1936 eliminates certain provisions contained in S. 1271 that would have limited the application of the National Environmental Policy Act to the intermodal transfer facility and imposed a general limitation on NEPA's application to the Secretary's actions to only those NEPA requirements specified in the bill. This was to allay the concern that sufficient environmental analysis would not be done under S. 1271.

S. 1936 clarifies that transportation of spent fuel shall be governed by all requirements of Federal, State, and local governments and Indian tribes to the same extent that any person engaging in transportation in interstate commerce must comply with those requirements. S. 1936 also allows that the Secretary provide technical assistance and funds for training to Unions with experience in safety training for transportation workers. In addition, S. 1936 clarifies that existing employee protections in title 49, United States Code in connection with refusal to work in hazardous conditions apply to transportation under this act. It also provides that certain inspection activities will be carried out by carmen and operating crews only if they are adequately trained. Finally, S. 1936 provides authority for the Secretary of Transportation to establish training standards, as necessary, for workers engaged in the transportation, storage and disposal of spent fuel and high-level waste.

In order to ensure that the size and scope of the interim storage facility is manageable in the context of the overall nuclear waste program, and yet adequate to address the Nation's immediate spent fuel storage needs, S. 1936 would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel, and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expandable to 60,000 metric tons if the Secretary fails to meet her projected goals with regard to site characterization and licensing of the permanent repository site. In contrast, S. 1271 provided for storage of 20,000 metric tons of spent fuel in phase I and 100,000 metric tons in phase II.

Unlike S. 1271, which provided for unlimited use of existing facilities at the Nevada Test Site for handling spent fuel at the interim facility, S. 1936 allows only the use of those facilities for emergency situations during phase I of the interim facility. These facilities should not be needed during phase I and construction of new facilities will be overseen by the Nuclear Regulatory Commission for any fuel handling during phase II of the interim facility.

S. 1271 would have set the standard for releases of radioactivity from the repository at a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain at 100 millirem.

The 100 millirem standard is fully consistent with current national and international standards designed to protect public health and safety and the environment. While maintaining an initial 100 millirem standard, S. 1936 would allow the Nuclear Regulatory Commission to apply another standard if it finds that the standard in the legislation would pose an unreasonable risk to the health and safety of the public.

S. 1936 contains provisions not found in S. 1271 that would grant financial and technical assistance for oversight activities and payments in lieu of taxes to affected units of local government and Indian tribes within the State of Nevada. S. 1936 also contains new provisions transferring certain Bureau of Land Management parcels to Nye County, NV.

In order to ensure that monies collected for the Nuclear Waste Fund are utilized for purposes of the Nuclear Waste Program, beginning in fiscal year 2003, S. 1936 would convert the current Nuclear Waste Fee that is paid by electricity consumers into a user fee that is assessed based upon the level of appropriations for the year in which the fee is collected.

Section 408 of S. 1271 provided authority for the Secretary to execute emergency relief contracts with certain eligible utilities that would provide for qualified entities to ship, store, and condition spent nuclear fuel. This provision concerned some who feared it could be interpreted to provide new authority for reprocessing in this country or abroad. This provision is not contained in S. 1936.

S. 1271 contained a provision that stated the actions authorized by the bill would be governed only by the requirements of the Nuclear Waste Policy Act, the Atomic Energy Act and the Hazardous Materials Transportation Act. S. 1936 eliminates this provision and instead provides that, if any law is inconsistent with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, those acts will govern. S. 1936 further provides that any requirement of a State or local government is preempted only if complying with the State or local requirement and the Nuclear Waste Policy Act is impossible, or if the requirement is an obstacle to carrying out the act. This language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

S. 1936 authorizes the Secretary to take title to the fuel at the Dairyland Power Cooperative's La Crosse reactor, and authorizes the Secretary to pay for the on-site storage of the fuel until DOE removes the fuel from the site under terms of the act.

S. 1936 contains language making a number of changes designed to improve the management of the nuclear waste program to ensure the program is operated, to the maximum extent possible, in like manner to a private business.

Finally, although we had not reached a final agreement with Senator JOHNSTON on language regarding the schedule and conditions for the beginning of construction on the interim facility at the time S. 1936 was filed, the bill contains new language that was drafted in an attempt to address Senator JOHNSTON's concerns. The language in S. 1936 provides that construction shall not begin on an interim storage facility at Yucca Mountain before December 31, 1998.

The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and Congress by the Secretary of Energy 6 months before the construction can begin on the interim facility. If, based upon the information before him, the President determines, in his discretion, that Yucca Mountain is not suitable for development as a repository, then the Secretary shall cease work on both the interim and permanent repository programs at the Yucca Mountain site. The bill further provides that, if the President makes such a determination, he shall have 18 months to designate an interim storage facility site. If the President fails to designate a site, or if a site he has designated has not been approved by Congress within 2 years of his determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain Site.

This provision ensures that the construction of an interim storage facility at the Yucca Mountain site will not occur before the President and Congress have had an ample opportunity to review the technical assessment of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon that technical information. However, this provision also ensures that, ultimately, an interim storage facility site will be chosen. Without this assurance, we leave open the possibility we will find in 1998 we have no interim storage, no permanent repository program, and—after more than 15 years and $6 billion spent—that we are back to where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act .

This issue provides a clear and simple choice. We can choose to have one, remote, safe and secure nuclear waste storage facility. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation. It is irresponsible to shirk our responsibility to protect the environment and the future for our children and grandchildren. This Nation needs to confront its nuclear waste problem now. I urge my colleagues to vote for cloture and support the passage of S. 1936.

PACTA SUNT SERVANDA

Mr. MOYNIHAN. Mr. President, today, Israeli Prime Minister Bingamin Netanyahu delivered an important address to Congress in which he outlined his vision of continued close ties between our two democracies

and of the peace process between Israel and her neighbors. A process with which we have been so closely involved.

His address had many important elements, none more so than when he deviated from his prepared statement to pronounce the ancient Roman maxim: Pacta sunt servanda—agreements must be honored. It should not come as a surprise that the disciple of the disciple of Vladimir Jabotinsky speaks of the importance of international law when addressing the U.S. Congress.

Jabotinsky found the Revisionist party—the forerunner of the present Likud party—in 1925 which had as its goal the establishment of a Jewish state in Palestine under the protection of international law. When Prime Minister Netanyahu asserts that agreements must be honored, he aligns himself with a principle that was of vital importance in international affairs at the beginning of this century but which suffered neglect during the cold war.

From its earliest days the leaders of the Soviet Union had asserted, in the words of Maxim Litvinov, People's Commissar for Foreign Affairs, in 1922 that ''there was not one world but two—a Soviet world and a non-Soviet world * * * there was no third world to arbitrate. * * *'' Which is to say there was no common law against which to measure conduct.

This was the Soviet view until Mikhail Gorbachev came before the General Assembly of the United Nations on December 7, 1988, to remind the General Assembly of the political, juridical and moral importance of Pacta sunt servanda. Mr. Gorbachev went on:

> While championing demilitarization of international relations, we would like political and legal methods to reign supreme in all attempts to solve the arising problems.
>
> Our ideal is a world community of states with political systems and foreign policies based on law.
>
> This could be achieved with the help of an accord within the framework of the U.N. on a uniform understanding of the principles and norms of international law; their codification with new conditions taken into consideration; and the elaboration of legislation for new areas of cooperation.
>
> In the nuclear era, the effectiveness of international law must be based on norms reflecting a balance of interests of states, rather than on coercion.
>
> As the awareness of our common fate grows, every state would be genuinely interested in confining itself within the limits of international law.

The chairman of the Presidium of the Supreme Soviet had come to New York and offered terms of surrender. Gorbachev knew what it meant for the Soviets to assert that they would be bound by norms of international law. Quite simply, official Washington did not, for it no longer actively felt that the United States was bound by such norms. Passively, yes; if pressed. But this was not something we pressed on others in general or thought much about. I wrote:

> In the annals of forgetfulness there is nothing quite to compare with the fading from the American mind of the idea of the law of nations. In the beginning this law was set forth as the foundation of our national existence. By all means wash this proposition with cynical acid and see how it shrinks.

Prime Minister Netanyahu has raised the possibility that we may one day close that chapter in the annals of forgetfulness. I hope that my colleagues and those in the administration have taken note.

Mr. Netanyahu stresses that the peace agreements that Israel has made with her neighbors will be followed and that future agreements will be based on law. As he stated, ''we seek to broaden the circle of peace to the whole Arab world and the rest of the Middle East.''

This is an important day for both our countries. I congratulate Mr. Netanyahu for his address and wish him well as he embarks on his term as Prime Minister.

REPORT RELATIVE TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 159

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (''the Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a) of the Act with respect to the issuance of licenses for defense article exports to the People's Republic of China and the export of U.S.-origin satellites, insofar as such restrictions pertain to the Globalstar satellite project. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1996.*

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3121) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker signed the following enrolled bill:

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 248. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

H.R. 3431. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3431. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1936. A bill to amend the Nuclear Waste Policy Act of 1982.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3270. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viruses, Serums, Toxins, and Analogous Products,'' received on July 2, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3271. A communication from the Assistant Secretary of the Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fees for Rice Inspection,'' (RIN0580–AA47) received on July 2, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3272. A communication from the President of the United States, transmitting, to law, a proposal relative to the Department of Agriculture appropriations request for fiscal year 1997; to the Committee on Appropriations.

EC–3273. A communication from the Acting Architect of the Capitol, transmitting, pursuant to law, a report of the expenditures of the Architect from October 1, 1995 through March 31, 1996; to the Committee on Appropriations.

EC–3274. A communication from the Secretary of the Department of Defense, transmitting, pursuant to law, a report relative to