United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, MAY 2, 2000 No. 52

Senate

The Senate met at 9:33 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Lord of our lives and Sovereign of this Nation, we thank You for the attitude change that takes place when we remember that we are called to glorify You in our work and to work with excellence to please You. The Senators are responsible to their constituents; their staffs report to them; and others are part of the Senate support team. All of us are employed to serve the Government, but ultimately we are responsible to You for the work we do and how we do it. Help us to realize how privileged we are to be able to work, earn wages, and provide for our needs. Thank You for the dignity of work.

We press on today with enthusiasm, remembering that You have called us to our work and will give us a special measure of strength. Whatever we do, in word or deed, we do it to praise You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Alaska.

SCHEDULE

Mr. MURKOWSKI. Mr. President, today the Senate will begin consideration of the veto override of S. 1287, the nuclear waste repository legislation. By previous consent, the time prior to 12:30 p.m. will be equally divided between Senator MURKOWSKI and the Senators from Nevada. Senator REID is on the floor. At 12:30 p.m., the Senate will recess for the weekly party conference meetings until 2:15 p.m. Following the conferences, there will be 1 hour of debate remaining on the nuclear waste veto override, with a vote scheduled to occur at 3:15 p.m. After the vote, the Senate will resume debate on S. 2, the Elementary and Secondary Education Act, with votes possible throughout the evening. The leader thanks his colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the veto message accompanying S. 1287, which the clerk will report.

The legislative clerk read as follows:

Veto message on S. 1287, a bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

(The text of the President's veto message is printed on page S3017 of the CONGRESSIONAL RECORD of April 27, 2000.)

The Senate proceeded to consider the veto message.

The PRESIDING OFFICER. Under the previous order, there shall be 90 minutes under the control of the Senator from Alaska, Mr. MURKOWSKI, and 90 minutes under the control of the Senators from Nevada, Mr. REID and Mr. BRYAN.

Mr. MURKOWSKI. Mr. President, it is my understanding Senator BINGAMAN has indicated a desire to speak. I believe he is off the floor at this time and will be coming momentarily. I suggest the absence of a quorum and ask unanimous consent that the time be equally taken off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, it is my intent to accommodate Senator BINGAMAN's schedule.

I yield to the ranking member of the Energy and Natural Resources Committee, Senator BINGAMAN, with the understanding that the time be charged to the other side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will take a few minutes to give my perspective on this upcoming vote to override the President's veto.

The question before the Senate is not whether the Senate supports the construction of a nuclear waste repository. Clearly, I support construction of a nuclear waste repository. The President has indicated he does. The Department of Energy has made significant progress on a repository in the time this administration has been in office. In fact, the Department of Energy has made much more progress in the past 7 years under President Clinton than during the preceding 10 years under Presidents Reagan and Bush.

The President, according to the statement he issued, is ''committed to resolving the . . . issue in a timely and sensible manner consistent with sound science and protection of public health, safety, and the environment.''

This bill was not vetoed by the President because he does not want to solve

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the nuclear waste problem. He vetoed it because, as he stated in his veto message, this bill ''will do nothing to advance'' the program. That is a quote out of the statement that was issued. And secondly, instead of doing something to advance the program, the bill will be ''a step backward.''

What are the problems that face the nuclear waste program today? Let me go through those problems with a little bit of detail so we all understand what those problems are and we can assess whether or not there is anything in this bill that helps us address that.

First, burying tens of thousands of tons of highly radioactive waste in Yucca Mountain and making sure it does not escape for tens of thousands of years—that is the goal we set for ourselves—raises very difficult scientific and technical questions.

Only last month, the Nuclear Waste Technical Review Board, which Congress created to advise us on these matters, warned that ''a credible technical basis does not exist for the repository design.'' This is the Nuclear Waste Technical Review Board. This is a group that Congress established. This is not some left-wing environmental organization that made this statement.

That report also went on to say, ''large uncertainties'' still exist in how the Yucca Mountain site will behave, and ''much work remains to be completed.'' That is an exact quote from that review board.

The bill before us does nothing to advance the scientific program that is trying to resolve these issues. Instead, the bill will make it harder for the Department of Energy to resolve these issues by imposing substantial new requirements which will divert the limited resources they have away from the essential scientific work that needs to be done.

A second problem facing the program is public confidence. People need to know that the repository will be safe and will not leak radiation into their water supply now or long into the future. Again, the bill will do nothing to advance public confidence in the repository's safety. Instead, it will undermine that public confidence. Under current law, the repository must meet radiation standards set by the Environmental Protection Agency to protect public health and the environment.

The bill on which we are now voting to override a Presidential veto forbids the Environmental Protection Agency from issuing those standards until this administration leaves office. The proponents of the provision are plainly hoping Governor Bush will be elected President and that his administration will adopt more lax standards than the Clinton administration would adopt. Such a blatant attempt to manipulate the scientific review process is sure to undermine public confidence in the ultimate site suitability determination.

A third problem facing the program is that it is behind schedule. Again, the bill does nothing to accelerate the program. On the contrary, the bill will delay the program further by forbidding the Environmental Protection Agency from issuing its radiation protection standards before June of 2001.

Under current law, EPA will issue the standards this summer, in plenty of time for the Secretary of Energy to take the standards into account in determining whether Yucca Mountain is suitable in 2001. But by delaying the issuance of the standards by nearly one year, the bill is likely to delay the Secretary's suitability determination and his recommendation that the repository be built.

A fourth problem facing the program is that the Department of Energy has not been able to begin moving waste from the States where it is now stored to Yucca Mountain. Again, the bill does nothing to begin moving waste to Yucca Mountain or to accelerate the date at which shipments can begin. On the contrary, the bill will probably obstruct shipments of waste by imposing a host of new obstacles to such shipments.

The bill says no shipment can be made until the Secretary of Energy has determined that emergency responders in every State, every local community, and every tribal jurisdiction, along every primary and every alternative shipping route, have met certain training standards and until the Secretary has given all of those entities financial assistance for 3 years before the first shipment. That is what the bill provides.

The transportation provisions of the bill are far more restrictive than those for shipments to the Waste Isolation Pilot Plant in my State. They are an open invitation to opponents of the nuclear waste program to obstruct shipments to the repository. I think we are all familiar with the availability of the courts to assist in that obstruction, where we put unreasonable restrictions on the Department of Energy, as we have done in the case of transportation to the site.

A fifth problem facing the program—this is the nuclear waste repository program—is the claims against the Government for failing to accept the utilities' waste by the original deadline. The bill permits the Department of Energy to settle these claims by paying the utilities compensation out of the nuclear waste fund—which the utilities said they did not want.

This bill does not permit the Department of Energy to take title to the utilities' waste at the utilities' sites, which is the one near-term solution that was sought by the administration when we went into this debate. In fact, that provision was in the bill when we reported it out of the committee, which I think was a step forward.

Moreover, the bill creates new unfunded liabilities for the Government. It does so by imposing new deadlines that the Department of Energy cannot meet and imposing substantial new requirements without providing funding mechanisms to meet those obligations.

A sixth major problem facing the program is inadequate funding. Our current budget rules make it impossible to give the program the money it requires, even though the fees the utilities pay the Government far exceed what Congress appropriates to the program each year, and the nuclear waste fund has a $9 billion surplus in it. Yet, at the same time, the bill imposes substantial new unfunded spending requirements. So we are setting up and maintaining a prohibition against spending the money at the same time we are imposing new unfunded spending requirements on the program.

These unfunded spending requirements are to provide relief to the utilities under the settlement agreements, to provide financial assistance for transportation planning and training, and to conduct research on alternative waste management technologies.

Finally, the bill does nothing to help the one utility that is actually threatened with having to shut down one of its plants because of insufficient onsite storage capacity. Here I am talking about Northern States Power's Prairie Island plant in Minnesota. Nothing in this bill forestalls the shutdown of that plant in January of 2007.

The bottom line is that this bill will not fix what is wrong with the nuclear waste program. On the contrary, it will make matters worse and move us further from a final solution.

The question before the Senate is whether the bill should pass, ''the objections of the President notwithstanding.'' That is the question for us to vote on this afternoon.

The President said he remains committed to solving the nuclear waste issue. The administration has made considerable progress toward that end and is close to completing the work needed for the site suitability decision next year.

The President says the bill does not help; it does not advance the program's goals.

On the contrary, in his view, it is a major step backward because it is likely to delay the site suitability determination, it undermines public confidence, and it is likely to create new unfunded liabilities for the Government—in fact, not likely, but it does create them.

The President's objections to the bill are well taken, and, in my view, the Senate should not pass the bill over the objections that have been raised by the President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we are again faced with the decision of whether to put off an obligation that we have to store nuclear waste that is threatening our industry or just talk some more.

If we reflect on reality, we will find that the last time this issue came before the Senate we had 64 votes in favor. There was one Senator who was

absent. We anticipate that Senator to be here today, so we anticipate approximately 65 votes. In the House, it passed 253–167. So, clearly, a majority in the House and Senate have spoken on this issue.

We have before us the question of the President's veto on the Nuclear Waste Policy Act. I say that the President is wrong. He is wrong for the environment, wrong for the U.S. energy policy, wrong for the economy, and he is wrong for international security.

This has become pretty much a political issue on the floor—whether to override the President's veto and do what is right. What is right is to address the responsibility that we have to the taxpayers of this country. I urge every Member of this body to reflect on the obligation that he or she has at this time. We have a situation where, as a consequence of the inability of the Federal Government to take the waste, which was to occur in 1998, we have a breach of contract with several of our utility companies. That breach of contract has resulted in liability and damages—damages that are assessed now at somewhere between $40 billion and $80 billion. So every Member of this body who does not support an override better be prepared to respond to the American taxpayer and address the reasons and have an excuse for not moving this and terminating that extended liability to the taxpayers.

While the President's veto wasn't based on good science, it was based on crass politics. The President's veto is particularly troublesome because Congress has bent over backward to meet every legitimate concern expressed by this administration. So it is simply clear that this administration doesn't want to take up this matter and resolve it under any circumstances under their watch.

Instead, they apparently want to use it as an election year issue. Well, I think it will come back and bite them as an election year issue. The bill the President vetoed would have disposed of our nuclear waste in a rational and effective way. It would do so by providing early receipt at Yucca Mountain of our civilian and our defense nuclear waste 5 years earlier than under existing law but not until after the Nuclear Regulatory Commission approved a construction permit for the facility, and it would have protected the $16 billion nuclear waste fund from being raided to pay for the Government's default on its contract with the utilities—money that consumers have paid through higher electric rates. It would have protected consumers from the Secretary of Energy unilaterally and unreasonably raising the nuclear waste tax on electricity without the consent of Congress, and it would have preserved the right of the Environmental Protection Agency to set the radiation standards in a manner that fully protects public health and safety.

If you go back and read the bill, it clearly gives the Environmental Protection Agency the obligation of setting the standard. Failure to address this problem does not solve the problem by any means; it simply leaves the waste where it is.

I would like to refer to this chart in back of me because this is the reality. We have the waste at 80 sites in 40 States. It is located in our backyards. Each year that goes by, our ability to continue to store nuclear waste in each of these sites in a safe and reasonable way diminishes. Why? These sites were designed for temporary storage and, in many cases, they have about reached their maximum. Isn't it better to put this at one site, at Yucca Mountain in Nevada, which was designed for the waste?

It is irresponsible to let this situation continue. Rather than exhibiting courage and signing legislation that would address the problem, the President has abdicated his responsibility. Rather than protect the American people, he has chosen to sacrifice them to satisfy the anti-nuclear interests.

The veto is absolutely wrong for the environment. Again, I refer to this chart. Is it better to have this material scattered at 80 sites in 40 States or one, single, easily-monitored location which, I add, is where we have had over 50 years of nuclear testing out in the Nevada desert? This veto means that the administration wants to continue to keep this material near our major population centers, near schools, hospitals, parks, homes, areas where we have earthquakes, such as in California, and in other areas, such as Illinois, where we have severe windstorms at times. The administration's own draft environmental impact statement released in August of last year makes it clear that leaving the material spread around the country could represent a considerable human health risk.

His veto is wrong for the U.S. energy policy. The real agenda of this administration is to kill nuclear power as a means to provide electricity, but they never answered the tough questions—the reality that nuclear power generation consists of 20 percent of the Nation's electricity. It does so without emanating any air pollution or greenhouse gases. How do we address the risk of global warming without nuclear power? It is pretty hard to do. How do we meet our clean air requirements and goals without nuclear power?

There is no alternative suggested by the administration. How do we provide consumers and our economy with the electricity they need if we rule out our nuclear power? The answer is very simple: We can't.

The choice we face is either replace nuclear power with coal-fired power or consumers will go without; that means brownouts, perhaps blackouts. But this should come as no surprise to an administration that has allowed this Nation to become dependent on insecure sources of foreign oil to meet our energy needs. Our energy policy consists of the Secretary of Energy going hat-in-hand to beg for help from countries that once sought our protection to maintain their existence. We have recently seen our increased dependence on oil from Saddam Hussein and Iraq. It was 300,000 barrels a day last year, and this year it is 700,000 barrels a day.

Isn't it rather ironic, as we look at the foreign policy of this country, to recognize that we buy Saddam Hussein's oil and give him our dollars, and we take that oil, put it in our airplanes, and we go out and bomb him.

That is really what we are doing. How ironic.

Furthermore, it has cost the American taxpayer about $10 billion since the end of the Persian Gulf war in 1991 to keep Saddam Hussein fenced in.

The veto is wrong for the economy. Failure to resolve the nuclear waste problem may well turn into a budgetary disaster that will rival the savings and loan crisis.

I say that as a consequence of the increasing liability that goes to the Federal Government for its inability to take that waste when it was due under the contract terms in 1998. That is over $40 billion. It may be closer to $80 billion. That is a liability that is being assumed by the American taxpayer as we delay addressing this obligation.

By failing to resolve the nuclear waste problem, the Federal courts have said this administration has violated its contractual obligations. As I said, this means the Department of Energy may have to pay as much as $40 billion to $80 billion in liability, and possibly more. Where do you think this money is going to come from? You guessed it. The taxpayer. And every Member who doesn't support this veto override had better be able to explain that to his or her constituents. Instead of using this money to keep Social Security solvent, we have to use it to pay for this administration's willful failure to comply with the law.

But keep in mind that even after the taxpayers foot this bill, the nuclear waste problem still won't be dealt with because the President simply won't stand up and recognize that we have an obligation under a contract made 20 years ago to accept the waste.

Further, it is wrong for the international security of this Nation. How do we convince our allies and those who are not to abide by our goal of nuclear nonproliferation when we demonstrate that we have neither the will nor the intelligence to deal with our own domestic problem? How do we convince our European allies to look to us and not Russia for solutions when we demonstrate that we do not have the courage to follow science and our own law? What type of leadership do we show to the world when we are unwilling to honor our commitments to our own citizens? It is not only our security that is jeopardized but also that of our allies who depend on our willingness and capability to defend them to enforce a peace.

This is referred to as a ''mobile Chernobyl'' by some. Opponents of the legislation argue that shipping nuclear waste across the Nation will create a ''mobile Chernobyl.'' The administration seems to agree with these opponents. Yet this very same administration agreed in 1996 to accept 20 tons of foreign nuclear high-level waste shipped to the United States. The administration's Foreign Research Reactor Program brought that in. This foreign nuclear waste is being moved safely in the very same way and in the very same casks that the opponents say U.S. nuclear waste cannot be moved safely.

Let me also observe as we are talking about ''mobile Chernobyls'' that there are 83 nuclear-powered U.S. submarines and naval warships which operate under nuclear power. They are around the world. They operate around the clock in both U.S. and foreign ports to ensure our security. They carry the reactors, and they have done it in a safe and admirable manner for a long period of time. There does not seem to be any concern about these ships. And the shipments we are talking about are dry, stable waste, and not reactors. But they criticize it in the capacity of suggesting this is a Chernobyl-style act. This is fear mongering. It is unnecessary. It is fear in the worst case.

Finally, we recognize the obligation of our Chief Executive. The President of the United States had a choice. The President could have shown courage and chosen for the environment. Instead, he declined. The President could have shown leadership and chosen a sound energy policy. Instead, he refused. The President could have demonstrated concern for the future and chosen for a healthy economy. Instead, he ducked. The President could have shown resolve on our national and international obligations and chosen for our national security. Instead, he abdicated. The President's veto was wrong for the environment, for energy policy, for the economy, and for our national security.

Today, our choice is a simple one.

Again, I note on this chart behind me, all of those areas in green are the States where nuclear waste is stored, 40 States. Do we want to have that, or do we want to have one central disposal facility at Yucca Mountain where we have already expended $6 billion or $7 billion in the design of a permanent repository? Do we want to move it to one central facility in an area where over 800 nuclear devices were tested?

I show you a chart and a picture of the proposed location for the permanent repository at the Nevada site. It was used for previous testing of more than 800 nuclear weapons.

I urge my colleagues not to be misguided and to support the veto override.

Before I yield some time to the other side, I want to make a couple of points relative to the radiation issue which has come up from time to time.

One of the principles originally in S. 1287 was that the Yucca Mountain radiation standards should be set by the NRC and not the EPA. Although I still strongly believe that the Nuclear Regulatory Commission should set this standard, the managers' amendment contains new language—I hope my colleagues will read it—that will permit the EPA to go ahead with its rule as long as both the EPA and the Nuclear Regulatory Commission, in consultation with the National Academy of Sciences, agrees that the standard will protect public health, safety, and the environment, and is reasonable and obtainable. If that isn't the best science available, I don't know what is.

This is a very reasonable approach that provides the very best science and the very best peer review, yet allows the EPA to have the obligation to ultimately complete the rule after all the best minds on the subject have been consulted.

I think it is apparent as we address this issue—and I recognize that my State of Alaska does not have nuclear waste stored in it—that if we don't resolve it today, we are going to have to address it at a later date because the fact is nobody wants this waste.

I am particularly sensitive to and appreciate the position of my colleagues from Nevada. The bottom line is they don't want the waste. If the waste were going to be stored in Colorado, we would have the Senators from Colorado speaking here on the floor and objecting to it. It is going to be stored in California, or New Hampshire, or somewhere. That is just the harsh reality of recognizing that no one wants this waste.

But my colleagues from Nevada claim that the Congress chose Nevada to be studied for nuclear waste disposal purely for political reasons. They would have you believe that there are no rational, technical, or scientific reasons for placing spent nuclear fuel in Nevada. That is what they would have you believe. But it is wrong.

The DOE spent over $1 billion studying other potential sites before narrowing the list to three sites, one of which was Yucca Mountain. Congress settled on Yucca Mountain back in 1987. It is geologically unique. The Nevada Test Site has been used to explode nuclear weapons for over 50 years.

This is a picture of the Nevada site. The last weapon exploded there underground was in 1991. The underground tests are still being performed, with nuclear materials being exploded with conventional explosives, with the wholehearted support of the Nevada delegation. In fact, not too long ago one of the Senators from Nevada supported storing spent fuel at the test site. There was a resolution that I believe took place back in 1975 or 1976.

The resolution reads as follows. This is a resolution from the Nevada Assembly, Joint Resolution 15:

Whereas, the people of Southern Nevada have confidence in the safety record of the Nevada test site and the ability of the staff of the site to maintain safety in the handling of nuclear materials;

Whereas, nuclear disposal can be carried out at the Nevada test site with minimal capital investment relative to other locations;

Now, therefore, be it resolved that the Assembly of the State of Nevada jointly with the Legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose the Nevada test site for the disposal of nuclear waste.

This resolution passed the Nevada Senate by a 12–6 vote, aided by a vote at that time of then State Senator BRYAN and signed by the Governor of Nevada.

What has changed? The Nevada Test Site has not changed. It has the workers, a workforce, an infrastructure for dealing with nuclear materials. The geology has not changed.

I ask unanimous consent to have printed in the RECORD a Los Angeles Times article called ''Marketing a Nuclear Wasteland.''

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 4, 1998]

MARKETING A NUCLEAR WASTELAND

(U.S. tries to drum up business for Nevada Test Site by urging companies to use it for research too risky to try anywhere else. ''No job is too big,'' promotional brochure boasts)

(By Stephanie Simon)

MERCURY, NEV.—This sun-scraped scab of desert has been pounded by the worst mankind could hurl at it: four decades of nuclear explosions.

Those trials are over now. But this echoing expanse remains the proving ground for audacious inventions. Only now it's not the government experimenting, it's private industry.

Need to blow up a building to test a new anti-terrorism design? Do it at the Nevada Test Site. Need to set a chemical fire to try out a new foam flame retardant? Feel free, at the Nevada Test Site.

Dump toxins on the ground to train emergency crews. Bury land mines to test detection technology. Send a brand new, one-of-a-kind reusable rocket hurtling into orbit.

Even the most violent and volatile of experiments can do little to land that has been assaulted by 928 nuclear explosions over the years.

That is why the U.S. Department of Energy is marketing the site—a wasteland bigger than Rhode Island—as the perfect place to conduct research that would not be welcome in the average American neighborhood. As the promotional brochure boasts: ''No job too big.''

The push to woo private industry to the Nevada Test Site mirrors transitions underway at nuclear facilities across the country. With the Cold War over, the government has been trying to shrug off surplus weapons plants by cleaning them up and turning them over to communities for commercial development.

The test site, however, presents some unusual challenges:

It's huge. It's impossible to scrub clean. And it might one day be needed for more nuclear tests. Thus, unlike some other nuclear facilities, it can't be transformed into, say, an industrial park. Instead, the Energy Department seeks to bring in private projects compatible with the site's legacy.

''We're selling the concept of a place where you can do things you can't do anywhere else,'' said Tim Carlson, who runs NTS Development Corp., a nonprofit group commissioned by the government to market the site.

Of course, not every company wants to be associated with a nuclear testing ground, even one that no longer sends mushroom clouds roaring through the dawn. Hundreds of craters from underground blasts still pock the earth like giant thumbprints in a just-baked pie. Yellow signs still warn of radiation here and there in the desert scruff.

''Gerber baby food will never move out here, because of the image,'' NTS consultant Terry Vaeth acknowledged.

But plenty of other companies will. Exempt from many environmental restrictions, the site allows researchers to step outside their labs and conduct real-life, full-scale tests too dangerous to carry out elsewhere.

Consider the Hazardous Materials Spill Center, a tangle of criss-crossing pipes and mock smokestacks gleaming in the dull brown emptiness. It's centered around a giant wind tunnel built to spew toxins into the air—on purpose.

Private firms and government agencies pay up to $1.2 million for the privilege of dumping dangerous brews by the tens of thousands of gallons through the wind tunnel or elsewhere at the facility. From a bank of nearby TV cameras, they can then monitor how the fumes spread in different weather conditions, or whether experimental cleanup methods work.

''It's the only place we've found where we can spill this stuff,'' said Mark Salzbrenner, a senior engineer at DuPont Chemical Co.

Every other year, DuPont holds two weeklong workshops for industrial customers who buy fuming sulfuric acid for products such as shampoo, laundry detergent and pharmaceuticals. Engineers spill the stuff into huge steel pans, then demonstrate how to battle the resulting blazes.

Each workshop costs DuPont $40,000 a fee Salzbrenner considers well worthwhile. After all, he says, ''we're not going to do this in the middle of Los Angeles.''

The spill center has been operating for more than a decade, but promoters are just starting to market it intensively to private industry as part of the drive to commercialize the site. It's a startling shift of focus for this lonely chunk of desert 65 miles northwest of Las Vegas.

For decades, the test site was top secret, off limits a proud if mysterious symbol of America's determination to preserve peace through overwhelming military strength.

Before the test site was established in 1951, the United States had exploded five nuclear bombs on the Bikini Atoll in the Pacific Ocean. With tensions rising in Korea, President Harry Truman decided to shift the nuclear program to the mainland, Nevada, with its dry weather and low population, was selected.

The government conducted a handful of tests on peaceful uses for nuclear explosions in Alaska, Mississippi, New Mexico and Colorado, as well as 104 blasts on Pacific islands. But more than 90% of the nation's nuclear tests took place at the Nevada site.

Then the Cold War crumbled.

In 1992, President George Bush declared a moratorium on nuclear testing that has held to this day. The Energy Department, which runs U.S. nuclear programs, responded with painful cutbacks at weapons assembly and testing facilities from Tennessee to New Mexico.

In the past six years, the department has slashed its nuclear work force by a third. The Nevada site, suddenly stranded with no clear mission, fared even worse: Employment has collapsed from a Cold War peak of 11,000 jobs to fewer than 2,500.

Scientists lost their jobs, of course,but so did lab technicians and welders and mechanics. Half of the site's 3,300 buildings, ranging from trailers to offices to elaborate labs, were vacated and declared surplus. ''It created a kind of vacuum,'' said Susan Haase, a vice president of NTS Development.

To cushion the blow, the Energy Department set aside more than $190 million over five years to help communities affected by the downsizing. Cities could use the grants to retrain laid-off workers, convert weapons plants to commercial use or put together incentive plans to lure new employers.

The Nevada Test Site received nearly $9 million of these funds, but with a caveat: Privatization would have to proceed with caution, because the government still has first dibs on the rugged, mountain-fringed site.

Though the United States has not set off a nuclear explosion in nearly six years, the Nevada site is still used for underground experiments designed to assess the stability of aging weapons.

Also, by law the Energy Department must be prepared to resume full-scale tests within two years if the president ever gives the word. So the government could not simply hand the site to Las Vegas developers and let them have at it.

Clearly, a Ground Zero Casino was out. Instead, NTS Development has tried to market the site to industries that can take advantage of the equipment and brainpower assembled over the years to support nuclear tests.

''You've got a tremendous amount of energy . . . sitting there waiting to be of service again,'' Carlson said.

Local leaders hope that wooing scientific projects to the site will diversify the state's economy, which now leans on gambling and tourism for nearly half its revenue. At the same time, the government is eager to busy laid-off nuclear workers with peacetime challenges so they'll keep their skills sharp in case testing ever resumes.

Whatever the motivation, electrical foreman Clifford Houpt is glad to see so much interest in revving up business for the repair shops and assembly facilities of Mercury, a town that serves as the last site's faded barracks-style base camp. ''We need all the work we can get out here,'' he said.

Some of the projects drawn to the test site represent efforts to atone for the Cold War years of environmental destruction.

Most of the site's new ventures so far have come from private, for-profit companies such as Kistler. Eventually, though, local leaders hope that the federal government will step in with its own projects.

The nonprofit Nevada Testing Institute is pressing Congress to fund a $1-million anti-terrorism center. Engineers could subject buildings to terrorist-style assaults to determine how best to safeguard lives and property, said institute President Pete Mote.

''They may say, 'We need a 20,000-pound bomb, and we want to simulate a building in New York City that a Ryder truck can get within 20 feet of,'" he said. ''We'll say, 'OK, we're the place to do it.'"

The prospect of such projects cheers Nevada civic leaders who would love to see the site once again serve national security—without sending mushroom clouds billowing toward Las Vegas as the early atmospheric tests in the 1950s did.

''We want to take the technology and the personnel we had [for the nuclear industry] and apply it to new areas so we're doing things for society instead of just blowing up bombs,'' said Stephen Rice, associate provost of the University of Nevada, Las Vegas. Or, as NTS Development's Haase put it: ''Taxpayers paid for this place, after all.

NEVADA'S NUCLEAR LEGACY

The United States conducted 928 nuclear tests at the Nevada Test Site between 1951 and 1992. Though most were conventional bombs, the government also tested a nuclear artillery shell, experimented with a nuclear-powered rocket and sought peaceful uses of atomic explosives for earth-moving projects.

SOME FACTS ABOUT THE TEST SITE

Las Vegas residents used to stand on their doorsteps to toast the passing mushroom clouds.

In the early 1950s, troops from all four military services were deployed within a few thousand yards of atmospheric tests to train them in atomic combat.

For a 1953 test dubbed ''Doom Town'' scientists built a mock American community near ground zero, complete with cars, bunkers and mannequin families. The explosion destroyed all but two houses.

The U.S. Environmental Protection Agency for years managed a 36-acre farm on the site to test the effect of radiation on cattle, crops and wells.

For a 1957 test, ''Priscilla,,'' engineers built concrete domes, underground garages, bridges and other shelters near ground zero to see how they would fare in a blast. Most did poorly, although a bank vault survived intact.

Scientists built a Japanese-style town and bombarded it with radiation in 1962 to determine whether houses shielded residents from exposure during the Hiroshima and Nagasaki bombings.

Apollo 16 astronauts practiced driving their moon rover through test-site craters thrown up by nuclear explosions.

The test site's base camp, in Mercury, includes dormitory housing for 1,200 as well as warehouses, laboratories, repair shops and a hospital. Recreation facilities include a bowling alley, movie theater, pool, track and cafeteria.

Mr. MURKOWSKI. The subheading reads:

U.S. tries to drum up business for Nevada's Test Site by urging companies to use it for research too risky to try anywhere else. No job is too big, promotional brochures boast. It is huge. It is impossible to scrub clean. We are selling the concept of a place where you can do things you can't do anywhere else, said Tim Carlson, who runs the NTS Development Corporation, a nonprofit commission by the Governor to market the site.

A few more observations from Nevadans quoted by the story:

We take these companies out of someone's backyard and put them here. They are never going to be able to reclaim it for 10,000 or 15,000 years, says Randy Harness of the Sierra Club's Las Vegas chapter. They might as well do research there.

He concludes:

Given the constant monitoring, the site is probably the safest place in the whole United States.

We want to take the technology and the personnel we have in the nuclear industry and apply it to new areas so we are doing things for society instead of just blowing up bombs, said Steven Rice, assistant provost for the University of Nevada, Los Vegas.

Or, as the Nuclear Testing Site Development's Haase put it:

Taxpayers paid for this place, after all. They should get some use out of it.

We are seeing a situation develop where it is fair to say we have the final obligation in the Congress of the United States to address this with resolve once and for all.

I will comment briefly on the specifics of the veto the President saw fit to initiate. In looking at the President's veto message, the President presented the argument that S. 1287 is a step backward because delaying the issue regarding radiation standards delays any decision with regard to the site recommendation. The reality is the radiation standard is only necessary for the license application through March 2000.

The other argument the President reports is that the bill adds unnecessary bureaucracy to issuing standards and delays. The bill says specifically that the EPA issues the radiation standards by June 2001. EPA must also compare provisions with the National Academy's recommendation and justify this scientific basis for the rule. If good science unduly burdens the EPA, then perhaps we have a problem with the proposed rule. We are talking about the EPA having the final determination.

The President further states that the bill does not help with claims against the Federal Government for damages related to failure to accept fuel. The opposite is true. The bill provides early receipt as soon as construction is authorized. That is as early as 2006, January. It permits the Secretary of Energy to enter into settlement agreements with utilities, thus limiting continued liability. I think this is another example of the administration putting responsibility for its own problems on Congress. They seek to minimize damages from their own failure to take the waste and minimize the $40 to $80 billion liability by cooperating with Congress. Is that too much to ask? I ask my colleagues to explain to their constituencies why they are exposing them to continued litigation at the expense of the taxpayer, as the $40 to $80 billion claims against the Federal Government continues to mount.

Another argument is S. 1287 doesn't promote settlement because it doesn't have ''take title'' language. Mr. President, one time it had take title language but the Secretary of Energy, Secretary Richardson, didn't do his part to gain support from the States that opposed it. Why did the States oppose it? They feared the Federal Government would simply leave the waste in their States, take title to it and leave it. More importantly, the DOE has argued in the past; the Ninth Circuit, in 1991, said that the Department of Energy already had the authority to take title. That was granted by the 1954 Atomic Energy Act. This is another smokescreen.

What is lacking is not legal authority but a political exercise of will. This administration, unfortunately, does not have that political will.

It is interesting to note some of the support. I ask unanimous consent to have printed in the RECORD a letter from the Governor of the State of New York, George Pataki.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK

April 21, 2000.

DEAR MR. PRESIDENT: Now before you is the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). On behalf of the citizens of New York State who have been forced to temporarily store more than 2,000 tons of radioactive nuclear waste, I urge you to sign this bill into law.

Because the Federal government has failed in its statutory obligation to build a permanent and safe nuclear disposal site by 1998, our State and others are faced with continued on-site management of high-level radioactive waste. With S. 1287 Congress has developed a sensible plan that will, if signed by you, begin a process leading to this facility finally being built.

This bill has passed both the U.S. Senate and House of Representatives by large majorities and would allow New York State to transport the radioactive waste we have been storing on an interim basis. Disposal of this waste is one of the most important environmental concerns facing New York and other states with nuclear facilities and failure to seize the opportunity we now have with passage of S. 1287 could pose serious risks for us all.

Enactment of the Nuclear Waste Policy Amendments Act of 2000 will also allow us to avoid continued litigation over the Federal government's failure to live up to its commitment to accept this waste. The plan laid out after years of debate and discussion in Congress moves us closer to protecting the health and safety of all Americans and should be signed.

As time passes, the problem of finding a means for the safe disposal of nuclear waste grows more complicated. Your support is needed on this critical issue of national importance, and I respectfully request that you sign S. 1287 so the process of shipping radioactive waste out of New York and other states into a safe, permanent Federal facility can finally begin.

Very truly yours,

GEORGE E. PATAKI.

The Honorable WILLIAM J. CLINTON,
President,
The White House,
Washington, DC.

Mr. MURKOWSKI. I will read briefly from the letter.

APRIL 21, 2000.

DEAR MR. PRESIDENT: Now before you is the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). On behalf of the citizens of New York State who have been forced to temporarily store more than 2,000 tons of radioactive nuclear waste, I urge you to sign this bill into law.

Because the Federal government has failed in its statutory obligation to build a permanent and safe nuclear disposal site by 1998, our State and others are faced with continued on-site management of high-level radioactive waste. With S. 1287 Congress has developed a sensible plan that will, if signed by you, begin a process leading to this facility finally being built.

This bill has passed both the U.S. Senate and House of Representatives by large majorities and would allow New York State to transport the radioactive waste we have been storing on an interim basis. Disposal of this waste is one of the most important environmental concerns facing New York and other states with nuclear facilities.

This is an appeal by the Governor of New York, to this body, to override the President's veto.

Another point. Some of the affected States that would have high-level waste have been storing this waste at interim sites, sites that were not designed for a permanent storage.

Ratepayers from the State of New York paid in over $1 billion in their electric bill for the Federal Government to take that waste. There are seven sites in New York, about 2,167 metric tons of waste. As a consequence, the State dependence on nuclear energy is about 26 percent. They had one shutdown of one plant, Indian Point, in 1974. The point is to show in New York the significance of what it means and why we have this letter from the Governor of New York addressing this body asking to move this bill and override the President's veto.

Another State with a significant amount of waste is Colorado. Federal payments of about $6.3 million have been paid by the ratepayers in Colorado. There is one unit that is closed, Fort St. Vrain, and about 15 metric tons of waste. There is a significant amount of Department of Energy defense waste. The alternative is to leave the waste in Colorado or move it out.

Illinois is another State where there is a significant amount of waste as a consequence of the fact that 39 percent of Illinois' power generation comes from nuclear energy. In Illinois, the ratepayers have paid $2 billion to the Federal Government to take the waste. They have 11 units and approximately 5,215 metric tons of waste. Is that waste going to stay in those numerous sites where the 11 units are, or are we going to move it out to one central location in Nevada?

In North Carolina, in 1998, the ratepayers have paid over $706 million to the Federal Government to take the waste. As I have indicated, the Federal Government is in violation of the contract. Thirty-one percent of the State of North Carolina is dependent on nuclear energy. As a consequence, they are looking at 1,400 metric tons.

Do we want to leave that waste in temporary storage, or do we want to move it now when we have an opportunity?

The State of Oregon has a significant amount of waste stored at Hanford. Hanford is in Washington, but the site certainly affects Oregon as well. The ratepayers have paid $108 million. The Trojan plant in Oregon has been closed for decommissioning. Do we want to leave it closed, or do we want to move the high-level waste out of there to one central site? There are 424 metric tons in Oregon.

Whether one is talking about Massachusetts, Connecticut, Arkansas, Wisconsin, Georgia, Louisiana, Washington State, Maine, Pennsylvania, or Vermont, these are all States which have a significant amount of waste that has been generated by the utilities under the assumption that the Federal Government would take that waste in 1998. The Federal Government has failed to take that waste and, as a consequence, the litigation goes on.

I am amused because we have a statement by the Vice President on this

question of the veto override. Looking at his statement, I see a rather curious phraseology. I ask unanimous consent that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE VICE PRESIDENT ON YUCCA MOUNTAIN VETO

Today's veto of the nuclear waste bill is an important step to protect health, safety and the environment. This legislation was rejected because it does nothing to assist in conducting the best scientific research into the propriety of the Yucca Mountain site, as a long-term geologic repository for high level nuclear waste. Rather, the legislation limits the ability of the Environmental Protection Agency to set appropriate radiation emissions standards for the site. I believe that we need to find a permanent solution for the disposal of high-level nuclear waste, but one that is based on the best available science, in order to protect public health and the environment. I wish to commend Senator Reid, Senator Bryan and Representative Berkley for their tireless work to help us defeat the ill-advised approach in this bill.

Mr. MURKOWSKI. He states:

Today's veto of the nuclear waste bill is an important step to protect the health, safety, and the environment.

He is saying the President's veto is in the interest of protecting health, safety, and the environment. He is saying leave it at those sites in the 40 States. That must be what he is saying.

He says:

This legislation was rejected because it does nothing to assist in conducting the best scientific research into the . . . Yucca Mountain site. . . .

What are the EPA, the Nuclear Regulatory Commission, and the National Academy of Sciences? That is the best science we have, and yet he says there is no science involved in this process.

He says:

. . . the legislation limits the ability of the Environmental Protection Agency to set appropriate radiation . . . standards.

That is contrary to reality. It does not. We do give that authority to the EPA.

He further says:

I believe we need to find a permanent solution for the disposal—

We all agree we need a permanent solution, but the Vice President does not suggest any permanent solution. He says we ought to have one.

We have spent almost $7 billion digging a hole out of Yucca Mountain and, in 1998, the ratepayers have paid $16 billion to the Federal Government to take the waste. Now the taxpayers, as a consequence of the inability of the Federal Government to live under the terms of that contract, are looking at a liability exposure of $40 billion to $80 billion.

When the Vice President makes that kind of a statement, I wonder what he is talking about—we need to find a permanent solution. This is a permanent solution for disposal of the high-level nuclear waste and is one based on the best science available to protect public health and the environment.

This is just another issue of politics. Obviously, there is a certain sensitivity about overriding any President's veto, but there is a recognition of and an obligation to do what is in the interest of the taxpayers and of protecting those 80 sites in 40 States where this waste is stored and getting on with the obligation.

What concerns me more than anything is the reality that at some point in time we may find ourselves in a position where we simply are unable to come to grips with this matter. I am going to quote one of my friends from Nevada who, in a February 9 press release, indicated a key victory on the nuclear waste bill. It is entitled, ''Senators Secure Votes Needed to Sustain Presidential Veto.''

The interesting paragraph reads, under a criticism of S. 1287:

The Environmental Protection Agency will have full authority to set radiation standards for Yucca Mountain which many experts say will ultimately prevent—

Ultimately prevent—

the site from ever being licensed as a nuclear waste dump.

Make no mistake about this, there is a conscientious effort by many people who are antinuclear to simply stop the nuclear industry in its tracks by making sure there is no permanent repository for that waste. The sequence of what will happen is these reactor sites are licensed for a certain capacity. When that capacity fills up, those plants have to shut down, and we can bid goodbye to the nuclear industry. The problem is the administration and those who oppose it have not suggested an alternative as to where we are going to pick up the power.

It is fair to say the ultimate objective of some people is to ensure that Yucca Mountain is never used, others never want to see a permanent repository built, regardless of where it is. In deference to my good friends from Nevada, clearly they do not want it in their State under any terms and circumstances.

That is the posture of where we are, but we do have an opportunity today to bring this matter to a head by overriding the President's veto and getting on with the business at hand.

I have used a good deal of time this morning. I yield the floor to the other side. First, how much time have I used?

The PRESIDING OFFICER (Mr. CRAPO). The Senator has used 35½ minutes.

Mr. MURKOWSKI. That is all that has been used on this side?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate resumes the pending ESEA legislation this afternoon, debate only be in order for the remainder of the session today.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, how much time was used by Senator BINGAMAN this morning on behalf of the people wishing to sustain the Presidential veto?

The PRESIDING OFFICER. Twelve minutes.

Mr. REID. And the remaining time, after the morning formalities took place, is evenly divided between the two respective parties?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, my friend from Alaska talked about a little history this morning, or words to that effect. ''Heard a little history'' is not very accurate. For example, the chart they just took down shows the Nevada Test Site. Yucca Mountain is not the Nevada Test Site. It is a mountain in Nye County. It is separate and apart from the Nevada Test Site.

What my friends from Alaska should do is pull out new notes, not the old ones. That is what they were trying to do previously with interim storage: take it to the Nevada Test Site. This is a new bill. They are back at Yucca Mountain, which is not the Nevada Test Site. Of course, the Nevada Test Site had a lot of aboveground tests and some underground tests. That whole area is contaminated, and it is going to cost billions and billions of dollars to clean up that area.

Nevada has sacrificed a great deal. We have done it for national security.

I, as a young boy, watched the tests go off above ground. We did not know this would kill people. The dust clouds did not blow toward where I was watching, thank goodness, at least to my perspective. It blew the other way, causing the highest rate of cancer in America. People in southern Utah and parts of Nevada suffered and still today suffer from the effects of those aboveground tests.

As to the underground tests, the Department of Energy and this administration recently included Nevada Test Site workers for the ability to be compensated for exposure to radiation-type injuries and illnesses as a result of working on the underground tests. So Nevada has given a great deal. But, I repeat, the Nevada Test Site is not Yucca Mountain. History—but the wrong history.

I also say, there is some intimation here, by my friend, for whom I have the greatest respect, the chairman of the Energy Committee, who is attempting to override the President's veto, talking about radiation standards. He talks about the manager's amendment. No one should be fooled. This bill the President vetoed is the same one—the identical one—that Members of the Senate voted on just a few months ago. Nothing has changed. For my friend to intimate that the managers suddenly changed things from the national Nuclear Regulatory Commission back at the EPA—that was in the bill to begin with.

My friend, interestingly, pointed out and showed pictures of States where

Senators had the courage to vote for the right principle. Every State he talked about—Colorado, New York, Oregon, North Carolina, Massachusetts—is a State where Senators had the courage to vote, and they will vote to sustain the Presidential veto. And why? Because every—I am not talking about 90 percent or 98 percent; I am talking about every—environmental group in America supports the sustainment of the Presidential veto—every environmental group.

My friend says, I do not understand what Vice President GORE is saying when he says this veto is protecting the environment. Of course it is protecting the environment.

My colleague also brings up something that took place—a resolution—25 years ago in the Nevada State Legislature. That was 25 years ago. We, in Nevada, in 1982, suddenly began to learn very quickly that there were 70,000 tons of nuclear waste stored around the country. Nevadans—everyone in this country—have a different perspective than they did before.

I show my colleagues a chart. This is a chart that is comparable to the one my friend from Alaska showed. What this chart shows is that there are nuclear-generating facilities all over America. In fact, there are 100-some-odd sites where nuclear power is generated in America today.

He showed his chart. He said: Wouldn't it be wonderful? And the nuclear power industry runs ads around the country costing hundreds of thousands of dollars—full-page ads, newspaper ads. What they do in these adds is say: Instead of having all these sites, wouldn't it be wonderful to wind up having just one? That is a sleight of hand, if there ever was one.

I will show you another chart.

What will happen is, we will not wind up with simply one site, we will wind up with one more site. These other places will still be generating nuclear waste. There will be nuclear waste stored in those sites. Even those sites that are closed down will still have nuclear waste. They will be nuclear waste sites for many years to come.

Why do we want to establish a new repository at Yucca Mountain?

Let me show you what this chart shows. This chart illustrates a nuclear nightmare. It does not show the highways. We could show highways here, too. But we just wanted to make this relatively simple for illustrative purposes. This chart shows the railroads in America where nuclear waste will be carried to this one site. If this does not send a chill down your spine, nothing will. Why? Because accidents happen on the railways all the time.

The chart shows an accident that happened very recently. It happened on March 21, 2000. This is a picture of an accident that happened in Oregon. The part of Oregon where this accident took place has dense farmland, lots of water. In this instance, there was a track slightly out of line. There was no notice for the accident. Train cars went tumbling over each other.

Let's see what the newspaper reported about this accident.

On this chart, you can see an article from this newspaper, the LaGrande Observer, of March 21, 2000. We thought we would get a fairly recently one. But you can pick any time of the year. These accidents happen all the time.

But this article shown on the chart is about the same accident that is depicted in the previous picture. In the picture, you can see one locomotive, and down here you can see another locomotive in yellow. They are tumbled—turned all over. You can see that it crumpled everything in its path. You can see railcars with stuff pouring out of them. This is what they are going to haul nuclear waste in.

One problem: They have not figured out any way to safely store nuclear waste for transportation purposes. They have come up with some dry cask storage containers. These dry cask storage containers, they say, are fine—unless you have an accident and are going more than 30 miles per hour. If you go more than 30 miles per hour, it will breach the container.

They also say these containers they have developed are really safe in a fire—unless it is fueled by diesel and burns for more than 30 minutes. We have one train in recent months that burned for 4 days.

Also, the point is always raised, what are we going to do with nuclear waste? In 1982, that was probably a pretty good question. But as the years roll on, that is not a very good question because there is an easy answer. You do just as they do out at Calvert Cliffs in Southern Maryland—a nuclear-power-generating facility—you store it on-site.

Dry cask storage—it is pretty safe if you leave it onsite because you are not going to be traveling 30 miles per hour; it is going to be stationary. And, likely, there will not be a diesel fire. Diesel burns very hot. So the odds are very good that if you store it onsite, it will be safe. That is what they are doing at Calvert Cliffs and other places around the country. We do not need to transport all this stuff across America.

I show my colleagues again the chart with the train tracks. We do not need to have this nuclear nightmare. Remember, this chart I am showing you now does not have the highways on it. This is only the railroads. We do not need to establish this very dangerous precedent of hauling nuclear waste all over America.

The situation is beyond my ability to comprehend except, when I think about it, it is easier to understand because the very powerful, greedy nuclear power industry knows it will be safer to leave it where it is. They helped defeat a provision that said the United States of America will take title to this waste. They would not allow that to take place in one of the previous bills.

They want an issue because they do not want any responsibility for the poison they have created. They want to be able to wash their hands of it and send it someplace else. But they cannot do that, even though they might try, because there are always going to be the nuclear waste sites where the nuclear-generating facilities exist.

We know there are all kinds of problems—problems that relate to transportation. Transportation problems are replete with danger. We know terrorist threats are significant. We know that no matter how hard you try, you cannot keep the trainloads or the truckloads of nuclear waste secret. For example—this is in the CONGRESSIONAL RECORD from previous debates—one organization wanted to see if they could follow things nuclear on the highways and railways in this country. Yes, they could.

Ground water protection. Not only in Nevada, but all along the routes where 50-plus million people are within a slingshot of these trains and highways, they are all going to be exposed.

The risk to children is significant. Radiation standards are not only serious in Nevada but wherever these trains and trucks travel.

The other question the American public should ask is, Why are we having this debate? We have voted on nuclear waste time after time. Every vote we have taken has shown we have enough votes to sustain a Presidential veto. In fact, it shows there is ground being lost by the nuclear power industry. For the first time since 1982, in the House of Representatives there was a vote taken that had 51 votes more than necessary to sustain a Presidential veto. That was the first time they have had enough votes to sustain a Presidential veto, and they did it by more than 50 votes in the House.

One reason we are on this path is to take up time. The Senate should be doing other things, but we are here debating whether or not the Presidential veto will be sustained.

We should be talking about the juvenile justice bill. Why should we be talking about juvenile justice? Let's see the chart. One of my staff went on a short vacation to New Orleans. In the paper they had a number of cartoons, and one he brought home to me was from the Dayton Daily News. This is one reason we should be debating things other than nuclear waste on the Senate floor today. The number of Americans who died from all our wars since 1775: 650,858. That is the number of Americans who died in all our wars since 1775. The number of Americans who died from guns in the last 20 years tops that: 700,000. All the wars since 1775 compared to 700,000. I say maybe we should be doing some work here on the Senate floor dealing with guns.

I am from a Western State. I have been a police officer. I have been a prosecutor. I have been involved in things relating to guns all my life. As I have said on the floor before, when I

was 12 years old I was given a 12-gauge shotgun for my birthday. I still have that gun. I am very proud of it. I have a rifle my brothers had when they were younger, and I now have that, and I have all kinds of pistols. I have guns. I believe in the second amendment. But I also believe we have to stop certain things.

For example, I think we have to stop crazy people, people with emotional problems, and people who are felons, from purchasing guns. That is something we need to debate because there are gun loopholes that allow people to buy guns who should not be able to buy guns. You can go to a gun show in Las Vegas or Denver or Hartford and there are no restrictions; anybody can sell to anybody. We should close that loophole. Pawn shops—there are loopholes there.

We need to constructively determine why in America, in the last 20 years, 700,000 people have been killed by guns—700,000. But no, after the Columbine killings, we passed a juvenile justice bill and nothing has happened. The House passed something. We passed something. We have waited more than a year for a conference to be appointed to deal with that issue. No, we are here debating nuclear waste.

There are a lot of other issues we should talk about, such as Medicare. For 35 years Medicare has been in existence. When Medicare came into being, there was no need for a prescription drug benefit because doctors didn't use them to keep people well—they didn't exist. In the 35 years since Medicare came into being, there are many prescription drugs that save lives and make for people having very good years in those so-called golden years. We should do something to change Medicare. The average senior citizen now has 18 prescriptions filled every year.

We need to debate this issue. We need to spend some time on this floor determining why senior citizens on Medicare do not have a prescription drug benefit. But no, this is an issue we are not going to get to right away. Perhaps we won't get to it this year. We are going to spend our time talking about nuclear waste and other issues that are simply fillers of time.

Paying down the debt? I think it would be good if we had a little discussion on paying down the debt. There is always a constant harangue. George W. Bush, his answer to every problem in the world is lower taxes. International problems? Lower the taxes. What to do about the surplus? Lower the taxes. That is his one-liner: Lower the taxes. I guess he learned it from his dad who said ''Read my lips.'' But the fact of the matter is, paying down the debt is something we should talk about here because before lowering taxes we should talk about the $5.7 trillion debt we have and figure out a way to reduce that significantly.

Patients' Bill of Rights? We had a hearing, and Senator DORGAN and I are going to come to the floor this week, or the first chance we get, to talk about that hearing we had in Las Vegas. At the hearing we had in Las Vegas, I guarantee everyone in this room, had they heard these stories, tears would come to their eyes and some would break down and cry, as they did in that room.

One man had two broken legs. He was covered by the managed care industry. They won't get him a wheelchair. He crawled to the orthopedic surgeon, and the surgeon said: I can't help you, go to the HMO. Somebody drove him there. He crawled in on his hands and knees and then finally got a wheelchair. He said he has been so denigrated, his spirit has been so broken at how he has been treated by his managed care provider, he felt what he wanted to do was buy a quart of gasoline, douse himself with gasoline, and set himself afire.

Another woman who had cancer—she was a nurse—she told of the hurdles she had to jump to receive minimal treatment.

We had a doctor come in and talk about the impossibility patients have in trying to get care. He is one of the physicians who acknowledged that he has lied to insurance companies in an effort to get treatment that patients badly need.

That is what the Patients' Bill of Rights is all about, and that is what we should be talking about on the Senate floor today, doing something to protect people who are sick and need help. They may need to go to an emergency room. A woman may need to go to a gynecologist. They are prevented from doing so because of managed care entities that have a lock on this country.

What about saving Social Security? Why are we not talking about Social Security? Social Security is not in the danger that people say it is in, but it is something we need to take a look at and debate here. How we are going to prolong Social Security past the year 2040 so people can draw 100 percent of their benefits, not 75 to 80 percent?

Public schools? It seems everything the majority does regarding schools is something to tear down public schools. We need to talk about our need for more teachers. We need to give school districts help in school construction. This great Nation is the only superpower left in the world. Doesn't it seem this Nation could spend more than one-half of 1 percent of its budget on education? We spend one-half of 1 percent of the Federal budget on education. We can do better than that. This has nothing to do with taking away from the power of local schools, from school districts, to control their schools. There are national problems in which the Federal Government must be involved.

There are lots of things we should be working on, but wasting a day of time in sustaining a Presidential veto is not one of them. As I said before, the people who have the courage to vote to sustain the Presidential veto are doing the right thing. They are doing the right thing for their States. They are doing the right thing for the country. They are doing the right thing in the process for the environment. So when Vice President GORE said, following the veto by the President, that this is a proenvironmental stand the President took—he said it. I do not think there is anyone in this body who can question the Vice President's credentials on the environment.

We have a lot more to say. The fact of the matter is this is an important issue. It is important to the country.

I look forward to the President's veto being sustained. I acknowledge and congratulate and applaud the President for doing this. It would have been easy for him to go with the States with all the power and the money, but he decided to do what he thought was right for the environment. I think he has done a very courageous thing. I will always remember the President's stand on this issue.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I yield the 20 minutes remaining to our good friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I proceed, let me yield 2 minutes to my good friend from Washington for a comment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for nearly 60 years, the citizens of the Tri-Cities in Washington state, Richland, Kennewick and Pasco, have worked to guarantee our nation's nuclear defense. Now it's time for the federal government to guarantee these citizens—and the rest of the Northwest—that the nuclear waste produced at Hanford will be moved to an adequate storage facility for permanent disposal.

The Hanford site contains 177 underground tanks full of radioactive and chemical byproduct waste. These aren't small tanks—some are as large as a four story apartment building, and, in toto, they hold 54 million gallons of waste: two-thirds of the nation's defense-related nuclear waste. This waste resulted from nearly 45 years of plutonium production at Hanford. Unfortunately, at least 66 of these tanks have exceeded their design life by thirty years and have leaked radioactive waste into the soil near the Columbia River. This problem is not going away.

We need a safe, permanent repository for this waste. We need the federal government to be focused on opening the repository. We need this nuclear waste legislation to become law.

Many of the opponents of this legislation are acting as if they do not want a solution to this problem at all. They would rather have commercial waste stored at reactors all around the country and defense waste stored in temporary structures, including the leaking underground tanks at Hanford. Delaying work on the repository is not the answer.

Continuing with the present situation is irresponsible. I urge an override of the President's veto of this nuclear waste legislation.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thought it was important for my colleague, the senior Senator from the State of Washington, to make those statements because, as we are here today on the floor talking about nuclear waste, I must tell my colleague from the State of Nevada it is an important issue. I am sorry he and his colleagues haven't gained traction on the issue of guns, but America is wise to that. Try as you may, second amendment rights prevail in our country.

What we are here to talk about today is the absence of this administration's energy policy. Now, brownouts and blackouts and escalating fuel prices seem to take second or third place on the list of priorities about which the Senator from Nevada would like to talk. I think the American consumer and that elderly person whose air-conditioning may go out this summer at the peak of a heat spell would say this issue is a mighty important issue for this Senate to be considering.

So as it relates to priorities, while I am going to say that some of what the Senator from Nevada suggested is important for the Senate to address, but this issue is among them in priority. But, of course, my colleagues on the other side have been running for cover for months because they know that Bill Clinton has no energy strategy, never has had one, and doesn't propose one. He simply runs around Nevada sticking his head in the sand and talking about the politics of the issue instead of the substance of the issue.

Well, the veto we are here to attempt to override today is the fundamental difference between politics and substance. You heard the Senator from Alaska, Mr. MURKOWSKI, in great detail talking about the practicality of needing a national nuclear waste policy implemented in this country to be able to sustain our nuclear energy as we now have it, but, most importantly, to move forward into the future.

For a few moments today, let me talk about where we get our electricity. Somehow, it just comes when you throw on a switch. The bulbs light up, the heater turns on, the air-conditioner turns on, and we don't stop to think about the long-term strategy and policy that this country has been engaged in for decades to assure that the light does come on, that the air-conditioner does turn on, and that we have abundant energy.

Sixty percent of our electricity comes from coal. Given the concern of the other side about climate change, we aren't building new coal plants, we are not pushing forward on the technology of clean coal—the kind of technology that we ought to be pushing and giving priority to. The Clinton-Gore administration wants to make this situation dramatically worse by tying our hands and tying U.S. power companies to a Kyoto treaty, while allowing our economic competitors in developing nations to pollute at will.

Shame on you, Bill Clinton and AL GORE, for that kind of silly environmental policy. Climate change is a serious issue, but it isn't addressed in a helpful manner when you walk away from the negotiating table with an agreement that lets China and India and other major developing nations pollute at will, penalizing our economy, and doing so by trying to develop an anti-fossil-fuel bias in this country, along with the anti-nuclear-energy bias on which the President based his veto.

We get 20 percent of our electricity from nuclear power. That is why we are having this debate today. We have to sustain at least 20 percent of our energy base coming from nuclear if we are ever going to have clean air and gain the standards in the nonattainment areas that we want to set. Any right-thinking scientist and right-thinking politician today knows that fact. They can't argue otherwise. We won't get to the clean air levels this country wants without at least a 20-percent blend in our energy base coming from nuclear.

We have about 10 percent of our electricity coming from hydropower, and the Presiding Officer and I know how silly this has become in the Pacific Northwest. We have a President, a Vice President, and a Secretary of the Interior who want to take dams down—all in the name of what? Environmental radicals who want to roll back to a history of a century ago and try to reestablish ourselves without the kind of very clean power that our hydro base provides for us. It is not a large base; it is 10 percent of our base, though. Again, it is part of that 10 percent, 60 percent, 20 percent that has built the stability of an integrated power system for our country over the years that has brought us the best electrical service of any nation in the history of the world.

What we are talking about today is sustaining that capability. We are not talking about tearing dams down. We are talking about finding a safe repository for nuclear waste so we can complete the cycle of nuclear energy and allow it to go forward.

We get a small percentage of our electricity from solar and wind and biomass. Let me be perfectly clear about my support for these technologies because I do support them and I am willing to continue to allow taxpayer dollars to go into the investment of the technology as it relates to solar and wind and biomass. I am also willing to invest in fuel cells and fusion energy and other kinds of new technology that may someday supplant the kind of technology about which we are talking.

But let's have a reality check because if the Senator from Nevada is going to talk about the importance, or the lack thereof, of what we debate today, let's talk about this President and this administration's energy budget and where they want to spend money. They want to spend a lot of money on wind. They have even said that it is their goal to have 5 percent of our electricity generated by wind by the year 2020. It just so happens that the States of Nevada and Idaho have a little wind. It doesn't all come from politicians. It is kind of natural, and it flows through the Rocky Mountains out of Canada. It is the way Mother Nature created the natural environment which creates a wind opportunity out there.

But let me talk to you for a moment about a recent report in analyzing the 5 percent wind blend by the year 2020 that this President wants.

If you calculate what is needed to meet the goal of 5 percent of our electricity coming from wind energy that would require 133,000 windmills. The current wind turbines generate about 750 kilowatts of electricity each. Some of these 750 kilowatt wind turbines have been installed in Iowa. They are impressive and huge in size. They are on towers 213 feet tall. In addition to that, they have blades with a sweep of 164 feet in diameter. What is something comparable in height? Well, that is about the height of the Capitol dome in the building in which we are standing today.

Can't you just see all of those spread across the State of Nevada and Idaho? What are the environmentalists going to say again about vistas, visions, and horizons? You know and I know what they are going to say—''no windmills.'' But that is what this administration wants to talk about because they have this illusion that somehow that is environmentally sensitive.

Have you ever caught an eagle in a 164-foot blade? It is referred to as ''avian mortality''—eagles, condors, flying into the turbines and being killed. Yes. Those machines aren't very environmentally sensitive, and they make a great sound across the countryside. They are probably the loudest producer of electricity of any technology we have today.

One-hundred and thirty-plus thousand windmills is the answer to no nuclear waste policy? I don't think so. I don't think America thinks so. When they are faced with those realities, I think they will turn on this administration and say, Why aren't you being responsible? Why create a problem when you can solve a problem with a single location in a permanent, deep, geologic repository that is environmentally safe and sound for all under the most stringent of laws and the best technology available?

That is what we are talking about. That is a right and responsible choice for the American people to contemplate and for this Senate to debate.

There is going to be debate on guns. There is going to be debate on health care. There is going to be debate on prescription drugs. But, in my opinion, a well founded, well orchestrated energy policy for this country is every bit

as valuable and important for us to be involved in as any one of those issues.

A veto override that this President offered and gave, in my opinion, is not an environmental vote. Voting for a sound and sane policy for nuclear waste is the No. 1 environmental vote all of us will be making. Let's not try to hide it and walk away from it. Let's deal with it up front and in a way that is right and responsible to recognize.

As I thought about what I would say here today that might convince my colleagues to vote for a Presidential override, because for some it is a tough vote and it is a partisan vote, tragically enough, good national energy policy has in this instance become an issue of politics.

There is a letter from J.V. Parrish of Energy Northwest based in Richland, WA. He writes about the importance of this legislation. I found his words compelling. I want to read them to you. He says:

> Because the Federal Government has not had an effective program to receive spent fuel from this country's commercial power reactors, most of these reactors will have to spend several millions of dollars of ratepayer dollars to provide temporary storage. My own company will spend in excess of $25 million. This is money that could be better spent by the households and businesses in the region on things that would improve their futures.

What is he talking about? He is talking about utility companies having to charge their ratepayers more because this administration failed to be responsible in their energy policy.

I think as time goes on we will find a lot of other things in which our President failed to be responsible, and history will record him differently. I hope the absence of a nuclear waste policy is one of them because that is the way it deserves to be remembered.

All I would say to President Clinton is: In vetoing this bill, you have failed, once again, to do the right thing for the country but my colleagues and I don't have to be a party to your failure.

I encourage my colleagues to vote to override the President's mistake and override this veto.

Mr. President, I yield my time.

Mr. MURKOWSKI. Mr. President, how much time is remaining from the 20 minutes that was allotted?

The PRESIDING OFFICER (Mr. ENZI). Three and one-half minutes are still remaining.

Mr. MURKOWSKI. I want to point out a couple of things. I saw my friend from California on the floor a few moments ago. I guess she intends to speak.

Let me point out something that I think is paramount as we address this matter. That is the reality of where this waste is and where this waste is coming in.

I think it is important to note that San Francisco is obviously key because just up from the area of Sacramento and the Sacramento River is Concord, CA. Concord, CA, is unique inasmuch as it has been designated by the Clinton administration as one of the major west coast ports for receiving high-level nuclear waste under the Foreign Research Reactor Program.

It is kind of interesting because over a 13-year period some portion of 20 tons of spent nuclear fuel from 41 countries will be shipped to the United States for storage, and a good portion of that will come into Concord, CA. Once it gets into Concord, CA, it will be shipped from the Concord Naval Weapons Station in California, and it will follow a route up to Idaho. That shipment will either go by rail or truck.

I think it is significant to recognize the reality that we move waste. The waste moves in areas that are prone to earthquakes. California certainly is. California has four nuclear reactors currently: San Onofre, Rancho Seco—and one which is shut down. Here is another opportunity for the waste to simply stay at the shutdown reactor, or move almost 20 percent of California's electricity which comes from nuclear energy.

I might add that the residents of California have paid $762 million into a nuclear waste fund. That is three-quarters of a billion dollars.

In 1998, nuclear reactors avoided about 5.35 million metric tons of CO2 emissions. Have they helped with the greenhouse gases? Since 1983, the total avoided greenhouse emissions are 83 million metric tons. These are to be avoided as a consequence of the contribution of nuclear power in California. During 1998, nuclear power avoided 878 tons of sulfur dioxide in California.

If indeed my friend from California intends to speak on this issue, I would certainly encourage her to address the concerns of California being chosen as the West Coast recipient for the transfer of waste from the 41 countries and some 20 tons of spent fuel.

On the east coast, the Charleston Naval Weapons Station in South Carolina will be the recipient of waste moving by rail and truck.

This is pertinent to the discussion at hand. We have heard in detail the question of the important agenda before the Senate, whether we are talking about juvenile justice, protecting Medicare or Patients' Bill of Rights. These are all important issues, but so is this. It is important we get this issue behind us. It is costing the taxpayers a good deal every day it goes unresolved—$40 to $80 billion in liability. That continues to increase as a consequence of the Nation's inability to honor the sanctity of the contracts.

I urge my colleagues to reflect on the importance of this bill, the importance of this legislation, and not be misled. It is meaningful to the taxpayers of this country that we vote today to override the President's veto.

How much time remains on this side?

The PRESIDING OFFICER. The time remaining is 27½ minutes out of the original 90.

Mr. MURKOWSKI. And we have more this afternoon, is that right?

The PRESIDING OFFICER. One hour equally divided.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. I yield myself 20 minutes.

The proponents of this legislation, who would have us override the Presidential veto, proclaim this is an environmental savior. In point of fact, this legislation is an unenvironmental travesty. It represents the most cynical assault to date on the environment.

I will respond to a general criticism frequently made. That is, that the deadline for the opening of a permanent repository in 1998 as contemplated in the Nuclear Waste Policy Act, enacted in 1982, has been breached. There is no permanent repository that will be opened for any time within the foreseeable future, in my judgment. The reason is that politics, not science, has been involved in this process, including proponents of nuclear power and, more specifically, the nuclear industry itself, and its advocates who appear on the floor.

Let me briefly, as I have on many occasions over the past 12 years of my Senate tenure, give a little bit of history. In 1982, the Nuclear Waste Policy Act was enacted by the Congress. It sought to search the entire country for three sites to be studied. Those would be sent to the President of the United States, and the President himself would select one of those sites as the repository location. It was contemplated there would be regional equity in balance, and indeed, some of the promising geologic formations in upper New England, the formations of granite, would be examined. We would look at the salt dome locations in the southeastern part of our States, and, yes, the geology of Nevada would be considered, as well, what was referred to as welded tuff.

That was a fair and balanced approach. Let science look throughout the country for the best sites. Those sites would be recommended. That did not occur. It did not occur because politics, not science, dictated the conclusion. No sooner had the act been signed into law in January of 1983 by then-President Reagan than the Department of Energy made a unilateral decision it would not look at the granite formations because the people in that part of the country would strongly resist the location of a permanent repository in their State. Is that science? Of course not. It was politics.

Then in the 1984 Presidential campaign, President Reagan assured those in the Southeast that the salt dome formations would not be considered. Was that science? Of course not. It was politics.

Then finally in 1987, legislation, which is infamously known in my State as the ''Screw Nevada'' bill, the

whole concept of the original Nuclear Waste Policy Act to search the country and truly try to come up with the right science and the right location, all of that was cast into the ash bin because politics, not science, dictated only one site would be studied.

When I hear the lamentations about the delays and all the money that has been spent, it is politics that has caused that, and politics that interfered with the science of the process.

Today we have the most recent cynical political attempt to manipulate the process. In that 1982 legislation, the Environmental Protection Agency was selected as the agency to establish health and safety standards. Who better than the Environmental Protection Agency? For more than a decade, that was not questioned.

Then in 1992, there was, in the Energy Act of that year, an attempt to inject another aspect of the equation. The National Academy of Sciences was asked to review the process and come up with a range of recommendations. Make no mistake, the distinguished predecessor chairman to the distinguished Senator from Alaska has been debating as a great advocate of nuclear power and was advocating a position sought for the nuclear power industry. It was his hope and expectation that the National Academy of Sciences would somehow cast an aspersion and question the credibility of the Environmental Protection Agency's proposed regulations when they were issued.

We have the regulations now. Let me describe them briefly. This chart expresses the recommendations or the regulations proposed by the EPA in terms of the millirems of radioactive exposure per year per person. That is one of the standards involved. The EPA has proposed a standard of millirems. That is 15 millirems and is the only reason we are on floor today debating the veto override of the President. That is the EPA's proposed standard.

Now what does National Academy of Sciences say the appropriate standard should be? Remember, they expressed that in a range. NAS refers to the National Academy of Science. They are saying the range should be between 2 and 20 millirems; 15, by any standard, is in that mid-range. S. 1287 in its original iteration—not the bill before the Senate, but in the original iteration—proposed a standard that was nearly twice the rate of exposure per person per year, a 30 millirem standard. That is what the nuclear industry desires, the 30 millirem standard. The NRC has come up with a standard of 25 millirems. WIPP, a waste isolation facility in the State of New Mexico which currently houses transuranic nuclear waste, the standard set by EPA not objected to, 15 millirem.

Why the difference? Why are we debating this? Because the nuclear power industry does not want a 15 millirem standard; they prefer a 30 millirem standard. The legislation ultimately submitted by the President interferes with the Environmental Protection Agency in moving forward with that and seeks to delay the final rule of 15 millirems.

My friend from Alaska has pointed out his responsibilities as the chairman of this committee. I understand that. I respect that and I respect him. But let's talk about what we are trying to do. We are trying to jury-rig, to skew this standard so that under every circumstance Yucca Mountain will meet the scientific criteria. The only way they can do that is to move the goalposts, and that is what the Senator from Alaska has indicated is his primary purpose. What he wants is to ''make sure that the measuring,'' referring to radioactivity, ''is under a regulation that allows waste to go to Yucca Mountain.''

That says nothing about safety—safety for millions of Americans, safety for several hundreds of thousands of people who would live within the affected vicinity, the 2 million people who live in Nevada. That is what we are talking about, health and safety. We are not talking about whether nuclear power is good or bad. That debate can be had another day. We are talking about health and safety. That is why many of us have become energized.

It is fair to say there are different ways in which these accidents have occurred, but I wish to illustrate the magnitude of the problem. With radioactivity, we are talking about something that is lethal, deadly, not for generations, but thousands of years—not only a few generations, but thousands of generations. We are not talking about a mistake we could make today and correct in the next Congress or the next decade or even in the next century; and we are talking about something that is lethal.

Our friends advocating on behalf of this legislation do not like us to point this out, but let's talk a little bit about the history, since history has been mentioned. In the dawn of the nuclear age, between 1945 and 1968, some 23 years, there were a series of accidents involving nuclear reactors and nuclear power. Some six people were killed as a consequence. I am not suggesting the circumstances are identical to what would be involved with the storage of high-level radioactivity, but I point out this is not just an academic discussion. We are talking about things that cause people to die—not get sick and then get well, but die. That is a very final medical judgment: Death.

In the Soviet Union, in 1957, a container of nuclear waste exploded and nearly 11,000 people were evacuated. We don't know how many people may have died as a consequence of that. Theirs is a society, unlike our own, that is closed. We don't get as much information as we would like.

In 1961, at Idaho Falls, ID, an explosion occurred within a reactor vessel that resulted in the individuals who were at the reactor site being impaled with a spent fuel rod. Two men were killed. To give you some indication of how lethal, how deadly this is, the remains of those two men who were tragically killed in that accident, by virtue of their contact with the spent fuel rod—and that is what we are talking about with the civilian reactor waste—by virtue of their contact, their bodies themselves had become high-level nuclear waste. It is a rather unpleasant thought but it is true. So in making the arrangements the relatives had to make, they were not only talking about selecting something that might be at the local undertaker's home; they had to design a facility that protected against high-level nuclear waste because the victims themselves had become high-level nuclear waste. That is why health and safety is such a critical concern for us.

We could go on and on. We had the Three Mile Island tragedy. Fortunately, that situation did not result in any loss of life.

Let me comment on Chernobyl for a moment, because, yes, I have referred to this legislation as the ''mobile Chernobyl.'' I do so because it involves some very serious issues. Last week, in the Washington Post—and I will yield in a moment to my colleague from California who has rejoined us on the floor, but let me finish this thought, if I may—the United Nations released an assessment of the Chernobyl nuclear meltdown that occurred 14 years ago, saying the worst health consequences for 7.1 million people may be yet to come. Then, in making the contrast my colleague from Nevada and I tried to make on so many occasions, in explaining in Chernobyl, at least 100 times as much radiation was released by this accident as by the two atomic bombs we dropped in World War II on Hiroshima and Nagasaki. Then this article goes on to say:

> The number of those likely to develop serious medical conditions because of delayed reactions to radiation exposure will not be known until 2016 at the earliest.

Yes, this is about health and safety; and do I get mad? You bet I do, because we are talking about the health and safety, not only of millions of Americans, but 2 million people who live in my own State. Do we want science and not politics to be the way in which these standards are set? The answer is you bet we do. I am greatly offended and outraged the suggestion would be made on the floor of the Senate that we should let politics dictate this health and safety issue because we want to make sure that, whatever the cost, we have to make sure Yucca Mountain qualifies. That was not the concept and spirit of the 1982 legislation, and it should not be the spirit that activates us today.

Mr. President, I ask unanimous consent that my colleague from California be recognized and, upon the completion of her remarks, I might again be recognized to take the floor.

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

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Nevada, Mr. BRYAN, and Senator REID, the assistant Democratic leader, for their incredible leadership, and I might say sometimes lonely leadership, on this issue of nuclear waste safety.

I strongly oppose S. 1287. I believe the bill is bad policy. President Clinton has rejected it, and I urge my colleagues in the Senate to join him. I think it is a dangerous bill. I think it is important to note that this Senate has stopped this bill in its tracks five times at least. I believe today we will stop it again. So the question is, Why do we keep turning to this bill over and over and over again when so many people, including the President of the United States and the Vice President, have so many concerns that, in fact, it would be quite dangerous for our people? Why do we turn to it?

I think Senator REID was quite eloquent when he made the point, it is not as if we do not have other things to do. It is not as if there are not issues that are crying out to be debated and discussed on this Senate floor. He mentioned a few of those. I thought it would be good to simply summarize what I think about what he said.

Clearly, we need to take up education. We are going to an education bill. However, we are now taking time away from that education debate when people want us to make it the No. 1 issue: smaller class sizes, afterschool—we know the things people want—school renovation, teacher training. We are now taking precious time of the Senate away from that when we could be starting that debate.

A good Patients' Bill of Rights bill passed out of the House of Representatives. I thought the bill that passed out of the Senate was not as good. It was really a sham. I thought it was an HMO Bill of Rights for the HMOs. But that is in the conference committee. We ought to work on that.

Sensible gun control—we passed five sensible gun control measures in the juvenile justice bill.

Every day 12 children die of gun violence. In my State of California, it is the No. 1 cause of death among children. Senator REID had an incredible cartoon that ran showing the amazing number of deaths. During the Vietnam war, there were 58,000 deaths over an 11-year period. In the last 11 years, we have lost 300,000 Americans to gun violence. Why are we taking up a bill that is dangerous—and I will get into why it is dangerous—when we could be making our lives less dangerous? It does not make sense.

Then Senator CRAIG from Idaho says this administration has no energy policy. Maybe that is because the Republican side keeps reducing the amount the President wants to spend on energy efficiency, which is so important. It is the cheapest way to get more energy.

Campaign finance reform is an issue Senator MCCAIN and Senator FEINGOLD bring continually before us. It passed in the House, but it is getting the death knell in the Senate. This is just a handful of issues. If protecting the health of our citizens is our highest priority—and indeed it should be—then we should not be taking up a bill that will expose our people to illness and danger. This is not a bill that makes life better for our people. It is a bill that is going to make life worse for our people.

It has been described as a compromise bill, but, in my view, it is still an attempt to bypass and preempt science and legislate the scientific suitability of Yucca Mountain, NV, as a high-level nuclear waste dump. It is not based on reality or on fact. Instead of finding a repository that meets the health and safety standards we have established in law, this legislation attempts to weaken our health and safety standards to make Yucca Mountain fit because some people committed themselves to Yucca Mountain, and it does not seem to matter what the facts are; they just keep on going down that path. I cannot, and I will not, support such action.

For many years, we have debated the suitability of a high-level radioactive waste dump at Yucca Mountain, and for years I have been on the Senate floor with my colleagues from Nevada fighting to protect the health and safety of the citizens of Nevada.

I want my colleagues to know that today I am fighting not only for their citizens but for the citizens of the State of California. In fact, because of recent studies, we know that if we go forward with Yucca Mountain, it will seriously impact the people I represent.

Yucca Mountain is only 17 miles from the California border and from Death Valley National Park. I have a map to show how close we are. We can see where the Yucca Mountain repository site is and how close Death Valley National Park is to Yucca Mountain. There is Yucca Mountain, Death Valley National Park in Inyo County, and then San Bernardino County.

I want to show my colleagues the beauty of Death Valley National Park. This is one magnificent view of Death Valley National Park. It amazes me when we make these incredibly important investments in our environment and in the beauty of our Nation to protect and preserve it, with the next vote, we vote for a nuclear waste dump that can adversely impact on this national treasure. I will explain that.

The development of Yucca Mountain has the potential to contaminate California's ground water. It poses a threat to the health and safety of Californians from possible transportation accidents related to the shipping of high-level nuclear waste through Inyo, San Bernardino, and neighboring California counties.

Since its inception as a national monument in 1933, the Federal Government has invested more than $600 million in Death Valley National Park. The park receives over 1.4 million visitors each and every year.

The communities surrounding the park are economically dependent on tourism. The income generated by the presence of the park exceeds $125 million per year. The park has been the most significant element in the sustainable growth of the tourist industry in the Mojave Desert. This chart is a blown-up photo of how close the national park is to Yucca Mountain and why these two counties have concerns.

Scientific studies show that a significant part of the regional ground water aquifer surrounding Yucca Mountain discharges in Death Valley because the valley is downgradient of areas to the east. If the ground water at Death Valley is contaminated from nuclear waste stored at Yucca Mountain, it will be the demise of the park and the surrounding communities.

The long-term viability of fish, wildlife, and human population in these areas are largely dependent on water from this aquifer. The vast majority of the park's visitors rely on services and facilities at the park headquarters near Furnace Creek. These facilities are all dependent upon the ground water aquifer that flows under or near Yucca Mountain. Unfortunately, there is no alternative water source that can support these visitor facilities and wildlife resources. So I cannot understand why, on the one hand, we create a magnificent park—we spent $600 million on it; we get tourist dollars from it—and on the other hand in another vote we endanger this magnificent monument and the people who live in the surrounding areas.

Water is life in the desert. Water quality must be preserved for the viability of Death Valley National Park, the dependent tourism industry, and the surrounding communities.

We do not have the science that tells us that Yucca Mountain is safe, and the potential loss is far too great. It has been hard to get the Energy Department to accept California's connection to the site. Every time they talk about the site, they talk about Nevada. Finally, they recognize that Inyo County, CA, as an effective unit of local government under the Nuclear Waste Policy Act, actually qualifies. There had to be, unfortunately, a lawsuit by the county that resulted in DOE granting affected unit status in 1991.

It is very important my colleagues understand that my concern comes from the local people.

I ask unanimous consent to print in the RECORD a letter from the board of supervisors of the county of Inyo.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Independence, CA, February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOXER, I am writing to express concern with S. 1287, the Nuclear Waste

Policy Amendments Act of 1999. S. 1287 proposes to abandon current specific DOE guidelines for determining the suitability of Yucca Mountain, Nevada (for siting of a nuclear waste repository) in lieu of less-demanding, generalized criteria. S. 1287 also removes the role of the Environmental Protection Agency from determining the human health standard to which repository design and operations should be held.

S. 1287, as it currently stands, would replace DOE's current and specific site suitability criteria (10 CFR 960—adopted in 1986 after considerable public input) with a generalized ''total system performance assessment'' approach (proposed in 10 CFR 963) which does not require the site to meet specific criteria with regard to site geology and hydrology or waste package performance. Replacement of the current site suitability criteria by 10 CFR 963 would reduce the likelihood that the repository would be designed and constructed using the best available technology. Individual components of the repository system could be less than optimal in design and performance if computer modeling of the design showed it capable of meeting NRC's less-demanding standard. Given the significant long-term risk that development of the repository places on California populations and resources, any compromises on repository design, operations or materials cannot be tolerated.

S. 1287 allows the Nuclear Regulatory Commission to set a standard for protection of the public from radiological exposure associated with development of the repository. The power to set a standard for the Yucca Mountain project rightfully belongs with the EPA in its traditional role of setting health standards for Federal projects. In our recent response to EPA's proposed radiological health standard for the repository, Inyo County stated its strong support for EPA authority over the project and for use of a standard which focuses on maintaining the safety of groundwater in the Yucca Mountain-Amargosa Valley-Death Valley region.

Based on these considerations, S. 1287 will not provide adequate protection for Inyo County resources or citizens. We hope that the provisions in the bill for setting repository standards and for changing the site suitability guidelines will be deleted.

We appreciate your continued support of Inyo County's efforts to safeguard the health and safety of its citizens.

Sincerely,

MICHAEL DORAME,
Supervisor, Fifth District County of Inyo.

Mrs. BOXER. I shall not read the entire letter. The Board of Supervisors, County of Inyo—and these are the local government officials to whom my colleagues on the other side of the aisle are constantly saying we have to pay attention—let us pay attention to them. They are saying:

[We] are writing to express concern with S. 1287, the Nuclear Waste Policy Amendments Act of 1999.

They go on to say why it is flawed. They say there is a ''significant long-term risk that development of the repository places on California''—that it places California in an untenable position. In very strong language they ask that we not approve this. They say it does not ''provide adequate protection for Inyo County resources or citizens'' and that they are very concerned about it.

I also ask unanimous consent to have printed in the RECORD a letter from the Board of Supervisors of San Bernardino County.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF SUPERVISORS,
COUNTY OF SAN BERNARDINO,
San Bernardino, CA, January 12, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Board of Supervisors unanimously approved the attached resolution at our meeting yesterday. It expresses our substantial concern over the lack of notification from the Department of Energy with regard to their plans to transport thousands of shipments of high-level radioactive waste through the major cities of our County.

The only hearing held in this State took place in a remote area hundreds of miles from our major population centers. In addition we were not provided with any official notification of the Issuance of the Environmental Impact Statement nor were we provided a copy of same.

While we understand that transportation and storage/disposal of this material is essential for operation of various facilities, it is only appropriate that the jurisdictions which will be recipient of the majority of these shipments be given notice and response opportunities.

We ask for your strong support for our request to the Department of Energy for full disclosure, additional time for response and review, and for a public hearing to be held in our area. The hearing should be held somewhere near the population centers which will be subject to these shipments and the potential dangers imposed thereby.

We appreciate your serious consideration of this request.

Sincerely,

JERRY EAVES,
Supervisor, Fifth District.

RESOLUTION NO. 2000–10

Whereas, the United States Department of Energy, has prepared an Environmental Impact Statement for the Yucca Mountain High Level Radioactive Waste Disposal Site, and

Whereas, the COUNTY of SAN BERNARDINO has learned through non-official sources that the United States Government plans to construct and operate a disposal site for high level radioactive waste which will include spent nuclear fuel rods, and

Whereas, no less than a year ago, the COUNTY of SAN BERNARDINO was provided inadequate notification on another Department of Energy Radioactive Waste project and formally expressed its objections to the lack of proper notification, and

Whereas, almost all of the shipment will pass through major population centers in San Bernardino County on Interstate Highways 10, 15 and 40, State Route 247 and rail lines in San Bernardino County, and

Whereas, the project presents obvious potential hazards from transportation accidents, which place an unnecessary additional burden on emergency response resources; and

Whereas, had it not been for the news media; the public would not have known that the project was underway because no public hearing has been scheduled or held in San Bernardino County or anywhere else in Southern California, and

Whereas, there has been no opportunity for our citizens to review or comment on this project in a formal setting, and

Whereas, the citizens of the COUNTY of SAN BERNARDINO have a right to be informed of and have an opportunity to comment on a project of this magnitude that poses a potential significant threat to their health, property, air and water quality and other natural resources, and

Now, therefore, be it *Resolved,* That the Board of Supervisors of the COUNTY of SAN BERNARDINO, petition the United States Department of Energy to extend the comment period on the Yucca Mountain Project, and

Further be it Resolved that public hearings be held by the Department of Energy in San Bernardino County so as to provide our citizens a reasonable opportunity to comment on this project, and

Further be it Resolved that this resolution be forwarded without delay to United States Senators Boxer and Feinstein and Congressmen Lewis, Baca and Miller.

Mrs. BOXER. This letter expresses substantial concern over this project. They are asking us to be very careful with shipments and with the entire project.

Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the County of Ventura.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNTY OF VENTURA,
Washington, DC, February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the Ventura County Board of Supervisors' opposition to S. 1287, the Nuclear Waste Policy Amendments of 1999, which, as currently written, would allow spent nuclear fuel and radioactive waste to be transported through Ventura County.

The Board of Supervisors endorses the development of a national policy for the transportation of spent nuclear fuel. However, the Board opposes transporting these materials through Ventura County. County officials and residents are concerned about the proximity of the Diablo Canyon Nuclear Power Plant in San Luis Obispo County and the vulnerability to potential disasters related to the transportation of hazardous materials through the community, which poses serious health and safety risks to County residents.

Please vote against S. 1287 unless it is amended to prohibit the transportation of spent nuclear fuel and radioactive waste through Ventura County and other heavily populated areas.

Sincerely yours,

THOMAS P. WALTERS,
Washington Representative.

Mrs. BOXER. In this letter they reiterate their opposition to this bill. They say it would be very dangerous for their residents because the waste could be transported through Ventura County.

On this map I show my colleagues, even the counties next to Inyo and San Bernardino are very upset that waste will come all through California. Ventura County is taking a stand. They say:

Please vote against S. 1287. . . .

I have a letter from the California Energy Commission. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CALIFORNIA ENERGY COMMISSION,
Sacramento, CA, February 7, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: We have reviewed S. 1287 (Nuclear Waste Policy Amendments Act of 2000) (NWPA) and offer the following comments.

The State of California, including thirteen California agencies, has reviewed the Department of Energy's (DOE) Draft Environmental Impact Statement (DEIS) for the proposed Yucca Mountain High-Level Nuclear Waste Repository. This review, coordinated by the California Energy Commission, identified major areas of deficiencies and scientific uncertainties in the DEIS regarding potential transportation and groundwater impacts in California from the repository. In light of these deficiencies and uncertainties, there are serious questions whether a decision should/can be made on the Yucca Mt. site's suitability in time for shipments to begin in 2007, as required by S. 1287.

These deficiencies and uncertainties include the need for better data and more realistic models to evaluate groundwater flow and potential radionuclide migration toward regional groundwater supplies in eastern California. In addition, there are major scientific uncertainties regarding key variables affecting how well geologic and engineered barriers at the repository can isolate the wastes from the environment. For example, there is considerable uncertainty regarding waste package corrosion rates, potential water seepage through the walls of the repository, groundwater levels and flow beneath the repository, and the potential impact on California aquifers from the potential impact on California aquifers from the potential migration of radionuclides from the repository. California is concerned about these uncertainties and deficiencies in studies of the Yucca Mt. project and the serious lack of progress in DOE's developing transportation plans for shipments to the repository.

Potential major impacts in California from the proposed repository include: (1) transportation impacts, (2) potential radionuclide contamination of groundwater in the Death Valley region, and (3) impacts on wildlife, natural habitat and public parks along shipment corridors and from groundwater contamination. Transportation is the single area of the proposed Yucca Mt. project that will affect the most people across the United States, since the shipments will be traveling cross-country on the nation's highways and railways. California is a major generator of spent nuclear fuel and currently stores this waste at four operating commercial nuclear power reactors, three commercial reactors being decommissioned, and at five research reactor locations throughout the State. Under current plans, spent nuclear fuel shipments from California reactors will begin the first year of shipments to a repository or storage facility.

In addition to the spent fuel generated in California, a major portion of the shipments from other states to the Yucca Mountain site could be routed through California. This concern was elevated recently when DOE decided, over the objections of California and Inyo and San Bernardino Counties, to reroute through southeastern California, along California Route 127, thousands of low-level waste shipments from eastern states to the Nevada Test Site, in order to avoid nuclear waste shipments through Las Vegas and over Hoover Dam. We objected to DOE's rerouting these shipments over California Route 127 because this roadway was not engineered for such large volumes of heavy truck traffic, lacks timely emergency response capability, is heavily traveled by tourists, and is subject to periodic flash flooding. We are concerned that S. 1287, by requiring that shipments minimize transport through heavily populated areas, could force NWPA shipments onto roadways in California, such as State Route 127, that are not suitable for such shipments.

The massive scale of these shipments to the repository or interim storage site will be unprecedented. Nevada's preliminary estimates of potential legal-weight truck shipments to Yucca Mountain show that an estimated 74,000 truck shipments, about three-fourths of the total, could traverse southern California under DOE's ''mostly truck'' scenario. Shipments could average five truck shipments daily through California during the 39-year time period of waste emplacement. Under a mixed truck and rail scenario, California could receive an average of two truck shipments per day and 4–5 rail shipments per week for 39 years. Under a ''best case'' scenario that assumes the use of large rail shipping containers, Nevada estimates there could be more than 26,000 truck shipments and 9,800 shipments through California to the repository.

We are concerned that S. 1287 would require NWPA shipments begin prematurely before the necessary studies determining the site's suitability have been completed and before the transportation impacts of this decision have been fully evaluated. S. 1287 accelerates the schedule for the repository by requiring shipments to begin at the earliest practicable date and no later than January 31, 2007. In contrast, DOE has been planning for shipments to begin in 2010, a date considered by many to be overly optimistic. Shipping waste to a site before the necessary scientific evaluations of the site have been completed and before route-specific transportation impacts have been fully evaluated could have costly results. The DOE nuclear weapons complex has many examples of inappropriate sites where expediency has created a legacy of very costly waste clean-up, e.g., Hanford, Washington. The use of methods that were not fully tested for the storage and disposal of nuclear wastes has resulted in contaminants from these wastes leaking into the environment. Transporting waste to a site, as mandated by S. 1287, before the appropriate analyses are completed could create a ''de facto'' high-level waste repository in perpetuity with unknown and potentially serious long-term public and environmental consequences.

Attached is information that might be useful in formulating your position on S. 1287. It includes (1) our specific comments on S. 1287, (2) an overview of our comments on the Yucca Mountain Draft EIS, and (3) Resolution 99–014 passed by the Western Governor's Association on Spent Nuclear Fuel Shipments. If you have any questions regarding these materials, please phone me at (916) 654–4001 or Barbara Byron at (916) 654–4976.

Sincerely,

ROBERT A. LAURIE,
Commissioner and State Liaison Officer to the Nuclear Regulatory Commission.

Mrs. BOXER. This letter is quite long and goes into all the objections, with detailed comments, and the concerns they have about Yucca Mountain.

I think the important point here is, this is not just a Nevada issue. Even when in my mind it was, I would never subject the people of Nevada to this kind of a dangerous policy. It now includes the people of California. We are very concerned about transportation routes, very concerned about the ability of this material to migrate into an aquifer that serves the counties surrounding it, and we could go on and on.

Even the Western Governors' Association has repeatedly asked the Energy Department to complete an analysis of the transportation routes to Yucca Mountain, to no avail.

So we have a lot of problems with this bill in my home State of California.

The radiation to be allowed at Yucca Mountain would be much higher than is allowed under current regulations. The DOE study finds that maximum doses at the site would be 50 millirems per year. I am sure my colleagues have gone into it, but sometimes you repeat facts because they are very important. I would like to put the numbers into perspective.

That amount of radiation would equal approximately 5,000 chest x rays annually. It is 2,000 times higher than what the public is currently permitted to receive from an operating powerplant under EPA regulations.

I will say, under NRC and DOE risk estimates, it is my understanding—I am going to just double-check here—studies have shown that if these people were exposed to the maximum, virtually all of them would get cancer. That is how much and how high these levels are.

In conclusion, my colleagues from Nevada have done us a great service. Even before I knew the extent to which they were actually fighting was not only for Nevada but for California, I knew they were doing the right thing, because if we do not stand up and protect the health and safety of the people we represent, what use are we? What good are we?

When a physician takes his or her test to get licensed, they say: Do no harm. At a minimum, do no harm. This does harm. If we were, in fact, to allow this matter to move forward, I think the people would become even more cynical than they are about Government. They will ask: What special interests are behind this one? How on Earth can we throw out the health and safety regulations to push through this site? Is that the best we can do for this site?

I will tell you, it makes me sick at heart. The only thing that keeps me going on this one is my colleagues from Nevada, who have stood up in the face of powerful committee chairmen. And you will hear them today. Oh, you will hear them today. The Senators from Nevada have stood up for the people of this country. I stand with them. I stand with the people of California, who want to protect Death Valley National Park, who want to protect the water supply there, who want to protect our Federal investment there, who want to protect the health and safety of the people who have to drink the water and live there.

So let us do what we have done five times before. Let us beat back this ill-advised attempt to put a nuclear waste dump where it does not belong. Let us feel good that we have protected the people of this country. Let us turn to

the matters to make life better for our people: Sensible gun laws, an HMO Patients' Bill of Rights, education, after-school programs, smaller class sizes, and campaign finance reform.

For goodness' sake, let's do something in this Chamber that helps people, not exposes them to risk.

Yesterday I was at the Albert Einstein Medical School in New York. They are doing extraordinary things to find cures for cancer, to invest in ways to make our people healthier, to work with the Federal Government to make sure we have enough money going into research. Why would we do things around here that would elevate people's risk of getting cancer? I do not understand it. It does not add up. I listened to the arguments on the other side. They simply do not add up.

So, again, I associate myself with my friends from Nevada. They are courageous. They are brave. They are right. They are protecting the people of Nevada and the people of California. I hope they will be successful. I will be working with them.

As I understand it, the Senator from Nevada, Mr. BRYAN, will now have some time for further remarks.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada, under a previous agreement, is to be allowed to continue now after the Senator from California. He has 5 minutes remaining on his time.

Mr. BRYAN. I assure the Senator, I will only speak for 5 minutes because I understand he has a commitment at noon.

Mr. ROCKEFELLER. Mr. President, it was my understanding that after the Senator from Nevada spoke and after the Senator from New Mexico spoke, I would be able to speak.

Mr. REID. Mr. President, if I could ask my friend from Nevada to yield for a minute.

The PRESIDING OFFICER. The Senator Nevada has the floor.

Mr. REID. So everyone understands what we would like to have happen, Senator BRYAN will speak for 5 or 6 minutes, and then Senator DOMENICI will take time under the control of Senator MURKOWSKI for whatever time he may consume, and then Senator BRYAN and I would be happy to yield to Senator ROCKEFELLER 10 minutes to speak on another issue. He has been very supportive of us on this underlying issue of nuclear waste. He wants to speak on something regarding his ranking membership dealing with veterans, introducing some legislation. We are happy to allow him to do that.

I ask that in the form of a unanimous consent.

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

Mr. BRYAN. Mr. President, for the remaining 5 or 6 minutes, let me just complete my thoughts on the issue of health and safety because I think this is the overriding issue.

EPA has proposed a standard of 15 millirems, consistent with what was done in New Mexico. S. 1287, in its original form, doubled this. We are debating this issue today because the nuclear utilities do not want the 15-millirem standard. That is what we are talking about.

One can have a difference of opinion as to whether or not nuclear power is good or bad or whether Yucca Mountain is or is not the proper scientific site. I might say, parenthetically, no one has ever made a determination that Yucca Mountain will meet the suitability standards. That remains to be seen. But how in God's world can we say we ought to change a health and public safety standard, one that is set by independent agents?

Let me point out that the history of matters nuclear has indicated that we have underestimated the risk and danger to public health. In the immediate aftermath of World War II, we exposed military veterans at Bikini and Eniwetok to levels of radiation exposure that today would be absolutely a crime. In my own youth, while growing up in Nevada, watching the detonations at Frenchman's Flat, where they dropped nuclear bombs out of B–29s, we were told it is ''absolutely safe, don't worry about a thing.'' Today, we know that nobody in his or her right mind would suggest that anyplace in the world. Indeed, the tragedy is that people downwind from that died of cancer and have suffered from other mutations.

There are literally hundreds of thousands of people in this country who helped us in America prevail in the cold war, working in our nuclear weapons production facilities, in the nuclear testing program in Nevada, who were told the diseases that they suffered from and the suffering and the death that families had endured had nothing to do with radiation. Today, to the great credit of this administration and the Secretary of Energy, Mr. Richardson, we now acknowledge that it was wrong, that people did become ill, and people did die because of radiation.

Every person in this Chamber will recall in his or her own personal life how, and today, when you get an x ray at your dentist, or a chest x ray, the amount of radioactive exposure you have is much less than it was earlier because we are fearful of what the consequences of this exposure over a period of time can mean. Many will recall going to the local shoe store and getting on a fluoroscope; you could see the bones in your feet and your mom or your dad would look at that just to see whether or not you had the correct fitting. That was exposure to radioactivity. There is no place in the country where that would be tolerated today. What did we learn? We learned the risk of radioactivity is much greater than we had originally thought.

To conclude this aspect of my discussion today, the whole history of radioactivity exposure, in terms of its impact upon us as human beings, has been that the standards ought to be increased in terms of safety. We have done that in the private sector; we have done that publicly. Now this legislation would suggest that we abandon that, and that in the name of helping out nuclear power industries—utilities particularly—we should reject the health and safety standard. It was good enough for our friends in New Mexico, and I support that, but never objected to. We simply say, look, what is sauce for the goose is sauce for the gander. Fifteen millirems is within the range of the National Academy of Sciences. To do anything less is a cynical and cavalier disregard for the public health of citizens in America generally, and Nevadans particularly.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I rise to support override of the President's veto of the Nuclear Waste Policy Amendments Act. This bill, S. 1287, under Senator MURKOWSKI's leadership, provided the first opportunity for real progress on nuclear waste issues during the term of the Clinton Administration.

With nuclear energy providing 22 percent of our Nation's electrical power, it is simply irresponsible for the Administration to continue to avoid all attempts at improving our handling of spent nuclear fuel. We must maintain nuclear energy as a viable energy option for our nation, and without concrete progress on nuclear waste, we will lose this part of our national energy supply.

American consumers are still facing dramatically higher prices for gas and oil, driven in no small part by the failure of this Administration to develop a coherent energy policy. We can't afford to place 22 percent of our electrical supply in jeopardy, and then pretend to be surprised when energy prices skyrocket.

These recent oil shocks have proven again the folly of over dependence on a single source of energy. They should have reinforced to the Administration that we need, more than ever before, a coherent energy policy that maintains a diverse energy supply portfolio. Nuclear energy is an important component of that portfolio.

As I've noted in the last few months, our response to this latest oil price episode was to approach the OPEC countries, tin barrel in hand, asking them to increase the flow of oil and lower our prices. That only serves to make us more dependent on their oil and increase the impact of the next episode of restricted oil availability.

Senator MURKOWSKI incorporated a very large range of concessions into the current bill, concessions that met every one of the Administration's advertised concerns. Unfortunately, as

we've seen before, this Administration is so determined to undercut the role of nuclear energy, that new objections were invented faster than concessions were granted.

I find it interesting that the Administration is treating the two major electrical producers in the nation, coal and nuclear, in somewhat similar ways. These two sources together account for over 70 percent of our electricity. Yet in both cases, the Administration is not focusing resources on actions that would address remaining concerns with these two sources. Our dependence on foreign oil would be far more serious with loss of either of these energy sources.

For coal, they should be increasing resources on clean coal technologies. For nuclear, they should be advancing timetables for addressing spent nuclear fuel. Neither is happening.

I believe that consumer concerns relating to nuclear energy are changing, as more information about the successes of this energy source becomes better known. Just yesterday, I checked on an MSNBC Internet poll on the 20 year anniversary of the Three Mile Island nuclear accident.

In that poll, 80 percent of over 18,000 people responding said that they believe nuclear energy is safe, with 85 percent favoring licensing of new plants.

I find it amazing how fear of anything in this country with ''nuclear'' in its title, like ''nuclear waste,'' seems to paralyze our ability to act decisively. Nuclear issues are immediately faced with immense political challenges.

There are many great examples of how nuclear technologies impact our daily lives. Yet few of our citizens know enough about the benefits we've gained from harnessing the nucleus to support actions focused on reducing the remaining risks.

Just one example that should be better understood and appreciated involves our nuclear navy. Their experience has important lessons for better understanding of these technologies.

The *Nautilus*, our first nuclear powered submarine, was launched in 1954. Since then, the Navy has launched over 200 nuclear powered ships, and about 85 are currently in operation. Recently, the Navy was operating slightly over 100 reactors, about the same number as those operating in civilian power stations across the country.

The Navy's safety record is exemplary. Our nuclear ships are welcomed into over 150 ports in over 50 countries. A 1999 review of their safety record was conducted by the General Accounting Office. That report stated:

> No significant accident—one resulting in fuel degradation—has ever occurred.

For an Office like GAO, that identifies and publicizes problems with government programs, that's a pretty impressive statement.

Our nuclear powered ships have traveled over 117 million miles without serious incidents. Further, the Navy commissioned 33 new reactors in the 1990s, that puts them ahead of civilian power by a score of 33 to zero. And Navy reactors have more than twice the operational hours of our civilian systems.

The nuclear Navy story is a great American success story, one that is completely enabled by appropriate and careful use of nuclear power. Its contributed to the freedoms we so cherish.

Nuclear energy is another great American success story, it is not a supply that we can afford to lose. It's a clean source of power, without release of greenhouse gases, with a superlative safety record over the last decade. The efficiency of nuclear plants has risen consistently and their operating costs are among the lowest of all energy sources.

I've repeatedly emphasized that the United States must maintain nuclear energy as a viable option for future energy requirements. And without some near-term waste solution, like interim storage or an early receipt facility, we are killing this option. We may be depriving future generations of a reliable power source that they may desperately need.

There is no excuse for the years that the issue of nuclear waste has been with us. Near-term credible solutions are not technically difficult. We absolutely must progress towards early receipt of spent fuel at a central location, at least faster than the 2010 estimates for opening Yucca Mountain that we now face or risk losing nuclear power in this country.

Senator MURKOWSKI's bill is a significant step toward breaking the deadlock which continues to threaten the future of nuclear energy in the U.S. I appreciate that he made some very tough decisions in crafting this bill that blends ideas from many sources to seek compromise in this difficult area.

One concession involves tying the issuance of a license for the ''early receipt facility'' to construction authorization for the permanent repository. I'd much prefer that we simply moved ahead with interim storage. An interim storage facility can proceed on its own merits, quite independent of decisions surrounding a permanent repository. Such an interim storage facility could be operational well before the ''early receipt facility'' authorized in this act.

There are absolutely no technical issues associated with interim storage in dry casks, other countries certainly use it. Nevertheless, in the interests of seeking a compromise on this issue, I supported this act's approach with the early receipt facility.

I appreciate that Senator MURKOWSKI included Title III in the new bill with my proposal to create a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

Now I'm well aware that reprocessing is not viewed as economically desirable now, because of today's very low uranium prices. Furthermore, it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat this spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make that decision. Title III establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

Title III requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. As we do this, I'll encourage the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

Title III requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With Title III, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

Mr. President, I want to specifically discuss one of the compromises that Senator MURKOWSKI developed. In my view, his largest compromise involves the choice between the Environmental Protection Agency or the Nuclear Regulatory Commission to set the radiation-protection standards for Yucca

Mountain and for the ''early release facility.''

The NRC has the technical expertise to set these standards. Furthermore, the NRC is a non-political organization, in sharp contrast to the political nature of the EPA. We need unbiased technical knowledge in setting these standards, there should be no place for politics at all. The EPA has proposed a draft standard already, that has been widely criticized for its inconsistency and lack of scientific rigor—events that do not enhance their credibility for this role.

I appreciate, however, the care that Senator MURKOWSKI has demonstrated in providing the ultimate authority to the EPA. His new language requires both the NRC and the National Academy of Sciences to comment on the EPA's draft standard. And he provides a period of time, until mid-2001, for the EPA to assess concerns with their standard and issue a valid standard.

These additions have the effect of providing a strong role for both the NRC and NAS to share their scientific knowledge with the EPA and help guide the EPA toward a credible standard.

Mr. President, I want to again thank Senator MURKOWSKI for his leadership in preparing this bill and in leading this over ride discussion. We need to overturn the President's veto, to ensure that we finally attain some movement in the nation's ability to deal with high level nuclear waste.

Mr. President, I won't respond to the millirem argument with reference to New Mexico and WIPP. Frankly, I believe it is irrelevant. Nonetheless, I wish to talk about nuclear energy power and what is happening to the United States of America. I say to the Senators from Nevada, I compliment them. They have been able, for a number of years, to delay the United States of America from having an underground permanent repository, and today, once again, they are successful. I understand they are acting in what they think is the best interest of their State. They are, once again, going to preclude the United States from coming up with an interim storage facility for nuclear waste.

Whatever the arguments have been, there is no science or engineering issue with reference to whether or not the United States of America can build, plan, and safely maintain an interim storage facility for high-level nuclear waste. Let me repeat. Nobody can, with any credibility, come to the floor of the Senate and say we cannot do that. In fact, we are doing so many things with reference to nuclear energy, with reference to radiation, that are more difficult than building an interim storage facility, a temporary storage facility for high-level waste for 25 or 50 years. In fact, the idea that we must find a permanent repository, one that will last for 20,000 or 30,000 years, for the fuel rods that come out of nuclear power reactors before we can proceed to take care of it for 50 or 100 years, borders on lunacy. It borders on standing reality on its head. The only possible reason could be that we don't believe we will build a permanent one if we build interim ones. But the truth is that it is not difficult; it is very safe once you have established it, and the only possible argument could be transportation.

We should have a debate on the floor of the Senate on whether it is dangerous for the American people to transport nuclear waste from fuel sites across the United States—and every Senator knows where they are in their States—to interim facilities that we don't have today. We told the American people that the waste would move from their states. Nobody should conclude that it is unsafe to move it across the United States. We are moving more, and risking more dangerous things on a regular basis, across the highways of the United States, with utter and total safety, than would be involved in this.

What is the issue? It seems to me that any time you are involved with radiation and anything nuclear, those who oppose it rely upon scaring the American people or their constituents, when the truth is that the United States of America gets 22 percent of its electricity from nuclear powerplants. Let me suggest that anybody who wants to test out what I am going to say have at it. That 22 percent of electricity produced in nuclear powerplants is the safest electricity produced in America. If you want to talk about risk of lives, injuries, health conditions, anything you would like, those are the safest sites producing electricity for the engine of American industry and for Americans living every day with computers built upon energy sources and electricity, and the like.

I laud Senator MURKOWSKI for his compromise legislation. Actually, I thought he might have even given away too much at one point, but looking at how things are going, he can't even get this passed. He has conceded a number of issues since this was originally proposed.

What do we do? We continue our dependence upon oil, and now natural gas, for our electricity in the future. This administration, by vetoing this bill and other actions, does the following things: One, they don't spend money on coal technology that will clean that technology up. Two, they don't spend money on finding an interim facility for nuclear waste. And then, three, we go begging those in Saudi Arabia and in Central and South America to continue to provide us with reasonably priced oil because we have become hostage to their oil.

Here we are, as a nation, worrying about oil supplies while the Democrats on that side get up and say this is not an issue; that the issues are Medicaid, Medicare, or Social Security. Well, the issue about 7 weeks ago was skyrocketing oil prices, which caused skyrocketing gasoline prices. What if we cannot produce electricity as we need it in America? Think what would happen to America.

Think what would happen in the United States if, in fact, we decided, as a nation, that we were not going to do anything with nuclear power, it is too dangerous, too scary, and we decided to shut it down. The United States would become a basket case soon.

When the Democrats get up in rhythm with each of them, saying this is not an important issue, my friends, this is a big issue. This is one of the most important issues to America's future because it has been made the linchpin about which we discuss the future of improved nuclear power in the United States of America.

I've become a strong advocate for nuclear power. I speak to it wherever I can. People listen. I think people believe we ought to continue with it. But we can't continue with it unless we decide what to do with the waste.

Recently, my spirits were lifted a bit by a poll on MSNBC Internet. I know it is not scientific poll, but it is pretty interesting. It's being conducted on the 20th anniversary of Three Mile Island. People still hearken back to that event and say, ''Look at what happened with nuclear power.'' Well, actually nothing happened. There was a leak. Nobody got hurt, and nothing happened.

Over 18,000 people responded on that MSNBC Internet poll, and 80 percent believe nuclear energy is safe. Eighty-five percent favor licensing power plants in the future for nuclear power.

Right now, today, the U.S. Navy has slightly over 100 nuclear reactors with partially spent fuel rods in the power plant. Those 100 nuclear power plants are sailing the oceans and the seas of the world in the hulls of submarines, battleships, and aircraft carriers. Some have two power plants in them—two complete nuclear reactors with the fuel rods that we are down here talking about and we don't know what to do with. They are on ships. Those ships are welcomed in almost every seaport in the world, except New Zealand because it had some argument about it years ago.

Imagine, all the big ports in America welcoming U.S. Navy ships into their waters and their harbors. What do they have in them? Nuclear power plants with their fuel rods. Why do they let them in? Why don't they say that is terrible, as we are saying here on the floor, and people are going to get hurt? Because they have been audited, and reaudited.

The General Accounting Office has looked at it and concluded, like no other study, that U.S. Navy ships are totally safe, never having had an accident since the *Nautilus* was launched in 1954.

We are here today arguing about whether we can safely take spent fuel rods—not in a pond of water where, if something happens, it goes everywhere. But we are talking about whether we

can haul it down the road or highway and take it somewhere. It is on all the oceans of the world, and nobody is even talking about it.

Then we are arguing about, once you get it there, it is just too scary to think of storing it there.

France has about 80 percent of its energy in nuclear. They get the benefits of what I am bringing to the surface now—there is no air pollution to speak of in France because nuclear power does not create the air pollution we are worried about with reference to global warming.

The United States of America runs around the world negotiating how to clean our air so we will not have global warming. And here we're talking about the principal source of electricity that would be totally clean. We scare our people to death about moving fuel rods down a highway when the oceans and seas of the world have nuclear power plants floating under water and on top of the water by virtue of 100 U.S. Navy ships at sea.

Actually, France, which I just described, does not today have a permanent repository.

You heard the argument, fellow Senators, and those listening, that we don't want to have interim storage until we have a permanent repository for certain.

I think France is pretty concerned about the health and safety of their constituents, the French people. They aren't building underground repositories yet because they are very satisfied with having interim, temporary storage. Sooner perhaps than later, they will find a way to use that spent fuel, which is highly radiated, either to produce more energy, or they will break it into its components and make sure they can safely put it somewhere.

There is no question in this Senator's mind, that this is a big issue. This is America trying to turn science, engineering, and safety on its head to try to make fear where there is no reality of fear, to try to conclude that this great Nation cannot take care of the nuclear waste coming out of our powerplants with the end product being no more nuclear power.

What a shame, if that happened in the Nation that started it, that led it, that built the safest reactors in the world—safer than 20 or 30 coal-burning, electricity-generating plants, or any kind of plant.

What if we as a matter of fact kill nuclear power while the rest of the world proceeds to use it in China, Japan, Europe? We're doing that by not finding a way to do the easiest part of the fuel cycle, which is to temporarily put spent fuel somewhere in a repository of interim measure?

It would appear to me that, innocently or intentionally, those who oppose it are failing to recognize the significance of the future of nuclear energy and nuclear power for America and for a world that wants to be clean and wants to have growth and prosperity without global warming.

From my standpoint, not only do I refute the argument that this is not important, that there are other issues more important.

I want to say that the President is making a very big mistake for America's future by vetoing this compromise bill. The Congress passed it in both bodies overwhelmingly. Now, because of his veto ban, we need 66 votes in the Senate. That is probably too hard to do for an issue such as this. But sooner or later, a President will sign a bill. I am hoping it is sooner.

Obviously, we shouldn't try it again with the current President because it won't fly. But I personally believe the day will come soon when we will have the repository, wherever it is, and we will not come to the floor of the Senate and hearken back to the numerous times we have denied the validity and credibility of the fact that it can be easily and safely transported and easily and safely put in 30- to 50-year interim repositories.

I yield the floor. I thank the Senate for listening.

The PRESIDING OFFICER. Under the previous agreement, the Senator from West Virginia is recognized for up to 10 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer.

VIETNAM: HONORING THOSE WHO SERVED

Mr. ROCKEFELLER. Mr. President, this past Sunday, April 30, was the 25th anniversary of the end of the Vietnam war. And that reaches deep into the soul of every Member of this body, all across America, and all across the world.

Our involvement with Vietnam was filled with discord, it was filled with anxiety, and it tore sections and generations of our country apart. It began slowly. It gradually escalated and became ''a bottomless quagmire'' for America, ''our longest, costliest, and . . . least popular war,'' until it finally came to an end.

Many in our country were very ambivalent about this war. Some thought we didn't fight hard enough, some thought we turned our backs on the South Vietnamese, and some thought we should have fought a lot harder. Many became disillusioned with our Government. I think that experience changed the nature of American politics and public life for at least some time to come.

However, there should be no ambivalence whatsoever about those who fought that war. Today I want to pay homage to those who fought that war. It doesn't matter whether you were for or against the war. All who served there deserve our appreciation, our respect, our caring, our compassion. It would have been easier to fight in a popular war. There are such wars, oddly enough. It is obtuse to say that, but it is true.

But it took guts, courage, and endurance to fight in that war and survive it; to resist the erosion of the bad morale which overtook at least part of our ground forces in Vietnam. And then, of course, there was the lack of united support from the home front which had to have just overwhelming consequences, not only while the soldiers were there, but even more so when they returned.

Those who served did their duty, and they did it under very difficult, trying circumstances. Their motto might very well have been what Alexander Pope said:

Act well your part, therein all honor lies.

Looking back at this war, like the war before it and others, what strikes me with enormous poignancy and tenderness, is how young our soldiers were. Many were teenagers—18- and 19-year-old men and women—from familiar and comfortable surroundings, leading lives we all might identify with, sent to a completely foreign country, a foreign culture, halfway around the world, not knowing what to expect. They encountered baking heat, torrential rain, fire ants, leeches, and the enemy. They could not imagine the world of horror that awaited them when they got there. Presumably they were trained and told about it, but I think it was unimaginable to them when they got there. There was no clear enemy line. They could be ambushed at any minute. They couldn't tell enemies from allies.

Some never came back. The more than 58,000 names on the Vietnam Memorial Wall attest to that. But painful as it is to view those names, it does not begin to encompass the scope of pain caused by that war. Like a pebble thrown in a pool, each single name on the wall is ringed by concentric circles of others touched by that person's death—widows, mothers, fathers, sisters, brothers, aunts, uncles, friends. For all in that pool, certain hopes and dreams died as well. We grieve for all of them.

Some came back wounded. In an instant, life could change. Soldiers could step on a landmine; they could be killed by friendly fire; they could come under random attack. They never knew from moment to moment. Due to the wonders of modern medicine, many of those who, in earlier wars, would have died, did not and were saved; they survived. But merely surviving posed tremendous burdens on those who did. The process of adapting, accepting, and moving on is easy to say, very hard to do.

So I salute the stubborn resilience and perseverance of those who did move on with life after recovering from injury.

Some came back suffering from emotional trauma—people call it PTSD—and many other things. For them, it has been a very hard road to make peace with the past. They are still haunted by it, fighting it in their nightmares, in startle reflexes to sudden noises which bring back memories of perceived danger. They may turn to