

The journal found that children exercising outdoors are more likely to contract asthma if they live in areas polluted with high ozone concentrations. This dangerous ozone is created by pollution from old power plants.

Just last week, the General Accounting Office issued this report saying that older power plants are responsible for up to 50 percent of the harmful air emissions released into the air today—50 percent from old power plants.

According to the Energy Information Administration, there has been no change in the average coal-fired power plant efficiency in the last 40 years. Older powerplants emit about twice the amount of harmful pollutants for every increment of electricity generated than newer powerplants.

But even some of these issues pale in comparison to the impact that the release of carbon dioxide from powerplants will have if we do not act soon. Carbon dioxide emissions have been proven to contribute to climate change, and this climate change will have a number of dramatic impacts on our Nation.

Let me list a few. Heat-related deaths will increase 100 percent in cities such as New York, Philadelphia, Cleveland, Los Angeles, and others. In most of New England, the hardwood forest will vanish. In Delaware, a predicted 20-inch rise in sea level will flood 50 percent of Delaware Bay wetlands. Brook trout nationwide may lose 50 percent of their habitat. Drought will be pervasive.

Coastal States, such as Alaska, will see a massive impact, including flooding of coastal villages, storm surges, and extensive infrastructure damage from temperature change, like the melting of the permafrost in northern regions.

Even the administration's recent Climate Action Report recognizes the grave impacts that climate change will have on our health, economy, and the environment.

What are we doing about this air pollution and global warming crisis?

What action is this administration taking to reduce harmful emissions from old polluting powerplants?

What is the Environmental Protection Agency doing to save lives and reduce the health impacts from powerplant—related air pollution?

Let me tell you. Brace yourself. The answer is nothing. This administration is doing absolutely nothing to reduce pollution from old polluting powerplants like this one in the picture.

Why are they doing nothing? I ask that question often, but there does not seem to be an adequate answer.

They are doing something. Let me tell you what they are doing.

The administration just last week announced what could be the biggest roll back in the Clean Air Act in its history. The White House announced a proposal to allow these old polluting powerplants to live on forever, almost unregulated. Remember, these old pow-

erplants are responsible for 50 percent of harmful air pollution.

The White House, along with EPA, has decided to exempt most of these old powerplants from further regulation.

These are the same powerplants causing asthma in our Nation's children. These are the same powerplants causing neurological problems in newborns. These are the same plants killing our forests and lakes. These are the same powerplants adding billions of tons of carbon dioxide to the atmosphere. And they just got a ticket to pollute indefinitely.

What else is the administration doing? They have a policy paper, called Clear Skies, that outlines a proposal to reduce three of the four most harmful pollutants from old powerplants. I commend the President for directing the EPA to develop this policy paper. But what have they done to follow up on the announcement of the Clear Skies Initiative? Nothing.

They have not developed legislation. They have not produced supporting analysis on why their proposal works. They have not begun to negotiate with Members of the Senate or the House. They have been all but silent on the issue.

Why? Why are they letting this massive public health crisis continue? It is a great mystery.

Congress, led by the Senate, isn't going to wait any longer. This week, the Senate Environment and Public Works Committee will pass the Clean Power Act.

The Jeffords-Collins-Lieberman-Snowe Clean Power Act sets real pollution targets. This bill will quickly reduce the harmful air emissions that result in sickness and death. We want to give these old polluting powerplants the tools and guidance to clean up and meet modern standards.

I hope this administration can embrace the Clean Power Act. I am skeptical though, that they will. Why? they argue that it will cost too much.

But let's look at the analysis. According to the Department of Energy, a four pollutant bill could lower Americans' electric bills by \$30 billion a year. That's \$30 billion each year. The DOE report outlines that the longer we wait to enact real powerplant pollution reductions, the more expensive it will be.

The other reason this administration refuses to embrace real air pollution reductions is carbon. They are scared of regulating carbon.

Even though the President committed to controlling carbon emissions from old powerplant, today this administration can't even discuss the issues. Even though the President finally acknowledged in his own report this month that global warming is a real problem. Even though the entire international community is working to implement the Kyoto Treaty to reduce carbon emissions.

What is this administration doing about carbon? Nothing. This doing

nothing seems to be a pattern. I would like to ask the administration, how do we get from nothing to something?

I will make it my full-time job to convince the White House that protecting public health is equally as important as public security. The facts are overwhelming, Homeland Security starts at home. It is about saving lives. The greatest threat are the polluters and we can stop them. That is where we will get the best return on homeland security. And I support it.

We can save thousands of lives, and prevent lots of disease and environmental degradation if we act now to reduce powerplant pollution.

I hope and pray the administration will see the light, if they can, through the smog.

The PRESIDING OFFICER (Ms. STABENOW). Under the previous order, the second 30 minutes shall be under the control of the Republican leader or his designee.

The Senator from Alaska.

NUCLEAR POWER

Mr. MURKOWSKI. Madam President, I have listened carefully to the Senator from Vermont, and I think how ironic it is that we are at this time contemplating the disposition of the nuclear industry in this State, a nuclear industry that does not emit pollution associated with air quality, an industry that supplies us with 20 to 21 percent of the total power generated in this country. We have an obligation to address what to do with the nuclear waste. The House has done its job. The Senate is postured to act.

The proposal will come up when we return from the July 4 recess. It is anticipated that on July 9 there will be a motion to proceed followed by 10 hours of debate. I urge my colleagues to recognize our responsibility. As the Senator from Vermont suggests, the problems associated with hydrocarbon pollution, of burning oil, gas, and coal, we do not have with nuclear.

We have an obligation, though, as to what to do with the waste. As a consequence, a number of sites were selected for consideration on the east coast and the west coast. The reality that nobody wants the waste is evident, but factually it has to go somewhere. The Japanese and the French are proceeding with reprocessing. Unfortunately, we have chosen not to do that. I personally think that was a mistake. We should reprocess, and I think eventually, regardless of the disposition of Yucca Mountain, that Yucca Mountain should be a retrievable depository. At some point in time, we will take the waste and reprocess it and substantially eliminate some of the concerns, whether proliferation or the long-term concerns, over any water that may go in the site.

YUCCA MOUNTAIN

Mr. MURKOWSKI. Madam President, I am going to talk a little this morning

on procedures under the Nuclear Waste Policy Act for the pending consideration of the joint resolution on Yucca Mountain. Yesterday, we had some discussion. Following the procedures laid out in the nuclear Waste Act is contrary to some, who criticize that this is a break with Senate tradition or somehow it would set a precedent.

What we are doing is following the law that was established for the disposition of this particular matter, giving the State of Nevada an opportunity for a veto, and also providing procedures for overriding that process by action of both the House and the Senate. As I have indicated, the House has acted.

The expedited procedures under discussion are set forth in the Nuclear Waste Policy Act of 1982. One of the elements of the procedures is a specific provision that states once a resolution is on the Senate calendar, it shall be in order for any Member of the Senate to move to proceed to the consideration of the resolution.

We have heard the majority leader and others suggesting the provision is outside the Senate rules and turns the rules on their head. That is simply not true. It is the law. We are following the law.

I grant that the provision is unusual, but it is neither unique nor contrary to Senate rules. As a matter of fact, it is part of the Senate rules. The entire expedited procedure was adopted as part of the rules, and the Senate reserved its right to change the procedure. I want to quote from the statute because I think it is important every Member understand we are not setting precedent.

The provision enacted is:

A, as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions of repository siting approval, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with other rules.

I grant you, it sounds as if it was written by a Philadelphia lawyer, and it probably was:

B, with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

What that means is, obviously, the Senate can change its own rules. It is that simple. I do not know why they did not say it that way. Nevertheless, we have to live with what we have.

So let's be clear. What we are doing on procedure is following the rules of the Senate that were agreed to in 1982 and that have been in place under both Republican and Democratic control of this body since that time. These were not last-minute additions, something that just came up, that was slipped into the legislative conference in the wee hours of the morning. The expedited procedures included, one, the pro-

vision for any Member to move to the consideration of the resolution and, two, the provision that the procedures were adopted as an exercise of rule-making in the Senate, and both were contained in the underlying legislation in 1982.

The provisions were not necessarily novel. In fact, they were almost identical to those considered in the previous Congress and that passed the Senate as part of S. 2189.

For historical information, S. 2189 passed the Senate in the 96th Congress in 1980 under Democrat leadership and was sponsored primarily by Senators Johnston of Louisiana and Jackson of Washington.

When the Senate changed hands in the 97th Congress, the identical provision was included in S. 1662 when it was introduced by the new chairman of the Energy Committee, Senator McClure of Idaho.

That measure was jointly referred to both the Committee on Energy and Natural Resources and the Committee on Environment and Public Works. Both Committees reported the legislation favorably with substitute amendments and both substitutes contained the same expedited procedures as a rulemaking of the Senate.

This was not a surprise. The Senate was well aware of the provisions. The Nuclear Waste Policy Act was debated at length in the Senate in 1982 and no one objected to the expedited procedures on the language providing that "any Member" could make the motion to proceed.

So for those who are reflecting on the generalization somehow this was an arbitrary action and not thought out, I again refer to the history of this matter as it has been presented in this body. Let's put that behind us.

It is fair everyone understood that the language was essential to any concept of a State objection, whether the State had the obligation to carry the argument and obtain an affirmative vote as the authorization committees wanted or if the administration had the burden to obtain a Joint Resolution of approval as proposed by Congressman Moakley—chairman of the House Rules Committee at that time—and eventually contained in the floor legislation.

The language was before the Senate during debate leading to the initial passage in April of 1982, and again a final agreement was reached in December of 1982. All Members understood the heart of the process was that each House would have to vote—the House already voted; now it is our obligation—and further says: and the only way to guarantee that was an expedited process where any Senator could make the motion to proceed.

We will have any Senator make that motion on the 9th or thereabouts but we still have not determined who that is.

Previously, the Senate understood the majority leader or the chairman

might make that motion or they may not want to carry out the mandate of the statute, so it provided explicitly in the event the majority leader or the chairman of the committee of jurisdiction did not do so, and any Senator could bring this issue before the Senate. That is obviously what will happen.

We did it, however, with full knowledge of the Senate rules, and the Senate adopted it as an exercise in rule-making.

Finally, the process is not the usual way, but it is part of the rule. Second, it is not a precedent and by its terms is limited only to this resolution. Senator George Mitchell characterized in 1982 when it was adopted, it was designed to eliminate any "dilatatory or obstructionist" provisions.

Therefore, I hope we can end the rhetoric on this that somehow we are not following the Senate rules, that this is some novel provision of which the Senate was not aware. I hope we can focus on the substance of the joint resolution and move to its consideration as the Senate provided in 1982.

The Committee on Energy and Natural Resources, of which I have been a member, former chairman, and now ranking member, has favorably reported the resolution, and we have a good report that I suggest my colleagues read. The report filed by our chairman, Senator BINGAMAN, disposes of every objection raised by the State of Nevada and reflects the committee's considered recommendation. Our committee has discharged its responsibility. Now it is time for the full Senate to discharge its obligation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Madam President, I rise today to speak on the need to move forward with a permanent nuclear waste repository at Yucca Mountain, NV. Doing so is in the best interest of America's national security, economy, energy policy, public safety, and environment.

Special interest groups and activists have capitalized on this issue—using scare tactics and doomsday scenarios to alarm the public. But as a member of the Senate Energy Committee, I have listened to both sides, reviewed the information presented by the experts, and attended the hearings. It makes sense to store our Nation's high-level nuclear waste in a single, scientifically and environmentally sound, secure, and remote location.

Twenty years have passed since Congress called for the creation of an underground repository for the Nation's spent nuclear fuel—under the Nuclear Waste Policy Act of 1982. Senator MURKOWSKI has referred to the history of that act. During that time, about \$7 billion from U.S. electric consumers have been invested in finding the most suitable location for this project.

More than 45,000 metric tons of nuclear waste is currently stored at 131

sites in 39 States—including my State of Nebraska, with 650 metric tons of waste stored at its two nuclear power plants.

This nuclear waste is stored above ground in facilities built for temporary storage only. Many of these storage sites are near major cities and waterways.

Yucca Mountain represents two decades of the most comprehensive environmental and technical assessments ever conducted anywhere on the planet. The mountain is located in one of the most isolated and arid locations in the United States. Only 30 miles to the west lies Death Valley; to the north is the Department of Energy's nuclear test site where some 900 nuclear weapons have been tested.

The repository itself would be located about 1,000 feet underground in solid rock to keep its contents safe from significant impacts, including major earthquakes. The mountain's natural geological attributes would be reinforced with man-made barriers.

Some opponents of the repository have centered this debate on the transportation issue. They point out that there are risks involved. Of course there are risks involved—we do not live in a risk-free society. There is risk with everything we do. What is important is that the risk is acceptable in order to accomplish the objective. In this case, the risk is absolutely acceptable—because it is a risk we can control, we can manage, we can deal with.

Shipments of nuclear material have been taking place in the United States for the past three decades and will continue, with or without Yucca Mountain.

About 3,000 shipments of spent nuclear fuel have occurred since 1965—covering 1.7 million miles—with no injuries, no fatalities, and no environmental damage due to radioactive release. In that time, not one spent fuel container has ever been breached.

Spent nuclear fuel, which is non-explosive and nonflammable, is shipped in specially designed and tested multi-layered steel casks. These casks have been designed to withstand extreme heat, prolonged submersion in water, and severe impacts—such as being broadsided by a 120-ton locomotive traveling at 80 miles per hour. If the Yucca Mountain repository becomes a reality, the Nuclear Regulatory Commission must survey and approve all routes, and all shipments would be monitored 24 hours a day through a satellite tracking system—with the coordinated effort of local, State, and federal law enforcement agencies.

A “no” vote on Yucca would be devastating for the future of nuclear power in this country. While that is the objective of the activists, we cannot afford such a catastrophic loss.

Nuclear power accounts for 20 percent of the Nation's electric power. It powers 40 percent of our Navy's combat vessels. Experts in the fuel cell industry say that nuclear power plants are

the only way to produce enough hydrogen if America is to ever become a country powered by fuel cells, instead of fossil fuels. This is all directly connected to Yucca Mountain.

We should not forget that there will be a large financial burden if this project is rejected. The Federal Government will be in default of its obligations, and would owe utilities and contract holders as much as \$100 billion. This is on top of the billions of dollars already invested in the project. Then we would be forced to begin a new process of looking at other options for a repository. If not Yucca, where? Hanford, WA, is often mentioned as a viable alternative. The fact is, or we must deal with, 45,000 metric tons of nuclear waste—and more on the way.

The bottom line is that this problem is not going to disappear, and the world will not become any safer by deferring this problem. We either deal with this problem today—or we pass it onto future generations. That is not an acceptable option. We do have an acceptable, safe and responsible option.

We must move forward with the Yucca Mountain repository. It is the right and responsible thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Madam President, we will save rebutting the comments of our colleague from Nevada for another time. We do want to talk about the Yucca Mountain project this morning, but I want to talk about the procedure in the Senate on which people have been focusing.

In the modern history of the Senate, nobody other than the majority leader or his designee has successfully offered a motion to proceed. That being said, supporters of Yucca Mountain claim that breaking tradition would be alright because the process outlined in the Nuclear Waste Policy Act is supposedly unique.

The procedure in the Nuclear Waste Policy Act is not unique, nor is it required—it is merely permitted. There are many statutes containing expedited procedures. When the Congress has determined that it is appropriate to override the traditional power of the majority leader to schedule the floor, it has drafted legislation like the War Powers Act which does so.

The War Powers Act (50 U.S.C. 1544 et seq.) states:

Any joint resolution or bill so reported (from Committee) shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

Unlike this War Powers provision, there is no requirement in the Nuclear Waste Policy Act that Congress take any action with regard to the Nuclear Waste Policy Act resolution. Congress in the past has used a variety of techniques to expedite privileged business,

and in the case of the Nuclear Waste Policy Act did not choose to use some of the more time-sensitive techniques. Indeed, the 1982 act anticipates that a vote on the Yucca Mountain resolution might not occur—that it might be blocked. If the deadline passes, then the statute giving the State of Nevada a veto will have been carried out. That was part of the 1982 compromise.

It is true that an expedited procedure was put into law, pursuant to the rule-making power of the Congress, as Congress has put in law many expedited procedures. But no one other than the majority leader or his designee has ever moved successfully to go to any resolution, or bill, which has expedited procedures written into law. Any successful attempt to do that now would change forever the way that the Senate sets its agenda.

The junior Senator from Alaska stated that he does “not know that it really matters very much” who makes the motion to proceed to the Yucca Mountain resolution.

I say that it does matter. It matters very much. It is the Senate rules that allow any Senator to move to proceed to a matter, or to force a vote on the motion to proceed, but it is now a well-established practice that the Senate will only proceed to a matter the majority leader wishes to call up, and that the Senate has not proceeded to any matter that the majority leader has declined to call up for decades past. It is the proposed change in this practice that is a direct challenge to the role of any majority leader.

The Nuclear Waste Policy Act does not make the resolution the pending business of the Senate, even though some laws—such as the War Powers Resolution—do take away the prerogative of the majority leader by making a resolution the pending business without any motion to proceed being required. Had the Senate wished to do that in this case, it could have followed the language of the War Powers Resolution.

If a Senator other than the majority leader feels he or she has the right to call up privileged matters without deferring to the majority leader, then the Senate will have undergone a dramatic sea change in the way it operates.

The procedures in the Nuclear Waste Policy Act were put in place pursuant to the rulemaking power of the Senate, and they have no higher standing because they are written into law. There is no more fundamental prerogative that attaches to the majority leader than the right to set the Senate agenda.

I hope my colleagues on this side of the aisle will think long and hard before they challenge the historic role of the majority leader. The traditions of this institution deserve to be protected.

Madam President, in the coming days leading up to the vote, we will be laying out some of the things my colleague from Nebraska has asked. What

do we do if we do not build Yucca Mountain? There are many alternatives, and we will get into detail, why the alternatives to building Yucca Mountain are better for the United States of America. They are cheaper, they are safer, and they are better for national security. We will lay out in detail, as we have in the past, exactly why our colleagues, we believe, should vote against proceeding with the Yucca Mountain project.

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

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

Mr. REID. Madam President, I was unable to listen to the full statements of the Senator from Nebraska and the Senator from Alaska, but I have been told by my staff some of the things they said.

I have to say basically the same thing I have been saying for a long time. The American public has come to the realization that what the proponents of Yucca Mountain are saying is absolutely without foundation. For example, one of the issues they talk about is moving the nuclear waste out of the many sites where it sits now and putting it into one site. Isn't that the best thing to do?

Of course, but we have had articles in papers all across America showing that it is a sham because you can never get rid of the waste where it is being generated. They will have to move 3,000 tons a year. They have 46,000 tons stored now. They generate 2,000 tons. When you take a spent fuel rod out of a nuclear generator, you have to put it in a cooling pond for 5 years because it is so hot and so radioactive. They only use 5 percent of the power and radioactivity in one of those rods. After 5 percent is used, they have to take it out and cool it. They can't move it for 5 years. For anyone to suggest there is going to be one place where all the waste will be; someplace in the western part of the United States is foolishness.

This is not the Senator from Nevada talking. It is in newspapers and scientific journals all over America.

For the first 18 or 20 years, the nuclear waste issue centered on the science of Yucca Mountain. I could lay out a picture to the Chair for the people of Michigan or any other State showing how science at Yucca Mountain is very bad. But that doesn't matter anymore because that is not the question. The question is, How are we going to get the waste to Yucca Mountain? You can do it three ways: highways, railroad, and barges on the water. That is all you can do. Nuclear waste will travel through 43 or 45 different States.

There is a Web site that has been developed, Mapscience.com. Pull it up,

and it shows any address in America and how near the nuclear waste will travel to your home, or to your school, or to the playground, or to your business. This site has alerted many people to the dangers of the transportation of nuclear waste. Since that site was put up 2 weeks ago, there have been over 200,000 hits. People want to find out from where the waste will go. What they find out is not good, so these people have been sending letters to their Senators and talking to their neighbors.

The transportation of nuclear waste is wrong. My friend from Nebraska said the risk is acceptable. Acceptable to whom? The Chairman of the Nuclear Regulatory Commission, when asked last week about what would happen if Yucca Mountain didn't go through right now, said "nothing." There is room to store waste onsite at every reactor in America. There are power generators now that are storing nuclear waste onsite in dry-cask storage canisters. That is what a large segment of the scientific community said we should do. It is safer than trying to move it.

To transport this is unacceptable. We are talking about 100,000 truckloads of nuclear waste, 20,000 trainloads, and thousands of barges full of nuclear waste.

Recently, there were editorials in the Denver Post and in the St. Petersburg Times, the largest newspaper in Florida and the largest newspaper in Colorado, criticizing the program—and in places all over the country; places where the nuclear power industry has spent tens of millions of dollars in campaign contributions; there are articles describing the trips sponsored by the nuclear power industry. They take people to Las Vegas and wine and dine them so they can show them Yucca Mountain. They spend 2 hours at Yucca Mountain and several days in one of the fine hotels in Las Vegas. Congressional staff have been taken back out there on numerous occasions. Lobbying activities are intense.

For example, for the first time in the State of Nevada, Governor Guinn said we should hire somebody to help lobby back here. You have no idea how hard it is to find somebody to help us because the nuclear power industry has bought Washington, DC.

So I appreciate the power of the Nuclear Energy Institute. It is powerful, and I understand that. But I also understand the American people, and they now—since September 11—realize every truckload, every trainload, every barge is a target of opportunity for terrorists.

No matter what the problems may be where these nuclear generators are located, the problems are amplified by trying to move nuclear waste. We would have, around the country, the potential not for "a" "dirty" bomb, but hundreds and thousands of "dirty" bombs. How are you going to transport nuclear waste safely? You cannot. We

know a shoulder-fired weapon will pierce one of these containers. We know that if you leave them on site and cover them with cement, it will be very safe.

So, Madam President, I try to be as quiet and nonresponsive as I can be when these statements are made. But today I had to respond because I think it just simply was out of line for someone to say the risk is acceptable. It is not acceptable. It is not acceptable at all.

We are going to have, probably, sometime shortly after the Fourth of July recess, an opportunity to vote on the procedure, which violates what we do around here. The majority leader does not want this to come forward. We are going to see how people will vote on that because my friends in the minority have to understand someday they will be in the majority, I am sorry to say, and when they are in the majority, the same rules will apply to them.

You have to be very careful who brings matters to the floor. I have the greatest respect for the junior Senator from Alaska. He is my friend. I have worked with him on many different issues. On this, we have a basic disagreement in philosophy.

My friend, the senior Senator from Nebraska, is a fine man, certainly an American patriot. But for him to come to the floor and say the risk is acceptable is something I cannot let go without a response. It simply is wrong, and I want him to know I believe he is wrong.

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. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CRAIG. Madam President, how much time remains in morning business?

The PRESIDING OFFICER. Four minutes remain.

Mr. CRAIG. Madam President, let me take that 4 minutes because I know my colleagues want to move forward with DOD authorization.

THE TRAGEDY OUT WEST

Mr. CRAIG. Madam President, I come to the floor one more time this week to speak about the tragedies in the West as they play out. While my time is limited this morning, I thought it was important that I talk about the human side of this tragedy.

Let me read this wire story about Jackie Nelson of Globe, AZ, driving her pickup into a makeshift shelter yesterday morning to try to find food for a 7-month-old granddaughter of hers. She left her home on a hillside in Arizona to burn in the wildfires that play out there. She does not know whether she will go home to that home or whether