

NUCLEAR WASTE STORAGE

Mr. LOTT. Madam President, I urge my colleagues to allow the body to move forward with regard to the nuclear waste storage bill. More than 15 years ago, Congress directed the Department of Energy to take responsibility for the disposal of nuclear waste created by commercial nuclear powerplants and our Nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with.

Quite some time has now passed since DOE was absolutely obligated under the NWPA Act of 1982 to begin accepting spent nuclear fuel from utility sites.

All across this country, we have sites where nuclear waste products are in open pools, cooling pools. Many of those are filling up. A number of States have a major problem.

In my opinion, this is one of the most important environmental issues we have to face as a nation. We have to deal with this problem. There have been billions of dollars spent on it. There has been time put into thinking about the proper way to do it. States all across this country, from Vermont to Mississippi to Minnesota to Washington, believe very strongly that we need to address this issue.

Apparently today, DOE is no closer in coming up with a solution. This is totally unacceptable. This is, in fact, wrong, so say the Federal courts. The law is clear, and DOE has not met its obligation, so the Congress must act.

I am encouraged that Senator MURKOWSKI and his committee have addressed the issue and they have come up with a different bill than the one we considered the year before last. They have made concessions, they have made improvements, and I thought we had a bill that was going to be generally overwhelmingly accepted.

I do think when we get over procedural hurdles, when the final vote is taken on this nuclear waste disposal bill, the vote will probably be in the high seventies or eighties when it is actually voted on, and that is an important point. The Senate will vote by overwhelming numbers for this legislation, so we need to move through the process.

I know there is opposition from the Senators from Nevada, and they have to have an opportunity to make their case and offer amendments if they feel the need to do so, as well as other Senators. But I think it is so important that we cannot allow it to languish any longer. It is a bipartisan effort that came out of the committee. It is safe, practical, and it is a workable solution for America's spent fuel storage needs.

This is the proper storage of spent fuel, and it is not being done in a partisan way. It is dealt with as a safety issue. Where is DOE? Well, about where it is always, I guess. What is their solution? If not this, what?

They have not given us any answers or any indications of how they would

like to proceed with this. All of America's experience in waste management over the last 25 years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste.

I took the time to go to Sweden and France and to meet with officials from the private sector in Britain. I looked at how they have dealt with their waste problem. They have dealt with it. Sweden has; France has; Britain and Japan; but not the United States. Why? We are the most developed country in the world, yet we have not dealt with this very important issue. So after over 25 years of working with this problem, DOE has still not made specific plans.

The management of used nuclear fuel should capitalize on the knowledge and experience we have. Nearly 100 communities have this spent fuel sitting in their "backyards," and it needs to be gathered, accumulated, and placed in a secure and safe place. This lack of a central storage capacity could very possibly cause the closing of several nuclear powerplants.

These affected plants produce nearly 20 percent of America's electricity. Closing these plants does not make sense. But if we do not do something with the waste, that could be the result.

Nuclear energy is a significant part of America's energy future and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. At the same time, nuclear power allows the Nation to directly and effectively address increasingly stringent air quality requirements.

I challenge my colleagues in the Chamber, on both sides of the aisle, to get this bill done. We spent a lot of time on it the year before last. We ran into the blue slip problem with the House. We will not have that problem with this bill.

The citizens in these communities are looking for us to act. The nuclear industry had already committed to the Federal Government about \$15 billion toward building the facility by 1998. The industry has continued to pay between \$40 and \$80 billion in fees for storage of this spent fuel.

It is time for the Federal Government to honor its commitment to the American people and to the power community. It is time for the Federal Government to protect these 100 communities to ensure that the Federal Government meets its commitment to States and electricity consumers. The 106th Congress must mandate completion of this program—a program that gives the Federal Government title to waste currently stored on-site at facilities across the Nation, a site for permanent disposal, and a transportation infrastructure to safely move the used fuel from plants to the storage facility.

Again, I have had people express concerns to me about how this can be done safely. I actually took the time to look at the equipment that is used to move this spent fuel in other countries, particularly in France, and they have done it safely, without a single incident—no problem ever. Again, they are doing it in France. Can't we do it in America?

Our foot dragging is unfortunate. It is unacceptable. Clearly, we must move this legislation. The only remedy to stop the delays—and it is a timely action—is for the Senate to consider this in the 106th Congress.

Let's move forward and get this legislation done.

Madam President, I see Senator REID is here.

UNANIMOUS CONSENT REQUEST—
S. 1287

Mr. LOTT. Madam President, I ask unanimous consent that the Senate proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I say to my friend, the majority leader, that on the surface it does appear that something needs to be done with nuclear waste. If you get under the surface, of course, there should be something done.

I am not going to give a long dissertation now on nuclear waste. We have had that in the past. But the fact of the matter is, really what should happen is, it should stay where it is. That is what the scientists say. It could be safely stored on site in dry cast storage containment, as is done in Calvert Cliffs, MD, for the next 100 years.

The nuclear power industry, which has created this fiasco, wants someone else to clean up their mess. They want it out of their hands. They want their hands washed of it.

The fact of the matter is, we are looking at this legislation. Senator MURKOWSKI is trying to come up with some alternative. I have been told by the minority on the Energy Committee that if that is the case, he is going to try to change the legislation that is now before this body. That is, the legislation now before this body would take the Environmental Protection Agency out of the mix; that is, the Environmental Protection Agency would not be setting the standards for Yucca Mountain, but it would be given to the Nuclear Regulatory Commission, which, in fact, is the one that does licensing. That really is literally having the fox guard the hen house.

In this legislation, we simply want things to remain the way they are—have the Environmental Protection Agency set the standards. But we understand there is a lot of agitation by the very powerful nuclear power industry, that wants to move this forward in spite of the fact that it could damage

the country. We understand that. We hope good sense will prevail because the President has said he will veto this legislation. I think that is the reason Senator MURKOWSKI, the chairman of the committee, wants to come up with something that is going to be such that it will not create a fight here on the floor.

As the majority leader knows, we have enough votes to sustain a Presidential veto. We hope we will not get to the point where that is necessary.

Will the leader again state what the request is?

Mr. LOTT. The consent would be for the Senate to proceed to the nuclear waste bill, S. 1287, following passage of the bankruptcy bill.

Mr. REID. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I understood the Senator would object.

I think it is very important, though, that we move this legislation forward.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Having heard the objection then, I move to proceed to S. 1287 and send a cloture motion to the desk.

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

The assistant 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 Calendar No. 180, S. 1287, the Nuclear Waste Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Jim Bunning, Thad Cochran, Kay Bailey Hutchison, Mike Crapo, Richard Shelby, Larry E. Craig, Craig Thomas, Judd Gregg, Jeff Sessions, Bob Smith of New Hampshire, Phil Gramm, Slade Gorton, Tim Hutchinson, and Don Nickles.

Mr. LOTT. Madam President, the cloture vote will occur on Wednesday, February 2. I will notify Members when the time has been established. Of course, I will confer with the Democratic leadership about the exact time.

In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the cloture vote occur immediately following the passage of the bankruptcy bill after the use or yielding back of 30 minutes of debate time, equally divided in the usual form.

Mr. REID. Reserving the right to object to that request of the leader, I am confident that request will be granted. I cannot do it right now, but I am sure we will be able to—my colleague from Nevada is on an airplane. I want to be able to confer with him. I think we will be able to do that without a problem.

Mr. LOTT. We appreciate that and look forward to conferring with the

Senator on that. I will talk to Senator MURKOWSKI, too, about any plans he may have. I know he wants to get this done. But he is also sensitive to concerns that exist.

We will continue to work to find a way to make this happen.

Mr. REID. Mr. Leader, if I could say this, too. I say about Senator MURKOWSKI, we have been real adversaries on this issue, but I have to say that he has been a total gentleman about everything he has done on this. As bitter as are some of the pills he has asked us to swallow, the fact of the matter is he has never tried to surprise me. He has been very open and above board. I appreciate that very much about Senator MURKOWSKI.

Mr. LOTT. Madam President, we should go ahead and clarify, there was no objection to this?

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. I say to my friend, I do not know how, procedurally, we are going to go about doing this. I have to talk to Senator BRYAN before I can allow this to go forward. I cannot do that right now. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me revise that request and/or that notification and see if we can get unanimous consent that we have the cloture vote on Wednesday, February 3. We will notify Members exactly what the time will be. In the meantime, I ask unanimous consent that the mandatory quorum under rule XXII be waived and then not put in the limiting of the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let me say, while I believe very strongly that this legislation needs to be passed and is an issue that has tremendous environmental consequences and concerns we have to address, I think the Senator from Nevada would also acknowledge that we have always been sensitive to the need for him and his colleague from Nevada to know what is going on, to not be surprised, have a chance to make their statements, offer amendments, and resist in every way. I am very sympathetic to the need for them to have that opportunity. We will protect their rights as we go forward. We appreciate the way the Senator has approached it also.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. LOTT. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wellstone amendment to the bankruptcy legislation.

Mr. FEINGOLD. Madam President, I ask unanimous consent to speak for 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 8 minutes.

DECISION TO SUSPEND EXECUTIONS IN ILLINOIS

Mr. FEINGOLD. Madam President, earlier today, Governor George Ryan of Illinois made an announcement that is absolutely unprecedented for a sitting governor since the reinstatement of the modern death penalty almost 25 years ago. Governor Ryan plans to effectively block executions in Illinois by granting stays of all scheduled executions on a case-by-case basis until a State panel can examine whether Illinois is administering the death penalty fairly and justly. Governor Ryan is right to take this step, because real questions are being raised about whether innocent people are being condemned to die.

Since the U.S. Supreme Court's 1976 Gregg decision finding the death penalty constitutional, Illinois has executed 12 people and found 13 people on death row to be innocent. This is truly extraordinary. After condemning people to death, Illinois has actually found more death row inmates innocent than it has executed! Some of the innocent were exonerated based on a new DNA test of forensic evidence. Others successfully challenged their convictions based on inadequate representation by disbarred or suspended attorneys or a determination that crucial testimony of a jailhouse informant was unreliable. Illinois has exonerated 13 individuals but the numbers are sure to grow, as other cases continue to be investigated and appeals make their way through the courts.

What is even more troubling is that the lives of some of these 13 innocent people were saved not by the diligence of defense counsel or a jury or judge, but by a group of students taking a journalism class at Northwestern University. These Northwestern University students uncovered evidence, which led to the exoneration of people like Anthony Porter, who spent 15 years on death row and came within 2 days of execution. The criminal justice system failed to do its job. These students and their journalism professor—actors very much outside the criminal justice system—did the footwork to uncover exculpatory evidence. Governor Ryan supports the death penalty as a form of punishment in Illinois. I do not. But he has courageously acknowledged what many lawyers, scholars, and journalists have argued for some time: the criminal justice system in Illinois is broken and it must be fixed.

I applaud Governor Ryan for what is unfortunately unusual courage. Many political leaders, even those who may be personally opposed to the death penalty, nevertheless feel it is somehow "political suicide" to support a moratorium on executions. They fear being