Committee and the Congress toward resolving the complex and important issue of nuclear waste storage and disposal in a timely and sensible manner, consistent with the President's policy, which is based upon sound science and the protection of public health, safety, and the environment.

I am very cognizant of the Department's contractual obligation with the utilities concerning the disposal of commercial spent fuel, and, after confirmation, I also expect to meet with representatives of the nuclear industry and other stakeholders to discuss the Department's response to the recent court decision and the consequences of the delay in meeting that contractual obligation.

As Chief of Staff Erskine Bowles emphasized in his February 27 letter to Chairman Murkowski, the Administration believes that the Federal government's long-standing commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste policy. Accordingly, the Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability of the Yucca Mountain site has been determined.

In conclusion, I want to strongly emphasize again that I am committed to working with you and other members of the Committee and the Congress on these difficult issues.

Sincerely,

FEDERICO PEÑA.

U.S. SENATE,
Washington, DC, March 5, 1997.

Mr. FEDERICO PEÑA,
Secretary-designate, U.S. Department of Energy, Washington, DC.

DEAR MR. PEÑA: I received your letter, dated today, in response to my most recent questions on our nation's nuclear waste policy. Although I appreciate the timeliness of your response, I am still concerned about the absence of specific proposals from you on how best to resolve this important issue.

In your letter, you wrote that the Clinton Administration ''believes that a decision on the siting of a storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998.'' Frankly, this response states nothing more than the position you have taken in the past, leaving questions about whether the viability study can be completed in time for the DOE to realistically accept waste by the legal deadline of January 31, 1998 and what can be done to meet the deadline if the permanent site at Yucca Mountain is not determined to be viable.

I certainly hope you can understand my concerns, given that you yourself have publicly admitted that following this track would make it impossible for the DOE to meet the January 31, 1998 deadline.

More importantly, you did not answer my central question regarding what specific, constructive alternatives you would propose in order for the DOE to begin accepting waste from states by January 31, 1998, as outlined in statute and ordered by the courts.

With that in mind, I would again request a specific response from you—prior to the Senate vote on your confirmation—to the following question: given that the current Administration position would result in the failure of the DOE to accept waste from states by January 31, 1998, what specific, constructive alternatives would you propose to guarantee that the DOE will meet this legal, court-imposed deadline?

I look forward to your response.

Sincerely,

ROD GRAMS,
U.S. Senator.

Mr. GRAMS. Today, when the Energy and Natural Resources Committee took up Mr. Peña's nomination, I voted ''present,'' as I had announced I would several weeks ago.

As the author of legislation to eliminate the Department of Energy—legislation prompted, in part, by the nuclear waste fiasco—I had decided that I could not in good conscience vote for Mr. Peña's nomination to head up a department that should not continue to exist.

Yet, at the same time, I did not want to cast a vote that would be misinterpreted as a vote against Mr. Peña personally.

Since then, I have grown increasingly troubled, however, for the reasons that I have outlined here today, by Mr. Peña's inability to provide specific answers about how he and the Clinton-Gore administration intend to resolve our Nation's nuclear waste storage problem.

Again, he has to get these answers from the administration. And it is Clinton-GORE that have to make these decisions.

We in the Senate have our own proposal, and that is our bill S. 104. That is the Murkowski-Craig-Grams bill, which won the support of 63 Senators last year.

As a Senator representing Minnesota ratepayers who already have paid over $250 million in exchange for no tangible benefit, representing taxpayers who may be held financially liable for the Federal Government's failure to act, and representing citizens concerned about protecting our environment, I believe that the Senate must not rush ahead in confirming Mr. Peña's nomination before we receive from him a specific and constructive response to our questions.

Now, while I hold out hope that we will receive such answers from Mr. Peña in the immediate future, I am willing to work with my colleagues in ensuring that a final vote is not taken before a specific, constructive response is given. Accordingly, I would object to any unanimous-consent agreement to bring up Mr. Peña's nomination for a vote at this time.

The Senate cannot simply allow itself to be lulled by vague promises to work together on this issue. Fifteen years of unfulfilled promises should have taught us that lesson.

Again, with the January 31, 1998, deadline fast approaching, we have our own responsibility to the American people to ensure that the obligations of the Federal Government are satisfied. We owe them nothing less.

DR. PIERCE BLITCH

Mr. COVERDELL. Mr. President, I rise today and ask my colleagues to join me in extending condolences to the family and loved ones of Dr. Pierce Blitch, Jr., of Augusta, GA, who passed away on Wednesday, February 12, 1997. Dr. Blitch leaves a proud and indelible legacy for his family, profession, and community. He spent his professional and personal life dedicated to the field of medicine. After completing service to his country in the Navy during World War II, he graduated from the Medical College of Georgia in 1952. Dr. Blitch embarked on his medical career with an internship at University Hospital and a cardiology fellowship at Massachusettes General Hospital in Boston. He was active on staff at University Hospital and St. Joseph Hospital from 1956 until 1996. At University Hospital he served as a member of the executive committee and chief of staff and chairman of the department of medicine from 1976 until 1981. Dr. Blitch then went on to teach at the Medical College of Georgia as an instructor in the department of medicine in 1956, clinical professor of medicine in 1976 and ultimately awarded professor emeritus of medicine in 1992. He was truly a public servant and devoted leader of his field. He will remain a role model to the medical community for generations to come. I am proud of this fellow Georgian, his achievements and his contributions to our State and country. His passing is a great loss for the community.

TRIBUTE TO FDA COMMISSIONER DAVID KESSLER

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to an outstanding public servant who is leaving office as Commissioner of Food and Drugs, Food and Drug Administration, Dr. David Kessler. In 1991, the Food and Drug Administration was at one of the lowest points in its history. The agency was recovering from the generic drug scandal. It was not consistently enforcing the law. Patients felt they were not receiving the therapies they needed.

The appointment of David Kessler as commissioner changed all that. He launched an extraordinary period of reform and improvement in the agency's effectiveness. He began with the obvious—enforcing the law.

He initiated many other important reforms. He has worked tirelessly to provide improved treatments for cancer and AIDS, and to assure that life-saving drugs move quickly from the laboratory to the marketplace. Because of his leadership, the information supplied with prescription and over-the-counter drugs will soon be more user-friendly. He led the administration's initiative to reduce teenage smoking.

He led the way to many other impressive achievements. The United States is now as fast or faster than any other country in the world in getting new drugs to patients. David Kessler achieved this result without sacrificing the FDA's high standards for safety and effectiveness.