

the States. Unfortunately, the States have not received any money from the Land and Water Conservation Fund for the past 4 years. And many in this body have even forgotten the benefits of the program. What we have done with that money is use it to reach our budget objectives, solely ignoring the purpose of the program. I think we should do more to encourage the States to support offshore oil and gas development in a responsible manner using our science and technology. As evidence is the tremendous development occurring in the Gulf of Mexico off Louisiana, Texas, and other areas. Perhaps we could by guaranteeing States some portion of the revenue from OCS activities. That would instill a sense of belonging and a sense of interest that those States currently don't have.

Further, a portion of the Federal mineral receipts perhaps could be set aside in a dedicated permanent fund and the income generated from the fund could be passed on to the States in the form of matching grants for outdoor recreation. In many State parks in the West, including my State of Alaska, land was purchased with money from the land and water conservation Fund. And much of what Teaming with Wildlife seeks to accomplish should be done with funds generated from such areas. I think offshore oil and gas development would gain us a broader support necessary to pass legislation such as Teaming with Wildlife, and I think we must explore fully using existing funding resources to help meet these laudable goals because I fear that we are going to have a hard time differentiating just what portion is a legitimate tax on this broad area, as I have indicated before that we have identified, including sleeping bags, film, binoculars, hiking boots, and so forth.

I encourage those who are interested to help us as we address responsibly how to fund equitably for this purpose of Teaming with Wildlife that, indeed, addresses those who are active in utilizing the great outdoors and purchase legitimate items that can be legitimately attached without getting into the situation where we are in dispute over the portion and the formula and the use.

So as chairman of the Senate Energy and Natural Resources Committee, I am committed to help bringing the States together to meet the growing demand for fish and wildlife habitat, for outdoor recreation resources, and I certainly encourage all Alaskans to join me in providing input on what we think is a fair and workable method to raise funds for the great outdoors and not overlooking the intention of the land and water conservation fund which has been, I think it is fair to say, observed by the budgeteers as a place to pick up significant funding to meet some of our budget obligations.

So I thank my colleagues for their indulgence and encourage everyone to work in a positive manner to meet the

challenges associated with Teaming with Wildlife for a fair and equitable funding mechanism.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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 STORAGE

Mr. MURKOWSKI. Mr. President, seeing no other Senators on the floor, I wish to address my views on the passage of the nuclear waste legislation by the U.S. House of Representatives, which occurred last week.

Mr. President, last week Congress took a very important step toward ending our Nation's 15-year struggle with how to solve our high-level nuclear waste problem. Last week, the House passed H.R. 1270 by an overwhelming, bipartisan 307-to-120 vote. The House bill is a companion to S. 104, the nuclear waste bill passed by the Senate by a 65-to-34 vote last spring.

Like the Senate bill, the House bill would take nuclear waste from 80 sites in 40 States, from the backyards of our constituents all across this land, and move it to one safe, central storage site. The Federal Government has a contractual commitment to take this nuclear waste for safe and central storage by next January.

Will that happen? The answer is clearly "no," even though over \$13 billion has been collected from America's ratepayers to pay for the permanent storage of that waste, and even though a Federal court order has reaffirmed the Government's legal obligation to take nuclear waste in January 1998. The same court is now considering what remedy the Government must provide for its failure to meet this obligation. This is the Government's failure, but it is the American taxpayer that is going to bear the burden. The American public paid that \$13 billion into the nuclear waste fund and now will have to pay a second time. Estimates of potential damages for the failure of the Department of Energy to meet its obligations range from \$40 billion to as high as \$80 billion. That is \$1,300 per American family.

How important is the nuclear power industry in this country? It contributes around 22 percent of the total power generation in this country. It provides electricity with no emissions, so air quality is not a problem. The problem is what do you do with the waste? You cannot throw it up in the air. It has to come down somewhere. The reality is that no one wants it. The French reprocess their spent fuel and recover the plutonium, put it back in the reactors and burn it. The Japanese are moving in that direction, as well.

We are hopelessly tied to a dilemma: no one wants nuclear waste and we don't have any place to put it. Some of the plants are reaching their maximum capacity. Without the licensing of proper storage and without the Federal Government meeting its obligations to take this waste, we stand to lose a significant portion of our Nation's nuclear generating capacity.

How are we going to make up for this lost generation? Are we going to put more coal fired plants on-line? How does the Clinton administration reconcile this position with their professed concern about emissions? If we lose a portion of our nuclear power generating capability, it is going to have to be replaced with something, and the Clinton administration has not provided us with any answers. Nor has it adequately addressed its contractual responsibility to take this waste.

Mr. President, without the legislation passed by the both the House and the Senate, there is no plan for action except more lawsuits, more employment for the lawyers. As we move to conference, opponents of the bill will continue to sing the same old, tired refrain. They call it "Mobile Chernobyl," emasculating NEPA, running roughshod over our environmental laws. These scare tactics are a coverup, an excuse for no action. That is what we have had so far, no action in 15 years.

They will say the fuel is safely stored where it is. It is stored in temporary facilities next to the reactors that were designed for just that, temporary storage. But if it is safely stored where it is, then why isn't it safe to store it in Nevada at the Nevada test site, near where we have spent over \$6 billion to develop a site that is facing, in the near future, licensing and suitability decisions? In fact, there is no question in my mind it must be safer to have one central, monitored site than to have nuclear waste at 80 sites scattered around the country at facilities that have been designed for temporary storage.

Then, of course, they argue that somehow it is unsafe to move nuclear fuel to one central site. But we have shown how we have been safely moving fuel around this country and abroad for many, many years. The French, the Japanese, and the Swedes move it by vessel, they move it by rail, they move it by truck.

They say the transportation casks cannot stand a 30-mile-per-hour crash or survive a diesel fuel fire. These are more emotional arguments that have no foundation. We have shown that the casks have been tested by locomotives going 90 miles an hour crashed into brick walls. They have been submerged in water, bathed in fire. The casks are designed to withstand any type of imaginable impact associated with transportation. We have shown that, while we have had a few minor accidents, there has never been a release of radiation. We have shown how our national laboratories have certified that

the transportation casks can survive any real-world crash. They say the radiation protection standard is unsafe. We have shown how our standard is more protective than the current EPA guidance that allows five times as much, and we will allow EPA to tighten the standards further if need be.

The doomsayers say the Nuclear Waste Technical Review Board says there is no compelling or technical or safety reason to move fuel to a central location. We have shown that a more complete reading of the technical review report and testimony indicates that there is a need for an interim storage and that there is a need for it at Yucca Mountain, if, indeed, Yucca is determined to be suitable for a permanent repository.

They say, "We can delay the decision." We have shown that delay is what got us into this mess in the first place; inactivity. Any time now, the courts will tell us what damages we will face when the Government is in breach of its contract. With each delay, the damages are going to mount. With each delay, the liability of the taxpayer will mount. With each delay, there will be pressure to yield a further delay. That is the way this place works. When we have a problem, we simply delay. The call for delay is a siren song and, ultimately, a trap.

We stand at a crossroads. The job of solving this problem is ours. The time for solving the problem is now. We have made much progress at Yucca Mountain. The 5-mile exploratory tunnel is complete. We can build on this progress. Both the Senate and House bill contain site characterization activities for the permanent repository. But we cannot put all our eggs in the Yucca basket. We need a temporary storage facility now or we are going to be storing spent fuel all across the Nation for decades to come. We can choose whether this Nation needs 80 interim storage sites or just one. Where is that? The arid, remote, Nevada test site where we exploded scores of nuclear bombs during the cold war. It is a safe, remote location. It is monitored, and it is appropriate for an interim site.

If Yucca Mountain is licensed, it will be an easy task to move the spent fuel a short distance to the repository. If Yucca is not licensed and is found to be unsuitable, we will need a centralized interim site anyway, so we will be way ahead of the game. Regardless of what happens at Yucca, this is a responsible step that we should take.

Mr. President, the time is now. This legislation passed the House and the Senate. It is the answer. I urge my colleagues over the recess to reflect on the merits of our obligation to take this waste, to recognize the dependence we have on the nuclear industry, and move to take a responsible position to uphold the contract that has been made by the Government to take this waste in conformance with the terms of the agreement and the \$13 billion paid by the ratepayers.

For those who are still in doubt as to the merits of this legislation, I encourage them to recognize that it is irresponsible to object to what has happened in both the House and the Senate without providing an alternative. The development of this legislation has required a great deal of time and effort and a great deal of examination of alternatives. So I hope the critics come up with a workable alternative, as opposed to just criticism of the plan that is currently pending in the Congress of the United States, to meet our obligations to address the high-level nuclear waste issue.

I thank the Chair and yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TED KENNEDY'S 35TH YEAR IN THE SENATE

Mr. DASCHLE. Mr. President, 35 years ago today, the people of Massachusetts made the very wise decision to send EDWARD M. KENNEDY to Congress. For 35 years, TED KENNEDY has fought for their interests—and for the interests of all working people.

It is said that some people seek public office to be someone; others seek it in order to do something. TED KENNEDY is a pre-eminent example of the latter. For 35 years, he has fought unwaveringly to improve the living standards of working families and to make sure that, in America, if you're sick, you can see a doctor—no matter how much money you have, or how little.

He has used his great, booming voice to speak for those who have no voice, and he has never wavered in his principles. TED KENNEDY does not change his politics with the season. He is a man of principle.

At the same time, he is a pragmatist who wants, more than anything, to get things done.

I will never forget how he looked after the balanced budget agreement was signed and the new children's health care program was created. He came into my office. His Irish eyes were smiling. To everyone he passed he said, "Isn't it wonderful?" He looked so much like a proud new father—I half-expected him to start handing out cigars.

When he spoke about that victory, he didn't talk about how many votes his plan had gotten. He talked about how many children it would help.

In 35 years, he has never forgotten the reason he is here. It's not about strategy, or abstract policy. It's about people.

The struggle to create the children's health plan also illustrates another of

the basic truths about TED KENNEDY. There are those who view my friend as an inflexible liberal. While he would claim the liberal label with pride, TED KENNEDY is one of the most flexible people in this Chamber.

Ask his friend, ORRIN HATCH. People call them the Odd Couple. I'll let my colleagues decide for themselves who is Felix Unger, and who is Oscar Madison.

TED KENNEDY takes his work seriously, but he doesn't take himself too seriously. His staff Christmas parties and his costumes are legendary on the Hill. But not many people off the Hill know that one year he came as Milli—or was it Vanilli?—and last year he and Vicki appeared as 2 of the 101 dalmations.

Sometimes when I am on this floor, I look up to the gallery to see the people who have come here to see this great institution at work. I can always tell when TED KENNEDY has walked on to the floor by the reactions of the people in the gallery. Invariably, people will sit up. Someone will lean over and whisper to the person next to them, "Look, TED KENNEDY."

He is, undoubtedly, the best known and most recognized Member of this body. Yet, he remains a modest man. He is a worker among workers.

No one in our caucus works harder. He's often the first one to work in the morning, and the last person to leave at night.

No job is too small for TED KENNEDY. At the same time, no challenge is too big.

He comes from a family that understands the American dream. And he is determined to keep that dream alive for a new generation of Americans.

Senator KENNEDY's family also understands heartbreak. Carved into the desk in which he sits are the names of his two brothers who sat there before him, John and Robert. Two brothers who were taken from him, and us, because of their commitment to public service.

Many people—perhaps most people—who had suffered such loss might withdraw from public service, in fear or anger. They might conclude, rightly, that their family had given enough.

But not TED KENNEDY.

He has stayed here and he worked. To some of us, he is an inspiration. To others, he is, frankly, an irritation. But he is the same sort of irritation that the speck of sand is to the oyster. Because of him, we have produced pearls.

We passed the Kennedy-Kassebaum Health Care Portability Act and the Children's Health Care Act.

We raised the minimum wage.

As long as here is here, I know that TED KENNEDY will continue to fight for better health care for all Americans, for educational opportunity, and economic justice.

If history is any guide, he will move this body, and this Nation, forward on all those fronts.

I am proud to call him my colleague and my friend.