

“apply to [actions] pending on or after the date of the enactment of this Act.” This language later was replaced with language specifying that the Amendment “shall take effect on the date of the enactment of this Act.” There were two reasons for this substitution: first, the jurisdiction-removing provision technically does not apply any new standards to the pending cases. Rather, it eliminates the forum in which those cases can be heard. Second, the original language “applying” jurisdiction removal to pending cases appeared to require that those cases be dismissed outright. Such a result would have conflicted with subparagraph (h)(2), which is designed to allow current cases to continue in the D.C. Circuit as requests for review pursuant to the new standards. Altering the effective-date language eliminated this internal inconsistency and clarified that, rather than requiring that pending cases be dismissed, the new law allows the courts to construe those cases as requests for review under the new standards and, where necessary, transfer them to the appropriate forum.

This is all that we intended by this modification of the Graham Amendment’s effective-date language and, more importantly, this is all that the language does. Nothing in this modification preserves any jurisdiction in the courts to continue the current actions in their present form after the date of the enactment of the Act.

To the extent that anyone construing the Graham Amendment might be tempted to subordinate actual statutory text to expressions of Senators’ private intent, two points are in order: first, we are two of the three co-sponsors on the “Graham-Levin-Kyl Amendment” that was introduced in the Senate on November 14, and one of us is the lead sponsor. Both of us made clear in the Congressional Record at the time that the final law passed the Senate that we understood, in light of standard rules of statutory construction, that removal of jurisdiction would eliminate pending cases—the same interpretation now espoused by the Justice Department.

In addition, on November 14, the other co-sponsor of the amendment, Senator Levin, stated that “[w]hat our Amendment does, as soon as it is enacted and the enactment is effective, it provides that the substantive standards we set forth in our Amendment will be the substantive standards which we would expect would be applied in all cases, including cases which are pending as of the effective date of this Amendment.” 151 Cong. Rec. 12755. He also stated that day: “the standards in the Amendment will be applied in pending cases.” Ibid. The effective-date and pending-claims language in the Amendment introduced on November 14 is identical to that in the enacted statute. Thus, on the day of introduction, all three original co-sponsors of the Graham Amendment understood it to operate in the same way: the pending Guantanamo cases can go forward, but only under the special review standards and procedures established by the Amendment.

Finally, we should comment on the various other legislative statements purporting to explain the intent behind the Graham Amendment. By our count, at least nine Members of the minority have introduced statements in the Congressional Record announcing that the Graham Amendment was meant to have no effect on pending litigation. For the record, the only one of these Members who played any role in crafting the Amendment is Senator Levin. Negotiations with Senator Levin resulted in a substantial expansion of the scope of the judicial review permitted under the special review procedures established by the Amendment. None

of the other Members commenting on the intent behind the Amendment’s effective-date subsection played any significant drafting role of which we are aware. Indeed, some of these minority Members who purport to define the authorial intent also complain that the Amendment was “negotiated largely behind closed doors by the White House and a select few majority Members of Congress” (151 Cong. Rec. 12201), or that “all negotiations on this provision have occurred in back rooms, without the involvement of the vast majority of Congress, and without even consulting most of the conferees.” 151 Cong. Rec. 14170. Such complaints are not consistent with the “insider” perspective that these Members purport to share with the reader. Several of these Members also are among the 14 Senators who even voted against the final Graham-Levin-Kyl Amendment when it was offered in the Senate on November 15. Clearly, it would be inappropriate to allow those who opposed the amendment to define the intent of the authors of the amendment.

Of course, more important than any private intent harbored by any Member of Congress is the actual legislative text that was passed by both houses of Congress and signed into law by the President. As we noted previously, absent repudiation by the federal courts of over a century of precedent construing like statutes, the Graham Amendment unambiguously eliminates the federal courts’ power to hear Guantanamo detainees’ cases in their current form. Notwithstanding the accusations made by some critics, your litigators have, in our view, properly interpreted the Graham Amendment. And, at the end of the day, we anticipate that the courts will make these jurisdictional determinations in accord with their own rules, procedures, precedent, and the plain language of the statute.

Sincerely,

LINDSEY O. GRAHAM,
U.S. Senator.
JON KYL,
U.S. Senator.

GLOBAL NUCLEAR ENERGY PARTNERSHIP

Mr. CRAIG. Mr. President, I rise today to express my agreement with President Bush’s belief that our country’s security depends in large part on a diverse energy portfolio, one that is not overly reliant on any one energy source, especially sources of foreign origin. I agree with the President that this country is overly dependent on foreign oil. Consistent with that belief, the Bush administration has just announced a potentially far-reaching energy program known as the Global Nuclear Energy Partnership or GNEP. This program provides a wide-reaching, long-term plan for establishing a robust and sustainable future for nuclear energy in this country and abroad.

The Global Nuclear Energy Partnership promises to provide abundant energy, without emitting greenhouse gases; to recycle used nuclear fuel in order to minimize waste; to safely and securely allow developing nations to deploy nuclear power to meet their energy needs, while reducing proliferation risks; to assure maximum energy recovery from still-valuable used nuclear fuel; and to allow the U.S. to rely on a single geologic waste repository for the rest of this century.

Nuclear energy currently provides about 20 percent of this Nation’s electricity, and does so without emitting any carbon, greenhouse gases, or other air pollutants. All the waste generated by commercial nuclear powerplants is securely managed and destined for safe, permanent disposal in a geologic repository.

However, according to current law, that repository can contain only slightly more than the amount of waste already stored at existing reactor sites. Even if the law is changed, the repository at Yucca Mountain can only accommodate about the amount of spent nuclear fuel that will be generated by the existing reactors in this country over their lifetimes. If nuclear power is to have a future in this country, even to maintain its current 20 percent share of electricity generation, either a second repository will need to be developed soon—with many more to follow—or an alternative means of managing this waste is needed.

After a single use, spent nuclear fuel retains more than 95 percent of its energy potential. That energy potential could be tapped by reprocessing the spent fuel, recycling the useable part and disposing of the rest as waste, which makes up only about 3–4 percent of the spent fuel. This could substantially reduce the amount of long-lived nuclear waste requiring burial in a geologic repository, and could extend the lifetime of the Yucca Mountain repository many fold.

But efforts to recycle spent fuel were abandoned in this country back in the 1970s, largely because of concerns about nuclear proliferation. Those concerns stemmed from the fact that, at that time, the method used to recycle spent fuel, the “PUREX” process, separated out pure plutonium, which might be used to construct a nuclear bomb.

During the 30-plus years since then, the U.S. has—through research at its National Laboratories—made considerable progress in developing new methods for reprocessing spent fuel that are much less prone to proliferation risks, because they do not separate out pure plutonium, but keep it mixed with other actinides. This mixture is not readily used for nuclear weapons.

Reintroducing recycling into this country’s strategy for managing spent fuel is a major change in policy, and one that deserves serious discussion. That discussion should be based on fact and not emotion; should address current technologies, not those from more than a generation ago; and should consider reasonable alternatives to maintaining nuclear energy as a viable part of our Nation’s energy supply.

And what reasonable alternatives are there? Total electricity consumption in the U.S. is projected to increase by about 40 percent by 2025. Wind and solar energy cannot provide large-scale, base-load electricity, because they are intermittent energy sources. Hydro provides about 10 percent of our electricity right now, but building new

dams to fully accommodate the increased demand is not possible. Relying solely on fossil fuels to make up the difference is environmentally irresponsible, and with the price of natural gas increasing dramatically, less economically appealing. Nuclear energy is the most environmentally sound technology capable of adequately meeting such increased demand. But even simply maintaining the current share of electricity generation provided by nuclear energy will require constructing many new nuclear powerplants in this country.

So should we continue to push for opening Yucca Mountain to begin accepting waste as soon as possible? The answer is clearly yes. Electric utilities demand confidence that spent fuel will be managed responsibly if they are going to continue to build new nuclear power plants in the U.S.

But can we build many more Yucca Mountains to accommodate the additional waste? I think the answer is clearly no.

Still, new nuclear powerplants are being planned—and not only in this country, which has not ordered a new nuclear plant in 30 years, but around the world. China, Russia, several European countries, and others are planning—or building—new nuclear powerplants. Somewhere between 100 and 150 new nuclear plants are likely to be built in the next 20 years or so. In fact, the U.S., despite having pioneered nuclear power, risks falling far behind in this home-grown technology.

Furthermore, the growth in nuclear power worldwide, while avoiding the potential environmental impact of a similar number of fossil-fuel powerplants, raises serious concerns about nuclear proliferation. An increasing number of countries are interested in developing nuclear power, and in some cases, developing or acquiring technologies that could lead to their ability to produce nuclear weapons. North Korea and Iran constantly remind us of the potential danger.

Therefore, the U.S. and other responsible nuclear-capable countries need to work together to help developing countries acquire clean, affordable energy, but not the means to develop nuclear weapons.

And this is another farsighted goal of the Global Nuclear Energy Partnership. Through GNEP, this administration proposes to work with international partners to help developing nations deploy proliferation-resistant and emission-free nuclear energy by developing international fuel services and small-scale modular reactors.

Finally, if this country is to eventually wean itself off its dependence on foreign oil and gas, we need to develop a clean-burning fuel for transportation. In fact, even if nuclear power replaced all the fossil-fueled powerplants in this country, it would make little impact on our oil use. We would still need to import about 70 percent of our oil for transportation.

This need to reduce our dependence on foreign oil, in addition to reducing carbon emissions, was the impetus for President Bush to propose his Hydrogen Initiative in the 2001 State of the Union, and he has restated his convictions in all subsequent State of the Union addresses.

Consistent with President Bush's vision, we must continue our efforts to make the transition to a hydrogen-based economy, and we need to generate that hydrogen by using environmentally responsible technologies. Nuclear energy provides one such technology with high-temperature reactors such as the Next Generation Nuclear Plant that will be able to produce market-competitive hydrogen.

Nuclear power has the potential to provide clean, affordable, and emission-free electricity to an increasingly energy-hungry world, and the next generation of nuclear plants will produce fuel for transportation in an increasingly oil-starved world.

Access to affordable energy is crucial for improved quality of life and overall economic prosperity. The Global Nuclear Energy Partnership promises to increase energy security, both here in the United States and abroad. It will encourage environmentally responsible energy development around the world, and will provide that energy with minimal impact on the environment. I congratulate our President for his vision and commitment to helping make all this possible.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CORETTA SCOTT KING

• Mr. SALAZAR. Mr. President, earlier this week, our Nation mourned the passing and celebrated the life of one of the civil rights era's greatest leaders. Coretta Scott King was the wife of civil rights activist Martin Luther King, Jr., and an incredible leader in her own right.

Mrs. King's death came just days after the Nation commemorated the contributions her late husband made to our country and only a few months after the passing of Rosa Parks and Constance Baker Motley, two pillars of our country's civil rights movement.

I spent Martin Luther King Day with my family. As we discussed the progress our great country has made in its quest to be a more inclusive America, I was reminded of the personal sacrifices of so many in the struggle for equality and dignity.

Coretta Scott King was not troubled by these sacrifices. Years later, she reflected "I understood when I married Martin that I did not just marry a man. I married a vision. I married a destiny." Upon his untimely passing, Mrs. King carried on this vision, sharing his message with other generations and even other continents.

Coretta Scott King was exposed to the injustice of segregation at an early

age. She grew up poor, in segregated Alabama, where she helped support her family by working in the cotton fields. She graduated first in her high school class, and she and her sister became the first two African-American graduates of Antioch college in Ohio. She studied education and music. After graduation she enrolled at the New England Conservatory of Music. Through the course of her life, she received over 60 honorary doctorates from colleges and universities.

After her husband's assassination, Mrs. King continued raising her 4 children while her presence as a civil rights leader was growing. Only four days after his death, she led a march of 50,000 people through the streets of Memphis. The following year, she took her late husband's place in the Poor People's Campaign at the Lincoln Memorial in June of 1968.

But she did not simply represent her late husband. A unique role evolved over time for Mrs. King.

She made her own contributions through many venues, including more than 30 Freedom Concerts during the 1960s. At these Freedom Concerts, Mrs. King lectured, read poetry and sang to raise awareness and money for the civil rights movement. In her lifetime she authored three books, and helped found dozens of organizations including the National Black Coalition for Voter Participation and the Black Leadership Roundtable.

After the death of her husband, Mrs. King began gathering support for the Martin Luther King, Jr., Center for Nonviolent Social Change in 1969. She devoted herself tirelessly to the establishment of a national holiday to honor her late husband.

In 1983, she brought together more than 800 human rights organizations to form the Coalition of Conscience.

In 1985, Mrs. King and three of her children were arrested at the South African Embassy in Washington, DC for protesting apartheid. She stood with Nelson Mandela in Johannesburg when he became South Africa's first democratically elected president.

In 1987, she helped lead a national Mobilization Against Fear and Intimidation in the Forsyth March on Washington.

In preparation for the Reagan-Gorbachev talks, in 1988, she served as head of the U.S. delegation of Women for a Meaningful Summit in Athens, Greece.

In 1993, Mrs. King was invited by President Clinton to witness the historic handshake between Israeli Prime Minister Yitzhak Rabin and Palestinian Chairman Yassir Arafat at the signing of the Middle East Peace Accords.

She further lent her support to democracy movements worldwide and served as a consultant to many world leaders.

In the later years of her life she struggled tirelessly fighting for women's rights and working to prevent the spread of HIV/AIDS. Mrs. King fulfilled