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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, March 12, 1996, at 12:30 p.m.

Senate

MONDAY, MARCH 11, 1996

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THUMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Divine Sovereign of this land, and Lord of our lives, You have blessed us in each period of our Nation's history with great leaders who trust in You and seek Your guidance. You have told us in the Scriptures that, "Righteousness exalts a Nation"—Proverbs 14:34; and "When the righteous are in authority, the people rejoice"—Proverbs 29:2. We thank You for all the women and men of both parties who have been called by You to lead our Nation here in this Senate. Each one is here by Your sovereign appointment to glorify You by seeking to know and do Your will.

Today we thank You for STROM THURMOND and the 42 years of faithful service here in the Senate. At this special time of recognition of his outstanding record of service to You and our Nation, we praise You for his leadership, wisdom, and strength. You have blessed him to be a blessing to his beloved South Carolina and to the Nation as a whole. We cherish our friendship with him and admire his patriotism. And now we press on to the work of this day seeking to glorify You in all we say and do. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the exception of Senator MURKOWSKI of Alaska who has 15 minutes under his control.

At 1 p.m. today, the Senate will begin consideration of H.R. 3019, the continuing resolution appropriations bill. No rollcall votes will occur during today's session. However, amendments are expected to be offered today during the consideration of the bill. Senators should be reminded that there will be at least two rollcall votes beginning at 2:15 tomorrow afternoon. The first vote will be on invoking cloture on the D.C. appropriations conference report, to be followed by a vote on invoking cloture on the motion to proceed to the White-water resolution.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. MCCONNELL). There will now be a period for the transaction of morning business, with Senators permitted to speak for 10 minutes each. The Senator from Alaska is recognized to speak for up to 15 minutes.

Mr. MURKOWSKI. Mr. President, good morning.

CALIFORNIA LOW-LEVEL RADIOACTIVE WASTE FACILITY

Mr. MURKOWSKI. Mr. President, last Thursday, as chairman of the Senate Energy and Natural Resources Committee, I introduced legislation,

along with my colleague, Senator JOHNSTON, the ranking member of that committee, to sell 1,000 acres of Federal excess land out in a California desert at a fair market value in order that Californians may finally begin to work for their low-level radioactive waste facility at a place called Ward Valley.

This is a step that the Governor of California, Gov. Pete Wilson, had asked us to take after the State of California has suffered from some 2 years of frustration at the hands of the Department of Interior.

The measure that Senator JOHNSTON and I have introduced to end this stalemate is virtually identical to the language the Senate previously agreed to in the reconciliation bill conference report. But there is an important difference, Mr. President. That important difference is that we want to remove the latest excuse of the Secretary of the Interior, Secretary Babbitt, who has voiced refusal to convey that land, and the rationale for that is pretty hard to explain at this time. Perhaps we will have some justification from the Secretary, but we certainly do not have it now.

What we have done is we have added an additional condition, and that is that California must provide its written comment and commitment to carry out additional environmental monitoring and protection measures based on

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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recommendations of the National Academy of Sciences before the land transfer can be made. This should satisfy the Department of the Interior's objection. Indeed, if the Department of the Interior objects to this bill, it will be obvious that it is merely playing games and promoting delays.

With this bill, we are calling the Secretary's hand in a sense, and we will soon know if the dispute is about health and safety or whether it is about something else; perhaps raw politics.

For the sake of the other Senators who are listening, let me review a little history.

Back in 1980 and 1985, Congress gave to each State the steps necessary for the responsibility for low-level radioactive waste disposal. Let me say that again so there is no misunderstanding.

Low-level waste disposal is a State responsibility as deemed by Congress. There is, of course, appropriate Federal oversight in various ways, including congressional approval of interstate compacts, the oversight of the Nuclear Regulatory Commission, the oversight of the Environmental Protection Agency, and the application of all NEPA and other relevant statutes, including the Endangered Species Act.

But subject to compliance with all of those Federal requirements, States license their low-level facilities. The States are still responsible and are still accountable.

So having studied the rules of procedure some years ago, the State of California began the long process to site a low-level facility for the waste generated in California and its other compact States, including Arizona, North Dakota, and South Dakota.

Some 8 years went by, Mr. President, during the licensing process, costing more than \$45 million. The State of California finally completed its task and awarded a license for a waste facility at Ward Valley out in the Mojave Desert.

We have seen opponents of the project ranging from the antinuclear activists to some of the West Hollywood movie stars who continue to oppose Ward Valley at seemingly every opportunity.

Obviously, California leads in advanced cancer treatment. They have biotechnology capabilities in various companies, and making new advancements. So there are sources of low-level radioactive waste falling off from these activities. Some in California do not believe that California should have to keep any of its radioactive waste. Some say, "Send it elsewhere," yet they want the jobs. They do not want the waste. So they continue to oppose, continue to litigate, continue to delay.

Where will we put the waste, Mr. President? It is not in the interest of California to leave it where it is, scattered all over the State.

Those in opposition, as I indicated, went to court. In many cases, the court challenges were virtually all but ex-

hausted. All that remained was a simple administrative land sale from the Bureau of Land Management to the State of California, the kind of routine conveyance that would be normally handled by a BLM office.

California had met all the requirements of law and more and had passed every test, met virtually every challenge. Then suddenly we see the Secretary of the Interior—some have suggested on the behest of the White House—change the rules of the game. The Secretary of the Interior simply intervened and effectively kept the land sale from proceeding for more than 2 years, first, by considering new rounds of administrative hearings—that is always a handy dodge for decision—and then by ordering a review by the National Academy of Sciences on seven different issues of convention.

Mr. President, that plan backfired. The American Academy of Sciences review turned out to be highly favorable to the Ward Valley site, much to their chagrin. At the conclusion of the Academy review, we had hoped that any remaining excuse for further delay would have evaporated. Unfortunately, that was not the case. The Ward Valley opponents continued their efforts to delay this, almost indefinitely it seems, like suggesting at each juncture a new study, a new hurdle, a new obstacle, and a new administrative roadblock of some kind.

The latest hurdle was directed on February 15 when Interior Deputy Secretary John Garamendi announced yet another round of followup studies to include tritium tests. California is not opposed to the tritium tests. The State is willing to conduct those tests. The problem, Mr. President, is that Interior wants the tests concluded prior to the land transfer.

The National Academy of Sciences did not say this was necessary or desirable. In fact, the Academy suggests ongoing testing should be undertaken in conjunction with the operation of the facility. There is a distinct difference here, Mr. President. The Academy suggests ongoing tests should occur in conjunction with operations. The Interior Department's actions, in my opinion, are merely a tactic to delay the commencement of operations at Ward Valley until after, well after perhaps, the next election, if one can believe that.

If we do nothing, Mr. President, and allow this land conveyance to be delayed, I can guarantee that there will be some new obstacle erected after the tritium tests are complete. As the National Academy of Sciences pointed out, tritium tests are difficult, tritium tests are often inconclusive. That is why they should not be rushed, they should not precede the conveyance. They should continue along with all other monitoring and testing measures that will be undertaken during the site's operation.

If we proceed with rushed tritium testing, we will likely end up with an

inclusive result providing project opponents with yet another excuse for delay. At the very least, the project opponents will ask for another supplemental EIS to consider any new information. A new basis for further litigation or new strategies for delay would certainly be fabricated. These delays would simply just go on and on and on.

So what we have, Mr. President, is the Department of the Interior, lacking expertise or responsibility in matters related to the regulation of radioactive materials, aspiring to get in the business of nuclear regulation.

Even worse, the Secretary of the Interior is acting to usurp the statutory authority of the State of California to protect the radiological health and safety of its citizens through the State management and oversight of low-level radioactive waste disposal.

Quite often, Mr. President, the mere mention of the words "radioactive" or "nuclear" rouse public fear and emotion. It is bad enough when activists manipulate public fears to advance an antinuclear agenda, but when the Secretary of the Interior joins in, we simply have to put a stop to that kind of nonsense.

Some of my Senate friends may recall that we made low-level radioactive waste management a State responsibility in the 1980 and 1985 act, which was mandated in response to heavy lobbying by one group, the National Governors' Association.

It is interesting to note that at that time Arizona Governor Bruce Babbitt and Arkansas Governor Bill Clinton were prominent leaders in the National Governors' Association. Governor Babbitt even served on a special NGA task force recommending that low-level radioactive waste management become a State responsibility. Today, the Secretary of the Interior, Secretary Babbitt, is working to usurp and erode the very State authority he lobbied Congress for as a Governor. I find that most ironic.

The irony is not lost on the Governor of California, I might add. He has asked us for this legislation. Governor Wilson is concerned about the health, safety and welfare of Californians as a consequence of this low-level waste being spread out throughout California in a temporary type of storage until such time as a permanent low-level waste site can be opened.

Governor Wilson is aware that low-level radioactive waste is stored in hospitals, residential neighborhoods, in businesses and universities, at 2,254 sites in 800 locations across California, and the waste in these temporary sites are subject to accident, fires, floods, perhaps earthquakes as well.

If you oppose this bill, then you are, by necessity, arguing for the continued storage of these materials all over the State of California or the transportation of these materials across the United States to the only facility currently open to California, or any other State for that matter, and that is

Barnwell, SC. That is the only site in the country we have for low-level waste.

Meanwhile, some hospitals in California are running out of room. Will this result in the curtailment of some cancer treatment or AIDS research that uses radioactive materials? Perhaps. Will this result in an accidental release at one of these disposal locations as a consequence of fire, flood, or earthquake? Perhaps. We can only hope, of course, and pray that that will not happen. But that is our exposure, Mr. President.

To summarize, this is a simple, directed land sale that does what this administration should have done a long time ago. If we fail to do this, we not only create problems for California, Arizona, North Dakota, South Dakota, and others in the Southwestern Interstate Compact; we also challenge the viability of the Low-Level Radioactive Waste Policy Act and the policy of State responsibility on which it was based.

A June 16 editorial in *Science* magazine, published by the American Association for the Advancement of Science, a prestigious and respected scientific organization, perhaps said it best. And I quote:

The risks stemming from one carefully monitored Ward Valley low-level retrievable waste site are trivial in comparison with those from 800 urban accumulations. Enough of groundless fears and litigation.

Mr. President, we have indeed had enough of groundless fears and certainly enough litigation. This is almost a full-employment act for some of the attorneys that specialize in nuclear waste.

The time has come to act. We as leaders must decide whether we want to base our actions in this area on the professional judgments of respected scientists whom we can hold accountable, or whether we want to take our advice about radioactivity from Hollywood entertainers and activists who host fund-raisers in their Beverly Hills mansions or Malibu beach houses.

Mr. President, it is time to recognize that this decision should be made, as it has been to date, by the best science and technology available. Certainly, the National Academy of Sciences in its recommendation simply says that this site is adequate.

Additional monitoring should occur, but let us get on and make the decision and stop the rhetoric. We have had enough antiscientific rhetoric. Let us stand up to those who would manipulate, who would inflame public fears, and fail to recognize their obligation. That is, if they are going to criticize the best advice from the experts that we have, then they better come up with an alternative. These people not only are fearful but absolutely refuse to accept that responsibility.

So, Mr. President, I urge my colleagues to work for the passage of this bill. Let California have the responsibilities and prerogatives it was prom-

ised when this Congress passed the Low-Level Radioactive Waste Policy Act. It is now time to move.

I thank the Chair and I yield the floor.

Mr. HATCH. Mr. President, I yield, without losing my right to the floor, to the distinguished Senator from Vermont.

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

The Senator from Vermont.

TRIBUTE TO MORTON GOULD

Mr. LEAHY. Mr. President, almost exactly a year ago in April, I was traveling outside the country and was able to get hold of a copy of the *New York Times*. In it was a list of the Pulitzer Prize winners. Under "Music" was listed Morton Gould, "Stringmusic."

Morton Gould, an 81-year-old composer who lives in Great Neck, NY, won for a 30-minute work that was commissioned by the National Symphony Orchestra and given its premier by that ensemble, conducted by Mstislav Rostropovich, at the Kennedy Center in Washington on March 10, 1994.

It then goes on and describes the music. That small piece could not describe what an unbelievable talent Morton Gould had. That is why I and so many others were saddened when he recently died suddenly at the age of 82. Even then, though working actively, he was about to address a group in Orlando and continued to be the prolific and talented musician he had been throughout his life.

I was able to meet him and get to know him over the years. In customary form, after I wrote him to congratulate him on the Pulitzer Prize, he wrote back a long, hand written note in which he joked about what he knew was a great honor and sort of minimized it, although one could tell how pleased he was. This is a man who was accustomed to honors but was not swayed by them, a man who knew he had the gratitude and the esteem of his peers, but did not revel in it, but rather worked with his peers constantly.

I find it a matter of great personal pride to have known him, as I said, for years, since the days my friend Ben Palumbo first introduced us up to the time of his death. Like so many Americans, we will continue to know him through his music. This is music that is truly timeless.

I ask unanimous consent a report sent out regarding his death be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KEN SUNSHINE CONSULTANTS, INC.,
New York, NY, Feb. 21, 1996.

COMPOSER/CONDUCTOR MORTON GOULD DIES
AT 82

Former ASCAP President Morton Gould, one of the century's most celebrated American composers and conductors, died suddenly this morning in Orlando, FL at the age of 82. Gould was visiting the Disney Institute in Orlando as an artist-in-residence. Last evening, the Institute honored him with an

all-Gould program performed by the U.S. Military Academy Band. Gould attended the concert and received a standing ovation. According to the Institute, a second all-Gould concert scheduled for this evening will go on as planned.

Gould received the Kennedy Center Honor in 1994 and the Pulitzer Prize in Music in 1995. He was elected to the American Academy of Arts and Letters in 1986. In addition, Gould was an Award winning recording artist, with 12 Grammy nominations and a Grammy award in 1966. Gould served on ASCAP's Board of Directors for over 36 years, and led the Society as President from 1986 to 1994.

Gould's contributions spanned eight decades and included significant works for orchestra, chamber ensemble, band, chorus and soloists, as well as scores composed for film, television, Broadway and ballet. Throughout his career, Gould's work was particularly "American," making use of such "roots music" styles as jazz, blues, spirituals and folk music.

His music has been performed by every major American orchestra under the direction of such eminent conductors as Fritz Mahler, Arturo Toscanini, Leopold Stokowski, Sir Georg Solti, Andre Previn, Leonard Slatkin, Eugene Ormandy and Arthur Fiedler. As a conductor, Gould led countless orchestras throughout the world and recorded over 100 albums.

Among his major compositions are *Latin American Symphonette*, *Derivations for Clarinet and Band* (commissioned by Benny Goodman), *American Salute*, *Spirituals for Orchestra*, "Boogie Woogie Etude" and "Pavane." His collaborations with top choreographers include *Clarinate* and *Audobon* (George Balanchine); *Interplay* and *I'm Old-Fashioned* (Jerome Robbins); *Halftime* and *Santa Fe Sage* (Elliot Feld); and *Fall River Legend* (Agnes DeMille). His film scores include *Delightfully Dangerous*, *Windjammer* and *Cinerama Holiday*. Notable Gould TV scores include *Holocaust*, *F. Scott Fitzgerald in Hollywood* and CBS' *World War I Documentary*. Gould composed two Broadway scores, *Arms and the Girl*, with lyrics by Dorothy Fields, and *Billion Dollar Baby*, with lyrics by Betty Comden and Adolph Green. More recent works include three major commissions celebrating the 1976 Bicentennial, *Symphony of Spirituals*, *American Ballads* and *Something To Do*. In 1992, he was commissioned by the Pittsburgh Symphony Association to compose *The Jogger and the Dinosaur*, a concert piece for rapper and orchestra.

Morton Gould was born on December 10, 1913 in Richmond Hill, New York. A child prodigy, he composed and published his first work, "Just Six," at the age of six. Growing up during the worst years of the Great Depression, Gould's music studies were curtailed by his need to help support his family. He found work as a vaudeville pianist, backing the famous ballroom dance team, Renee and Tony DeMarco, and was part of a piano duo with Bert Shefter.

As a teenager, Gould was house pianist for the 1932 opening of Radio City Music Hall. He was a pioneer of live radio broadcasts as the star, host and conductor of long-running national music programs on the Mutual and CBS Radio Networks. His radio shows featured leading figures from the symphonic and popular music worlds, including Frank Sinatra, Benny Goodman, Lauritz Melchior and Duke Ellington. His *Cresta Blanca* theme was among broadcasting's first major commercial jingles.

Gould joined ASCAP in 1935 and was long active in many ASCAP and ASCAP Foundation programs. A tireless advocate for new American composers, he was constantly seeking opportunities to help expose