

I am as probusiness as anyone in this body. I yield to no officeholder when it comes to supporting business issues. As Governor and Senator, I have worked to give tax cuts and tax incentives and pay for the training of their employees—all to provide a probusiness environment in which the entrepreneurial spirit can thrive and prosper and create jobs. But, folks, there comes a time when so much greed and so many lies become so bad—even if it is only by a few—that something meaningful has to be done. We must act quickly to protect the investor, provide some security for the worker, and restore confidence in the marketplace because, make no mistake about it, today we have a crisis in the integrity of corporate America.

That is why I have worked with Senator SARBANES in perfecting his bill, and I strongly support it. I am pleased that it is before us this week. I also commend President Bush for making the strong recommendations he is going to be making in New York.

But I think we need to do at least one other thing, so I have a simple amendment. It is only two short paragraphs in length, but it goes to the very essence of fairness. It simply says that, when the taxman cometh, we all—workers and high-dollar bosses alike—must face him just alike, without any go-betweens or liability firewalls or corporate veils.

This is how it would work. There is a standard tax form called 1040. I know there are more sophisticated ones for big business, but the principle I am getting at is the same. This is what it says:

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief they are true, correct and complete.

And then it is signed here by Joe Sixpack. Joe Sixpack of America signs those kinds of forms. There were more than 14 million of those forms filed in April. If Joe Sixpack is required to sign this oath for his family, why shouldn't Josephus Chardonnay be required to sign that same oath for his corporation?

So my little amendment simply requires that henceforth the chief executive officer of all publicly owned and publicly traded corporations must sign the corporation's annual Federal tax return.

Currently, there is an IRS rule that corporations can designate any corporate officer to sign their tax return. That will not get it. Let's be specific. Let's put it into law: The CEO is the one who is to sign the tax return and must be accountable for it.

Where I come from it is expected that those being paid "to mind the store" should at least know whether the store is losing or making money.

Harry Truman had a sign on his desk in the Oval Office that said, "The Buck Stops Here." For Truman, it meant that he was accountable.

He took the blame. He suffered the consequences when things went bad.

For some of today's CEOs, it is just the opposite. They want no accountability. They shift the blame to others. They hide behind that corporate veil. And, it seems, they rarely if ever pay the consequences.

Their former workers cancel plans for their children to go to college while they sip from champagne flutes in their mansions in Boca and Aspen.

For these CEOs, Truman's famous sign has changed from "The Buck Stops Here" to "The Bucks Go Here."

Our system of collecting taxes is based upon the premise that individual taxpayers will take all steps necessary to ensure that the financial information in the tax return is accurate.

If Joe Sixpack fudges the numbers, he doesn't get a pass from paying penalties or going to jail. I find it outrageous that the same is not a part of the mind set for those in the corporate culture.

If any CEO is not willing to sign the company tax return—if they are not willing to take steps to satisfy themselves that their corporation is accurately reporting financial information—then those CEOs have no right to the prestige and respect that goes with the position they hold.

What is good for the goose is good for the gander. So I urge my colleagues to simply hold our CEOs to the same standard that we now impose upon our average wage earners.

Treat them the same, "Treat 'em" the same. That is the American way. That is what the voters out there want us to do and that is what they expect us to do. "Treat 'em" the same.

And you can take that back home this summer and explain it. Some of these other reforms, I fear, will be more difficult to explain.

Treat 'em the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### S.J. RES. 34—APPROVAL OF YUCCA MOUNTAIN DEPOSITORY MOTION TO PROCEED

Mr. MURKOWSKI. Madam President, in accordance with the rules of the Senate as set forth in the Nuclear Waste Policy Act, the chairman of the Energy Committee, Senator BINGAMAN, introduced S.J. Res. 34 on April 9. The Committee on Energy and Natural Resources held 3 days of hearings. On June 5, the measure was favorably reported to the Senate.

As the ranking member of the Energy and Natural Resources Committee, pursuant to the recommendations of the committee and in accordance with the rules of the Senate as set forth in the Nuclear Waste Policy Act that contemplates Senate action within 90 days of introduction, I now move to proceed to S.J. Res. 34.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, 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. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. REID. Madam President, during the last little bit we have been working on an orderly way to proceed on this matter. We knew before the break that the minority was going to bring this matter up, and we did not know exactly when.

I spoke a couple times yesterday with the distinguished Republican leader. I spoke to my colleague, Senator ENSIGN, on a number of occasions. And the day has arrived and the motion has been made. As a result of that, even though Senator ENSIGN and I are extremely disappointed, this matter is now before us. It is here.

We think it would be best resolved as follows: I ask unanimous consent that there be 4 hours 30 minutes for debate on the pending motion to proceed, equally divided between Senator REID of Nevada and Senator MURKOWSKI, or their designees; that upon the use or yielding back of that time, the Senate vote on the motion to proceed; that if the motion to proceed is agreed to, then H.J. Res. 87 be read a third time and the Senate vote on final passage of the joint resolution; that the motion to reconsider that vote be laid on the table, and the preceding all occur without any intervening action or debate.

If I could say just one thing, Madam President, the reason that I felt so strongly, as did Senator ENSIGN, about this is it is important that Members have the benefit of some debate prior to this most important vote. So that is the reason. I appreciate the general tenure of what is going on here. I know there are strong feelings on both sides. Nobody is happy with what we are doing, but it is the best we could do.

Mr. LOTT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. I do reserve the right to object but state in the beginning I would not and will not object. I think this is an appropriate way to proceed. This is something that has been fully disclosed to all on both sides of the argument. We certainly understand and respect the desire of the Senators from Nevada, Mr. REID and Mr. ENSIGN, to have an opportunity to make their case and to maximize their effort against this proposal.

I also made it clear that it was the intent of the proponents, with the leadership of Senator MURKOWSKI and others on both sides of the aisle, that under the law there is a time limit. We have to act on this issue by July 27 or, in fact, this proposal could not go forward. The veto of the Governor, in effect, would be upheld by inaction.

Not wanting to get squeezed down to the end of the session and having it unclear as to how we would proceed, we thought the fair thing to do to both sides was to say on this Tuesday, we would move to proceed to the issue which would be nondebateable unless agreement was worked out to the contrary.

As a result of that being what our intent was, the motion was made, and we have now worked out this unanimous consent agreement which is agreeable to all sides. There would be debate before the vote, and then there would be a vote on the motion to proceed which would be really, in fact, the vote. So this afternoon somewhere not later than 5:45, or perhaps earlier, as I understand it—Senator REID can maybe comment on this—there would be a vote on the motion to proceed.

While nothing else is precluded, it would be clearly my understanding that it would not be necessary to have a vote on final passage if the motion to proceed is agreed to. Everybody understands that is the vote. We have checked on both sides of the aisle, and this agreement is acceptable. That would be the vote.

Another good thing about this is it allows everybody to know when the critical vote will come. It also means, instead of 10 hours, we will go 4½ hours. There is no demand or desire that we go beyond that. Then we can get back to other business; hopefully, defense-related appropriations bills and the auditing bill and get that work done this week.

This is a fair way to proceed. Everybody is on notice. I am glad to work with the opponents and proponents to come to this agreement.

With that statement, I withdraw my reservation of objection.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. As the leader has indicated, both sides have sought to determine if there would be a requirement for a rollcall vote, and both sides have come back no. If there is anyone who attempts in the ensuing period to be mischievous in that regard for whatever reason, it would be very hard for them to get a second for that vote. I think we should go forward on this basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, let me echo the comments of the two leaders relative to what we have before us. I would like to point out in the spirit of cooperation, the motion to proceed is nondebateable. We have agreed on a 4½-hour time limit. It is my anticipation that we will yield some time back.

I just wanted to point out the reality that any Member could have brought this up for action. We worked with Senator REID and the other concerned Senators trying to reach some accord. We think this is a fair and equitable arrangement within the Senate preroga-

tives, particularly given the opportunity on both sides for 4½ hours of debate, and then expedite final disposition so we can move on to other business. I did want to point out, the motion to proceed ordinarily is nondebateable.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. ENSIGN. Madam President, reserving the right to object, and I will not object, I wanted to emphasize a couple of points. First of all, Senator REID and I obviously vehemently oppose this bill and oppose this bill even being on the floor today. Given the reality of what we were dealing with, we knew that we could not delay this bill coming to the floor beyond the July 27 deadline that has been talked about. Because of that, we believed the procedural vote was so important that we have some debate prior to the vote. As Senator MURKOWSKI has pointed out, it is a nondebateable motion. We appreciate the cooperation of the other side because it is such a precedent-setting motion that we believed it was important to have the debate.

We appreciate the cooperation for this 4½ hours of debate prior to the motion to proceed, understanding that if our side loses that vote, it will automatically go to a voice vote and nobody is going to request—although not precluded—no one will request a recorded vote.

I will not object at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, it is my understanding that the unanimous consent request has been accepted; is that right?

The PRESIDING OFFICER. The Chair has asked if there is further objection to the request.

Without objection, it is so ordered.

The Senator from Nevada.

ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 today for the weekly party conferences.

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

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side as it will be for a short time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. REID. Madam President, I yield time to the Senator from Nevada.

Mr. ENSIGN. Madam President, I start my remarks today by saying a lot

of the information that I am going to talk about this morning on this procedural vote—I will be talking more about the substance of the issue this afternoon, but this morning on the procedural vote, a lot of the information has been gathered through hours and hours of research with the Congressional Research Service, with the former Parliamentarian of the Senate, Bob Dove, as well as several conversations with the current Parliamentarian.

I believe strongly this research is accurate and that the precedent we will be setting is a very dangerous precedent.

Today's vote is not just about whether the Senate should allow nuclear waste to be dumped in Nevada. It is also about the authority of the majority leader, and the very meaning of a Senate majority.

According to the rules of the Senate, it is true, any member may offer a motion to proceed to a bill or resolution. In practice, we all know that's not the way it works. The Senate isn't governed just by rules; it is also governed by traditions. And one of those traditions is that the majority leader—and only the majority leader—can set the Senate's agenda by deciding which legislation will be considered. As Senator BYRD's history of the Senate makes clear, it is the exclusive role of the majority leader to "determine what matters or measures will be scheduled for floor action and when."

That's why—the rules notwithstanding—never in the history of the modern Senate has anyone—I repeat, anyone—other than the majority leader or his designee successfully offered a motion to proceed with legislation. It is simply not done.

Why? Because if such a motion prevails without the majority leader's consent, then his office has been impaired. His ability to control the agenda of the Senate—which is the basis of his power and that of the majority party—would be dealt a devastating blow.

That is why Senators of the majority party have always deferred to the majority leader's authority to set the Senate's agenda—and have voted with him to protect this power even when they disagreed on the substance of the issue at hand. Because they know that if they lose, what is at stake is their very power as the majority party. If any Senator can set the Senate agenda, then all the minority has to do to hijack the Senate agenda is convince a handful of Senators from the majority party to join them on any given issue.

Indeed, that is why, from time to time, the minority has sought to challenge the majority leader's power by offering motions to proceed. As a matter of fact, I believe the current majority leader did so when he was in the minority. He did so because he knew the consequences if he succeeded. And those high stakes were the very reason

he was unsuccessful—because the majority party has always rallied around its leader.

We call today's vote a procedural vote. But it is in effect, a test of the power of the majority.

That being said, I suspect few on the other side of the aisle are jumping at the chance to proclaim the stakes in this vote because they hope, perhaps, that no one will notice—that it will be like a tree falling in the woods. If no one hears, perhaps it will not make a noise.

But this vote will make a loud noise—and will change the way the Senate operates. It will do so because—as of this moment—every Senator knows that even though the Standing rules of the Senate permit any Member can make a motion to proceed, no one has ever done it successfully, save for the majority leader or his designee.

After today, if the minority succeeds, it will be a different story. Each Senator will be able to decide how to interpret the results. Will it be OK for any Senator to offer a motion to proceed on any bill or resolution? Or just measures considered under expedited procedures, such as this bill? Or just those considered under expedited procedures which explicitly state that any member can make a motion to proceed? Take your pick, Madam President. Like beauty, this precedent is in the eye of the beholder. And that's what makes it so dangerous.

Our opponents argue that this is a unique circumstance. They are simply wrong. The procedure in the Nuclear Waste Policy Act is not unique.

There are many statutes containing expedited procedures. And 6 expedited procedures in current law, including the Nuclear Waste Policy Act, contain language that explicitly states that "any Member of the Senate" may offer the motion to proceed. That language merely restates the rules of the Senate. Still no one has ever successfully done so without the express consent of the majority leader.

There have been times when Congress has determined that is appropriate to override the traditional power of the majority leader to schedule the Senate's agenda, and this is important when this has been the will of Congress, Congress has passed legislation like the National Emergencies Act and the War Powers Act to do so.

The War Powers Act states that,

Any joint resolution or bill so reported (from Committee) shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

Madam President, unlike the War Powers Resolution, the nuclear Waste Policy Act does not make the resolution the pending business of the Senate. It does not take away the prerogative of the majority leader by making a resolution the pending business with-

out any motion to proceed being required. Had the Senate wished to do so in this case it could have followed the language of the War Powers Resolution, but it did not.

Unlike this War Powers provision, there is no requirement in the Nuclear Waste Policy Act for Congress to take any action with regard to the Yucca Mountain resolution. The procedure spelled out in the Nuclear Waste Policy Act is not required; it is merely permitted. In other words, it is left up to the majority leader whether or not to proceed.

Indeed, the Nuclear Waste Policy Act anticipates that a vote on the Yucca Mountain resolution might not occur that it might be blocked. That is why, if the deadline passes, then the statute giving the State of Nevada a veto will have been carried out. That was part of the 1982 compromise.

The junior Senator from Alaska stated that he does "not know that it really matters very much" who makes the motion to proceed to the Yucca Mountain resolution.

Well, I say that it does matter. It matters very much. The majority leader has made clear he opposes proceeding with this legislation. He has staked his reputation and his office on this matter. I—and the people of Nevada—appreciate his courage in doing so.

So let me be clear: any Senator who offers a motion to proceed in this matter is posing a direct challenge to the powers of any majority leader. For the majority leader to lose such a vote would be unprecedented.

As I said, it may be in my interest as a member of the minority to see the majority leader lose such a vote. But the majority leader has put a lot on the line for Nevada, which is why I am standing here today—a Republican Senator—defending the prerogatives of the Democrat majority leader.

I am doing so because this issue is the most important matter for the State of Nevada to come before the U.S. Senate. No single issue unites Nevadans—no single issue transcends region, political party, or industry—like our fight against becoming the Nation's nuclear dumping ground.

In conclusion, let me restate how important the precedent we are setting today is if the majority leader is overruled. Every Senator needs to reflect on this vote very carefully because this vote could literally change the entire way the Senate operates. Many people believe this issue is vitally important. Some of us believe it is wrongheaded, as I do.

Regardless of how one Senator feels on this issue, the procedures of the Senate need to be preserved. The precedent set today will be a dangerous one and the unintended consequences in the future could be very dire. I encourage all my fellow Senators to think long and hard before they vote. It is not just a vote on whether or not to proceed on Yucca Mountain but a vote on violating the rules of the Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I yield myself such time as I may require.

Let me first point out that it has been a long time coming. We have been approximately 20 years on this issue of nuclear waste, and we are moving in an orderly process, but I feel compelled to respond to my good friend from Nevada on the point on which he most eloquently commented relative to the authority of the majority leader in cases of this nature.

I am going to comment on the motion to proceed, and I think what my colleagues need to understand is that despite what has been said, we are proceeding under Senate rules, make no mistake about it. This particular provision was identified under procedures set forth in the Nuclear Waste Policy Act. They were very carefully developed and adopted as part of the rule-making powers of the Senate.

I quote that portion to address the concerns of my friend from Nevada.

They are deemed a part of the rules of the Senate.

We are not excluding the rules of the Senate. We are not excluding the authority of the majority leader. This procedure is deemed part of the Senate rules. So I hope we can put to rest the matter that somehow we are violating or circumventing Senate rules.

Some have objected to the provision that allows any Member to make the motion to proceed, but they forget, or perhaps ignore, the history of the provision and how integral it was to the 90-day limit on congressional consideration.

This came before the Senate in 1979 and 1980 when the Senate and House were attempting to resolve this issue, as we are today. That provision was considered and passed by the Senate.

Further, it was included in the nuclear waste measure that was introduced in 1981 by then-Chairman Jim McClure of Idaho, who had assumed the chairmanship of the committee. It was also included in legislation offered by Congressman UDALL on the House side, and it was included in the substitute amendments that were reported from the Energy Committee and the Environment and Public Works Committee which had joint referral of the legislation.

It was included in the legislation that passed the Senate in April and then was included in the final legislation that was enacted in December of 1982. It was part of the proposal insisted on by Senator Proxmire, Senator Mitchell, and others who wanted a stronger State veto provision. It was, in fact, what made work the compromise suggested by Congressman Joe Moakley, the chairman of the House Rules Committee.

I find it somewhat off the point, if you will, and kind of a diversion that

some are speaking about violating the integrity of the Senate when we are moving a bill in line with what the Senate had already adopted. Again, I refer to the Nuclear Waste Policy Act and the manner in which this process was considered under the rulemaking powers of the Senate, and included in the rule are the words, "... are deemed to be part of the rules of the Senate."

Let me comment briefly on the role of the majority leader. I have the utmost respect for procedure and traditions. As to the role of the majority leader, there should be no misunderstanding that this process does not in any manner detract from his authority or responsibility. By its very terms, this process applies in the situation of a resolution of approval only under the Nuclear Waste Policy Act and no other situation. So no Member of this body should be misled. This process applies only to the situation of a resolution of approval under the Nuclear Waste Policy Act.

This resolution should not come as any surprise to any Member. All sides have known this was coming since last year. We certainly have not circumvented the procedure. Once the Secretary of Energy made his recommendation to the President, we all took out the calendars and figured out that 90 days would expire sometime before the end of July, specifically July 27. The majority leader was very much aware of this timeframe. Madam President, that day fast approaches.

The chairman of the committee introduced the resolution as required by law, and we had a fairly good idea of exactly when the Senate needed to act. Throughout the process—hearings, full committee consideration, and reporting—the majority leader has been aware of the status of the legislation and the need for the Senate to act, indeed, within the statutory timeframe.

The majority leader has also been aware of the desire of the chairman of the committee and mine as ranking member, together with other Members of the Senate who support the resolution, to find a time that was convenient for him, given his responsibilities to schedule activities on the Senate floor.

The majority leader's office, in fact, proposed a unanimous consent request almost immediately after we reported the resolution to the floor. We responded, and there have been several attempts to work out a suitable time and schedule as well.

It should not come as a surprise, Madam President. Everyone in the Senate knows what the issue is and what the issue is not. No one is trying to undermine the majority leader. No one is trying to circumvent the Senate rules.

When I brought the nuclear waste legislation to the floor last Congress, I tried to fully accommodate the desires of my colleagues from Nevada, and I certainly intend to see that they have

every opportunity to express their concerns today.

I also advise my colleagues again that under the motion to proceed, which is nondebateable, we have agreed to a reasonable debate, 4½ hours. This shows good faith on the part of those of us who believe this matter should be brought to a head and resolved.

As I indicated, the motion to proceed is nondebateable. We could have relied on the statute to proceed, but we have worked out a satisfactory compromise that is fair and equitable. I think the method under which we are proceeding is a fair one, given the circumstances, but I want everyone to understand that we have gone the extra mile to accommodate procedure, the majority leader, each Member, and of course our friends from Nevada.

Provisions in the Nuclear Waste Policy Act are there to allow the leader to decide that he would not make the motion to proceed but allow someone else to do it. I did that this morning by proposing the motion to proceed, and we have now agreed on a procedure.

We have a choice to make. The Senate will today decide very simply whether we should permit the Secretary of Energy to apply for a license to operate a repository at Yucca Mountain.

Madam President, I am going to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Who yields time?

Mr. SPECTER. Madam President, I inquire of the distinguished manager if I may ask him a question or two. I discussed this with Senator MURKOWSKI.

Mr. MURKOWSKI. I will be happy to respond to my friend from Pennsylvania.

Mr. SPECTER. Madam President, I thank the distinguished Senator from Alaska.

The question of concern to this Senator and I think many others is the issue of safety in transporting this nuclear material. What are the plans in the general sense? That is, how will the material be transported? By truck? By rail? And in a general way, what will the routes be? Will they pass through densely populated areas?

Mr. MURKOWSKI. In response to the Senator from Pennsylvania, under the licensing process, I emphasize the action we are taking today does not address the transportation system or the procedure associated with the transportation system. That would come under the licensing process which takes place at a later time.

All we are authorizing today is the procedure to allow the Secretary to apply for the license. So the licensing process will in great detail examine all parameters associated with transportation safety, the manner in which the waste will be not only transported by rail and by truck but containers, and the safety of the containers to ensure they can withstand any anticipated exposure associated with derailment or whatever.

What we have in the transportation of nuclear waste is a number of historic examples of moving spent nuclear fuel. We have had about 2,700 shipments in the last 30 years. The distance these have been shipped totals almost 2 million miles. There has not been a single release of radioactivity.

Now, in other parts of the world—in Europe—they have shipped over 70,000 tons in the last 25 years. The estimates are 175 shipments to Yucca Mountain will take place over a 24-year period. I could go on and enlighten my friend at great length relative to the procedure, but I emphasize what we are doing today is giving the administration and the Secretary the authority to proceed with the licensing. The licensing will address the transportation issue.

I am happy to respond to further questions.

Mr. SPECTER. Madam President, my next question is, is the Senator from Alaska in a position to respond to what the tonnage would be, over how long a period of time, and how many shipments there would be to handle the nuclear waste involved in the projection for being a repository of Yucca Mountain?

Mr. MURKOWSKI. That Department estimate is 175 annual shipments to Yucca Mountain.

Mr. SPECTER. Over how long a period of time?

Mr. MURKOWSKI. Over 24 years; that is 4,300 shipments. In comparison to 300 million hazardous material shipments that take place annually in the United States today with no notice given because these are military shipments associated with the breakup of reactors, most associated with our nuclear Navy fleet.

That is strict guidelines for the Nuclear Regulatory Commission and the Department of Transportation. In testimony before the Senate Energy Committee, both the NRC and the DOT testified they can and will take all precautions necessary for safe and secure transportation. As I am sure the Senator from Pennsylvania is aware, the transportation is in nearly impenetrable casks. For every 1 ton of spent fuel there are 4 tons of protective shielding. The casks have to pass the test to ensure there will be no breach. Tests show they can withstand a 120-mile-per-hour crash into a concrete wall and prolonged exposure to fires at 1,475 degrees.

Some of that will depend, of course, on routing and volume. But 175 shipments is a responsible estimate.

Annual numbers, as I indicated, depend on transportation plans and the combination of truck or train is not yet decided. This will be decided under the licensing process. It is fair to say we will have another opportunity for input on the adequacy of the transportation plan once the licensing process is undertaken. The action of the Senate today will lead to that next step.

Mr. SPECTER. Madam President, when I inquire as to the next step, the

Senator from Alaska comments we will have another opportunity to make an inquiry. Will these procedures, if I may inquire of the Senator—

Mr. MURKOWSKI. It is my understanding—

Mr. SPECTER. Let me finish the question.

Having been here for 22 years, having come to the Senate the same day, we can almost communicate without speaking very much. But my question goes to the issue of another vote here. You say we will have another opportunity. Will there be something presented to the Senate where we have an opportunity to vote on our views as to the adequacy of the safety procedures?

Mr. MURKOWSKI. It is my understanding there will not be another opportunity for a vote. The licensing process is a procedure under the Nuclear Regulatory Commission that will examine and certify the safety of the transportation mode, but there will not be another opportunity for a vote.

Under the rules of procedure we have outlined, this is quite explicit. It allows the licensing process to go ahead. The licensing process will determine the adequacy of transportation and safety. We should recognize we have moved nuclear waste, military waste—primarily military waste—throughout the country for many years and have done it successfully. There is no reason to believe we cannot use transportation methods we have and technology we have to move high-level nuclear waste to one site as opposed to leaving it in 131 sites in 34 States.

Clearly, the Yucca Mountain provision which identifies it at one central location and without transportation, obviously, is going to have to stay in the States where it currently is located, which were not designed for a permanent repository.

Mr. SPECTER. Madam President, another couple of questions. In the absence of a vote, my question to the Senator from Alaska would be, What congressional oversight is possible? Sometimes licensing procedures are fine and sometimes they are not, but they do not have the assurance which this deliberative body can apply.

So my specific question is, What level of oversight would the Senator from Alaska envisage with the licensing procedures?

Mr. MURKOWSKI. I would like to give my friend from Pennsylvania the comfort that suggests we are the parties in making a determination of safety. We certainly have the obligation of oversight. But the appropriate agencies that have this responsibility are the Department of Energy, the Nuclear Regulatory Commission, and the Department of Transportation.

They have the obligation to address, if you will, transportation procedures, safety, routing, the manner in which casks are stored and safeguarded. It is fair to say that the National Academy of Sciences is a participant in the process as well.

What we have is the very best science, engineering, and technology to address the legitimate concerns of the Senator from Pennsylvania. I personally believe they have the expertise, the experience, and have certainly a record that suggests there has not been an accident. It does not mean there couldn't be, but all the necessary precautions within reason have been taken.

Of course, in comfort to the Senator from Pennsylvania, again, we have legitimate oversight of the agencies I have named and will continue to have and maintain that which I would hope would be sufficient to meet the concerns of the Senator from Pennsylvania.

Mr. SPECTER. My final question relates to the issue as to the precautions in the event, perhaps unlikely, that there would be an accident. What assurances are there, if it should happen, for example, in Russell, KS, my hometown—what could happen in Alaska could happen in the hometown of the Senator from Alaska—

Mr. MURKOWSKI. If I could respond, I would almost make sure the waste would not go through my State or through Russell, KS.

Nonetheless, it is a legitimate question. In the Nuclear Regulatory Commission proceedings there is obviously work in progress where there would be a response procedure associated with any inevitability of an accident at any time. That is part of the responsibility of the Nuclear Regulatory Commission, and they would work, of course, with Federal and State agencies to respond. It would involve the Department of Transportation and the Department of Energy. These procedures are already established.

Again, recognizing the movement of this waste over a period of time, there would be an increased degree of sophistication because, unlike military waste, which moves with little notice, clearly it would be known when nuclear waste was moving from reactors to the Yucca Mountain site so there would be special escorts, special procedures, and so forth, to safeguard it because it wouldn't be done without the knowledge, obviously, of the public.

What precautions are taken are outlined in the spent fuel transportation procedure, which has been put out by the Department of Energy, Office of Public Affairs. I would be happy to share this.

It is a lengthy list of what precautions the Government has taken in transportation routing. It covers routing, it covers security, it covers tracking, it covers coordination with State officials, as well as State participation. It involves training procedures. It involves what the Government is doing with emergency procedure assistance. It identifies the specific States, proposed routing, casks, and so forth. I am further advised there is a certification here by the Chairman, Mr. Meserve, of the Nuclear Regulatory Commission. It reads as follows:

Federal regulation of spent fuel transportation safety is shared by the U.S. Department of Transportation and the Nuclear Regulatory Commission.

It relates to the transportation of all hazardous materials. It further goes on to say:

For its part, NRC establishes design standards for the casks used to transport licensed spent fuel, reviews and certifies cask designs prior to their use. Further, cask design, fabrication, use and maintenance activities must be conducted under an NRC-approved Quality Assurance Program.

NRC has reviewed and certified a number of package designs. . . .

We believe the safety protection provided by the current transportation regulatory system is well established [and they] continually examine the transportation safety program.

I think that pretty much addresses the input, the testimony at the hearings by those responsible for oversight.

Mr. SPECTER. Mr. President, I thank the Senator from Alaska for those responses.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). Who yields time?

Mr. ENSIGN. I wonder if the junior Senator from Alaska will yield for a question.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. ENSIGN. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. MURKOWSKI. I am happy to yield.

Mr. ENSIGN. While the Senator from Pennsylvania is still here—this was part of the hearing. I think it is something important for us to get cleared up.

The 175 shipments per year the Department of Energy—and you have mentioned this morning that has been a common number that has been tossed around. The piece of paper I have in my hand is page J-11. It is from the final EIS statement. I am sure your staff has a copy of this. This is part of the final EIS statement from the Department of Energy, table J-1, a summary of the estimated number of shipments for the various inventory, national transportation analysis scenario combinations.

They go through the various types of ways that we would ship and the minimums and maximums.

From what I understand, the 175 per year would be if every shipment was in dedicated trains, which the Department of Energy so far has been opposed to because of the expense of dedicated trains.

The other thing is that we have no rail built in Nevada to make possible the rail segment or the rail scenario. You have to have the rail built in Nevada to be able to go from rail to rail, and there is no rail leading to the Nevada Test Site.

The reason I bring this up, and the reason I would like at least to have this on the record as part of the Senate debate is because it is huge amounts

more of shipments, from what I understand, unless it is all dedicated trains. Is that the Senator's understanding?

Mr. MURKOWSKI. I think, in response to my good friend from Nevada, he has to understand where we are. The licensing plan will address the legitimate mass questions because there is no rail into the area. That is going to come under the licensing plan. But there is a Union Pacific route that is adjacent to the area. It would not be difficult to put a spur in. This was discussed in hearings and so forth.

Mr. ENSIGN. It is about 400 miles it has to go, 300-some depending on the route, it may have to go, from the Union Pacific to the Nevada Test Site.

Mr. MURKOWSKI. This line of consideration, while appropriate, is really part of the transportation plan which will come out of the licensing procedure. That is not what we are here for today. We are here to advance the process so the appropriate agencies can address whether they are going to issue a license. They might not issue a license. But what we are doing is giving the authority for the administration to proceed to try to obtain a license. That will be from the Department of Transportation, it will be from the Nuclear Regulatory Commission, and it will be from the Department of Energy. And they will address the questions of how access is provided, whether it be by rail or certainly truck is available as well; we can talk about these things, but these are all proposals that are going to be addressed in due course.

Mr. ENSIGN. Mr. President, if the Senator will continue to yield, the reason I brought it up and the reason I thought the question of the Senator from Pennsylvania was so appropriate is because this stuff that may be proposed is very important, first of all, because the cost of rail is not included in the Nuclear Waste Policy Act. The cost of the rail into the Nevada Test Site is not in the budgetary projections.

The second thing is that if a Senator is voting on whether this thing is going through—in other words, if I am a Senator from Pennsylvania, and I have a couple of nuclear powerplants, but I know I have a lot more shipments may be coming through my State—if I think there are only going to be 20 shipments a year through my State versus maybe 1,000 shipments through my State, that may make a difference on how I would vote.

Mr. MURKOWSKI. Mr. President, if I could point out, I do not mind responding to questions, but we are dividing time here. It is important, if the Senator from Nevada wants to speak, it is on his time.

Mr. ENSIGN. That is fine. If Senator REID has control of the time, it is fine with us.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BOXER is due here any minute. I was waiting for her to speak. She is not here. I ask my friend from Nevada if he

wants an extra 5 minutes now, or would he rather wait.

Mr. REID. Mr. President, 5 minutes now I would really appreciate.

Mr. REID. Mr. President, let me say to my friend from Idaho that I hope the Senator from California will be here at that time. If she is not, I will yield. But Senator MURKOWSKI could yield some time. I yield 5 minutes to the Senator from Nevada.

Mr. MURKOWSKI. Mr. President, what is the remaining time on either side so we can start off anew relative to where we are?

The PRESIDING OFFICER. The Senator from Alaska controls 106 minutes, and the Senator from Nevada controls 125 minutes.

Mr. MURKOWSKI. Mr. President, I understand that after the Senator from Nevada speaks, the Chair will recognize the Senator from Idaho.

Mr. REID. When the Senator from California is here, I have explained to the Senator from Idaho that she would go first.

Mr. MURKOWSKI. That is fine.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, if the Senator from Alaska would engage, I think it is an important part of our discussion.

The point I was making was that if a Senator were worried about transportation coming through their State—it seems to be one of the biggest issues, and I think it should be one of the biggest issues, if people are thinking about the way to vote on this issue—it is important to know how many shipments, or approximately how many shipments, or the types of shipments that are going to be coming through the State.

As the Senator from Alaska has said, that is going to be determined in the future. But as was pointed out, the only chance for the Senator from Pennsylvania to vote is today. Today is the only chance to vote on whether or not I have 20 shipments coming through my State or whether I may have 100 shipments coming through my State. The numbers can be that different.

Once again, based on table J-1 on page J-11, in the final EIS report, if we have a mostly truck scenario just on one of those proposed actions, we would have 52,000 shipments over the period of time that Yucca Mountain is open. Under mostly rail, we would have around 11,000 shipments. When we have dedicated trains, the numbers go way down. But these aren't dealing with dedicated trains. In fact, the final EIS Department of Energy report did not contain dedicated trains.

That is the reason I was asking the question and why I wanted to get it cleared up. If we don't know we are going to be using dedicated trains, how can the Senator from Alaska and others, including the Senator from Pennsylvania, say there are 175 shipments per year? We toss that number around as if it is a fact when, in fact, it is not

a fact. It is something that is conjecture, pure conjecture, from the Department of Energy based on dedicated trains when they are not even putting that in their final EIS report.

The Senator can answer it on my time. If the Senator from Alaska would like to comment on that, I think it is very important to try to clear this up, because when the Department of Energy testified, they certainly didn't clear this up in the committee.

Mr. MURKOWSKI. This is an estimate. It is all it can possibly be at this time because, clearly, we do not ship this material. We have had experience in shipping in the United States. We had 2,996 shipments of spent fuel under the authority of the Nuclear Regulatory Commission from 1964 to the year 2000. We have shipped that waste 1.7 million miles. There it is on the chart. Low-level radioactive waste—you can see it on the chart—896 shipments. That is what we have done in the past.

I cannot in good conscience do anything more than submit what we have been given as an estimate of the number of shipments. I will not make a determination as to whether that is factual, but it is their best estimate. There is no reason to believe it should not be relatively accurate.

Mr. ENSIGN. Mr. President, reclaiming my time, the Senator said there were the 175 shipments as a statement of fact. He said, as a matter of fact, he is relatively sure of that statement. Because he said he was relatively sure of that statement—

Mr. MURKOWSKI. I think in this interpretation I used the word "estimate"—an estimate. It is all it can possibly be. It couldn't be anything else other than an estimate because it is has not shipped.

Mr. ENSIGN. Except, according to the EIS—and I don't know whether the Senator will address the EIS—on dedicated rail, it is around 175 shipments per year. According to their EIS, they don't use 175. That is only if it is dedicated rail.

Mr. MURKOWSKI. If I may respond to the Senator from Nevada, that may be only dedicated rail. There are other alternatives other than rail.

Mr. ENSIGN. Correct.

Mr. MURKOWSKI. What those might will be determined by the licensing process. But I would encourage my colleagues to recognize the reality here: Do we want this waste to stay where it is or do we want to move it to one central repository? You don't get it to a central repository and out of the States unless you move it.

Mr. ENSIGN. Mr. President, I understand my time is up. I think this is an important question which we will have to deal with a little more this afternoon. I yield the floor so the Senator from Idaho can be recognized.

Mr. REID. Mr. President, the Senator from California is not here. I ask the Senator from Alaska to yield time to the Senator from Idaho.

Mr. MURKOWSKI. Mr. President, might I ask how much time the Senator from Idaho is going to require?

Mr. CRAIG. I will consume the remainder of the time.

Mr. MURKOWSKI. I yield the remainder of the time for this morning to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 15 minutes.

Mr. CRAIG. Mr. President, already this morning we have seen an example of the kind of record that is attempting to be made in part by the Senator from Nevada who would, first, argue a procedural issue that I and others, including renown Parliamentarians, argue does not exist. Clearly, the Nuclear Waste Policy Act of 1982 established an extraordinary procedure—not a precedent-setting procedure. Parliamentarians have agreed that is the case.

But even today, as the Senator from Alaska has mentioned, we have been willing to shape that to accommodate the Senators from Nevada to allow debate on a motion to proceed prior to that vote. Clearly, the majority leader was not engaged on the floor. He already engaged us by saying he would not schedule a vote. He has walked away from his responsibility, if in fact it was there. I would argue that it was not there. Any Senator, by an act of Congress and by the law of the United States, could have done this.

When we talk about precedent-setting action on the floor of the Senate as it relates to the rules of the Senate, we talk about the normal processes of configuring the schedule. I agree with the junior Senator from Nevada on that statement. This is not a precedent-setting action today. In fact, I think those who have observed it have recognized the kind of flexibility and give and take and the responsibility that this Senate had to take under the 1982 law.

I believe the record will be complete. I do not believe that complete record in any way can or will demonstrate that future Parliamentarians would argue that a precedent has been set. Quite the opposite has happened. The Senate of the United States voted in 1982 to establish a process. Therefore, the Senate collectively spoke. It was clear in its speaking that a motion could be placed. And the reason they did that was very clear. They did not want a single person, a majority leader, Democrat or Republican, blocking the responsibility of the Federal Government as it related to a necessary step in the process of determining whether this Nation would establish a deep geologic, high-level waste nuclear repository; that it was more important than one Senator, in that case the majority leader.

It set in place a time schedule. It even gave the State of Nevada—the two Senators are on the floor speaking in behalf of phenomenal power—the power to veto. They have vetoed this. But even in that case, it did not allow a

total State prerogative because this is a national issue of very real importance. And that is why we are on the floor today.

We can debate procedure, if we want. But I think that is clear and it has been well established, and several Parliamentarians argue on either side of the case.

What is clear is a law, and a law clearly stating and a law being passed by the Congress itself and signed by a President. That is what is important. It is from that law that we act today. But because, as the Senator from Nevada has spoken, we wanted and we believed it most important to accommodate my colleagues from Nevada—as I would want to be accommodated if this were happening in my State—we have given that kind of flexibility inside the law by a unanimous consent. And it is under that action that we are currently debating Senate Joint Resolution 34.

What are we doing today? We are taking another step forward. This action today does not, in itself, establish a deep geologic repository for high-level nuclear waste at Yucca Mountain in Nevada. It says that we, the Senate, agree with the Department of Energy that a certification process has gone forward to determine the minimum standards and capabilities of geology and water tables and all of those kinds of things to meet tremendously high level protocol, and now we hand it forth into the next step, and that is licensure.

The Senator from Pennsylvania is concerned about transportation, as he should be. But the Senator from Alaska responded appropriately. That is part of a very meticulous effort at licensing a facility, how it will be constructed, under what conditions it will be constructed, how the waste will move from the State of Pennsylvania or from the State of Idaho to that facility.

Yes, we have ample oversight capacity and capability, and we ought to exercise it. I serve on the Energy Committee from which this resolution came. I want to make sure the Nuclear Regulatory Commission handles that transportation portion of the licensing well. We also have multiple jurisdictions—the Department of Transportation. Therefore, Environment and Public Works will have some say in oversight.

Will there be another action or another vote? No. That is not prescribed within the law. But I also know the State of Nevada is not through either. They will exert phenomenal oversight, as they should, as this process goes forward if—if—the Nuclear Regulatory Commission determines that a license is appropriate for this facility under all of these kinds of conditions.

I would suggest that we have also spent \$4 billion. And \$4 billion is an important figure. It was not our money. It was not taxpayer money. It was ratepayers' money from the 39 States that have commercial nuclear reactors op-

erating power-generating facilities who have paid into a fund to take us this far, a fund that continues to grow, and a fund that will, in large part, finance the construction and the operation of this facility.

So we are taking the next step, the important step. I must tell you, a vote today on a motion to proceed is a vote to take the step or to not step at all. If we do not, we step back 20 years—20 years—into a debate about how to manage high-level nuclear waste with commercial facilities, and temporary repositories filling up with waste as we speak.

Do we say, if we do not speak today, there will be no future for the nuclear industry in this country? Well, we certainly say we have no resolution of how to manage its high-level waste stream, except to leave it in well over 100 facilities spread across 39 States.

Will the States then respond by allowing additional repositories to be built in those States when they were promised that those were the only repositories and that high-level waste would move out and move to a permanent repository, as the Congress decided, in a single location? Those are the unknowns.

But what is known today is that the 20 percent of the electrical energy of this country that is generated through nuclear reactors is the cleanest electrical energy outside of hydro in the United States. Some who are concerned about climate change and want even cleaner energy—and this Nation demanding even higher volumes of high-quality electrical energy—are recognizing that, at least under current and immediate-future technology, the nuclear industry is the right industry to turn to for advanced generation.

So do we want to walk away from that industry today, as we will if we vote down a motion to proceed? Or do we want to take a step forward in a licensing process that says the whole industry can move to, potentially, a future opportunity of producing 25 or 30 or 40 percent of our electric energy needs of this country in a clean and responsible fashion?

Let me talk for a few moments about transportation. I do not fear transportation. The reason I do not fear transportation is the history of transportation of radioactive materials and high-level waste in this country. There have been 2,700 shipments, over the last 30 years, of spent nuclear fuel; some 300 million hazardous and radioactive shipments annually in this country; and there are currently about 3 million shipments annually of radioactive material in this country. So there is a lot of movement going on.

So why the alarm? It is a tactic. It is an alarmist political tactic to try to kill this very effort. Should we be concerned about transportation? You bet we should. But we have a very good record to date of a lot of movement of nuclear waste in this country and radioactive material in a safe and sound fashion.

The reason is quite clear: Because the Federal Government has demanded from day one that those shipments be done in extraordinary ways, extraordinary super-built containers, much of it traveling by rail. The high-level waste that comes to Idaho is naval waste. It comes by rail. But the low-level waste that leaves Idaho leaves by highways in very well designed, tremendously strong containers, and well-managed, selected routes, all of it guided and monitored by GPS. It is tremendously safe today as that waste goes from Idaho to the Waste Isolation Pilot Plant in Carlsbad, NM.

Yes, we have a right to be concerned, but we do not have a right to use alarm and fear where they should not exist. But we have a right to do what is responsible to keep it out of our populated areas, to move it in appropriate fashions in less populated ways.

The Senator from Nevada speaks about rail and an appropriate and safe way to handle it, well demonstrated, well proved. And the Nuclear Regulatory Commission may well want even enhanced containers. But what I would suggest is that if we fail to act today to determine the next step, and many of these utilities go to a private location and establish a private repository—as some are now contemplating—then there is a strong possibility that, in a much less regulated way, in a much less orchestrated and monitored way, we will see nuclear waste moving across this country simply because we failed to act and failed to organize and failed to respond to a highly regulated, highly controlled, and highly monitored transportation system.

Those are the realities of where we are today with this industry and where we are today with the volume of nuclear waste, high-level spent fuel nuclear waste that is building up in repositories across the country. It isn't damned if you do and damned if you don't. It is a responsible and important step to take to move this resolution through to a licensing procedure which will then have full transparency, which will then have the ability of the Senate of the United States and the House to do the kind of oversight necessary to make sure that we can recognize what both Senators from Nevada, who are in the Chamber, need: The best assurance possible, in a zero sum game, if you can get there, that this has been done to the maximum capability of the engineering talent of the best we have to offer.

The 10,000-year protocol established all of those kinds of things that meet the standards that are so critically necessary to do what is right and responsible for this country: store our high-level waste in a deep geologic repository; cause the next step to happen; advance the future of the nuclear industry; advance clean electrical energy for our country well into the future.

It is a responsible act that the Senate undertakes today to allow that

very kind of thing to happen. I hope this afternoon, when we have an opportunity to vote on the motion to proceed, which, in fact, is a vote on whether we will allow the process to go forward, a majority of the Senate will vote in favor of that motion to proceed. I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

#### APPROVAL OF YUCCA MOUNTAIN REPOSITORY—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I yield myself 15 minutes.

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

Mr. WELLSTONE. Madam President, the Senate today is faced with an important decision about whether to ship extremely hazardous, high-level nuclear waste to a permanent repository in Yucca Mountain. Let there be no doubt in anyone's mind, I would like to see this nuclear waste shipped safely out of Minnesota. I wish I could responsibly vote to support this resolution. I regret that I cannot today vote in favor.

I have consistently said that before the Department of Energy and the Congress make a final judgment that we are ready to begin shipping high-level nuclear waste to a repository, there should be a carefully thought out, detailed plan in place, approved by the NRC and the DOE, to transport this radioactive waste and to manage all of the risks associated with that transportation.

Although it has had over 30 years to do so, the Department of Energy has failed to develop such a safe—I emphasize "safe"—waste transportation plan.

While I want this high-level nuclear waste out of our State and think Yucca Mountain may very well be the most sensible location, I don't think we should move forward and commit ourselves irrevocably until we have all of the transportation and security issues addressed.

Therefore, I have come to the conclusion, through a careful examination of congressional testimony, meetings with DOE officials, including the Secretary of Energy, State energy officials and local leaders, that there are too many uncertainties, too many unresolved issues, and the risks are simply too high for the citizens of Minnesota.

I cannot now support this resolution. We urgently need to develop a comprehensive waste transportation plan and policy that protects the health and safety of local communities and all

Americans. We should have such a plan in place before moving forward on a permanent repository plan.

It is unacceptable to me as a Senator that the Department of Energy has ignored the very real and daunting task of developing a secure, comprehensive transportation plan before seeking to authorize the Yucca Mountain site.

The simple fact is, the Congress should not be considering nor should the DOE have recommended authorization of the Yucca Mountain site before State and local officials were consulted and a comprehensive transportation plan has been finalized which takes into account their concerns and the people they represent.

Madam President, even though the Department of Energy has had years to develop such a plan, they don't have one. By the way, I thank Secretary Abraham. I have talked with him over the phone. He has been very gracious, and I appreciate that. But when he testified May 16, 2002, that the "Department is just beginning to formulate its preliminary thoughts about a transportation plan," to me, that is not enough for my State or the country.

The Department spent \$7 billion looking into Yucca Mountain geology but less than \$2 million on the transportation of the nuclear waste. That works out at less than \$10 million a year for the last 20 years. This is a fundamental flaw in the Department's approach. So, to me, failing to plan for the safe and secure transport of nuclear waste before approving the repository site would be irresponsible.

I recognize the industry has had a generally safe record of transporting small amounts of nuclear waste over the last 35 years. But shipments to Yucca Mountain would be at an unprecedented level. The Department of Energy estimates that transportation to a central repository could involve the shipment of more than 46,000 tons of high-level radioactive nuclear waste across 40 States in 53,000 trucks or 20,000 railcars. It is worth noting that even if the shipments were to begin today, there are more than 200 million Americans living in the 700-plus counties that are traversed by DOE's potential roads and rail lines. The population is only going to grow, and grow more quickly, during the time DOE needs to move nuclear waste across the country.

Beginning in 2010, the DOE estimates that over 1,000 truck and rail shipments of nuclear waste could well travel through Minnesota, through our most populated cities and towns such as Minneapolis-St. Paul, Mankato, Rochester, and the Twin City suburbs. So 683,000—looking at the proposed route—Minnesotans would live within 1 mile; 2,213,612 Minnesotans would live within 5 miles; 3,121,718 Minnesotans would live within 20 miles. That is about half of the State's population.

This raises a very important and yet unanswered set of questions about the risks of possible accidents or terrorist