

parking facilities around here, so they have all had to walk or take public transportation for a long period of time.

I think it is below the dignity of the United States of America that people wanting to visit this beautiful Capitol do not have a place where they can come and have a soft drink, a cup of coffee, a doughnut, or go to the bathroom. That is also a law enforcement issue. One of the reasons these Capitol policemen who protect us and the American public are threatened every day is because we don't have a visitors center where people can be screened, away from these doors.

So I commend, I applaud the Senator from Minnesota for standing up for the American public and basically standing up for these people who have no voice, the Capitol Police who protect us.

Mr. WELLSTONE. Mr. President, if I might respond to my colleague, I appreciate his words. I think he is right. Senator REID from Nevada is actually the only Senator who actually served on the Capitol Police.

I think on the question of appropriations, you are right. This is timely. My own view is the police have a union so they do have a voice. This is, of course, new. I think the union leadership is very involved. I also say Sergeant at Arms Zeiglar has been very good about this and he thinks this is unacceptable and has to change. I don't think there is any question, whether it is an appropriations matter or whether it is reprogramming and having enough overtime pay so people can staff up that way, I don't know the answer. But I do know this, I think my colleague would agree, I don't believe any Senator or Representative can credibly say to the Capitol Hill police, these law enforcement officers: No, we can't spend the additional resources. It costs too much to make sure there is the security for them and the public. We cannot say that.

My God, we have gone through a living hell here. If you think of Officer Chestnut and think of Agent Gibson and think of their families, I think the commitment we made to one another—of course you could never come up with a 100-percent certainty that you could prevent this from happening again. But we want to do everything we can.

I appreciate what the Senator from Nevada said because it is true. When you have these posts, especially when there are lots of people coming in, you cannot have one officer there. I appreciate the Senator from Nevada speaking out on this. The Capitol Police—I did not expect it necessarily would be this way, but everywhere I have gone the last couple of days people have come up and been very gracious and said: Thank you very much for doing it.

I think they feel in their hearts that it is important to get the support. For the Senator from Nevada to come out here and speak makes a big difference. I thank him.

Mr. REID. If I may also say to my friend before he leaves the Chamber, I hope it is more than just talk. I acknowledge Mr. Ziglar is doing a wonderful job, and I appreciate that. But I want him to come forward with a program to accomplish what we need accomplished. After the two officers were murdered at a door coming into the Capitol, protecting us, there was a hue and cry that we had to start construction of a visitor's center.

Mr. WELLSTONE. Yes.

Mr. REID. Isn't it interesting, the colder they get in their graves, the less talk there is about trying to take care of that problem. Had it been there, their lives would not have been snuffed out.

I am so appreciative of the Senator speaking out for people who have no voice.

Mr. WELLSTONE. I thank the Senator.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

Mr. REID. Mr. President, it is my understanding the matter before the Senate today is the amendments to the Nuclear Policy Act of 1999; is that the matter we are on?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. REID. Mr. President, when I was a young man, I used to box. I fought in the ring. I can remember as a 20-year-old, I thought I was in pretty good shape. I weighed 160 pounds or thereabouts. I had trained for a fight near the place where they were building the Glen Canyon Dam, which forms Lake Powell. I was ready to go and had trained for this fight. I arrived there and was told the opponent was not going to fight, so I would not be able to fight that night. I was very disappointed.

A manager came out and said: We have somebody here who could fight you, but he has no experience. I know how badly you would like to fight, so if you agree to kind of take it easy on him, I will go ahead and let him fight. He is a little bigger than you are, but I am sure everything will be fine if you take it easy on him.

Mr. President, he worked me over really good. It was one of the worst beatings I ever took. It was the first time I had ever had broken ribs from a fight.

The reason I mention this story is, I have learned since then that if you are going to have a fight, you have to know the rules, you have to know

whom you are fighting. Ever since then, I have never gotten into a fight unless I pretty well understood who the opponent was.

With the matter now before the Senate, I am having some difficulty finding out who the opponent is. We had been told there was going to be an amendment last Friday. We got an amendment last Friday, but it was not the one we thought it was going to be.

I say to everyone within the sound of my voice, whatever happens in the Senate these next few days on the matter that is now before the Senate, S. 1287, it is not the bill that directs nuclear waste to go to the State of Nevada. If nothing happens in this Chamber regarding S. 1287, as we speak, there is characterization taking place at Yucca Mountain to determine if, in fact, Yucca Mountain is suitable for a nuclear repository. At a time subsequent, the Nuclear Regulatory Commission will make a determination as to whether or not Yucca Mountain is suitable to be licensed.

It does not matter what we do today, tomorrow, the next day, or whenever we finish S. 1287. Characterization is still taking place; the decision on licensing the site is up to the NRC.

What is happening in S. 1287 is the same thing that has happened in the last 4 or 5 years with interim storage. The very powerful nuclear industry wants to short-circuit the system, wants to do an end run around the system, wants to speed up the disposal of nuclear waste. Good sense dictated, and the President of the United States said he would veto the interim storage bill.

As a result, interim storage is no longer an issue we are debating, for that I am very grateful. I appreciate the chairman of the full committee taking another approach. That approach is S. 1287. I say to everyone in the Senate and others within the sound of my voice that S. 1287, unfortunately, is still an attempt to short-circuit the system. It is not the mass outage that interim storage would have caused, but it is still a short-circuit.

What does this bill do? Originally, the main purpose was to take the Environmental Protection Agency out of the business of setting standards for radiation at Yucca Mountain. Again, the President issued a veto statement and said: If that is in there, I am going to veto this bill.

There have been conversations between the chairman and the ranking member that that is going to be taken out of the legislation and EPA will still be in the driver's seat. We were told just the other day one of the standards in it was, you could not take nuclear waste through Colorado. We understand that may be taken out of the bill.

The point I am making is this, we do not yet know what the vehicle is. We do not yet know whom we are going to be fighting. By the way, the man I fought in Kanab, Utah was named

Swaderski. I never forget that name. I do not know if this is a Swaderski or it is something else. Until the Senators from Nevada and the rest of the Senate have an idea of what is going to be the vehicle we are going to be debating, what the amendment is, we are at a real loss as to how we should proceed.

We have other problems with S. 1287, but the main problem is with the nuclear radiation standards we have talked about.

There are all kinds of things which at the right time we can talk about in some detail—about radiation protection, what the standard should be. What we have not talked about at all, and which we certainly need to talk about, is not only the radiation standard generally, but a radiation standard for children.

For example, I did a lot of work on lead abatement. Lead in the environment is dangerous to adults, but not as dangerous and it is disastrous to children. Little children's nervous systems cannot take lead. Most of the work we did with lead abatement was directed toward children.

As with lead, radiation more drastically affects children than it does adults, and this is something about which we will have the opportunity to speak at a subsequent time—the risk to children.

We are learning a lot about ground water protection as it relates to radiation. We know that ground water must be protected. There is such a shortage of it in Nevada and especially in the Yucca Mountain area. We want to make sure that ground water which we believe flows into the Amargosa aquifer is something that is not going to be damaged.

We know during the last 3 years we have had a significant number of very serious earthquakes at Yucca Mountain. We can talk about this in some detail, but it is something that goes to the ultimate licensing of this repository.

The cost of the program is in the billions of dollars. We were told originally it would cost \$200 million to do the characterization for three sites, a total of \$600 million. For just Yucca Mountain alone, we are now over \$7 billion for the characterization. There has been a loss of confidence. We have various organizations that are concerned.

I have heard people come to the Senate floor and talk about, how they are taking care of nuclear waste in Europe. That is really not quite true. They are having all kinds of difficulty transporting the nuclear waste. Of course, those are very small countries. Here in the United States, we are talking about transporting nuclear waste not hundreds of miles, as they have had difficulty doing in the European countries, but transporting waste for thousands and thousands of miles. That is something we need to talk about. We need to discuss the loss of public confidence in how we handle nuclear waste. Of course, transportation, as I

have just mentioned, is a very serious problem.

Senator BRYAN and I have had the good fortune of being able to travel to St. Louis, Denver, and a number of other places. But to take those two places alone, we met with the city council in both of those entities, and they immediately passed resolutions saying they did not want nuclear waste in their cities and counties. If people know how dangerous it is to transport nuclear waste, they, of course, do not want it.

Nuclear waste has to be transported either by truck or by train. In years past, we have talked on this floor in great detail about how dangerous the transportation of anything is but especially something that is the most poisonous substance known to man—plutonium.

Terrorist threat: We have recognized there is a terrorist threat with respect to transporting nuclear waste. The sad part about it is, this is something that does not seem to concern some people. They simply want to have a repository and will worry about how to transport it at a later time.

We have a lot to talk about in relation to this legislation. But until we get a bill, until we know who we are fighting, and not only who we are fighting but the whole context of the fight, we are not in a position to work in detail to improve this legislation.

There will be amendments filed by the deadline tonight by some. I think the Senators from Nevada, based on the situation now before us, are not going to file amendments because this legislation is such that we do not know what amendments should be offered based upon the RECORD, which is now before us.

Cloture has been filed on the underlying bill, S. 1287. At a subsequent time, we are going to have to take a look at that to determine whether or not we are going to ask our colleagues to support us in relation to the cloture motion, whether or not we should be for or against that.

I hope there can be a distribution of the proposed amendment at a rapid time so our staffs can have an opportunity to look at it. At this stage, there is an amendment out there somewhere, but it has not been given to our offices. We are having difficulty understanding what the amendment is. It is a moving target, to say the least. It keeps changing. Until that is defined, I think we are going to have a great deal of difficulty talking to the White House as to whether or not this legislation is in keeping with fairness, equity; whether the rulemaking power of this administration is being jeopardized.

We do know one of the provisions in the bill is to make sure this decision made by the EPA is not going to be made until the next Presidential election, for obvious reasons; that is, the proponents of this bill are hoping that a Republican will be elected because Vice President GORE has been a stal-

wart on this, recognizing the environmental dangers of what has been attempted by those people who want to jam nuclear waste not only down the throat of Nevada but expose all the people along the transportation routes to Nevada.

So, again, at such time as we get this legislation, I will come back and revisit the legislation. At this time, I have no legislation to visit and will have to wait until a subsequent time to make that determination as to how the legislation affects the State of Nevada and the country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative 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, I just listened to the statement of my good friend from Nevada. I thought perhaps I could contribute something meaningful to our consideration by trying to explain some of the procedure that we have run into and the rationale behind the process.

As the Senator from Nevada indicated, last Friday we were able to supply the amendment which was acknowledged by the minority. In my numerous conversations with the minority and the ranking member of the committee, it became necessary to consider making changes. We have been in constant consultation with the ranking member and professional staff to try to see if we could reach an accommodation on the suggested changes that have been primarily communicated to us by the Senator from New Mexico.

It was not the intention to do an end run, by any means, on my good friends from Nevada. But it was an effort to try to advance, if you will, the continuing negotiations. That situation has been changing. In my opinion, the goalposts have been moved a little bit, but I am not going to argue the merits of that.

We have been talking about various aspects. I think it is a fair characterization by my friend from Nevada to say that if you do not know who you are fighting, it is pretty hard to know what the rules are—or words to that effect.

We have to file the amendments prior to 6 o'clock. There obviously is going to be one more chapter and verse to this. I assume the two Senators from Nevada are conversing with the minority and are a part of this process.

But, in any event, that is the best explanation I can offer as to why this thing has not remained somewhat stationary but has been moving, as we have tried to accommodate certain concerns that have been brought up, many of which have been quite germane and appropriate.

One of the things that I think we should identify is something that I had been under the impression the Secretary of Energy was addressing; that was the concern of a number of Governors. I will read the names of those Governors. They include Governor Jeb Bush of Florida; Governor Howard Dean of Vermont; Governor Angus King, an independent, from Maine; Governor John Kitzhaber of Oregon; Governor Jeanne Shaheen of New Hampshire; Governor Jesse Ventura of Minnesota; and Governor Tom Vilsack of Iowa. Let me share with my friends what those Governors have said:

We Governors from states hosting commercial nuclear power plants and from affected states express our opposition to the plan proposed by Energy Secretary Richardson in his February 1999 testimony before the Senate Energy and Natural Resources committee. Secretary Richardson proposes that the Department of Energy take title, assume management responsibility, and pay costs at nuclear plant sites for used nuclear fuel it was legally and contractually obliged to begin removing in January 1998. This proposed plan would create semipermanent, federally controlled, used nuclear fuel facilities in each of our States.

I think it is rather ironic that the whole argument we previously had the last time we took up this legislation was whether or not to site a temporary repository in Nevada. The fear of the Nevadans is, if we started to move this waste out there, Nevada would be the proclaimed site for the waste because it had already moved out there, even though the process of licensing was to continue. Here we have the States expressing the same concern Nevada had when the Nevadans argued against putting a temporary repository in their State and shipping the fuel out before Yucca Mountain was licensed.

Here are the Governors saying:

This proposed plan would create semi-permanent, federally controlled, used nuclear fuel facilities in each of our States.

They have the same fear. The fear is that if the Government takes title, the waste will sit there in their States. Now, there is some rationale in that fear because the Government certainly hasn't been upfront in addressing its responsibility, in contractual terms, to take the waste in 1998. It seems as if the Government is prepared to leave the waste wherever it might be rather than accept it. That is the only conclusion you can come to, as evidenced by the reluctance to take it in 1998, the reluctance to support previous legislation that would put that waste in a temporary repository at Yucca Mountain until Yucca Mountain was determined to be licensed. So now the fear is that these States are going to be stuck with that waste because the Federal Government is going to take control of it in their State, and it will sit there.

Let me cite the specific reasons for the opposition of these Governors. Again, they are Jeb Bush, Republican from Florida; Howard Dean, Democrat from Vermont; Angus King, Independent from Maine; John Kitzhaber,

Democrat from Oregon; Jeanne Shaheen, Democrat from New Hampshire; Jesse Ventura, the Reform Governor from Minnesota; Tom Vilsack, Democrat from Iowa. That is a pretty broad bipartisan group. In the letter, it says:

Specific reasons for our opposition are:

The plan proposes to use our electric consumer monies which were paid to the Federal Government for creating a final disposal repository for used nuclear fuel. Such funds cannot [in their opinion] legally be used for any other purpose than a Federal repository.

Well, if that is correct, then that is correct, they can't be used to store the fuel in those States next to the reactors.

Further, it states:

This plan abridges States' rights. . . .

I think we need to hear a little bit more about States' rights around here.

[I]t constitutes Federal takings and establishes new nuclear waste facilities outside of State authority and control.

Yet within their very States.

These new Federal nuclear waste facilities would be on river fronts, lakes and seashores [where the plants are] which would never be chosen for permanent disposal of used nuclear fuel and in a site selection process.

The plan constitutes a major Federal action—

I think it does—

which has not gone through the National Environmental Policy Act (NEPA) review process.

So the administration is circumventing NEPA.

Further:

The new waste facilities would likely become de facto permanent [waste] disposal sites.

This is the crux of it, Mr. President. They say:

Federal action over the last 50 years has not been able to solve the political problems associated with developing disposal for used nuclear fuel. Establishing these Federal sites will remove the political motivation to complete a final disposal site.

The letter to the President concludes with:

We urge you to retract Secretary Richardson's proposed plan and instead support establishing centralized interim storage at an appropriate site. This concept has strong, bipartisan support and results in the environmentally preferable, least-cost solution to the used nuclear fuel dilemma.

The PRESIDING OFFICER. The Senator has used all his time.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

#### MORNING BUSINESS

Mr. MURKOWSKI. On behalf of the leader, I ask consent there be a period

for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### THE LATE SENATOR CARL T. CURTIS

Mr. THURMOND. Mr. President, we begin the new session of the 106th Congress on a sad note, marking the passing of a good friend and former colleague, Senator Carl T. Curtis of Nebraska, who died recently at the age of 94.

For those of you who are new to the Senate, Carl was a great man who rendered a valuable service to his state and our nation throughout his career. First elected to the United States House of Representatives in 1938 and the United States Senate in 1954, Carl holds the record for being the Nebraskan to serve the longest in the United States Congress. In total, he spent almost forty-one years on Capitol Hill before retiring from the Senate in 1979.

During his tenure as a Federal legislator, he earned a well deserved reputation for fiscal conservatism, limited government, and was known as a champion of farmers and agricultural issues. He was party loyalist and a true conservative who never sacrificed personal convictions for the sake of public opinion. Among other issues, he was steadfast in his backing of President Nixon and our fight against communism in Southeast Asia even though these were highly unpopular positions at that time. An indication of his commitment to the conservative cause was the close alliance between he and Barry Goldwater, as a matter of fact, Carl managed the floor during the 1964 Republican Presidential Convention in San Francisco when Senator Goldwater was seeking the nomination of the party. Perhaps most importantly, Carl was known for his commitment to his constituents, nothing was more important to him than helping the people of Nebraska. Such dedication to helping others is truly the hallmark of an individual devoted to public service.

During the course of our time in the Senate together, I came to know Carl quite well as we had much in common, as a matter of fact, he and I both entered the Senate in 1954 and that was not the least of our similarities. Beyond being like-minded on so many issues, we were essentially contemporaries, having grown-up on farms, read for the law instead of going to law school, and preferring to be out meeting with our constituents. It was always a pleasure to work with Carl on any number of issues and I valued his alliance as a Senator and his friendship as an individual. It was a high honor to be asked to serve as an honorary pall bearer by the Curtis family, though I hate to say "goodbye" to my old friend.

Carl Curtis was the embodiment of a public-minded citizen who dedicated