Our bill provides a narrow amendment to the Fair Labor Standards Act, to revise the application of HO 12, so that the placement of paper or cardboard materials into a baler or compactor that meets current ANSI safety standards by an employee under age 18 is no longer a violation of the regulation. It affects only the loading phase, which is completely distinguished from the operating phase of the machine.

I have seen these grocery store balers operate. What is needed is a simple, common-sense change, and the bill we are passing today will make that change in a simple, straightforward way.

This bill will open up thousands of youth summer job opportunities without relying on Government programs and grants. The jobs will be there. The young people want them. This bill will remove one significant, unnecessary, regulatory wall between them.

This bill will not change the critically important safety focus of the regulation. In fact, I agree that DOL should remain vigilant and enforce the regulation in cases when the safety of young workers is compromised by use of equipment that does not meet current ANSI safety standards.

This bill would provide only that young workers would be allowed to load balers and compactors that meet the current industry standards that ensure complete safety in their operation. The safety record of this new approach will be borne out by a compromise provision in this amendment that includes specific, modest reporting requirements.

I urge passage of H.R. 1114, with adoption of the amendment offered by Senator HARKIN and myself.

Mr. KENNEDY. Mr. President, I support the substitute for H.R. 1114 that Senator HARKIN and Senator CRAIG have proposed. This legislation is needed to clarify the prohibition in our child labor laws banning the employment of minors in the loading, unloading, or operation of paper balers and paper box compactors. The substitute retains the general prohibition in current law that applies to all such machines. However, where a baler or a compactor meets the current safety standards of the American National Standards Institute, and has an on-off switch with a key lock system in which the key is always in the possession of an adult, then 16- and 17-year-olds will be permitted to load, but not to operate or unload, such machines.

Paper balers have been responsible for the injury and death of too many minors. There is a real danger that the grocery stores that use these machines will allow minors to load balers and compactors that do not meet strict safety standards. Store managers may well assume their machines are safe and allow minors to load them without learning what the standards require.

To reduce that danger, the sponsors of the substitute have included a provision to require reports to the Secretary of Labor of all significant injuries to minor caused by these machines during the 2 years following enactment. The reports must be filed within 10 days of any injury or death, which will provide adequate time for the Department of Labor or the National Institute for Occupational Safety and Health to investigate the accident and determine its cause. If this change in the law leads to increased injuries or deaths of minors, Congress will have the information to act to require whatever additional prohibition is needed. Failure to make timely and complete injury reports will be penalized by fines up to $10,000.

We have also received written assurances from the Food Marketing Institute, the largest trade association representing stores that use balers and compactors, that it will undertake a thorough educational campaign to inform its members about the requirements of the standards and the legislation. They have agreed to supply warning labels for the machines their members own and operate that will distinguish between approved machines and those that do not meet the standards. Clearly, we must do all we can to protect those who use these machines.

Finally, the substitute makes two other changes. The bill is drafted as an amendment to the Fair Labor Standards Act, and all of the normal burdens of proof and interpretive principles that apply to exceptions to the act will apply to this amendment. To prevent an unconstitutional delegation of authority to a private organization, the substitute requires the Secretary of Labor to certify that any new standards must be at least as protective of the safety of minors as the current standards, before they take can effect.

The goal of this legislation is to make new—and safe—employment opportunities available for young men and women in grocery stores across the Nation.

In closing, I want to thank Dr. Linda Rosenstock and the staff of NIOSH for all of their help in increasing our understanding of the safety problems associated with these machines. Their expertise in occupational safety issues is truly invaluable.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be considered read and agreed to, the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the measure be printed at the appropriate place in the RECORD.

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

The amendment (No. 4587) was agreed to.

The bill (H.R. 1114), as amended, was deemed read the third time and passed.

MEASURE READ FOR THE FIRST TIME—H.R. 3396

Mr. LOTT. Mr. President, I understand H.R. 3396 has arrived from the House. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3396) to define and protect the institution of marriage.

Mr. LOTT. I now ask for a second reading.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. The bill will remain at the desk to be read, as I understand it, a second time upon the next adjournment of the Senate.

The PRESIDING OFFICER. The Senator is correct.

MEASURE READ FOR THE FIRST TIME—S. 1954

Mr. LOTT. Mr. President, I understand that S. 1954, introduced today by Senator HATCH, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1954) to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

Mr. LOTT. I now ask for a second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. BRADLEY. 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. 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 ACT OF 1996—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. REID. Mr. President, what I was talking about when the majority leader came upon the floor—and I will also indicate that at such time as he or his representative returns for other unanimous consent requests, I will be happy to yield the floor at that time—Mr. President, in our open society, which is our national heritage and the essence of America, we cannot deny our enemies many of the same freedoms we ourselves enjoy. There are, as well, many foreign interests, some secret, that will want to promote and publicize their existence and goals through outrageous acts of blatant terrorism and destruction. We know this is happening. Indiscriminate killing of women and children is enough to tear at your heart strings.

What better stage could be set for these enemies than a trainload or a

truckload of the most hazardous material known to man, clearly and predictably moving through our free and open society.

Think of the train wreck that occurred in a remote area of Arizona. A man went there—they think they know who it is, but there has been no arrest made—and put something on the track to cause the train to go off the track. The train went head over heels, killing people, causing all kinds of damage to the load that was on the train.

Mr. President, this happens all over the country, and with nuclear waste being carried, certainly I think there will have to be some way to identify the nuclear waste. We face a fraction of risk every day in our cities, our airports and around our centers of local and State governments, but the opportunity to inflict widespread contamination, to engender real health risks to millions of Americans, to encumber our Treasury in hundreds of millions of dollars of cleanup costs, maybe billions, to further reduce the confidence of all Americans in our treasured freedoms will be irresistible to our enemies.

If Chernobyl happened in the United States, what would we have spent to clean up that mess? We must prepare for such realities that accompany the massive campaign to consolidate waste at a repository site. We are not yet ready, and this is a fact.

An example is, in Nevada earlier this year, there was an evaluation of emergency response capabilities along the potential WIPP waste routes in Nevada. This was prepared for the Western Governors Conference, and they clearly said that emergency plans in most areas lack radiological response sections or are vague. They certainly require updates.

The general lack of radiological training in outlying areas is a major issue affecting the capability for response of these transuranic waste incidents. There are few alpha radiation detection instruments available. It appears that notification procedures for radiological incidents are not well understood.

They concluded, among other things, that out of 60 departments surveyed, only 16 had emergency responder capabilities. Most of the responder departments surveyed cited weather, isolated roads, sheer distance, and open range with game animals as factors affecting emergency response in these areas. Only 16 of the 60 departments stated they felt equipped for a radiological incident. The remainder cited a need for training, protective clothing, and calibrated detection equipment, among other things.

This is the way it is all over America. I think probably, Mr. President, in Nevada, because we have been exposed to new things nuclear with the aboveground testing, the underground testing, the other things that go on at the test site, we are probably better prepared than most places, but this independent review by the Western Governors Conference said even Nevada is terribly inadequately prepared, and that must be the way it is all over the train routes and highways over which this dangerous substance would be carried.

I have already mentioned the growing danger in this country from both domestic and international terrorism. I described the irresistible target that tons and tons of high-level radioactive waste and spent fuel provide. This dangerous material would be shipped in lots of tens of tons to hundreds of tons in trucks on our highways, in rail cars on our railway system.

The material would be contained in substantial canisters that are resistant to some physical damage and some leakage. Just how survivable these canisters are to accident is questionable. But, Mr. President, we know that if the truck is not going very fast or the train is not going very fast, you are probably OK. If a fire occurs and does not last very long, not too hot, you are probably OK. But if those things do not occur, we have some problems.

So just how survivable these canisters are to both accident and potential assault is terribly important to our environment, our safety, our health, our lives, and our budgets. The canister's survivability is critical to all these things, because an accident or potential breach of these containers could lead to contamination of hundreds of square miles of rural, suburban, or urban areas.

That contamination would be, by some, the most dangerous that has ever occurred. Exposure could lead to immediate sickness and early death from acute exposure, and for less than acute exposure to years of anxiety and uncertainty as exposed populations would look for the first signs of the onset of cancer of the thyroid, of bone cancer, leukemia, liver, kidney, and other cancers.

We, in Nevada, have had firsthand experience with this kind of risk and its effect on the people of Nevada and on our regional development and economic options.

Mr. President, as young boys, well over 100 miles from where the bombs were set off, we would get up early in the morning in the dark skies of the desert and wait for the blast. The first thing we would see was the light, this orange ball we could see, and then sometimes we felt and heard the sound. Sound, though, bounces along. Sometimes the sound would bounce over us, and we would not hear the sound.

But, Mr. President, I was one of the lucky ones, because when these aboveground shots were fired, the winds did not blow toward Searchlight, NV. They blew toward Lincoln County. The winds blew toward southern Utah where these areas have the highest rate of cancer anyplace in the United States. These were known as downwinders. The problems were so bad that we had to pass a law here—Senator HATCH and I worked on that for a long time—to provide moneys for the damages that the Federal Government inflicted on these people.

So we have firsthand experience with this kind of risk and its effect on our people and regional development and even our economic options. It is paramount, not only to Nevada but to the whole country, that if and when we move this dangerous material, that we do it absolutely right, we do it the right way and that we do it absolutely right not the second time but the first time.

I have already spoken about the state of readiness to respond to emergencies anywhere anytime along the transportation routes proposed for this massive program of spent-fuel transportation, and it is quite clear—it is quite clear—that we have some problems along these transportation routes.

Mr. President, we are not ready yet to respond effectively to an accident or an incident were it to happen. Nevada has just completed a comprehensive assessment of its capacity to respond, and I have explained, sadly, that that assessment found the State of Nevada less than ready.

Sponsors of this bill have said, and I will say again, that the canisters will survive any kind of conceivable accident so that emergency preparedness, or lack thereof, is irrelevant. We have explained today on several occasions how these canisters will not survive a fire that is hot that lasts for more than 30 minutes. We have explained how the canisters are in trouble if you have an accident with a speed of over 30 miles an hour.

But let's also talk about terrorists. That is what we are doing here. I say, Mr. President, that I do not agree, because the requirements for certification of canisters will meet the stresses experienced in very common scenarios, that these canisters will survive being exposed to other types of incidents and accidents and terrorist activities.

Should the containers be manufactured to meet the performance standards claimed by the bill's sponsors—even if that were the case, which it is not—they would not survive the effects of a determined attack by terrorists. The sponsors claim, maybe, because they are privy to the same information we are—some tests had been performed some years ago that showed little or no leakage as a consequence of a terrorist attack on these canisters.

These tests were performed, but they were fatally flawed by the choice of weapon allowed by the so-called experimental terrorists.

The weapon used to test the canister's response was a device designed to destroy reinforced concrete pillars, piers, bridges, wharfs, and other structures. The weapon was not designed to attack structures like a nuclear waste canister. In fact, the weapon used for the testing performed its military mission so poorly that our military forces

have abandoned these weapons for a better desire. The tests that were done resulted in perforation of the canister, but the experimenter said the hole was so small that there was very little leakage.

Mr. President, the whole country has seen on TV, as a result of what we saw in the gulf war, the effects of modern weapons on enemy vehicles, especially tanks. These targets have many things in common with nuclear waste transportation containers. They have a substantial thickness of steel with intervening layers of different materials just like a tank. The effects of these modern weapons astonished even military professionals who marveled at the energy release and the damage inflicted on armored vehicles designed to survive environments of more stress than the benign accident requirement required by the NRC.

Let me remind us all of the images from Desert Storm. We can recall in our mind's eye, Mr. President, the sight of a 100-ton-tank turret spinning wildly up, landing more than 100 yards from the targeted tank.

Mr. President, this is the kind of attack we must be prepared for because these shipments will be irresistible targets to determined terrorists. They may do more than fix the train tracks out in remote rural Arizona that causes the train to go out into the desert. They may fire one of these weapons. Terrorists do have access to these weapons. These weapons will do, to waste containers, the same damage they do to enemy vehicles, including tanks. They will perforate, rupture, disburse the contents and burn the waste in these containers. They will cause a massive radioactive incident.

We have not invested in the transportation planning and the preparations that are absolutely necessary for the safe transportation of these dangerous materials through our heartland. We have not addressed the spectrum of threats to its safe transportation and have not developed a transportation process that guards against these threats. We are not ready to meet the emergencies that could develop because of accident or terrorism.

Mr. President, this bill is unnecessary. It is going to be vetoed by the President. We are going to sustain the veto if it carries that far. It is absolutely unnecessary. We know the nuclear waste can be stored on-site where it is now located. We know this because of eminent scientists that have told us so from the Nuclear Waste Technical Review Board.

I close, Mr. President, by saying that, as from the newspaper this morning, ''This is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim it faces an emergency.'' These, Mr. President, are not my words. They are the words of the editorial department from the Washington Post.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator from Nevada yield the floor?

Mr. REID. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, how much time is remaining on this side relative to the business of the Senate?

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

Mr. MURKOWSKI. I wonder if I could interrupt the majority leader at this time to determine whether he wants to propose a unanimous-consent agreement. I reserve the balance of my time and will seek recognition after that, Mr. President.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I want to thank the distinguished Senator from Alaska for the good work he has been doing and for his cooperation in getting this unanimous-consent agreement. I did just have an opportunity to check it further with the Democratic leader. I think this is a fair agreement and will help move things along, not only on nuclear waste, but on the Department of Defense appropriations bill and hopefully even other issues.

NUCLEAR WASTE POLICY ACT OF 1996

Mr. LOTT. I ask unanimous consent, Mr. President, that the motion to proceed to S. 1936 be withdrawn, that the Senate now proceed to its immediate consideration, without further action or debate, notwithstanding rule XXII.

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

The clerk will report.

The legislative clerk read as follows:

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

The Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the nuclear waste bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1936, the Nuclear Waste Policy Act.

Trent Lott, Frank H. Murkowski, Larry E. Craig, Don Nickles, Strom Thurmond, Rick Santorum, Conrad R. Burns, Kay Bailey Hutchison, Sheila Frahm, Mitch McConnell, Jim Jeffords, Jim Inhofe, Rod Grams, Dirk Kempthorne, Christopher S. Bond, Fred Thompson.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Thursday, July 25, at a time to be determined by the majority leader, after notification of the Democratic leader, and that the mandatory quorum under rule XXII be waived.

Mr. REID. Mr. President, I just reserve the right to object. I do not intend to object, but I ask the majority leader if he, in consultation with the minority leader sometime prior to that vote, would give us a reasonable period of time to talk before the cloture vote, whatever would be determined reasonable between the two leaders.

Mr. LOTT. Would the Senator repeat?

Mr. REID. The cloture vote will occur sometime on July 25. Can we have a few minutes to talk about that?

Mr. LOTT. Mr. President, I would rather not set the time right now.

Mr. REID. I did not want the time——

Mr. LOTT. It is a reasonable request we have some time before we go to a vote. We will consult with the Senator and the Democratic leader.

Mr. REID. I do not expect the time to be set now. I do not expect the leader to set the time. I am just asking if the majority leader and the minority leader would consider giving us a few minutes.

Mr. LOTT. We will.

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

UNANIMOUS-CONSENT AGREEMENT—S. 1894

Mr. LOTT. Mr. President, I further ask unanimous consent to resume the consideration of the DOD appropriations bill at 11 a.m., on Wednesday, and the cloture vote scheduled to occur be postponed to occur at a time determined by the majority leader after notification of the Democratic leader.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate has just begun consideration of the nuclear waste bill and will continue with that legislation next Thursday, July 25. The Senate will debate the Department of Defense appropriations bill tomorrow. It is the intention of the majority leader to reach an agreement that would significantly reduce the number of amendments to be offered to the DOD appropriations bill by 11 a.m., Wednesday. If agreement cannot be reached, then it would be my intent to have the cloture vote with respect to that bill, which would limit debate and amendments to 30 hours.

I want to say that we do have, however, cooperation now from both sides of the aisle, by the managers of the bill and Senators that have amendments that would like to have them considered. We are, again, talking with the