

Shall we leave it in California? Shall we leave it in South Carolina?

The President mentions the importance of nonproliferation goals that a central repository will meet and that the nonproliferation for these shipments of foreign spent fuel is a good one. We do not want terrorists or rogue governments coming into possession of these weapons, but let's look at reality.

For example, when the program started in 1996, we were faced with transporting spent fuel from a reactor in Bogota, Colombia. The spent fuel was moved from the reactor, loaded into a shipping cask, placed into a semitractor trailer truck for shipment, and then what did we do? We went to the Russians.

We chartered a Russian Antonov AN-124 airplane large enough to carry tanks and helicopters and drove the semi aboard the plane and flew the shipment to the seaport city of Cartagena and placed it on a freighter. It then joined spent fuel already loaded from Chile. It was delivered to the Charleston weapons center where it was loaded on railcars to Savannah River.

This was the Department of Energy acting to pull out all stops, sparing no expense to complete this important shipment. Administration policy then is to take nuclear fuel from foreign nations flying, shipping, and trucking all over the world and storing it at military facilities, and even building interim storage sites in the United States, but this administration will not address the waste generated by the domestic nuclear power industry; it will not reconcile a policy to address this in a responsible manner. It would rather leave it at the 40 States in 80 sites. That is what this administration proposes to do. It is unconscionable at a time when we are looking to the nuclear energy for roughly 20 percent of the power generated in the United States, and this administration does not accept its responsibility. That is why I urge all my colleagues to look at this realistically: Do we want the waste concentrated where it is in temporary storage, or do we want it in a permanent repository where we have already expended some \$7 billion to place it?

I believe my time has expired or is about to expire.

The PRESIDING OFFICER. The Senator has a minute and a half left.

Mr. MURKOWSKI. In a minute and a half, I note the Senator from California showed a beautiful picture of Death Valley. I will show you a beautiful picture of the proposed location of the repository out at Yucca Mountain.

This is it. It is not very pretty. We have had 800 nuclear weapons tests in the last 50 years. That is the area we are talking about.

Some suggest, why are we talking about this when we have other more important things to do? This is an obligation of this Congress. The House has

acted. It is up to the Senate to act now and move this legislation over the President's veto.

This is important. This costs the taxpayers money. We have an obligation. Furthermore, this is the pending business of the Senate at this time because the House voted. It went down to the President. The President vetoed it. It is the standing order of business before this body. So it is most appropriate that we resolve this matter today.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. In my 12 years in the Senate, I have to say this is the most unfocused debate we have had on this issue. We are not here today to debate whether or not nuclear power is good or bad for the Nation. We are not here today to debate whether interim storage is an appropriate response. We are not here to debate whether or not France has no pollution, as some have suggested, because they have nuclear reactors. I must say, parenthetically, I am not aware that France propels its automotive fleet through nuclear power. But perhaps we can discuss that at some other date.

Very simply, what we are here to talk about is a piece of legislation which the President of the United States has courageously vetoed that would alter the health and safety standards for the Nation. That is the issue. Every American—regardless of his or her politics—should be proud of the President's position.

Our colleagues on the other side of the aisle have taunted our colleagues who support the position that my colleague from Nevada and I have been advocating, as well as the distinguished Senators from California and New Mexico today, saying: What are you going to tell your constituents when you return home? The answer that every Member can give, with a straight face, in responding to that question is: Look, I voted to uphold the health and safety standards of the Nation. I was not prepared for any industry, even though I might support nuclear power, to reduce the health and safety standards for millions of people in this country. I will not do it for nuclear power. I will not do it for anything else. I will not be beholden to a special interest. I am voting in the best interests of my constituents and the Nation in upholding public health and safety.

That is the answer. That is the most powerful response that can be given.

May I inquire how much time I have left.

The PRESIDING OFFICER. Twelve seconds.

Mr. BRYAN. Twelve seconds.

I yield the remainder of my time.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30

p.m. having arrived, the Senate will be in recess until the hour of 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, there will now be 30 minutes under the control of the Senators from Nevada, Mr. REID and Mr. BRYAN, and 30 minutes under the control of the Senator from Alaska, Mr. MURKOWSKI.

Who seeks time?

Mr. MURKOWSKI. Mr. President, I yield 6 minutes to my good friend, the Senator from North Carolina.

Mr. HELMS. Mr. President, I have been around this place a long time and a lot of things have happened that I can't quite understand, one of them being the veto of this measure by the President of the United States. If you stop and think, you see that it is purely political. For that reason, I hope this Senate will not hesitate to vote to override the veto of S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

The President's decision to veto this vital legislation is just further evidence that the Clinton administration has no energy policy, except the appeasement of the doctrinaire environmentalists.

Because of the President's purely political veto, the United States will continue to have spent fuel assemblies piling up at all nuclear generation facilities throughout the United States—including five facilities in North Carolina.

The taxpayers of my state alone have paid more than \$700 million into the Nuclear Waste Disposal Fund justifiably expecting that the spent fuel assemblies would be transported to Yucca Mountain, Nevada, for permanent storage.

But no, it was not to happen, according to the environmentalists, and therefore according to the President of the United States, who immediately got his pen out and vetoed it.

A portion of the monthly electric bill payments of North Carolinians and other states goes into this fund, but while the Administration plays its political veto game, North Carolina's utility companies have been forced to construct holding pools or dry cask storage facilities to store this used material. This has caused additional expense for the utilities and higher prices for their customers.

Why did Mr. Clinton veto this legislation? Clearly it was to appease the self-proclaimed environmentalists, who so piously proclaim their concern about the air Americans breathe. We are all concerned about that.

Mr. President, it has long been self-evident that these so-called self-proclaimed environmentalists are opposed

to nuclear energy production—which is, behind hydro-power, the cleanest source of electricity. Nuclear power generation does not emit greenhouse gasses into the atmosphere.

The question is inevitable. Is it not better for the environment that no fossil fuels are burned?

So while the President plays politics to please the self-proclaimed environmentalists the spent fuel assemblies continue piling up all over the country in spite of the availability of the Yucca Mountain storage site which—according to the experts—poses absolutely no environmental risks for the permanent disposal of the spent fuel assemblies.

A handful of North Carolina anti-nuclear activists are complaining about the on-site storage of this material. If these activists were truly concerned about the environment, they would support this legislation and urge the federal government to complete construction of the national storage site at Yucca Mountain in one of the most remote areas of the United States.

I have at hand a copy of a letter sent to President Clinton by the Executive Director of the Public Staff of the North Carolina Utilities Commission urging the President to sign S. 1287. I ask unanimous consent that this letter be printed in the RECORD.

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

NORTH CAROLINA PUBLIC STAFF  
UTILITIES COMMISSION, RALEIGH,  
NC,

April 11, 2000.

The President,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: As Executive Director of the Public Staff-North Carolina Utilities Commission, I am keenly aware of the need for an effective federal nuclear waste management program, and I strongly encourage you to sign S. 1287 passed earlier in the year by the Senate and House.

Nuclear energy accounts for nearly half of the electricity produced in North Carolina. Our state's electricity consumers have paid more than \$700 million into the Nuclear Waste Fund. The national repository for nuclear spent fuel, however, is currently not scheduled to open until 2010, twelve years behind the statutory obligation in the Nuclear Waste Policy Act of 1982.

The two nuclear plant operators in North Carolina—as well as those around the country—are being forced to undertake costly, alternative measures to compensate for the delays and shortcomings in the federal program.

The nuclear waste legislation on the table will be a positive step in the right direction and will provide nuclear plant operators and the communities around their facilities some assurance that the Federal Government will fulfill its obligations in this matter. It is not sound public policy to force nuclear plants to continue indefinitely on-site interim storage of their spent fuel. It is a more responsible course to consolidate the spent fuel in a central facility designed for safe, permanent disposal.

I understand you have reservations about S. 1287. The bill may be imperfect, but it represents a sensible and long overdue first step in restoring public confidence in a federal program that is a vital component of our national energy policy.

I request your support of S. 1287.

Sincerely,

ROBERT P. GRUBER.

Mr. REID. Mr. President, I yield myself 12 minutes.

This debate is not about nuclear power. It is not about whether you are in favor of nuclear power generation or opposed to it. But it is about health and safety concerns in America we should have for nuclear waste and other such issues. It is about health and safety. That is what S. 1287 is all about—lowering health and safety standards relevant to nuclear waste.

My good friend, with whom I have worked for many years on the water subcommittee of Appropriations—I have great respect for the chairman of the Budget Committee—came to this floor this morning and spoke in favor of overriding the Presidential veto. My friend, the senior Senator from New Mexico, said “radiation standards are irrelevant.” That is a quote. I can't imagine anyone saying that, including my good friend from New Mexico, who is someone who should know better—“radiation standards are irrelevant.”

I guess that is what they said earlier in this century when we had patent medicines. They advertised, saying they would cure all kinds of diseases—arthritis, lumbago, and pleurisy—and the medicines wound up killing people. It is the same when they talk about x rays being irrelevant. Radiation from x rays is irrelevant, except it kills people. My father-in-law was an x ray technician. He died as a young man from cancer of the blood as a result of being exposed to x rays.

Radiation standards are relevant. They are as relevant today as they were then. They are as relevant today as they were when we were told 50 years ago that aboveground nuclear tests were OK, that radiation was not relevant. We sent soldiers and others into these nuclear clouds and they died, and some are still sick as a result of that.

Radiation is relevant. It is relevant in the transportation of nuclear waste. It is relevant in the storage of nuclear waste. That is what this debate is all about.

Of course, this is a challenge. We have 100 sites that are generating nuclear power today. They are indicated on this chart. But to say we are going to eliminate all 100 sites and wind up with one in Nevada is not true. We will wind up with 100 of them. With the one additional nuclear waste site in Nevada, instead of 108 we will have 109. These places aren't going away. Some are generating nuclear waste. Those that aren't generating nuclear waste will be nuclear repositories for many years to come.

The reason radiation is relevant is we have a nuclear nightmare. I have placed on this chart only the railways where nuclear waste will be transported. I haven't added the highways. This is a nuclear nightmare because accidents are happening every day, literally.

This is from a recent newspaper account in LaGrande, OR. An accident happened because a rail was a little out of line, causing this terrible accident. Locomotives are dumped all over. Here are locomotives which you can just barely see. You can see a little bit of yellow down here. Here is one dumped in the marsh.

We have a farm back here. One of my staff members happens to be here on the floor today, Kai Anderson. This was his family's farm. This train derailed where people lived.

These accidents happen all the time—3 engines, 29 cars derailed. You can see stuff dumped out all over.

Radiation matters. Radiation is not, as my friend said, “irrelevant.” We have a challenge, as we indicated. But this debate is not about whether or not you are in favor of nuclear power generation. This debate is not about Nevada. It is about our country. It is about health and safety standards for our country.

If this bill is allowed to pass, 43 States will have nuclear waste passing through them without appropriate health and safety standards.

My friend from North Carolina talked about not understanding why the veto took place. I made notes as he spoke. He said it was “political.” If the President were political, he certainly wouldn't go against 40 States, many of them very heavily populated States. He wouldn't go against the biggest businesses in those States—utilities. He did it because he believed in the health and safety of the people of this country. He could have gone with where the numbers were. He decided not to do that.

The citizens of North Carolina, he said, deserve to know why he is doing it. It is an easy answer why the President did this—because the people of North Carolina deserve health and safety standards just as everyone else. They may have some stored nuclear waste there. But they need to have it stored in a safe manner.

As I said this morning, if you are wondering what we are going to do with our nuclear waste, it is an easy question to answer. What we are going to do with our nuclear waste is what they are doing at various sites around the country. They are storing it onsite.

We have already spent in the State of Nevada over \$7 billion characterizing Yucca Mountain. You could store it onsite safely in dry cask storage containers. You could establish a nuclear waste repository site where the waste is generated—where the power is generated. You could do that for \$5 million. It would be safe. It would not be subject to terrorist threats.

We don't have to worry about transportation. We don't have to worry about the loss of public confidence. It would be cheap. We could save this country and the utilities money. My friend from North Carolina talked about not millions but billions of dollars. Ground water would be protected. There would be no risk to children.

There would be decent radiation protection standards.

I can't express enough my appreciation to the President and the Vice President for their support on this issue, and also the courageous Senators—Democrats and the two Republicans. The Senator from Rhode Island and the Senator from Colorado, with untold pressure being placed on them, are going to vote to sustain the Presidential veto. The 33 very powerful and courageous Democrats—and I say the same about my 2 Republican friends—I am very appreciative of their support and courage.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I grant 5 minutes to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from Alaska. I appreciate his leadership on this issue.

I see the poster the Senator from Nevada has of a train wreck. But I have heard many others say on this floor that if a train carrying nuclear waste wrecks, the nuclear waste doesn't blow up; it just lies on the ground. There was once a train with chemicals on board wreck about 200 yards from my mother's house. That was a very dangerous train wreck; with explosions and chemicals leaking into the air and on the ground. Had it been nuclear waste, it would have been sealed up and would not have blown up, or have gone into the air, or seeped onto the ground. It would have just sat there—posing little risk to people or the environment. It is just not that dangerous to transport. In fact, as Senator DOMENICI has noted, ships and submarines with nuclear fuel in them ply the oceans every day. Those ships use the same fuel and create the very same nuclear waste which we are looking to dispose of today.

I will note that this debate is a political issue. There was an excellent film on global warming on "Frontline" about 2 weeks ago. Basically, they concluded our energy needs could not be met and our environmental needs could not be met without nuclear energy. There was no other conclusion you could reach from watching that, but an activist who opposed nuclear energy said the main reason she opposed it was because we could not get rid of the waste. That is an absolutely bogus argument.

We have the ability to solve this problem. But until we do, we have, in effect, shut off our ability to produce a cleaner environment and get on with emission free energy production at a reasonable cost.

The President has noted, in the State of the Union, that we have to do something about global warming. He attempted to get us to ratify the Kyoto treaty to reduce greenhouse gas emissions by 7 percent from the 1990 levels.

But this Senate, voted unanimously, 95-0, against the agreement.

Our greenhouse gas emissions have gone up 8 percent since 1990. So to meet the Kyoto agreement, we would have to have over a 15-percent reduction in greenhouse gas emissions between now and 2012. There is no way that can be done without nuclear power.

The Energy Information Agency predicts a 30-percent increase in demand in electricity in this country by the year 2015. 20 percent of our power today comes from nuclear energy. France produces over 60 percent, and Japan, nearly 50 of its electricity from nuclear power sources.

Between 1973 and 1997, nuclear power generation avoided the emission of 82.2 million tons of sulfur dioxide and 37 million tons of nitrous oxide into the atmosphere. In 1997 alone, emissions of sulfur dioxide would have been about 5 million tons higher and emissions of nitrogen oxide, 2.4 million tons higher, had fossil fuel generation replaced nuclear. Billions of tons of carbon and millions of tons of methane—believed to be the most significant greenhouse gas—are not emitted because of nuclear power. The building blocks of ozone, a proven irritant and health risk to sensitive children and the elderly, is not emitted at all by nuclear power plants. Ozone precursors are emitted in all other fossil production of power.

Sixteen percent of the world's electricity is coming from nuclear power, but we here in the U.S. have a strained situation because we cannot dispose of the waste. This problem drives up the cost of nuclear power which makes this cleanest of all power generation sources almost uneconomical. Certainly, one of the main reasons we are not building any new plants today is because of our inability to solve the waste problem.

Even as some in the environmental movement are changing their views on nuclear power, the Vice President is not. In the April 22, edition of the Congressional Quarterly:

Vice President Gore stated he does "not support an increased reliance on nuclear power for electricity production" but would "keep open the option of relicensing nuclear power plants."

I visited the Tennessee Valley Authority's existing plant a few weeks ago in north Alabama. They set a record for safe operation without one shut down in over 500 days. It produces no environmental discharge. One thousand workers are there, quite happy, making excellent wages and providing a steady, 24-hour-a-day supply of clean electricity for the Tennessee Valley Authority.

That is good for this country. It means we are not having to burn coal. It means we are not having to import oil to generate our power.

But members of the Administration are not unanimous in their position on nuclear power. In 1998, Under Secretary of State Stuart Eizenstat remarked:

I believe very firmly that nuclear has to be a significant part of our energy future and a

large part of the Western world if we're going to meet these emission reduction targets. Those who think we can accomplish these goals without a significant nuclear industry are simply mistaken.

Another administration official, Ambassador John Ritch, speaking to the North Atlantic Assembly said:

The reality is that, of all energy forms—

This is the President's own appointee—

capable of meeting the world's expanding energy needs, nuclear power yields the least and most easily managed waste.

I agree with Senator DOMENICI. We are almost at the point of lunacy if we cannot choose a place in the desert of this country—where we had hundreds of bombs exploded while developing our nuclear weaponry—to bury nuclear waste deep down a tunnel, under a solid rock mountain and secure it there. What is it that we cannot do? We are storing this waste in hundreds of nuclear powerplants all over America and we cannot put it out in the desert and seal it up, yet we have ships traveling all over the world powered by nuclear energy that have this same spent fuel in them?

This is not wise. I call on the people of this country to rethink our position on nuclear power. There are 40,000 tons of spent nuclear fuel stored in 71 sites around this country. We have the ability to safely solve this waste problem and move ahead with a viable nuclear program to supply clean, low cost energy to our country.

I thank the Chair and the distinguished chairman of this committee for his excellent work. I do hope this veto will not be sustained.

Mr. MURKOWSKI. Mr. President, how much time do we have on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes. The Senator from Nevada has 21 minutes.

Mr. REID. Mr. President, my friend from Alabama said if there was an accident it would not be nearly as bad as a chemical accident, a trainload of chemicals compared to a trainload of nuclear waste because the container would not breach.

I do not know where my friend got that information because we have already established there is no container that can sustain an accident where the vehicle is going more than 30 miles an hour or, in fact, if it was a diesel fire.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. REID. Mr. President, on this legislation we are talking about 12,000 shipments through Illinois, 11,000 shipments through Nebraska and Wyoming, 14,000 shipments through Utah. We have already had seven nuclear waste transportation accidents. The average has been one accident for every 300 shipments.

S. 1287 would result in 10 times as many shipments of nuclear waste over longer distances. Currently, the statistics would lead us to expect, scientifically, 150 more accidents for this

transportation plan. Are you ready to take that risk? I say to anyone the answer should be emphatically no.

It would be no because let's assume there would not be a nuclear explosion when the train wrecked or the truck wrecked. But, remember, we are talking about the most poisonous substance known to man. If there is a breach in the container, a tiny, tiny breach, the amount of plutonium on the end of a pin would make you sick, if not kill you. These transportation risks are expensive and dangerous.

The Department of Energy estimates an accident with a small release of radioactivity in a rural area would contaminate a 42-square mile area, require almost 2 years to clean up, and cost almost \$1 billion to clean that up, one accident—the Department of Energy, in their own words: "A small release."

This is something that is very dangerous. We are talking about the health and safety standards for the people of America. They deserve the best. This legislation gives them the worst.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to point out a couple of things. We can show all the pictures we want around here about "what if's" but the facts remain. There was no nuclear waste associated with that particular photograph of the unfortunate train wreck.

Let's talk a little bit about how this is stored. There have been 1,500 tests performed to confirm and approve container safety. In the Nuclear Regulatory Commission tests, transportation canisters have been subject to some very tough tests, as they should be, tests that confirmed that they did not break open. They survived a 30-foot free-fall onto an unyielding surface, which is the same as a crash into a concrete bridge abutment at 120 miles an hour. Puncture tests, as well, were done, allowing the container to fall 40 inches onto a steel rod 6 inches in diameter; 30 minutes in a fire of 1,475 degrees that engulfs the whole container; submerging the container under 3 feet of water for 8 hours. It goes on and on. It is rather interesting to note, about 10 years ago we were looking at flying nuclear waste for reprocessing from Japan to France. At that time, the requirement was to design a cask that would withstand a free-fall from 30,000 feet. We were advised it was technically available.

What we have here is almost a Nevada litmus test. Everyone has to be against Yucca Mountain. I know there is a good deal of pressure on Members, out of allegiance to my good friends from Nevada, from those who do not want the waste in their State. That is the bottom line. If they have to kill the nuclear waste industry to achieve it, that is what will happen.

I am holding a copy of the U.S. Navy Nuclear Propulsion Program. This is the so-called "Mobile Chernobyl,"

some 90 reactors moving all over the world. It is entitled "Over 117 Million Miles Safely Steamed on Nuclear Power." That is the record of our Navy. What we are hearing today is nothing but fear tactics of the worst kind, and this is emanated by the veto of the President.

Let's be realistic; the EPA has the sole and final authority to issue a radiation standard. I do not want to hear any Member reinterpreting that any other way. They—the EPA—must set forth a scientific basis for the rule. That is the best science. On June 1, 2001, they—meaning the EPA—are free to issue whatever standard they deem appropriate. They have the final say. We can only hope it makes a sensible and achievable interpretation and is based on sound science.

We talk about the science. In the President's veto message, he talks about the science. The Vice President talks about the science. We are talking about the best science—the EPA, the Nuclear Regulatory Commission, and the National Academy of Sciences, with the EPA having the sole and final authority. There is absolutely no question about that if you read the bill.

Let's look at something else. Taking the waste is a Federal responsibility, the sanctity of a contract. The deadline was 1998. The ratepayers have paid \$16 billion to the Federal Government to take that waste. The taxpayers have spent some \$6 billion already at Yucca Mountain where we have the hole in which to put the waste.

The longer the delay, the more liability the Federal Government has for not taking the waste because the utilities are suing the Federal Government for not taking the waste. That is some \$40 billion to \$80 billion. It is estimated it will cost each taxpaying family in the United States \$1,300.

I will talk about foreign-domestic transportation. We have seen 300 safe domestic shipments over the last 30 years—no injury, no radiation. This chart shows the network all over the country. Since 1996, transport of foreign reactor fuel has come into this country from 41 other nations. That is over 20 tons over the next 13 years.

To where does it go? It goes into Concord, CA, Sacramento River, and moves up to Idaho. On the east coast, it goes to the Charleston Naval Weapons Center by rail up to Savannah River, and by truck on the highways. It is shipped as high-level waste from other countries. In the debate, the Senators from Nevada never acknowledged that exists. They never acknowledged there is an inconsistency in our policy.

We accept it from foreign governments, and we store it in the United States, but this administration will not address its obligation to take the domestically produced waste from our own utilities and the ratepayers have paid the Government to take it. That is the inconsistency. That is what is wrong with the administration's policy.

One example of this is U.S. participation in foreign shipments. A semi truck full of spent fuel was loaded into a chartered Russian Antonov AN-124 cargo plane and flown from Bogota, Colombia, to Cartagena so it could join a shipment from Chile bound for Charleston by freighter. The flight was believed to be necessary to avoid terrorists in Colombia, and the shipment went off without a hitch.

The point of this message is obvious. We are doing it for foreign nations. We are shipping it all over the world to two places in the United States: Concord, CA, and Charleston, SC. I do not know if the Senators from those States are concerned about it. I do not see them speaking on the floor about it in indignation. Do we want to leave the spent fuel at 80 sites in 40 States, as this chart shows? That is the alternative.

I leave all Members with one thought. Putting politics aside, how will you as a Senator explain why today you voted to leave the waste in your State, subjecting your taxpayers to continued liability for broken promises of this administration?

I urge my colleagues to vote to override the President's veto. Let's put this issue behind us once and for all. If we do not, it will come back at a greater cost to the taxpayers.

Finally, on the issue of health and safety, about which we have heard so much from our good friends from Nevada, this waste is spread out at 80 sites in 40 States, as I have indicated. I have another chart which shows that. These might be determined to be 80 mini Yucca Mountains, but they were not designed for permanent storage. They were designed for short-term storage, just as we have seen at Calvert Cliffs in Maryland. The current onsite storage was designed for short-term storage, not long-term storage.

In conclusion, I encourage my colleagues to remember that in the 1999 Department of Energy draft EIS report, it said:

Leaving the waste onsite represents considerable human health risks as opposed to one central remote facility in the Nevada desert.

That is a statement by this administration relative to the issue of health and safety and leaving this waste where it is in these 40 States at these 80 sites.

Again, I encourage my colleagues to reflect on what they are going to say to their constituents when they go home and say, I guess I voted to leave the waste in my State, when, indeed, they had an obligation and an opportunity to move it to one central facility that has been selected at Yucca Mountain, an area where we had 800 nuclear weapons tests over a 50-year period and where we did our experimentation with the nuclear bomb—an area, frankly, that is probably already so polluted that it can never be cleaned up.

I ask my colleagues to read the letter, which is printed earlier in the

RECORD, from Governor George E. Pataki, who indicated that the citizens of New York State have been forced to temporarily store more than 2,000 tons of radioactive waste and urged the President to sign this bill into law, and the statement that disposal of this waste is one of the most important environmental concerns facing New York and other States with nuclear facilities.

I yield the floor.

Mr. BRYAN. Mr. President, I am pleased to yield to my colleague from Illinois 3 minutes of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. Mr. President, the issue of nuclear waste is an important one in my home state of Illinois. More than half the electricity generated in our state comes from nuclear power plants. We have an extraordinarily large amount of nuclear waste in our state. We would like to see it moved, once and for all, to a safe facility away from population centers in Illinois and virtually in every other state.

In that respect, I admire the Senator from Alaska for his tenacity in trying to come forward with a nuclear waste bill that will put to rest an issue that literally will challenge us for centuries to come.

This nuclear waste, once transported, is still dangerous. We have to find a politically and scientifically acceptable way to move it to a safe spot in America where we can not only store it for the future generations that we can think of, but also for the generations in centuries to come who could still be exposed to this hazard.

Having said that, the nuclear waste bill supported by the majority, and vetoed by President Clinton, fails the most important test. This bill, S. 1287, the Nuclear Waste Policy Amendments Act of 2000, is not environmentally responsible.

First, it prevents the Federal Government from taking ownership and legal responsibility for the nuclear waste in Illinois and around the nation. The omission of this provision undermines the U.S. Department of Energy's efforts to resolve lawsuits with utilities and to focus on the development of a permanent repository for this waste.

In addition, this bill establishes unrealistic deadlines for the completion of a repository and the transportation of waste to that facility. The bill sets deadlines for the Department of Energy under terms that the Department of Energy says they cannot meet. They are physically impossible. Failure to set realistic deadlines threatens public health and safety and the environment, and will only lead to further lawsuits in the future.

Finally—I believe this is the most telling point—this bill purposely bars the U.S. Environmental Protection Agency from establishing a radiation safety standard for the national waste site until after the Presidential elec-

tion. The science will not change after the Presidential election, but many writing this bill hope the President will change and that they will be able to elect a President who has a different environmental point of view.

When it comes to the safety of future generations from radiation hazards, it should not be determined by the outcome of an election. It should be determined by scientists who take into account public health and safety.

I refuse to be part of this deal that plays politics with the health and safety of Illinoisans and millions of Americans. I want the nuclear waste safely removed from my state and stored safely so it will never endanger future generations. The President was right to veto this bill. I support his position.

Mr. FITZGERALD. Mr. President, I begin by thanking Senator MURKOWSKI for his efforts in introducing and promoting the Nuclear Waste Policy Amendments Act which addresses an issue of critical importance to the nation and in particular to the State of Illinois. I rise today to ask my colleagues to join me in voting to override the President's veto of this vital legislation.

Nuclear waste disposal policy is one of the most significant issue facing our nation and my home State of Illinois. Illinois is home to 11 operating nuclear units which account for 38.4 percent of the electricity generated in Illinois in 1998. Nuclear energy also provided 20 percent of the electricity consumed by the nation as a whole last year.

Nuclear power also yields a large amount of nuclear waste. Since we do not presently reprocess this material, it must be stored, usually on site at nuclear facilities in communities throughout our nation.

Illinois is home to over 4,300 metric tons of commercial nuclear waste out of 30,000 tons located throughout the nation. This is more commercial nuclear waste than is found in any other State in the Union.

Utility companies from Illinois and throughout the country along with their consumers have paid approximately \$16 billion into a fund to provide for a central national site for the storage of this waste mandated by the Nuclear Waste Policy Act of 1982. But as of yet, there has been no action taken by the Department of Energy to take this waste as it was mandated to do by 1998. Illinois consumers alone have contributed \$2.14 billion to the federal Nuclear Waste Fund since 1983. This is about 12.5 percent of the total amount contributed to the fund today.

The DOE was required by statute to take possession of this waste in 1998. It failed to do so, and we now have a very serious problem. We need to decide the best way to allocate the costs of storage at existing facilities. To this end, Senator MURKOWSKI offered this legislation which addresses DOE's failure and requires the Department to take responsibility for the costs associated with its failure to act.

I again thank Senator MURKOWSKI for his longstanding support on this issue of critical importance to my State of Illinois and the nation. It is my hope that we can enact Senator MURKOWSKI's legislation and I urge all of my colleagues to vote to override the President's veto.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield myself 10 minutes.

Mr. President, I thank my colleague from Illinois because he has encapsulated the essence of this argument. This is not about science. This is about politics, as he reminds us. Because the time is short, I will respond to some of the issues that have been raised.

First of all, we have heard many paeans to the nuclear power industry. Whether you are for or against nuclear power is not the issue. I might say, parenthetically, there is nothing preventing any community that wants to establish a nuclear reactor from doing so. That is a matter of community choice. The fact that for 20 years no community has chosen to do so may tell us the concerns people have about their health and safety.

We have heard the Kyoto agreement discussed and interim storage. None of those are the issues. We have talked about why Paris apparently has less pollution than the United States because of nuclear power. All of these things have no relevance.

Here are the issues—and the only issues. The question is one of health and safety. Who is going to make that determination? Is it going to be the Environmental Protection Agency, which, by law, for 20 years has provided that standard?

What this is all about, when striped to the bare bones, is an attempt to circumvent the standard proposed by the EPA of 15 millirems. That is what we are talking about today.

My friend from Illinois is so right. They want to put this off until next year, hoping that a new political process, with a new President, might change the results in a measure far more favorable to the nuclear power industry. That is politics.

We hear over and over again the deadline of 1998 has been missed. It is true that the deadline for accepting the waste was missed in 1998. And where does the fault lie? It lies right here in the Congress. It is politics. Because the original nuclear waste bill said that we would search all over the entire country and look for the best geology, the best site. That was the science in 1987, when the legislation focused on one site and one site only. That was politics. The geology of that site is immensely complex. We will not know for some years whether or not that is scientifically suitable.

We are told about the costs that are incurred by utility ratepayers. Indeed, there have been costs incurred. But for more than a decade this Senator and this administration has said to each

utility that incurs costs as a result of not having a 1998 permanent repository open that we will reimburse them for the cost.

If in this legislation we said, look, take title and eliminate the potential liability that the reactor utility sites would have and compensate the utilities for any expenses they have incurred because of the delay, this Senator would support that legislation.

What is involved here is not compensation or reimbursement or delay; it is to change the basic science. Health and safety is the issue.

Let me say to my friend from Alaska, with whom I agree on many other issues, the area depicted by the photo, when he repeatedly made reference to Yucca Mountain, is 25 miles from Yucca Mountain. That is the Nevada Test Site. We are talking about an area that is totally geographically removed.

Let me talk about the issue that the nuclear utilities run all of these full-page ads, that rather than 101 sites—we heard today 80 sites—how about a single site? Just have a single site in Nevada. That is a bogus issue, a red herring.

So long as each nuclear reactor continues to generate power, there will be a nuclear waste site at that reactor. As those spent fuel rods are removed from the reactor, they are placed in pools about which the senior Senator from North Carolina talked. That has nothing to do with whether Yucca Mountain is established or not established. That is the way these spent fuel rods are first addressed. There will be storage at those sites for years to come if Yucca Mountain were determined tomorrow to be suitable.

The proposed site contemplates that, if approved, there will be a 25- to 30-year period of shipments. So the notion that somehow this legislation will establish a single site is a bogus argument.

Let me talk about transportation for a moment because that has been treated very lightly, in my judgment, by colleagues on the other side of the aisle. Transportation is a legitimate issue. We are talking about 43 States. We are talking about 51 million Americans who live within a mile or less of these sites.

This map shows the highways in red, the rail in blue, going through all of the major cities, particularly in the eastern part of the United States.

What about the accidents? The Department of Energy itself says over the lifetime of this disposal process, one could expect 70 to 310 accidents.

Each year in America there are 2,000 derailments. Each year there are approximately 200 collisions. We are talking about shipments of a magnitude that we have never seen before: 35,000 to 100,000 shipments over this 25-year period of time.

Although these casks have been described as having fallen from the heavens, in point of fact, the casks that the Department of Energy would like to

use are much larger than any that have been previously tested. There have been no tests conclusively done with respect thereto. They are an earlier model.

What does this all really amount to? It amounts to congressional irresponsibility, to yield to the pressure of a special interest group that wants to change the rules that are designed to protect 270 million Americans.

Finally, I would say the answer to the question that the Senator from Alaska propounded—how do you explain, as a Senator, your vote to sustain the President's veto?—that ought to be a proud moment for every Senator. Because every Senator could stand up and say: I resisted the pressures of a special interest lobbying group, the nuclear utilities in America. What I voted for was what was right for the country and that is to protect the health and safety of the American public—270 million of us who rely upon the Environmental Protection Agency standard, a standard that was unchallenged for 20 years that exists with respect to the nuclear repository in New Mexico, the so-called WIPP site, at 15 millirems.

Remember, the original version of S. 1287—we tend to forget that is the bill before us, which admittedly has been modified—would have set health and safety standards where the American public—each citizen—could be exposed to twice the amount of radiation that the EPA has said is safe for us.

Is that what we really want in America, to set health and safety standards to accommodate the interests of the special interest groups, the nuclear utilities, or should we not as Senators, Democrats and Republicans, from the Northeast to the Southwest, from Seattle to Tampa, be saying that we ought to support the health and safety standard that protects the American public?

We can debate energy policy in America. That is a debate for another day. However, as Americans, how can we provide less safety, less protection than the Environmental Protection Agency? Every Senator on this floor knows, as do I think most Americans who follow the issue, the only reason we would propose to change the standards—not sites, as my friend from Illinois reminds us—is that it is politics, with the hopes that perhaps in November there may be a new administration that is beholden to the nuclear power industry and will make it easier, at the risk of public health and safety, to site nuclear waste somewhere in America.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes. The Senator from Nevada has 4 minutes.

Mr. MURKOWSKI. Mr. President, I yield 5 minutes to my good friend, the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Ms. LANDRIEU. Mr. President, this has been a very difficult issue for us to try to resolve. It is with a great deal of thought and consideration that I come to the floor to announce that I will be voting to override the President's veto. It is a very difficult vote, obviously, but a correct and necessary vote for my State of Louisiana.

The Nuclear Waste Policy Act of 1982 required the Department of Energy to provide a Federal repository for used nuclear fuel no later than January 31, 1998. Here we are, 2 years after that deadline, and there is still no central repository for spent nuclear fuel in 40 States. In fact, according to the Department of Energy's latest projections, the placement of waste underground at Yucca, which I have visited, would take place, at the earliest, in 2010, and only then if it receives full regulatory approval. That leaves us at least 12 years behind schedule.

Meanwhile, millions of American families and businesses have been paying, not once but twice, for this delay. They pay once to fund the Federal management of used nuclear fuel at a central repository and again when electric utility companies have to build temporary storage space. As a result, since 1983, American consumers have paid approximately \$16 billion to this nuclear waste fund through add-ons to their utility bills without a real satisfactory result. Still, the Federal Government continues to collect nearly \$700 million a year from electricity consumers. Future generations of Americans, our children and grandchildren, will pay a high price for continued inaction. We must push to do something, and that is what this debate is about.

Also, the situation for the more than 100 operating nuclear powerplants storing used fuel onsite grows ever more urgent. Plants are running out of storage space. In Louisiana, we have two nuclear powerplants: Riverbend Reactor in St. Francisville and Waterford near New Orleans. These plants will reach maximum storage capacity very soon, and waiting until 2010 poses definite problems for my State.

This legislation is a necessary step toward meeting the Federal Government's legal obligation to safely and responsibly manage used nuclear fuel and high-level nuclear waste. It provides the necessary tools to begin moving used nuclear fuel to a central facility for disposal if scientific investigation demonstrates that the Yucca Mountain repository site in Nevada is suitable. This is an important step that we need to take.

S. 1287 establishes three definitive deadlines for developing a repository for used nuclear fuel at Yucca Mountain. First, it reaffirms that by December of 2001, the Secretary of Energy must make a recommendation to the President on whether Yucca Mountain

is a suitable site for a nuclear waste repository. Second, it requires the President to make a subsequent recommendation regarding Yucca Mountain's suitability to Congress by March 2002. Third, it requires a decision on the construction authorization application for a repository at Yucca Mountain by January 2006. In addition, the bill enhances an already safe transportation system with more training and state involvement in routing.

According to the President's veto message issued on April 25th the administration has two primary concerns with S. 1287. First, "the bill would limit the EPA's authority to issue radiation standards that protect human health and environment and would prohibit the issuance of EPA's final standards until June 2001." In fact, under the bill the EPA retains authority to establish radiation standards that protect public health and the environment near Yucca Mountain. The bill seeks the participation of experts on radiation safety at the National Academy of Sciences and the Nuclear Regulatory Commission in order to establish the best public health and environmental standards possible. Second, the administration argues that "the bill does little to minimize the potential for continued claims against the Federal Government for damages as a result of the delay in accepting spent fuel from utilities." I point out that the federal government bears responsibility for this delay and should not be completely absolved. Under the legislation the Energy Department is given specific authority to reach settlements with the utility companies that have filed lawsuits for the Department's failure to meet the congressionally mandated requirement to move used nuclear fuel. In addition, the Department is prohibited from using the funds accumulated in the Nuclear Waste Fund for settlements, except when the funds are used for containers or other aspects of storage that would be required to meet the Department's obligation to move the fuel to a repository.

Mr. President, it is difficult to come to the floor to speak on an override. It will be very rare, I hope, in my career that I will vote to override any President because I do respect the office, but I also respect the role of the Congress.

I think this is the right vote for the Congress and for my State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRYAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Nevada has 4 minutes remaining. The Senator from Alaska has 3 minutes remaining.

Mr. BRYAN. Mr. President, I want to make a point one more time on the issue of transportation. This has often been characterized as an issue of Nevada versus the entire country. As more and more people around the country are aware of the implications for their families and their own security in

terms of health and safety, we are beginning to get the attention of the public. Just this past week, the *Deseret News* in Salt Lake City, UT, strongly supported the President's veto. That publication does not have a long track record of being supportive of this administration and particularly this President. But it indicates the nature of the concern.

Here again, take a look at the routes that are involved in the transportation. This will occur around the clock for 25 to 30 years: 30,000 to 100,000 shipments. It is said that, gee, we have had transports before and nothing has happened. That is true; we have had no fatalities as a result, but we have had 58 accidents. I suppose before the disaster of the *Challenger* we could talk proudly about our space program and the shuttle launches that never had a fatality.

It is not a question of what the history has been as to whether or not there has been a fatality. We are talking about something of a magnitude many times greater, and I think our colleagues must look at that. There are many States—43 States and 51 million Americans. But it has been said repeatedly that we have to do something. The deadline has been missed, there is no question. But as I pointed out a moment ago, this Congress bears the responsibility. It politicized the action. Had we let the Nuclear Waste Policy Act unfold as it was originally contemplated back in 1982, we might very well have had the solution to the permanent repository issue.

This health and safety standard ought to anger every American watching. It is cynical for a political and a special interest purpose—this is what this bill is all about, special interest legislation—to change a health and safety standard that is designed to protect the Nation.

Finally, just a reference that comes up again and again. We were told by someone obliquely that if we don't do something, somehow the waste will pile up and we will not be able to generate nuclear power.

Twenty years ago this summer, the same argument was advanced by the distinguished chairman's predecessor—that if we did not get, what was then referred to, away from an active program on line, we would soon have to shut down nuclear reactors around the country. It was not true then, and it is not true now. No reactor waste is exposed because of space. There is dry cask storage available, it is licensed, and approved for up to a period of 100 years.

Let's do this right. Let science and not politics prevail.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, as we wind down our debate, I compliment my friends from Nevada for their points of view. But I would like to remind all of my colleagues of the obligations we have.

Senator DURBIN from Illinois expressed concern about why we are waiting until 2001.

We are all very much aware that this administration and the Environmental Protection Agency came down today without a doubt to set a standard that was unattainable. Make no mistake about it, that is what some of these folks would like to see happen.

I quote from the press release of my friend, Senator REID, of February 9:

Under this bill, the Environmental Protection Agency will have full authority to set radiation standards for Yucca Mountain, which many experts say will ultimately prevent the site from ever being licensed as a nuclear waste dump.

There you have it. They don't want to ever see it accomplish its purpose.

We talk about courage. We talk about health. We talk about safety. But the real issue is politics, and it is Nevada politics against the recognition of the rest of the country that we have this waste at 80 sites in 40 States, and this administration is simply caving in to Nevada politics.

Let me talk about courage.

It is going to take courage to tell your constituents the money they paid to move the waste has been taken by the Federal Government and the waste is still not moved.

It is going to take courage to tell your constituents the Federal Government has broken its word again, and you support that Government, you support that decision, and you support the President who tells you he has justification for overriding the veto.

It takes courage to tell your constituents you think this waste is safer near their homes, their schools, their hospitals, and their playgrounds than it is in one site in Nevada.

It takes courage to tell your constituents to ignore the findings of the administration's draft EIS that found that leaving the material spread around the country would "represent a considerable health risk."

There you have it. There you have the capsule of what this is all about.

I urge my colleagues to vote to override the President's veto and to meet our obligation as Senators to resolve this problem once and for all.

I thank the Chair.

Again, I thank my colleagues on the other side of the issue.

The PRESIDING OFFICER. Under the previous order, the hour of 3:15 p.m. having arrived, the Senate will now vote on the question of overriding the President's veto.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory under the Constitution. The clerk will call the roll.

The Legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The yeas and nays resulted—yeas 64, nays 35, as follows:



[Rollcall Vote No. 88 Leg.]

## YEAS—64

|            |            |            |
|------------|------------|------------|
| Abraham    | Graham     | McCain     |
| Allard     | Gramm      | McConnell  |
| Ashcroft   | Grams      | Murkowski  |
| Bennett    | Grassley   | Murray     |
| Bond       | Gregg      | Nickles    |
| Breaux     | Hagel      | Robb       |
| Brownback  | Hatch      | Roberts    |
| Bunning    | Helms      | Santorum   |
| Burns      | Hollings   | Sessions   |
| Cleland    | Hutchinson | Shelby     |
| Cochran    | Hutchison  | Smith (NH) |
| Collins    | Inhofe     | Smith (OR) |
| Coverdell  | Jeffords   | Snowe      |
| Craig      | Kerrey     | Specter    |
| Crapo      | Kohl       | Stevens    |
| DeWine     | Kyl        | Thomas     |
| Domenici   | Landrieu   | Thompson   |
| Edwards    | Leahy      | Thurmond   |
| Enzi       | Levin      | Voinovich  |
| Fitzgerald | Lincoln    | Warner     |
| Frist      | Lugar      |            |
| Gorton     | Mack       |            |

## NAYS—35

|            |            |             |
|------------|------------|-------------|
| Akaka      | Dodd       | Lott        |
| Baucus     | Dorgan     | Mikulski    |
| Bayh       | Durbin     | Moynihan    |
| Biden      | Feingold   | Reed        |
| Bingaman   | Feinstein  | Reid        |
| Boxer      | Harkin     | Rockefeller |
| Bryan      | Inouye     | Sarbanes    |
| Byrd       | Johnson    | Schumer     |
| Campbell   | Kennedy    | Torricelli  |
| Chafee, L. | Kerry      | Wellstone   |
| Conrad     | Lautenberg | Wyden       |
| Daschle    | Lieberman  |             |

## NOT VOTING—1

Roth

Mr. LOTT. Mr. President, I change my vote to no, and I enter a motion to reconsider the vote by which the veto message was sustained, and I send the motion to the desk.

The PRESIDING OFFICER. The motion to reconsider would be premature until the vote is announced.

On this vote, the yeas are 64, the nays are 35. Two-thirds of the Senators voting not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

Mr. LOTT. Mr. President, I enter a motion to reconsider the vote by which the veto message was sustained, and I send a motion to the desk.

The PRESIDING OFFICER. The motion is entered.

Mr. LOTT. Mr. President, I would like to express my personal disappointment that today the Senate was unable to override the President's veto of S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

Twelve years have passed since Congress directed the Department of Energy (DOE) to take responsibility for the disposal of nuclear waste created by commercial nuclear power plants and our nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with. DOE is absolutely obligated under the NWPA of 1982 to begin accepting spent nuclear fuel from utility sites. Today DOE is no closer in coming up with a solution. This is unacceptable. This is in fact wrong—so say the Federal Courts. The law is clear, and DOE has not met its obligation.

The President sent his message—once again he chose not to enact sound energy policy. Once again, he chose to ignore the growing energy demands of

this nation. Therefore, it became Congress's duty to vote for sound science, fiscal responsibility, safety, and honoring a federal commitment to tens of millions of consumers across the nation who benefit from nuclear energy.

This should be a bipartisan effort for a safe, practical and workable solution for America's spent fuel storage needs. The proper storage of spent fuel should not be a partisan issue—it is a safety issue. This bill incorporates key concepts embraced by the Congress, the Administration, and the nuclear industry.

Where is the Administration? Where is DOE? Where is the solution? All of America's experience in waste management over the last 25 years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste. It is the goal of our nation's nuclear waste management policy to develop a specially designed disposal facility. The federal government is now 12 years behind schedule in managing nuclear waste from 140 sites in 40 states. The sites have spent fuel sitting in their "backyard," and this fuel needs to be gathered and accumulated. This lack of a central storage capacity could very possibly cause the closing of several nuclear power plants. These affected plants produce nearly 20 percent of America's electricity. Closing these plants just does not make sense.

This bill would permit early receipt of fuel at Yucca Mountain following issuance of a repository construction authorization by federal regulators. In the meantime, improved environmental and public safety would be provided at the site and during transportation from the states to a federal repository.

The citizens, in some 100 communities where fuel is stored today, challenged the federal government to get this bill done. It is unfortunate that this goal has not yet been achieved.

The nuclear industry has already committed to the federal government \$16 billion exclusively for the nuclear waste management program. The nuclear industry continues to pay \$700 million annually with only one-third of that amount being spent on the program. The federal government needs to honor its commitment to the American people and the power community. The federal government needs to protect those 100 communities. This bill would ensure adequate funding for the lifecycle of this program and limit the use of these funds.

To ensure that the federal government meets its commitment to states and electricity consumers, it is vital that there be a mandate for completion of the nuclear waste management program—this program would give the federal government title to nuclear waste currently stored on-site at facilities across the nation, a site for permanent

disposal, and a transportation infrastructure to safely move used fuel from plants to the storage facility.

Mr. President, nuclear energy is a significant part of America's energy future, and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. We have realized this year more than ever that this Administration lacks a sound energy policy. The President's veto of the Nuclear Waste Storage Act is a prime example.

Mr. President, this federal foot dragging is unfortunate and unacceptable. It is in the best interest of this nation for Congress to override the President's veto. This is achievable, and I look forward to the opportunity to revisit this issue.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my good friends, Senator REID and Senator BRYAN, for the spirited debate on this nuclear waste legislation on the President's veto override.

I also thank the professional staff on the other side who assisted with this bill and my own staff: Colleen Deegan, Andrew Lundquist, and Kristin Phillips, Trici Heninger, Jim Beirne, BRYAN Hannegan.

I also thank the leader for his guidance and counsel. As we look at this vote, which, as I understand, officially was, prior to the reconsideration, 65-34, we have one Republican Senator out today, the chairman of the Finance Committee, Senator ROTH. We would have had, had he been here, 66 votes. We are 1 vote shy. It is my understanding, according to the rules of reconsideration, that this matter may come up again at the pleasure of the leadership because it does remain on the calendar. Is that correct, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska is correct; it would take a motion to proceed.

Mr. MURKOWSKI. Again, I thank my colleagues for their confidence and recognition that this matter still remains to be resolved by either this Senate in this session or at a later time because the contribution of the nuclear industry is such that we simply cannot allow it to strangle on its own waste. We really do not have that alternative.

I yield the floor and thank the leader for his courtesy.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the leader does not mind—I see him standing—I also extend my hand of congratulations to the Senator from Alaska. He has been a gentleman during this entire debate. We have appreciated his courtesies. We also appreciate the leader working out a time arrangement for us. It saved everybody a lot of time and effort.

Of course, part of the wait was because there were a number of Republicans who were missing last week, and



we thought it appropriate they be here when the vote took place.

We are in a parliamentary position now where the leader, at any time he desires, can call this forward. It is a nondebatable motion to proceed. I hope, however, that the leader will continue the good faith that has been shown by all parties on this issue for many years, not only this year, and that if, in fact, something comes up because of travel or illness the leader will give us an opportunity to know when this matter will come forward.

Mr. LOTT. Will the Senator yield? Mr. President, I assure the Senators from Nevada that we have proceeded in good faith on both sides of the aisle on this issue from day one. I have always understood how important it is and how difficult it is for the Senators from Nevada. I also understand, on the other side, how important this issue is to Senators all across America who have nuclear waste in their respective States in cooling pools or in conditions of uncertainty where something needs to be done.

There will not be a surprise on this issue. If there is a decision made that we will need to reconsider, it will not be based on absentees or something of that nature. But I do think it is such an important issue and it is so close now—really 1 vote—keeping that option open for a while longer is worthwhile, but I will certainly notify Senator REID and Senator BRYAN, as I have in the past, before we proceed on it.

Mr. REID. I thank the leader.

Mr. BRYAN. Mr. President, will the leader yield for a moment?

Mr. LOTT. I will be glad to yield.

Mr. BRYAN. Mr. President, I express my appreciation for the leader's forthrightness in indicating that we have tried to accommodate each other in terms of the time. I recognize that, as the leader, he has a difficult schedule to maintain. This is an issue that for Senator REID, for me, and for Nevadans is of paramount importance. We think it is important for the country. I appreciate the spirit of the Senator's response. I appreciate the spirit in which the chairman of the Energy Committee has conducted this debate. We disagree, but he, as well, has been courteous and very responsible in the exchange.

I thank three members of my staff who have done an extraordinary job: Brock Richter, Brent Heberlee, Jean Neal, and previously Joe Barry; they have worked on this issue for many months, some for the past 12 years. I acknowledge and thank them for their efforts. Again, I thank the leader for his commitment. I yield the floor.

Mr. DORGAN. Mr. President, on February 10th of this year, the Senate passed S. 1287, the Nuclear Waste Policy Amendments of 2000. I commend the distinguished Chairman and Ranking Member of the Energy Committee for the time and effort they have dedicated to this issue. However, I did not vote for this bill, because it contains many of the same flaws as in past bills,

including safety and licensing issues, inadequate delivery schedules, and a failure to address specific storage problems of some companies.

One of the companies in our region of the country that has such a storage problem is Northern States Power, NSP. Minnesota state law prevents NSP from expanding its nuclear waste storage capacity. As a result, NSP will be forced to shut down its Prairie Island nuclear power plant when it runs out of storage space in January, 2007. Mr. President, this is an issue of critical concern. NSP serves 1.5 million electricity users in five states, including 84,000 customers in my own state of North Dakota. If NSP is forced to close its Prairie Island plant, the resulting impact on electricity customers in our region would be devastating. Grid reliability could be compromised, and the energy costs of many North Dakotans could increase substantially. In a cold-weather state such as mine, any increase in electricity costs is a matter of great concern. In short, this utility is caught between a state law and federal inaction—and we need to address the problem.

While I agree with the Administration's decision to veto the nuclear waste bill, I am also disappointed by its failure to proactively work with Congress to reach a compromise on nuclear waste storage, particularly in light of the fact that North Dakotans have invested nearly \$14 million to pay for the construction of a permanent waste storage facility with little to show for it.

In the coming weeks, I will be working with the Appropriations Committee to craft a solution to the problems brought on by state laws that limit or restrict the storage of spent nuclear fuel. I encourage the participation of the Administration and my colleagues in the Senate in this effort. I hope that this will be one of many efforts to address the outstanding issues that have, up to this point, prevented comprehensive nuclear waste legislation from becoming law.

#### EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The clerk will report S. 2.

The assistant legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I believe the pending business is the Educational Opportunities Act.

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, as we get ready to resume general debate on this bill, let me say again how important this issue obviously is in America. People across this country in every State put the highest priority on the need to

improve the quality of our education to have safe and drug-free schools, to have accountability, to have rewards for good teachers, and have a way of making sure our education system is based on learning and that it is child centered. This legislation does that.

I listened yesterday and participated in the debate. I thought there was excellent debate. A number of Senators came to the floor and made statements. I do not know how many, but probably 12 to 15 Senators spoke yesterday. There are a number of Senators on both sides who wish to speak further today.

There are some legitimate disagreements about how to proceed on improving the quality of education in America and the accessibility of education. There are those who say the current system is working fine and we ought to keep it the way it is. I do not agree with that.

There are people who say the Federal Government must have control and dictate or the right things will not be done by the States, the local school districts, the administrators, and the teachers. I do not agree with that.

It is legitimate to have debate because we have spent billions of dollars since 1965 trying to improve the quality of education in America, and the test scores show we are, at best, holding our own and slipping in a number of critical areas. We need to think outside the box. We need to think of different and innovative ways to provide learning opportunities for our children in America.

I think it calls for flexibility as to how the funds are used at the local level. I think it calls for rewards for good teachers, but accountability for all teachers and for students. I think we need some evidence, with the flexibility, that our children are actually making progress.

So this is an important debate as we go forward. I am glad we are having it. We have spent a lot of our time on education this year in the Senate. We passed the education savings account bill earlier this year to allow parents to be able to save for their children's needs, with their own money, for their children K through 12. Now we are going to have this continued debate and amendments of the Elementary and Secondary Education Act.

Later on this year, when we get to the Labor-HHS and education appropriations bill, I am sure we are going to have some good discussion about the funding level for higher education—loans, grants, the work-study program. We need the whole package to improve education and to make our children capable of competing in the world market, to be trained to do the job they need to make a good living for their families.

So this is an important debate. I am glad we got an agreement to stay on general debate today. We are hoping to go forward tomorrow with the first four amendments on education, two on