the cleanest, and provides a huge investment of \$200 billion. Yet, this is the President who shrugs his shoulders and says, "But we don't know what to do with the waste. We do not have a policy. We cannot react."

I agree with the statement that I just quoted from the Department of Energy's fiscal year 1998 budget. Nuclear power is a major generator. Nuclear power is safe. Nuclear power is clean. Responsible management and disposal of spent fuel from these plants is a vital component of the energy security of this country and is, in my opinion, the No. 1 environmental issue that we face. Managing the waste stream safely and soundly is the No. 1 environmental issue in 41 States at 81 sites across this country.

S. 104 authorizes construction of an interim storage facility on the Nevada test site near Yucca Mountain. This facility will be constructed in full compliance with the regulations of, and will be licensed by, the Nuclear Regulatory Commission. It is an interesting drawing we have up here on this chart

that shows how simple the technology to store this fuel is, but what is important to understand is that you do it by the rules and you do it by the science, the technology, and the engineering of the day.

The interim storage capacity provided for in the legislation would stem the Government's looming financial liability in its current lawsuit with utilities. In other words, I have just entered into a new dimension in this battle that we now have going over—how to be responsible and where to be responsible and when to be responsible as it relates to the appropriate management of spent fuel and high-level nuclear waste.

On January 31 of this year, 46 State agencies and 36 utility companies filed suit against the Department of Energy in Federal court. The lawsuit asks the court to order immediate action by the Department of Energy to comply with the Nuclear Waste Policy Act of 1982 by beginning to remove spent nuclear fuel from reactor sites by January 31, 1998, as specified under the act. The Department of Energy not only has failed to take any steps to fulfill this obligation, as I have spoken to earlier, but, rather, it has acknowledged it will not begin waste acceptance in 1998 and has solicited suggestions on what it might do in light of this failure.

Let me repeat. Here is the Department of Energy that has basically said: We cannot do it, so tell us how to do it. Give us some ideas of how we, as Government, can honor the commitment that we have made under the law.

Let me suggest to our Secretary of Energy and to the President that the way you honor the commitment is S. 104. Don't fight the Congress. Don't fight a majority bipartisan effort here. Come with us, work with us in solving this problem as S. 104 provides. Not only does it recognize the commitment by law, but it recognizes the need to respond in a timely fashion.

Just last week our new Secretary of Energy, Federico Peña, met with nuclear energy executives. Despite the potential for billions of dollars of liability judgments against his Department, Secretary Peña and the administration again failed to offer any concrete solution to this issue. Why did they fail to offer it? Because they do not want to recognize the need for S. 104. They do not want to recognize the commitment they have made, or at least are responsible for under the law.

In the course of this debate, you will hear and you have already heard the two Senators from the State of Nevada talk about the issue of transportation. Our opponents will raise the specter of a mobile Chernobyl. This fear-mongering is simply not supported by facts.

Let me digress here to talk about the safety of transportation for a moment. In doing so, let me make this statement. I have had the privilege over the course of my time in service in the U.S. Congress from the State of Idaho to

deal with a lot of issues, all of them or most all of them were political, but 99 percent of them are not just political. Some of them deal with economics. Some of them had differing opinions as to the engineering or the science or the technology involved in a given issue. But never have I dealt with an issue that, in my opinion, is exclusively political—not scientific, not engineering, not mechanical in any way. Because when it comes to the management of nuclear waste, none of those charges have any base to them. The only dynamics in this debate is politics. Where do you want to put the waste? Because, once that decision is made, our science, our engineering, and our technology knows without question that it can be effectively and responsibly stored and safely stored in an environmentally sound way.

Those decisions were made—that it be a deep geologic repository. So, when it comes to the movement of that waste to that repository, the same argument holds true. The fact is, there have been over 2,500 commercial shipments of spent fuel in the United States in the timeframe that I have talked about; the same timeframe we have dealt with the management and the handling of nuclear waste. There has not been a single death or injury from the radioactive nature of the cargo.

Let me repeat. There has never been a single death or injury from the radioactive nature of the cargo.

What am I saying when I say that? I am saying that the integrity of the shipment vessel in which high-level nuclear waste or nuclear fuel was transported was never breached, even though there were some accidents. There is no other product or waste material transportation in our country today that can make that claim—none, except nuclear waste. It has been transported more safely with no escape of radioactivity, and therefore no human injury resulting from it, and transported more safely than any other waste, toxic substance, or human-harming substance in the United States. That is a unique claim.

The reason that claim can be made was the understanding at the front end of the need to transport this waste in a safe manner and the importance of the vessel in which it was transported in accomplishing this.

Let me add to these national statistics by describing the experience of my State, because my State receives high-level nuclear waste shipments. There have been over 600 shipments of Navy fuel and over 4,000 other shipments of radioactive material to my State. I will say that while some Idahoans resist and speak out about these shipments, none of them have been harmed. There has never been a spill. There has never been an accident that resulted in the radioactivity of the cargo being released. There have never been—let me repeat once more, for the record—injuries related to the radioactive nature of shipments.

Why? Why the great record? Well, largely because of what I just said, because there was rigorous attention paid in the very early days, recognizing the need for safe transportation of these materials. In fact, according to the Nuclear Regulatory Commission, "The safety record for spent fuel shipments in the United States and in other industrialized nations is enviable. Of the thousands of shipments completed over the last 30 years, none have resulted in an identifiable injury through a release of radioactive material."

An example of this care and handling is the testing sequence to which spent fuel packages must be subjected. Once again, we have talked about the routes. You have seen the picture. Here are some examples of the kind of testing that has gone on to create the integrity of the shipping vessel that allows me to make the claims on the floor of the U.S. Senate that I have just made. For a spent fuel package design to receive a license from the Nuclear Regulatory Commission, it must be demonstrated that the cask can survive the following tests, in sequence: A 30-foot drop onto an unyielding surface. In other words, I am talking about a concrete slab; then, a shorter drop onto a vertical steel punch bar. In other words, dropping a vessel onto a steel spike, if you will, of the size that could fully penetrate the vessel; that it be engulfed in fire for 30 minutes; finally, submerged in 3 feet of water; and separately, that the cask must not leak for 1 hour under 200 meters of water. That is the rigorousness of the testing and that is why, of course, I can make the claims I made, that no spills have resulted.

To further ensure that this care and caution be continued, we have supported an amendment offered in the committee by our colleague from Oregon, Senator WYDEN. All shipments pursuant to S. 104 will be conducted in full compliance with all relevant Nuclear Regulatory Commission and Department of Transportation regulations, in addition to complying with the Department of Energy's requirements for advance notification and emergency response.

My colleagues from Nevada have been very vocal on this issue of transportation. I would like to quote from a letter dated March 11, 1997, sent by the Western Governors' Association, of which Nevada is a member. This letter went to Senator WYDEN, giving the Western Governors' Association response to Senator WYDEN's transportation amendment that our committee accepted, that is now within S. 104. The letter reads:

[Y]our transportation amendments to S. 104, dated March 11, are generally consistent with the WGA's adopted policies for the safe and uneventful transport of radioactive waste through western States.

We feel that the committee action has strengthened the already substantial transportation safeguards of S. 104, as introduced.

The point of this whole comment was that not only had we made significant strides to ensure questions about transportation, because the vessel itself is not of issue, in my opinion, nor are there scientists or engineers that would argue it.

The other question happens to deal with the general nature of exposure, and what is 100 millirems. We are going to talk about this in the debate. Already the Senators from Nevada have had this issue on the charts before us. I think it is important that we set radiation exposure levels in context, so that we can compare them to exposures that we assume routinely in our day-to-day living.

Mr. President, it is something that not all of us recognize or understand, but the fact is that we receive radiation by just being alive under natural environments, whether it is your relationship in altitude and exposure to the Sun or whether it is the fact that you are encased in granite or marble. For example, we receive 80 millirems dosage on an annual basis by merely serving in the U.S. Senate. Why? Because of the general radioactive nature of granite and marble. That is the way our world is made up.

In your State of Colorado, and in your city of Denver, residents receive approximately a 53-millirem annual dose because you live in a mile-high city where the air is thinner and your exposure to solar radiation is simply higher. It is the character of the environment we live in.

When I hear suggestions that we set exposure levels at 4 millirems for groundwater or setting a level of 15 millirems, I am reminded of the quote I heard when this debate occurred earlier. It talked about the differences of exposure in, again, Denver—and I do not know why they like to use Denver, CO, as an example—the difference between 4 millirems exposure for groundwater and setting it at 15 millirems is a difference of standing up or sitting down in Denver, CO, as it relates to your relative exposure to radiation and the Sun. I doubt that anybody in the State of Colorado, or in the city of Denver, thinks that they are more exposed standing or less exposed seated, to the natural environmental radiation that occurs there and has always occurred there because of the altitude and the atmosphere.

What I am trying to make here is a point that if you want to stand on the floor of the U.S. Senate and debate millirems in the 15 or the 4 context, you do not have a point. It cannot be made. It does not make sense, because you receive them in the natural environment of Denver or you receive them in the natural environment by being encased in a building of sandstone and marble and granite right here in the U.S. Senate. That is the reality of what we have. That is the situation that we face.

Support of S. 104 is coming from all quarters, including State and local

government officials, public utility commissioners, newspapers, editorial boards, labor unions, chambers of commerce, national trade associations, the electric utilities, just to name a few. A similar measure, as I have mentioned, S. 1936, passed this body last year with strong bipartisan support.

I know that many people would prefer not to address the problem of spent nuclear fuel disposal. For this Congress not to address this problem, in my opinion, would just be irresponsible. We cannot let the source of 20 percent of our country's electricity drown in waste, nor can we allow our Government to default on contractual obligations that it has made. This Government's default would leave the taxpayers of this country vulnerable to a financial liability as high as \$80 billion.

As I close, let me use these examples. The minority leader and I were just discussing budgets and who is on first and who is on second and who proposed and who has not proposed. The bottom line is we are all concerned about the budget and, most importantly, we are all concerned about getting it to balance in a responsible fashion and not doing so with major tax increases.

Yet, if this Government walks away from its commitment under the law, it may well be placing itself in a liability environment that could equal upwards of \$80 billion. How does that translate? That translates to an additional \$1,300 per family in the United States. On the dollar and cents costs, let me relate them to you as I understand them.

If we do not assume the responsibility and deal in a timely fashion, the cost of storage of spent fuel, because the courts have said to the Federal Government, "You will take charge of it. It will become your obligation," it will start costing the taxpayers money. That cost could go as high as \$19.6 billion. Return of nuclear waste fees could be \$8.5 billion. Interest on nuclear waste fees, \$15 to \$27.8 billion, depending on the interest rates used, and consequential damage for shutdown of potential nuclear powerplants that would lose their storage capability and would not be allowed to license new storage capability could be upwards of \$24 billion.

When the bipartisan leadership of the House and Senate met with the President and the Vice President some weeks ago, our leader, TRENT LOTT, said to the President, "It is our priority to deal with the nuclear waste issue." The President deferred to AL GORE and said, "It is not ours," and the Vice President largely said, "Leave it where it is until the year 2010."

Eighty billion dollars and 2010? Mr. President, Mr. Vice President, wake up. Not only will the taxpayers not allow that, but the politics of this country will not tolerate that. We must deal with this issue, and S. 104 is clearly a way of dealing with it.

The United States has benefited from the many uses of nuclear materials which have deterred a global conflict.

Our nuclear fuels now generate electricity in a clean, non-air-polluting way. Our generation now must take the responsibility that it has to properly manage spent nuclear fuels for the defense program of our country and for the 110 commercial powerplants that it obligated itself to do so in 1982.

The Nuclear Waste Policy Act of 1997, the legislation that we are now asking for the right to proceed with on the floor and deal with in a timely fashion, S. 104, is the proper way to move. It allows our citizens the comfort of knowing that our Government has acted responsibly to assure environmentally safe long-term storage and disposal of spent nuclear fuel and high-level radioactive material. I hope that tomorrow evening, when we vote cloture that would give the Senate the right to proceed to debate on the legislation, that we can have the kind of overwhelming, bipartisan support of the type that we have received in the past.

Mr. President, I believe we will get that support. I believe it because it is now time to deal with this issue. I hope that during the course of the debate on the floor of the Senate and action that will follow in the House, that somehow and in some way we can catch the attention of this administration, to do what they are legally and contractually obligated to do, so that we can stand bipartisan, shoulder to shoulder, in a national policy that deals with this issue in a way that we can all be proud of. Then we can say to our fellow citizens, "Yes, when the Government makes a commitment, when the Government signs a contract, when the Government obligates resources and taxes its citizenry for a dedicated cause, that cause can be responded to in a timely fashion." S. 104 allows us to do so, and I hope that by tomorrow evening we will have the support to vote cloture. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can ask the Chair, after we finish debate on this matter today, it is my understanding that, again, this matter will be taken up at 2:30 tomorrow afternoon.

The PRESIDING OFFICER. That is correct.

Mr. REID. And there will be a vote at 5:30 or 5:15?

The PRESIDING OFFICER. I believe it is scheduled for 5:15.

Mr. REID. And the debate between 2:30 and 5:15 is equally divided between the—

The PRESIDING OFFICER. It is equally divided between 2:15 and 5:15.

Mr. REID. I recognize that my friend from Minnesota has been on the floor, and I will just take a few minutes because there are many things we can talk about during the time tomorrow. I will just say, so I do not have to answer today everything that my friend from Idaho propounded, that the \$80 billion figure that my friend has brought up is, I suggest, maybe not modern math. It simply does not make sense. If in fact we are talking about saving money, the

thing to do would be to leave it where it is. We would save not only the cost of the site of construction at Yucca Mountain and the proposed interim storage site of billions of dollars, maybe as much as \$10 billion, but we would also not have the American public frightened and concerned about the transportation of nuclear waste. We will talk about that more tomorrow.

I will also say, tomorrow we will discuss in some detail the argument that because there has been nuclear testing there, we should also have nuclear waste; we will establish that is a clearly erroneous and fallacious reason.

Also, we will spend time tomorrow indicating how this legislation would wipe out environmental laws in this country, and that is the reason all environmental organizations in this country vehemently oppose this legislation.

Mr. President, there is a lot that we need to talk about with this legislation. As indicated, however, my friend from Minnesota has been waiting all afternoon. My friend from Idaho, my friend from Alaska and the two Senators from Nevada will discuss this in more detail tomorrow.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. We are not under controlled time.

Mr. GRAMS. Before I begin, I yield a few moments to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

#### PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Kristine Svinicki, a legislative fellow who works with my office, be granted the privilege of the floor for the duration of the debate on S. 104.

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

The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today in strong support of S. 104, the Nuclear Waste Policy Act of 1997. This much-needed legislation, as has been outlined today, will help resolve our Nation's nuclear waste storage crisis, help restore the commitments to our Nation's ratepayers, and ultimately to save taxpayer dollars from the Department of Energy's failed policies of the past.

Again, I applaud the majority leader and Energy and Natural Resources Chairman MURKOWSKI and Senator CRAIG of Idaho, for their leadership in moving this bill.

Again, bottom line, our Nation cannot afford further delay, and the time to act on this commonsense legislation is now. But for the Senate to fully appreciate the gravity of the situation, I believe a brief summary of its history is in order. Since 1982, utility ratepayers have been required to pay the Federal Government nearly \$13 billion of their hard-earned money in exchange for the promise that the Department of Energy would transport and store commercially generated nu-

clear waste in a centralized facility by January 31, 1998. However, with this deadline less than a year away and with over \$6 billion already spent by the Department of Energy, there has been little progress toward keeping this 15-year-old promise of establishing a centralized Federal storage facility. In fact, though there has been measurable progress at the Yucca Mountain, NV, facility, a permanent repository will not be completed until well into the next century. As of today, nuclear waste is piling up at more than 80 sites due to the DOE's failure to live up to its commitment.

Clearly, if the DOE is to meet the January 31, 1998 deadline, it must begin accepting nuclear waste at an interim storage facility—that, however, has not yet happened. In fact, the DOE recently notified States and utilities that it would not accept their commercial nuclear waste despite the law and the Federal court's effort to enforce it. Meanwhile, utility ratepayers are still being required to pay for a mismanaged program. In fact, over \$630 million from the ratepayers go into the nuclear waste fund each year—without any tangible benefits or results to show for them.

Our Nation's utility consumers and their pocketbooks aren't just hit once, either. Because of the DOE's failure to act, ratepayers are currently being forced to pay their hard-earned dollars to store waste on-site at commercial utility plants—a burden that would not be necessary had the Energy Department lived up to its legal obligation. Take, for example, the situation facing ratepayers in my home State of Minnesota. Since 1982, Minnesota's nuclear energy consumers have paid over \$250 million into the nuclear waste fund believing that the Federal Government would fulfill its obligation to transport nuclear waste out of Minnesota. But as time went on and the DOE continued to ignore their responsibilities, utilities in Minnesota and around the country were forced to temporarily store their waste within the confines of their own facilities. When it became clear to many utilities that storage space was running out and the Department of Energy would not accept waste by the established deadline, utilities then had to go to their States to ask for additional on-site storage or else be forced to shutdown their operations.

For example, ratepayers in Minnesota, North Dakota, South Dakota, and Wisconsin were forced to pay for on-site storage in cooling pools at Prairie Island in southeastern Minnesota. In 1994, with storage space running out, the Minnesota Legislature—after a bruising battle—voted to allow for limited on-site dry-cask storage until the year 2004.

Mr. President, the cost associated with this on-site storage is staggering.

Ratepayers in the Midwestern service area alone have paid over \$25 million in storage costs and will pay an estimated \$100 million more by the year 2015, and that is in addition to the required payments to the Federal Government.

To make matters even worse, storage space will run out at Prairie Island just after the turn of the century, forcing the plant to close unless the State legislature once again makes up for the DOE's inaction. This will threaten over 30 percent of Minnesota's overall energy resources and will likely lead to even higher costs for Minnesota's ratepayers.

In fact, the Minnesota Department of Public Service estimates that the increase in costs could reach as high as 17 percent, forcing ratepayers to eventually pay three times: once to the nuclear waste fund, again for onsite storage, and yet again for increased energy costs.

And Minnesota is not alone in facing this unacceptable situation. Thirty-six other States across the Nation are facing similar circumstances of either shutting down and losing their energy-generating capacity or continuing to bail out the Federal Government for its failure to act.

Ratepayers are not the only ones who face serious consequences because of inaction by the DOE. The taxpayers are threatened too. Last year, the Federal courts ruled that the DOE will be liable for damages if it does not accept commercial nuclear waste by January 31, 1998.

Under current law, no one at the DOE will be held personally liable for any assessed damages; the bill will go to the American taxpayers at an estimated cost between \$40 to \$80 billion. Such a tremendous liability burden on taxpayers would make the public bailout of the savings and loan collapse seem small in comparison.

What is worse is that while our States, our utility ratepayers, and the taxpayers are being unfairly punished by the Department of Energy's inaction, the Federal Government has been active in meeting the interim nuclear waste storage needs of foreign countries.

Under the Atoms for Peace Program, the DOE has resumed collecting spent nuclear fuel from a total of 41 countries. Last year, the DOE completed urgent relief shipments of 252 spent nuclear fuel assemblies from European nations to the agency's facility at Savannah River. It has also accepted nuclear spent fuel from Latin American countries.

Ultimately, as I learned during a recent trip to the Savannah River site, which is down in South Carolina, up to 890 foreign research reactor cores will be accepted by the DOE over a 13-year period. Again, up to 890 foreign research reactor cores will be accepted by the DOE over a 13-year period.

In addition, our Government is actively helping other countries reduce their nuclear waste stockpiles. With

the Department of Defense spending up to \$400 million on designing and constructing an interim nuclear waste storage facility in Russia to help dismantle the cold war threat, the world will certainly be a safer place, if that happens.

But, again, our Defense Department is spending \$400 million to help Russia design, construct, and facilitate an interim waste storage facility, but yet cannot do it in this country.

Now, Mr. President, as a Senator who is concerned about our national security needs, I understand the rationale behind reducing our international nuclear dangers. But what I and many others cannot comprehend is how our Government has made it a priority to help foreign countries with their nuclear waste problems while simultaneously ignoring the concerns right here in our own country.

It seems clear to me that while States, utilities, and ratepayers have kept their end of the bargain, the DOE has not done its part. That sends the wrong message to the American people about trusting the promises of the Federal Government. Maybe that is why the National Association of Regulatory Utility Commissioners, 48 State agencies and 36 utilities have now all joined together in a lawsuit to stop ratepayers' payments into the nuclear waste fund and to escrow \$600 million that will soon go into that fund this year. Because too long, our States, utilities, and ratepayers have acted in good faith and relied upon the Federal Government to live up to its obligations. Evidently, they have had enough of the DOE's excuses for inaction and have proposed their own recourse.

This issue has created strange bedfellows as well. In a recent interview, former DOE Secretary Hazel O'Leary agreed that action on an interim site is needed as soon as possible. It is unfortunate that Secretary O'Leary waited until she was free from the administration to openly support interim storage, but I think her comments are important to remember as we attempt to protect our Nation's ratepayers and taxpayers.

In addition, Mr. President, the former head of the Office of Civilian Radioactive Waste Management under the Clinton administration, Daniel Dreyfus, also said that he believes the DOE must move to meet the January 31, 1998, deadline. Key labor unions have even joined the fight to restore the DOE's promises. J.J. Barry, president of the International Brotherhood of Electrical Workers, recently wrote me, and he said, "I am calling on you and your colleagues to put partisan politics aside for the good of our Nation and America's workers and their families. We must address this problem now or else face serious economic and environmental consequences later." He went on to say, "Please support passage of S. 104."

Despite this widespread support, the DOE has failed to offer an alternative to our legislation.

Although the Department's new Secretary now admits that a Federal solution is needed to resolve our interim storage problems, he recently indicted in a meeting with nuclear utility executives that the DOE is still unwilling to move commercial spent fuel. Instead, the DOE offered a proposal to compensate utilities for onsite storage.

Unfortunately, this proposed compensation scheme does little but needlessly spend the taxpayers' money while continuing the failed status quo. It signals to the ratepayers that the Federal Government has no intention of moving commercial nuclear waste in the near future, despite a Federal court mandate that it does.

So again, who will pay for this? It will not be the new Secretary, Mr. Peña. It will not be the Department of Energy or out of its budget. It will gladly pay the fines, but it will come out of the ratepayers' and the taxpayers' pockets in order to do this. So they are playing fast and loose with the taxpayers' money once again.

Moreover, continuing the policy of noncentralized storage facilities may lead to the premature shutdown of one nuclear plant in Minnesota—compromising 30 percent of the State's energy needs and increasing ratepayer costs.

So again, clearly, leadership is needed to restore the promises made to the American people. If such leadership will not come from the Clinton-Gore administration, then it will have to come from Congress. Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI, Senator LARRY CRAIG, and I crafted a bipartisan proposal, again, S. 104, identical to legislation supported last year by 63 Senators.

We have put this proposal forward as a good-faith effort to help resolve this situation for the sake of protecting the legitimate interests of our ratepayers and taxpayers, as well as protecting national security and protecting the environment. Last month, the Energy and Natural Resources Committee passed this bipartisan legislation on a 15 to 5 vote.

Mr. President, Congress has an obligation to protect the American public also from the estimated \$40 to \$80 billion that they face in liability expenses, because the DOE has refused to act.

Our bill will reform our current civilian nuclear waste program to avoid the squandering of billions of dollars of ratepayers' and taxpayers' money. It will eliminate the current need for onsite storage at our Nation's nuclear plants and keep plants from shutting down prematurely due to the lack of storage space. And it will also help to maintain stable energy prices.

Our legislation also assures that transportation of nuclear waste will continue to be conducted in a safe manner.

For the interests of my colleagues, there have already been 2,400 shipments of high-level nuclear waste in

our Nation, including numerous shipments of naval spent fuel and foreign research reactor fuel.

In fact, in these pictures behind me it illustrates the means by which shipments of foreign-generated fuel are being transported to the Department of Energy's Savannah River facility. The safety record of these shipments speaks for itself.

They come into the Port of Charleston, SC. They are loaded off the ships and on to rail cars, and then transported to Savannah River. That is 2,400 shipments. And they have all been completed safely. And I think, again, the safety record of these shipments speaks for itself.

Again, this is spent fuel that is already being shipped across the United States, so it is no longer a question of technology but becomes one of politics.

Even so, modifications have been made to this legislation to further ensure that all spent fuel will be transported safely.

Mr. President, for too long our States, our ratepayers and taxpayers, have been threatened by a policy, again, one of inaction. As passed out of the Energy and Natural Resources Committee, this legislation sets up a reasonable deadline for the DOE to finally live up to its promises. We cannot, in good conscience, delay that deadline any further. It is unreasonable to ask the taxpayers to sacrifice any further for a department that has failed—a department that has failed—to do its job.

So I am here today also to urge my colleagues to take a giant step forward in moving this legislation closer to Senate passage by voting for cloture and allowing the bill to be debated.

Again, this is not a question of science. It is not a question of technology. And I do not believe it is a question of safety in transportation. But it has become a plain question of politics. Will the political decisions be made to allow this bill and the solving of this problem to go forward? I think this bill is the first step in that direction. As I said, I urge my colleagues to support this.

I want to thank you, Mr. President, very much.

I yield the floor.

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

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

#### PRIVILEGES OF THE FLOOR

Mr. BRYAN. Mr. President, I ask unanimous consent during the duration of the consideration of S. 104 that floor privileges be extended to two more members of my staff, Jean Neal and Andy Vermilye.

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

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

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

#### CLOTURE MOTION

Mr. NICKLES. Mr. President, I send a second cloture motion to the desk on the pending motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

Trent Lott, Larry Craig, John Ashcroft, Dan Coats, Tim Hutchinson, Sam Brownback, Mitch McConnell, Conrad Burns, Frank H. Murkowski, Jon Kyl, Connie Mack, Spencer Abraham, Chuck Hagel, John McCain, Don Nickles, Gordon Smith.

Mr. NICKLES. Mr. President, it is my understanding that under rule XXII this cloture vote would occur on Wednesday morning. It is my hope cloture will be invoked on Tuesday and therefore this vote would not be necessary. However, if cloture is not invoked tomorrow, I will notify all Members as to when the second cloture vote can be expected.

Mr. President, I now ask unanimous consent that the mandatory live quorum be waived.

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

#### MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### TARTAN DAY

Mr. LOTT. Mr. President, as a result of the recent recess of the U.S. Senate, I did not get the opportunity to come to the Senate floor and recognize Sunday, April 6, 1997, as Tartan Day. This day is set aside to honor the millions of Scottish-Americans who have made outstanding contributions to our great country.

This date has a special significance for all those of Scottish heritage. It is the 677th anniversary of the Declaration of Arbroath—the Scottish Declaration of Independence which was signed on April 6, 1320.

This declaration of independence includes these inspirational lines: “\* \* \* we fight not for glory, nor riches, nor honors, but for freedom alone, which no good man gives up, except with his life.”

Mr. President, Scottish-Americans have left their mark as pioneers and innovators in the fields of science, technology, medicine, government, politics, economics, architecture, literature, the media, and the visual and performing arts. Their contributions to the history and development of the United States are invaluable.

Some of these great past and present Scottish-Americans include: Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, Julia Child, Hugh Downs, Thomas Alva Edison, Malcolm S. Forbes, Katherine Hepburn, Billy Graham, Brit Hume, Washington Irving, Robert MacNeil, William Holmes McGuffey, Andrew Mellon, Samuel B. Morse, Grandma Moses, James Naismith, Edgar Allen Poe, Willard Scott, Robert Louis Stevenson, Gilbert Stuart, Elizabeth Taylor, and James McNeil Whistler just to mention a few.

Mr. President. Almost 11 percent of all the Nobel Prizes awarded have gone to people of Scottish ancestry.

Mr. President. A Tartan provides an instant recognition of a family and its kinship.

By recognizing Tartan Day we are commemorating all that is best in Scottish heritage. I believe it is important for the Senate to pause, even if it is belated, and to recognize Tartan Day. I firmly believe it will further emphasize the many Scottish contributions to the growth and development of the United States.

Mr. President. As I look around the Senate Chamber I see many who can claim Scottish ancestry. I see my colleague and friend, JOHN MCCAIN. His family ancestry and my mother's actually goes back to four Scottish families who migrated to Carroll County, MS, back in the 1830's. I see others in this Chamber—JUDD GREGG and KAY BAILEY HUTCHISON, and there are many more. Every day the Scottish in this Chamber live by the words in the Declaration of Arbroath that I quoted—they are here to advance freedom.

Mr. President. When our Nation was founded, almost half of the signers of America's Declaration of Independence were of Scottish descent. Throughout the history of our country three-fourths of our Presidents have been of Scottish ancestry. This tells me that despite the fact they are few in number, Scots tend to take seriously the word from the Declaration of Arbroath.

Many organizations were involved in making the observance of Tartan Day on April 6 a success. There are clan societies, clubs, and fraternal associations and individual Scots-Americans representing literally millions of