

(5) urges the President and appropriate executive agencies to provide whatever assistance is requested by Argentinean Government authorities in order to help that Government investigate these 2 acts of terrorism; and

(6) directs the Secretary of the Senate to transmit a copy of this resolution to the Government of Argentina.

#### SENATE RESOLUTION 70—REGARDING EQUAL PAY FOR EQUAL WORK

Mr. DASCHLE (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. HARKIN, Ms. LANDRIEU, Ms. MIKULSKI, Mr. DURBIN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Labor and Human Resources.

##### S. RES. 70

Whereas, in recent years, the participation of women in the workforce has increased dramatically, with women now making up almost half of the workforce;

Whereas families in which both parents must work are the norm;

Whereas in 1995, 72 percent of all 2-parent families with children, or 18,000,000 such families, were supported by a working mother and father;

Whereas many families depend on the pay of working women;

Whereas some families depend wholly on women's pay, with 22 percent of all families with children, or 7,600,000 such families, being headed by single mothers;

Whereas the inability to earn adequate pay is a burden for an entire family and sometimes forces women onto public assistance to provide for their families;

Whereas unfair pay disparities lead to inadequate savings for retirement and lower pensions for women;

Whereas on average, during the period between 1995 and 1981, a woman earned only 60 cents for each dollar earned by a man;

Whereas on average a woman earned 63.9 cents for each dollar earned by a man in 1955, a figure that improved only to 71.4 cents for each such dollar in 1997, with a woman of color earning even less;

Whereas this improvement equals an average annual increase of only 0.28 percent from 1955 to 1997;

Whereas much of this improvement has resulted from a decline in men's real pay and, if men's real pay had not declined, there would have been a much smaller increase in women's pay relative to men's pay;

Whereas working women have benefited the United States economy enormously;

Whereas the provision of equal pay helps business by improving productivity and reducing employee turnover;

Whereas the pay disparities cost the economy \$130,000,000,000 in lost purchasing power per year;

Whereas ensuring equal pay is a high priority for working women and their families;

Whereas it took a woman, on average, from January 1, 1996, to April 11, 1997, to receive as much pay as a man received in 1996 alone; and

Whereas April 11 is being recognized as National Pay Inequity Awareness Day: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) women have made great contributions to the United States workforce and the United States economy and should be paid fairly and have the same access to education and training as men;

(2) all employers, in the public and private sectors, should comply with Federal and

State law requiring equal pay for equal work;

(3) many employers have made serious efforts to provide equal pay and should be commended for those efforts; and

(4) all employers should address unequal pay in their workplaces and ensure that working families can prosper.

Mr. DASCHLE. Mr. President, this Friday, April 11, is National Pay Inequity Awareness Day, the day on which an average woman's salary, when combined with her salary from last year, will equal the salary earned by an average man in 1996 alone. It is a day that challenges us to meet our goal of providing equal pay for equal work. Today I want to take another step toward this goal by introducing Senate Resolution 70, a resolution recognizing the important role that women play in the work force and in supporting their families and how far we have yet to go before they will be fairly paid for their efforts.

This is an issue of fairness and of families. In 1995, 72 percent of all two-parent families with children—18 million in total—were supported by a working father and a working mother. An additional 7.6 million families were dependent entirely on the income of a working mother. The burden of unfair pay falls directly on these families, and makes an immediate difference in their lives. For example, an average female secretary makes \$2,000 less than a male secretary. Think of the difference that \$2,000 can make in the life of a family—it can pay for bags of groceries, check-ups for the children, or rent. Unfair pay is more than a slogan, it means less security for families struggling to meet the needs of their everyday lives.

There is no dispute about the facts. On average, women earn 71 cents for every dollar earned by a man. And even professional women earn less than men, even when women have the same duties, experience, and educational level. On average, female lawyers earn \$11,000 less than male lawyers. Female computer programmers earn \$4,000 less than their male counterparts. The discrepancies are equally great for women who work for hourly wages. Over her lifetime, the average woman will earn \$420,000 less than a man. This leaves retired women with smaller pensions and leads to a high rate of poverty among elderly women.

Mr. President, I look forward to the time when we no longer need to recognize National Pay Inequity Awareness Day. It is my hope that as women's wages increase, this day will fall earlier and earlier in the year, and that, someday soon, when women are finally paid what they deserve, we won't need to commemorate this day at all. One important step toward that goal would be the enactment of S. 71, the Pay-check Fairness Act. It would provide important new tools to remedy this problem of unfair wages, and I urge my colleagues to give it their full support.

I also urge my colleagues to show their support for the principle of fair pay by joining me in support of this

resolution recognizing National Pay Inequity Awareness Day. It calls for all women to be paid fairly, for women to have the same access to education and training as men, for all employers to comply with State and Federal laws requiring equal pay for equal work, and it commends employers who have made progress in this important area. It is a small but important way to demonstrate our support for working women, and to participate in the activities taking place in more than 30 States around the Nation to highlight the wage gap. Raising women's salaries presents us with formidable challenges, but, together, I am convinced that we will be successful.

#### AMENDMENTS SUBMITTED

#### THE NUCLEAR WASTE POLICY ACT OF 1997

##### REID (AND BRYAN) AMENDMENT NO. 28

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to amendment No. 27 proposed by Mr. THURMOND to the bill (S. 104) to amend the Nuclear Waste Policy Act of 1982; as follows:

At the end of the matter proposed to be inserted, add:

Notwithstanding any other provision of this bill, transportation of spent nuclear fuel or high-level radioactive waste under the provisions of this bill to a centralized interim storage site or to a permanent repository shall not cross any state line without the express written consent of the governor of the State of entry.

##### WELLSTONE AMENDMENTS NOS. 29-30

Mr. REID (for Mr. WELLSTONE) proposed two amendments to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

##### AMENDMENT No. 29

On page 22 of the substitute, line 5, after "(3)(B)" insert "until the Secretary has made a determination that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level nuclear waste, as established by the Secretary, and".

##### AMENDMENT No. 30

At the appropriate place, insert the following:

##### SEC. SENSE OF THE SENATE REGARDING FEDERAL ASSISTANCE FOR ELDERLY AND DISABLED LEGAL IMMIGRANTS.

It is the sense of the Senate that Congress should take steps to ensure that elderly and disabled legal immigrants who are unable to work, will not be left without Federal assistance essential to their well-being.

##### BINGAMAN AMENDMENTS NOS. 31-32

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed

by him to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

#### AMENDMENT NO. 31

On page 28, line 17, strike "If the President" and all that follows through page 29, line 1 and insert the following:

"(3) If the Secretary makes a determination under section 206(c)(3) that the Yucca Mountain site is not suitable or cannot satisfy the Commission's regulations applicable to the licensing of a repository, the Secretary shall—

"(A) terminate all activities (except necessary termination activities) related to construction of an interim storage facility at any site designated under paragraph (1); and

"(B) no later than 24 months after such determination, make a preliminary designation of one or more alternative sites for construction of an interim storage facility.

"(4) If the Commission, after review of the Secretary's application for construction authorization for the repository or after review of the Secretary's application for a license to receive and possess spent nuclear fuel or high-level radioactive waste at the repository, determines that it is not possible to license a repository at Yucca Mountain under section 206—

"(A) the Commission shall promptly notify the Secretary, the Congress, and the State of Nevada of its determination and the reasons therefore; and

"(B) the Secretary shall—

"(i) promptly take the actions described in paragraphs (1) and (2) of section 204(b);

"(ii) suspend all activities (except for necessary surveillance and maintenance) related to construction or operation of an interim storage facility at any site designated under section 204(c)(1);

"(iii) no later than 24 months after being notified by the Commission of its determination, make a preliminary designation of one or more alternative sites for construction of an interim storage facility; and

"(iv) at the time of the designation under clause (iii), transmit recommendations to Congress with respect to further construction or operation of an interim storage facility at any site designated under section 204(c)(1)."

#### AMENDMENT NO. 32

On page 28, strike section 204(c)(2) of the amendment and insert the following:

"(2) No later than 18 months after a determination by the President under subsection (b) that the Yucca Mountain site is unsuitable for development as a repository, the President shall designate a site for the construction of an interim storage facility."

#### BUMPERS AMENDMENT NO. 33

Mr. BUMPERS proposed an amendment to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

On page 75, strike lines 4 through 8 and insert:

"It is the sense of the Senate that—

"(1) the Department of Energy has entered into contracts with utilities for the disposal of spent nuclear fuel or high-level radioactive waste, under section 302(a) of the Nuclear Waste Policy Act of 1982, based on the standard contract in subpart B of 961 of title 10, Code of Federal Regulations;

"(2) the U.S. Court of Appeals for the District of Columbia Circuit, in *Indiana Michigan Power Company v. DOE*, has interpreted the Nuclear Waste Policy Act of 1982 to require the Department of Energy to start disposing of the utilities' spent nuclear fuel no later than January 31, 1998;

"(3) the Department of Energy cannot begin to receive and transport significant amounts of spent nuclear fuel by January 31, 1998, because of delays arising out of causes beyond the control and without the fault or negligence of the Department of Energy, including the following acts of Government in its sovereign capacity—

"(A) the failure of Congress to appropriate funds requested by the Department in order to proceed expeditiously with—

"(i) the characterization and development of the Yucca Mountain site, and

"(ii) the design and development of associated systems required to transport spent nuclear fuel;

"(B) the enactment by Congress, since 1982, of additional environmental statutes affecting the process of designing and licensing the repository;

"(C) the failure of the Environmental Protection Agency to meet statutory deadlines in section 801 of the Energy Policy Act of 1992 for the promulgation of radiation standards for the Yucca Mountain site; and

"(D) delays on the part of the State of Nevada in issuing permits necessary for the Department to initiate exploratory activities at the Yucca Mountain site;

"(4) the enactment of this Act is intended by the Congress to address the Department's inability to meet the January 31, 1998, deadline and to provide an adequate remedy to contract holders by ensuring that the Department meets its obligations under the contracts in paragraph (1) at the earliest practicable time, consistent with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and applicable Commission regulations; and

"(5) in any action alleging failure by the Department to perform its obligation to start disposing of spent nuclear fuel by January 31, 1998, under a contract based on the standard contract in subpart B of part 961 of title 10, Code of Federal Regulations, the court should take due account of article IX(A) of such standard contract."

#### DOMENICI AMENDMENTS NOS. 34-35

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

#### AMENDMENT NO. 34

In the pending amendment, on page 54 line 10 after the period insert the following:

"Notwithstanding the language of section 802(d) of title 5 of the United States Code, no points of order under the Congressional Budget and Impoundment Control Act of 1974 or any Concurrent Resolution on the Budget shall be considered to be waived during the consideration of a joint resolution under subparagraph (A)."

#### AMENDMENT NO. 35

In the pending amendment, beginning on page 49 line 11 strike all through page 53 line 11 and insert the following:

"(2) NUCLEAR WASTE OFFSETTING COLLECTION.—

"(A) For electricity generated by civilian nuclear power reactors and sold during an offsetting collection period, the Secretary shall collect an aggregate amount of fees under this paragraph equal to the annual level of appropriations for expenditures on those activities consistent with subsection (9) for each fiscal year in the offsetting collection period, minus—

"the percentage of such appropriation required to be funded by the Federal government pursuant to section 403.

"(B) The Secretary shall determine the level of the annual fee for each civilian nu-

clear power reactor based on the amount of electricity generated and sold.

"(C) For purposes of this paragraph, the term 'offsetting collection period' means—

"(i) the period beginning on October 1, 1999 and ending on September 30, 2003; and

"(ii) the period on and after October 1, 2006.

"(3) NUCLEAR WASTE MANDATORY FEE.—

"(A) Except as provided in subparagraph (C) of this paragraph, for electricity generated by civilian nuclear power reactors and sold on or after January 7, 1983, the fee paid to the Secretary under this paragraph shall be equal to—

"(i) 1.0 mill per kilowatt-hour generated and sold, minus

"(ii) the amount per kilowatt-hour generated and sold paid under paragraph (2);

"Provided, that if the amount under clause (ii) is greater than the amount under clause (i) the fee under this paragraph shall be equal to zero.

"(B) No later than 30 days after the beginning of each fiscal year, the Secretary shall determine whether insufficient or excess revenues are being collected under this subsection, in order to recover the costs incurred by the Federal government that are specified in subsection (c)(2). In making this determination the Secretary shall—

"(i) rely on the 'Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program,' dated September 1995, or on a total system life-cycle cost analysis published by the Secretary (after notice and opportunity for public comment) after the date of enactment of the Nuclear Waste Policy Act of 1997, in making any estimate of the costs to be incurred by the government under subsection (c)(2);

"(ii) rely on projections from the Energy Information Administration, consistent with the projects contained in the reference case in the most recent 'Annual Energy Outlook' published by such Administration, in making any estimate of future nuclear power generation; and

"(iii) take into account projected balances in, and expenditures from, the Nuclear Waste Fund.

"(C) If the Secretary determines under subparagraph (B) that either insufficient or excess revenues are being collected, the Secretary shall, at the time of the determination, transmit to Congress a proposal to adjust the amount in subparagraph (A)(i) to ensure full cost recovery. The amount in subparagraph (A)(i) shall be adjusted, by operation of law, immediately upon enactment of a joint resolution of approval under paragraph (5) of this subsection.

"(D) The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(4) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1997 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997 pursuant to the contracts, including any interest due pursuant to the contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fees assessed under this subsection, on or before the date on which such fees are due, and

the license shall remain suspended until the full amount of the fees assessed under this subsection is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

"(4) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 1997, the aggregate amount of fees assessed under this subsection is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

The percentage of such appropriations required to be funded by the Federal Government pursuant to section 403—

The Secretary may make expenditures from the Nuclear Waste Fund up to the level equal to the difference between the amount appropriated and the amount of fees assessed under this subsection.

#### MURKOWSKI AMENDMENT NO. 36

Mr. MURKOWSKI proposed an amendment to amendment No. 26 proposed by him to the bill, S. 104, supra; as follows:

Beginning on page 49, strike line 11 and all that follows through line 21 on page 52 and insert the following:

"(2) NUCLEAR WASTE OFFSETTING COLLECTION.—

"(A) For electricity generated by civilian nuclear power reactors and sold during an offsetting collection period, the Secretary shall collect an aggregate amount of fees under this paragraph equal to the annual level of appropriations for expenditures on those activities consistent with subsection (d) for each fiscal year in the offsetting collection period, minus—

"(i) any unobligated balance collected pursuant to this paragraph during the previous fiscal year; and

"(ii) the percentage of such appropriation required to be funded by the Federal government pursuant to section 403.

"(B) The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold.

"(C) For purposes of this paragraph, the term 'offsetting collection period' means—

"(i) the period beginning on October 1, 1998 and ending on September 30, 2001; and

"(ii) the period on and after October 1, 2006.

"(3) NUCLEAR WASTE MANDATORY FEE.—

"(A) Except as provided in subparagraph (C) of this paragraph, for electricity generated by civilian nuclear power reactors and sold on or after January 7, 1983, the fee paid to the Secretary under this paragraph shall be equal to—

"(i) 1.0 mill per kilowatt-hour generated and sold, minus

"(ii) the amount per kilowatt-hour generated and sold paid under paragraph (2);

"Provided, that if the amount under clause (ii) is greater than the amount under clause (i) the fee under this paragraph shall be equal to zero.

"(B) No later than 30 days after the beginning of each fiscal year, the Secretary shall determine whether insufficient or excess revenues are being collected under this subsection, in order to recover the costs incurred by the Federal government that are specified in subsection (c)(2). In making this determination the Secretary shall—

"(i) rely on the 'Analysis of the Total System Life Cycle Cost of the Civilian Radio-

active Waste Management Program,' dated September 1995, or on a total system life-cycle cost analysis published by the Secretary (after notice and opportunity for public comment) after the date of enactment of the Nuclear Waste Policy Act of 1997, in making any estimate of the costs to be incurred by the government under subsection (c)(2);

"(ii) rely on projections from the Energy Information Administration, consistent with the projections contained in the reference case in the most recent 'Annual Energy Outlook' published by such Administration, in making any estimate of future nuclear power generation; and

"(iii) take into account projected balances in, and expenditures from, the Nuclear Waste Fund.

"(C) If the Secretary determines under subparagraph (B) that either insufficient or excess revenues are being collected, the Secretary shall, at the time of the determination, transmit to Congress a proposal to adjust the amount in subparagraph (A)(i) to ensure full cost recovery. The amount in subparagraph (A)(i) shall be adjusted, by operation of law, immediately upon enactment of a joint resolution of approval under paragraph (5) of this subsection.

"(D) The secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(4) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1997 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997 pursuant to the contracts, including any interest due pursuant to the contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2001. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fees assessed under this subsection, on or before the date on which such fees are due, and the license shall remain suspended until the full amount of the fees assessed under this subsection is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983."

#### FRIST (AND THOMPSON)

##### AMENDMENT NO. 37

Mr. THOMPSON (for Mr. FRIST, for himself and Mr. THOMPSON) proposed an amendment to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

On page 28, line 16, after "Washington" insert "or the Oak Ridge Reservation in the State of Tennessee".

#### DOMENICI AMENDMENTS NOS. 38-39

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the amendment No. 26 pro-

posed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

##### AMENDMENT NO. 38

At the appropriate place insert the following:

"Notwithstanding any other provision of this act, no points of order, which require 60 votes in order to adopt a motion to waive such point of order, shall be considered to be waived during the consideration of a joint resolution under section 401 of this Act."

##### AMENDMENT NO. 39

In the pending amendment No. 26, beginning on page 49 line 11 strike all through page 53 line 11 and insert the following:

"(2) NUCLEAR WASTE OFFSETTING COLLECTION.—

"(A) For electricity generated by civilian nuclear power reactors and sold during an offsetting collection period, the Secretary shall collect an aggregate amount of fees under this paragraph equal to the annual level of appropriations for expenditures on those activities consistent with subsection (d) for each fiscal year in the offsetting collection period, minus—

the percentage of such appropriation required to be funded by the Federal government pursuant to section 403.

"(B) The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold.

"(C) For purposes of this paragraph, the term 'offsetting collection period' means—

"(i) the period beginning on October 1, 1998 and ending on September 30, 2001; and

"(ii) the period on and after October 1, 2006.

"(3) NUCLEAR WASTE MANDATORY FEE.—

"(A) Except as provided in subparagraph (C) of this paragraph, for electricity generated by civilian nuclear power reactors and sold on or after January 7, 1983, the fee paid to the Secretary under this paragraph shall be equal to—

"(i) 1.0 mill per kilowatt-hour generated and sold, minus

"(ii) the amount per kilowatt-hour generated and sold paid under paragraph (2);

"Provided, that if the amount under clause (ii) is greater than the amount under clause (i) the fee under this paragraph shall be equal to zero.

"(B) No later than 30 days after the beginning of each fiscal year, the Secretary shall determine whether insufficient or excess revenues are being collected under this subsection, in order to recover the costs incurred by the Federal government that are specified in subsection (c)(2). In making this determination the Secretary shall—

"(i) rely on the 'Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program,' dated September 1995, or on a total system life-cycle cost analysis published by the Secretary (after notice and opportunity for public comment) after the date of enactment of the Nuclear Waste Policy Act of 1997, in making any estimate of the costs to be incurred by the government under subsection (c)(2);

"(ii) rely on projections from the Energy Information Administration, consistent with the projections contained in the reference case in the most recent 'Annual Energy Outlook' published by such Administration, in making any estimate of future nuclear power generation; and

"(iii) take into account projected balances in, and expenditures from, the Nuclear Waste Fund.

"(C) If the Secretary determines under subparagraph (B) that either insufficient or excess revenues are being collected, the Secretary shall, at the time of the determination, transmit to Congress a proposal to adjust the amount in subparagraph (A)(i) to ensure full cost recovery. The amount in subparagraph (A)(i) shall be adjusted, by operation of law, immediately upon enactment of a joint resolution of approval under paragraph (5) of this subsection.

"(D) The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(4) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1997 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997 pursuant to the contracts, including any interest due pursuant to the contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2001. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fees assessed under this subsection, on or before the date on which such fees are due, and the license shall remain suspended until the full amount of the fees assessed under this subsection is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

"(4) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 1997, the aggregate amount of fees assessed under this subsection is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403, the Secretary may make expenditures from the Nuclear Waste Fund up to the level equal to the difference between the amount appropriated and the amount of fees assessed under this subsection.

#### DOMENICI AMENDMENT NO. 40

Mr. DOMENICI proposed an amendment to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

In the pending amendment, beginning on page 49 line 11 strike all through page 53 line 11 and insert the following:

"(2) NUCLEAR WASTE OFFSETTING COLLECTION.—

"(A) For electricity generated by civilian nuclear power reactors and sold during an offsetting collection period, the Secretary shall collect an aggregate amount of fees under this paragraph equal to the annual level of appropriations for expenditures on those activities consistent with subsection (d) for each fiscal year in the offsetting collection period, minus the percentage of such appropriation required to be funded by the Federal government pursuant to section 403.

"(B) The Secretary shall determine the level of the annual fee for each civilian nu-

clear power reactor based on the amount of electricity generated and sold.

"(C) For purposes of this paragraph, the term 'offsetting collection period' means—

"(i) the period beginning on October 1, 1998 and ending on September 30, 2001; and

"(ii) the period on and after October 1, 2006.

"(3) NUCLEAR WASTE MANDATORY FEE.—

"(A) Except as provided in subparagraph (C) of this paragraph, for electricity generated by civilian nuclear power reactors and sold on or after January 7, 1983, the fee paid to the Secretary under this paragraph shall be equal to—

"(i) 1.0 mill per kilowatt-hour generated sold, minus

"(ii) the amount per kilowatt-hour generated and sold paid under paragraph (2);

"Provided, that if the amount under clause (ii) is greater than the amount under clause (i) the fee under this paragraph shall be equal to zero.

"(B) No later than 30 days after the beginning of each fiscal year, the Secretary shall determine whether insufficient or excess revenues are being collected under this subsection, in order to recover the costs incurred by the Federal government that are specified in subsection (c)(2). In making this determination the Secretary shall—

"(i) rely on the 'Analysis of the Total System Life Cost of the Civilian Radioactive Waste Management Program,' dated September 1995, or on a total system life-cycle cost analysis published by the Secretary (after notice and opportunity for public comment) after the date of enactment of the Nuclear Waste Policy Act of 1997, in making any estimate of the costs to be incurred by the government under subsection (c)(2);

"(ii) rely on projections from the Energy Information Administration, consistent with the projections contained in the reference case in the most recent 'Annual Energy Outlook' published by such Administration, in making any estimate of future nuclear power generation; and

"(iii) take into account projected balances in, and expenditures from, the Nuclear Waste Fund.

"(C) If the Secretary determines under subparagraph (B) that either insufficient or excess revenues are being collected, the Secretary shall, at the time of the determination, transmit to Congress a proposal to adjust the amount in subparagraph (A)(i) to ensure full cost recovery. The amount in subparagraph (A)(i) shall be adjusted, by operation of law, immediately upon enactment of a joint resolution of approval under paragraph (5) of this subsection.

"(D) The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(4) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1997 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of the Nuclear Waste Policy Act of 1997 pursuant to the contracts, including any interest due pursuant to the contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2001. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fees assessed under this subsection, on or before the date on which

such fees are due, and the license shall remain suspended until the full amount of the fees assessed under this subsection is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

"(4) EXPENDITURES IF SHORTFALL.—If, during fiscal year on or after October 1, 1997, the aggregate amount of fees assessed under this subsection is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403—the Secretary may make expenditures from the Nuclear Waste Fund up to the level equal to the difference between the amount appropriated and the amount of fees assessed under this subsection.

#### BINGAMAN AMENDMENT NO. 41

Mr. BINGAMAN proposed an amendment to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

On page 28, strike the second sentence of section 204(c)(2).

#### DOMENICI AMENDMENT NO. 42

Mr. LOTT (for Mr. DOMENICI) proposed an amendment to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

At the appropriate place insert the following:

"Notwithstanding any other provision of this act, no points of order, which require 60 votes in order to adopt a motion to waive such point of order, shall be considered to be waived during the consideration of a joint resolution under section 401 of this Act."

#### MURKOWSKI AMENDMENT NO. 43

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

In the pending amendment, on page 1, insert at the end the following:

"Notwithstanding any other provision of this act, except as provided in paragraph (3)(c), the level of annual fee for each civilian nuclear power reactor shall not exceed 1.0 mill per kilowatt-hour of electricity generated and sold."

#### NOTICE OF HEARING

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, April 15, 1997 at 9:30 a.m. to receive testimony from Senator MARY L. LANDRIEU, Louis "Woody" Jenkins, and/or their counsels in connection with petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff.