

lays out for the Department of Energy in its negotiations with the utilities over taking title to spent nuclear fuel. The only reason to have a take-title mechanism is to respond to DOE's non-performance with respect to specific contracts. Yet, the language of the chairman's substitute contains several changes to what the committee reported last spring on these lines. All these changes are in the direction of clouding the issue of what DOE is responsible for. The probable result of this blurring of responsibility is that numerous utilities will claim that the Congress intends for DOE to go beyond making them whole for specific non-performance on specific contracts. The bill for this extra scope for DOE's relief of the utilities will be borne by either the general taxpayer or the Nuclear Waste Fund, and both sources of funds are a problem. In the former case, it is not fair. In the latter instance, the Waste Fund is already supposed to pay for the repository and the legitimate costs of taking title. It is not reasonable to create a scenario where utilities can claim that Congress intended DOE to pay more than those legitimate costs associated with contractual breaches.

A fourth major flaw in the bill is its authorization for DOE to spend taxpayer dollars to fund foreign reprocessing and transmutation activities in countries that are not willing to pay for such activities themselves. I do not know why we should have blanket authority for DOE to spread reprocessing technology worldwide in this manner. Most other countries that have looked at the sort of reprocessing and transmutation that would be supported by this bill have concluded that there are serious technical challenges that will take decades to resolve. Our own National Academy of Sciences agreed in its 1996 report on "Nuclear Wastes: Technologies for Separations and Transmutation."

Finally, the fifth major flaw in the bill is its lack of attention to the most critical problem facing the Yucca Mountain program—the lack of funding to characterize the mountain properly, or to build the repository, if authorized. The chairman's substitute does nothing either to make the balances in the Nuclear Waste Fund more readily available to fund the work needed to demonstrate the mountain's suitability and licensability, or even to make a special one-time fee under current law for certain utilities directly available to the program. The latter provision would not score under our budget rules, since it is currently outside the 10-year scoring window. If DOE took title to fuel from certain utilities, it might be able to collect the one-time fee early, but without special legislation, the fee would vanish into the Treasury without a trace, and without helping the program.

Let me get to a conclusion so others can speak before we go into recess for our caucuses. I do think this issue of

adequate funding so the program can go forward, so the site can be characterized, is absolutely crucial. I hope very much the Senate will address that before we pass a bill or before we conclude action on an amendment on the Senate floor in the form of a substitute.

Let me conclude my remarks by reiterating the basic principles behind my opposition to the substitute amendment. These are things which I hope very much can be resolved in the alternative that is now being prepared and is going to be available for us to review this afternoon. We ought to focus, in this legislation, on making the current program work. That means, No. 1, giving the Department of Energy the tools it needs to resolve current litigation over its failure to meet past contractual obligations. I hope we can do that in an effective way.

Second, it means upgrading transportation standards for spent nuclear fuel and high-level waste. Again, I hope we can do that in the legislation we finally act on.

Third, it means making the needed funds available to characterize Yucca Mountain, and to build Yucca Mountain if it is licensed by the NRC. I hope we can act on that.

The fourth item is, the program does not need to suffer a loss of public legitimacy by legislatively stacking the deck against EPA's ability to carry out its statutory authority on protecting health and safety. We can find a solution to that. I hope very much we do.

Finally, the fifth item I want to mention is the program does not need extra doses of paper-pushing bureaucracy and bureaucracy related to transportation of nuclear waste, accompanied with unrealistic deadlines for putting waste on the road.

We found that we, American taxpayers, have incurred substantial liability because of our writing into law deadlines which turned out to be unrealistic before. Let's not make that same mistake again in legislation on the Senate floor this week.

I did not support the chairman's amendment even though I appreciate his attempts to improve it.

He has been negotiating in good faith to improve this amendment, and I greatly appreciate that. We have not seen that alternative substitute provision, so I cannot say whether we have reached agreement or not on the various items I have identified, but I hope we have made progress on each of them.

It is important to move the process forward. It is important to come to closure on this bill in a bipartisan way. This is not a partisan matter. I hope all Senators will support the effort to invoke cloture so we can move ahead, and then I hope we can all work in good faith to improve the basic bill we are considering before we have to vote on a final bill.

Obviously, I could not support a vote in favor of the final bill on which we

are invoking cloture, but I hope before the process concludes I can support a piece of legislation that will solve the problems I have enumerated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator HARKIN and I came to the floor 40 minutes ago with the expectation of introducing legislation. We found we were already on the bill. I have checked with the managers, Senator MURKOWSKI and Senator BINGAMAN, who have no objections—nor does Senator BRYAN—to Senator HARKIN and myself proceeding for approximately 10 minutes. I ask unanimous consent that Senator HARKIN and I be permitted to speak for 10 minutes as in morning business for the purpose of introducing legislation.

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

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER and Mr. HARKIN pertaining to the introduction of S. 2038 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

#### NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1999—Continued

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant 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 pending amendment to S. 1287, the Nuclear Waste Policy Amendments Act of 1999:

Trent Lott, Frank H. Murkowski, Slade Gorton, Don Nickles, Tim Hutchinson, Conrad Burns, Michael Crapo, Phil Gramm, Thad Cochran, Richard Shelby, Larry E. Craig, Jim Bunning, Judd Gregg, Charles Grassley, Wayne Allard, and Bob Smith of New Hampshire.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on substitute amendment No. 2808 to S. 1287, a bill to provide for the storage of spent nuclear fuel pending completion of the nuclear