

countertobacco advertising that warns people of the health risks of tobacco products, that will have an effect. Why else would the industry spend billions of dollars a year advertising tobacco products? Because they know advertising works. Countertobacco advertising, we also know, will be effective. And we also know you have to fund smoking cessation and smoking prevention programs, because that helps people.

Now, it is true that very few people are able to quit. Seventy percent of the smokers in America today say they want to quit. Only 2 or 3 percent a year are actually able to. That is because smoking is addictive. In fact, the testimony of the experts told us that smoking addiction is in the same class as cocaine addiction. We went to Brown University and had a hearing there. We had an addiction expert come before us. He said, if you think a smoking addiction is something easy to escape, but you think cocaine addiction is hard, don't be fooled, don't be misled. Because the fact is the one is as difficult as the other.

I will talk a little more about the look-back provisions because that is the pending business before the U.S. Senate. We may have forgotten that around here, but that is the pending business. That is the business before this body, the look-back provisions of this bill.

Before I go into that, I want to talk about an issue that has been raised several times by the opponents of this legislation. That is the effect of the bill on low-income people. It is very interesting around here to hear those who are the chief defenders of the tobacco industry all of a sudden develop a newfound concern for lower-income Americans. I must say, I would be more persuaded by their concern if many of those same people had not spent most of their Senate careers opposing the minimum wages, opposing the earned-income tax credit, and opposing other measures that would help low-income, working Americans. I would be more persuaded if these same Senators had not spent much of their time in the Senate pushing for special tax breaks, tax giveaways and tax loopholes for the wealthiest among us at the expense of programs that benefit lower-income Americans.

Before I talk further about the so-called regressive impact of this legislation, I just want to point out that inaction imposes a cruel tax on low-income Americans. The tobacco industry has deliberately targeted lower-income Americans as its customers. In fact, they are disproportionately the customers of the tobacco industry. They have gone after that low-income market. They have succeeded. And this industry that all of a sudden is so concerned about low-income Americans has charged them rates of profit that are three times the level of profit in the consumer goods industry in America today. The profit margins in tobacco are 30 percent—triple the profit margins of other consumer goods industries in America today. If they are

so concerned about low-income Americans in the tobacco industry, why don't they cut their profits if that is their concern. That is not their concern. Who are they kidding? Their concern is their bottom line. That is their children. And it comes out in every document that has been revealed in these court proceedings. They aren't concerned about low-income Americans other than trying to hook them, addict them, and let them suffer the consequences of disease and death that accompany the use of these products.

The simple fact is that a failure to act will kill low-income Americans and their children in disproportionate numbers. The Senators who now say they are concerned for low-income Americans are nowhere to be found when we talk about protecting children or providing cessation programs for low-income Americans. Instead, they spend their time talking about the costs that this legislation will impose on lower-income Americans. They completely leave out the rest of the story—the fact that lower-income Americans will disproportionately benefit from this legislation.

The facts are that this legislation will reduce costs on low-income Americans more than it will increase costs on them. First, the nonpartisan Congressional Budget Office has concluded that the income distribution tables our opponents have been using exaggerate the effects on lower-income people. The fact is that people's incomes are not the same throughout their lives, and their expenditure patterns reflect that. Opponents also count on what we see as a claim that this legislation will hurt lower-income people because study after study has shown that lower-income smokers are much more likely to respond to a price increase by quitting or reducing their use of tobacco products.

The Congressional Budget Office has estimated the price increase will reduce average consumption of tobacco products by about a third. That means that lower-income Americans will reduce their consumption by even more than a third. So they will actually reduce their overall spending on tobacco products, and for every dollar they pay in increased costs for each pack of cigarettes, they will save more than \$1 by purchasing fewer packs.

Third, the health benefits of reduction in smoking will be largest for low-income populations. By not smoking, lower-income Americans can reduce their lifetime health costs by \$14,000, on average, because lower-income people are the least likely to have health insurance. The direct health cost benefits to reducing smoking will go disproportionately to lower-income Americans.

Finally, the main focus is, and should be, on our children. Lower-income Americans love their children just like every other American loves theirs. They want to make certain that their children get a healthy start in life. I don't believe they will say that a few hundred dollars is too much to pay to

ensure that their kids don't get addicted to these deadly products.

The bottom line, nobody is going to pay the increased fees associated with this bill unless they decide to go to the counter and buy these products. There is nobody saying you have to buy cigarettes in America. Nobody has to pay this additional fee unless they decide they want to, unless they decide they are going to buy cigarette products. You only pay it if you buy the product. Frankly, if you buy the product, you ought to pay it because otherwise you are imposing costs on everybody else in society. Mr. President, \$130 billion a year is what is being taken out of this society by the use of these products.

I will, at a later time, talk about the pending amendment, the Durbin-DeWine amendment, but I think at this point I am going to turn it back to the Senator from Arizona, Senator McCain, and again thank him for his leadership. His courage and his character shine through in this entire debate. I want to thank him very much for his leadership.

Mr. McCain. Mr. President, again, I thank my friend from North Dakota for his kind remarks and for all his effort on behalf of the young people of America. I am very appreciative. I tell my friend from North Dakota that I think we will prevail on this issue.

AMENDMENT NO. 2446, AS MODIFIED

Mr. McCain. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2446), as modified, is as follows:

On page 407, insert the following:

SEC. 1302. VETERANS' ADMINISTRATION TOBACCO-RELATED HEALTHCARE AND COMPENSATION PROGRAMS.

(a) IN GENERAL.—The Secretary of the Veterans' Administration shall use amounts under subsection (b) to carry out tobacco-related healthcare activities under chapter 17 of title 38, United States Code, and to provide other appropriate assistance for tobacco-related veterans' health care illnesses and disability under such title.

(b) FUNDING.—From amounts in the trust fund established under section 400, not less than \$600,000 per year are to be used to carry out Veterans' Administration tobacco-related healthcare activities under subsection (a) to the extent and only in the amounts provided in advance in appropriations Acts, to remain available until expended.

(c) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—Section 1981C of the Public Health Service Act (as added by section 261 of this Act) is amended—

(1) by inserting "veterans," after "uninsured individuals," in subsection (a)(1)(D); and

(2) by inserting "veterans," in subsection (b)(1)(H) after "low-income,".

NUCLEAR WASTE POLICY ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, there will now be 2 hours of debate, equally divided between the proponents and opponents of H.R. 1270.

Who seeks recognition?

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Nevada be allowed to control the time under the agreement with Senator BUMPERS, the senior Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Nevada, Mr. REID, will be considered as controlling time on his side.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that floor privileges be extended to Bob Perret during the debate to follow regarding H.R. 1270.

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

PRIVILEGE OF THE FLOOR

Mr. BRYAN. If the Senator will yield, I ask unanimous consent that Polly Synk be granted the privilege of the floor for the purposes of the following debate.

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

Mr. REID. Mr. President, I yield myself such time as I may consume.

Mr. President, this Congress, especially the House of Representatives, has been referred to as the "do-nothing House," or the "do-nothing Congress." Today, this debate will only add to the fact that it is a do-nothing Congress; it is a do-nothing House of Representatives.

The House is rarely in session. They vote sparingly and very pointedly. Campaign finance was only brought up following the culmination of a campaign to have a discharge petition filed, which forced action on that issue. This issue here today is part of the aura of a do-nothing Congress. We have the fact that this legislation—interim storage of nuclear waste—is an absolute waste of everyone's time. The President has said on numerous occasions that he will veto this legislation. We have had votes on this Senate floor that indicate, without any reservation or hesitation, that we have sufficient votes to make sure that the President's veto is sustained.

In addition, we have the incomprehensible development that the Speaker of the House of Representatives has stated that nuclear waste is dead in this Congress, that he won't touch nuclear waste. Well, I say, what are we doing? The President has said that he will veto this legislation. The Speaker of the House of Representatives has said that he won't allow nuclear waste legislation to move in the House of Representatives this year. It seems very difficult to me why we are moving forward on this. I finally figured out a reason; I am told—tobacco. Are we moving forward on this legislation so that there will be nothing happening with the tobacco bill? I seem to have hit the nail on the head.

The fact that this legislation stands absolutely no chance is because the President said he will veto it and there are enough votes, as proven on the Senator floor, that the veto will be sus-

tained. Only yesterday, the Speaker of the House of Representatives said that nuclear waste is dead. Then there must be a reason. That reason is there is a movement to stop tobacco legislation.

Mr. President, this is a rip-off, this is a payoff for the tobacco industry. They simply want to continue having kids smoke. They know that every day 3,000 kids are locked in and addicted to cigarettes—3,000 every day. Every day we waste in this Congress on something other than tobacco, we are addicting 3,000 children. Should we not be investing in public health research and programs to help smokers quit and protect tobacco farmers and their communities? Obviously, Mr. President, that issue has taken second fiddle to the big stall. Kids are most vulnerable to tobacco company tactics, and we all know that. We know that tobacco companies have, for decades, targeted kids because they are the most vulnerable to nicotine addiction and the most easily affected by the slick advertising and promotional ploys. Joe Camel just didn't show up in the middle of the night. This was done in the boardrooms of the tobacco industry. "What can we do to addict children, kids? We will come up with something that will be as noticeable and identifiable as Bugs Bunny or Mickey Mouse." And they have done it. Joe Camel is more noticeable than those.

So the evidence is overwhelming that smoking is a pediatric disease; it is a disease that affects kids. Almost 90 percent—that is a slight exaggeration—89 percent of all people who try a cigarette try one by age 18. Virtually nobody starts smoking during adulthood—no one. Of the people who have ever smoked on a daily basis, 71 percent were smoking by the age of 18. Now, if Joe Camel isn't enough identification, realize that almost 37 percent of children in high schools throughout America smoke cigarettes. Don't we have an obligation to move forward on this legislation? The answer is yes. I repeat, 3,000 kids start smoking every day. Is this a pediatric disease? Of course it is. Mr. President, it is extremely important that everyone understand that this is nothing more than a transparent effort to kill the tobacco bill.

Today, the majority is setting out to reward two very powerful industries—big tobacco and nuclear utilities. I think there are other parties we should be concerned about. Why should we not be rewarding children—3,000 children a day? That seems to be a little better motive. But, no, the majority is setting out today to reward big tobacco and the nuclear utility lobby.

By invoking cloture on the motion to proceed, the Senate is taking the anti-tobacco bill off the floor, period. We must not vote to invoke cloture. Literally, without being overdramatic, Mr. President, by voting to invoke cloture we are signing the death warrants for kids in America. Adults don't start smoking, kids start smoking; the to-

bacco companies know that. For every day we stall this legislation, we have signed death warrants for kids.

Mr. President, a number of years ago, my wife was in a hospital. She had been there for quite a long period of time. Finally, we had no alternative, and she had to have some very extensive surgery. The surgery took a lot longer than we thought it was going to take or should have taken. We were very worried. We were waiting in the room where loved ones wait while these traumatic things go on. A physician walked into the room—somebody we had never seen before—and he said, "I am a cardiologist. During surgery, your wife's heart malfunctioned." Then, without a second breath, he said, "but we are not worried because she is not a smoker." Doesn't that say it all? Why don't we in this body vote for the children of America and not invoke cloture?

Mr. President, we are talking about terrorism sweeping this country. Today, this is legislative terrorism. We are being asked to support big tobacco and nuclear utilities and, in effect, voting against kids. When it is all over and done with, I think we are not going to find people voting with big tobacco and utilities.

Now, we do not have a lot of time, Mr. President, in the presentation that we have, to get into a lot of the merits of this legislation, that is, the underlying legislation. We will have ample time to do that, and everyone knows that if cloture is not invoked, the Senators from Nevada will be involved in their own legislative terrorism; that is, we feel so strongly about this, as does the environmental community of America, that we are going to do everything we can to protect the health and safety of people in this country—not only the people of the State of Nevada but the people of this country.

Let me just close this part of my presentation by saying that the Energy and Water Subcommittee held a hearing. I, frankly, was involved in other things. And the Senator, the senior Senator from New Mexico, spent a great deal of time working on setting up this very interesting set of hearings. Testimony took place last month, the middle of last month. We had a number of very important people testifying on nuclear technology but, interestingly enough, they all said that spent nuclear fuel—that is what we are talking about here—should be stored on-site.

For example, Dr. Richard Wilson was one of those who testified. He is a professor of physics at Harvard University. He is the lead physics professor at Harvard University. I have a direct quote:

There is no doubt in my mind that the waste from a power plant is much safer than operating a power plant, and you can put it next to a power plant as we are doing in some places without appreciably increasing any risk to anybody.

I had that confirmed on a number of other occasions during that hearing that took place.

Mr. President, in short, we cannot, today, reward tobacco and the nuclear utilities. They have a cabal here to defeat tobacco legislation, recognizing that nuclear waste legislation is all through anyway; the President has said he will veto it. We have enough votes to sustain the veto. The Speaker of the House has said that he is not going to move that legislation. It seems pretty clear to me today's issue here before this body is a gesture in futility.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The majority leader.

Mr. LOTT. Mr. President, in order to make this perfectly clear, I do have a unanimous-consent request that would accommodate my desire on behalf of the Senate to have a vote on this very important nuclear waste issue and then return to the pending business, the tobacco bill. So I do want to ask unanimous consent—and I am not propounding it right now—that would say that once we have this vote, notwithstanding rule XXII, with respect to the nuclear waste bill, we would come back to the tobacco bill.

This is not in any way intended to delay or to drag out the tobacco bill. There is nobody here, I do not believe, who would not like to see us find a way to deal with the tobacco issue and move on. At the same time, as the majority leader, I have to continue doing things as we go along. We have some Executive Calendar things we want to vote on. We have some other bills that I believe Senators on both sides might agree that we want to do as we go along. We have to think about the appropriations bills next week, beginning to move those appropriations bills.

The thing with the nuclear waste issue, the way it comes to us, because the issue was blue-slipped in the House, or the objections because we did it before they did it in the House, we have to go through a series of hoops that take time so that we can take action on nuclear waste and then go on about our business on the tobacco bill or defense bill, whatever it may be. So my purpose here is to get this issue started, and then, after we have a vote, go on back to the tobacco bill. So that is the intent here.

I would ask unanimous consent that it be in order for the majority leader, after notification of the Democratic leader, to resume consideration of the tobacco bill notwithstanding rule XXII with respect to the nuclear waste bill.

Mr. REID. I object.

Mr. BRYAN. I object.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's intent as he has expressed it and the unanimous consent request. As he knows, taking this action would actually put the tobacco bill back on the calendar, and it would then subject the leadership to a

request to take the bill off the calendar once again and move the legislation. We would have to get either unanimous consent to move the bill or we would have to make a motion to proceed back to the tobacco bill. So this is a very, very difficult parliamentary challenge.

Obviously, we are in a very different set of circumstances if this unanimous consent request would go into effect. It would put us at the mercy of every single opponent of the tobacco bill. They know that. I give the majority leader great credit for attempting to try to expedite our legislative calendar. There are a lot of things we should be doing. But I will not subject this tobacco bill to the fate that would be destined this legislation if we were to require that we be at the mercy of every opponent of the tobacco bill when we want to bring it back.

I would ask unanimous consent, reserving the right to object, that regardless of the outcome, the Senate resume consideration of the tobacco bill and remain on the bill until its completion.

Mr. REID. Reserving the right to object, I suggest the absence of a quorum.

Mr. LOTT addressed the Chair.

Mr. REID. I suggest the absence of a quorum.

Mr. LOTT. Will the Senator withhold so we can clarify this?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. If I could just clarify, the Senator did not object; he was reserving his right to object to my request. Did you propound a modification to that?

Mr. DASCHLE. I did propound a modification.

Mr. LOTT. Then I believe the correct thing would be for me to reserve my right to object to his modification of my unanimous consent request.

The alternative here is to have the vote on the nuclear waste cloture motion on the motion to proceed, and if we get cloture, we are on the nuclear waste bill. If the unanimous consent that I propounded is accepted, we could set that aside and come on back to the tobacco bill.

The problem I have with the addition that the Senator has propounded here that we remain on the tobacco bill until it is completed is that we don't know whether that would be a day, a week, or a month. I know that there is other work we will need to get done over a period of days and weeks and that we could, in fact, continue to work on the tobacco bill.

For instance, there is a meeting that will be occurring here in the next few minutes. Senator DASCHLE is familiar with it. Senator MCCAIN, Senator GRAMM, Democrats and Republicans, are going to be involved in that meeting at 4:30. You need a little time sometimes to work out an agreement, a compromise even.

Under this agreement, we wouldn't be able to set it aside and go to any other issue. So that is all I am saying.

We have a lot of work we need to get done during the month of June. It is going to take a lot of cooperation. The tobacco bill is on the agenda. My intent is for us to continue to make progress on it but not to the exclusion of everything else. So I would object to the modification.

Mr. REID. Reserving the right to object.

Mr. LOTT. I withhold but I do object. I object to the modification.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Presiding Officer rules that since the majority leader has the floor, the minority leader reserved the right to object and his unanimous consent will be construed to be a request of the majority leader to amend his unanimous consent request to include that of the Democratic leader.

The Chair gathers the majority leader has declined to do so.

Mr. LOTT. I do, Mr. President.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader has still reserved the right to object to the majority leader's unanimous consent request.

Mr. DASCHLE. I thank the President for that clarification and his interpretation of what has just been presented to him.

Mr. President, I have heard the majority leader on many occasions come to this floor and make an impassioned speech to all of our colleagues that we are going to stay on this bill until we get it done. I heard him say that eloquently and passionately on NATO. I heard him say that when we talked about the budget. I heard him say that when we talked about the Coverdell bill. I have heard him say that on so many occasions this year—we are going to stay on this piece of legislation until we get it done because we have to finish it so we can move on.

I do not want to misinterpret his remarks. I know he would like to see some completion of the tobacco bill. I just wish he and our colleagues would show the same passion and resolve to finish this bill so that we can move on. That is all we are asking. Let's move on to other pieces of legislation once we have completed our work on this. This is an open invitation to go off of this legislation, move on to other things, and, oh, by the way, if there is time, and if my Democratic colleagues play their cards right and behave, we will probably have a chance to come back to tobacco.

That is the problem. I want very much to make this month as productive as the last month was. But you know how it was productive? It was productive when we said we were going to stay on a bill until we finished it. We finished the highway bill. We finished the technical bills. We finished an array of pieces of legislation because we showed some focus and we resolved to stay on that legislation until it was completed. That is what we are asking here. Let's stay on this bill

until it is done, and then let's move on to the array of other pieces on the calendar that have to be addressed, too.

So because we fail to do that, unfortunately, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition? Who yields time? The Senator from Alaska.

Mr. REID. Mr. President, I just want to take 1 minute.

Mr. MURKOWSKI. I defer.

Mr. REID. I also want to say I have the greatest respect for the leader, and of course the Democratic leader also. But I have to say, unless cloture is not invoked, the Senators from Nevada are going to have a lot to say about what goes on on this floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me try to clarify where we stand. What we have pending is the nuclear waste bill, the motion to proceed. The cloture vote is set at 6 p.m. That is cloture to H.R. 1270. After cloture, if we prevail I will introduce an amendment in the nature of a substitute, which will be S. 104, and that is the bill that passed this body. I propose to include in the substitute the Bingaman amendment. I know this is very important to a number on the other side of the aisle.

Let me be clear about another matter. The idea of mixing resolution of the tobacco legislation with nuclear waste—that is a chemical compound that simply does not mix.

The nuclear waste bill has been before this body previously, and I would like to recount a little history of S. 104, the Nuclear Waste Policy Act of 1997. It passed this body 65 to 34; 53 Republicans voted for it as did 12 Democrats, specifically: Senator CLELAND, Senator GRAHAM, Senator HARKIN, Senator HOLLINGS, Senator JOHNSON, Senator KOHL, Senator LEAHY, Senator LEVIN, Senator MOSELEY-BRAUN, Senator MURRAY, Senator ROBB, Senator WYDEN.

It is my understanding that somehow, in the minds of some, by voting for cloture we are somehow setting aside our responsibility to address and resolve the tobacco issue. You have heard the generalization that by prolonging this effort to resolve the tobacco legislation, we are hastening the number of young people who will initiate the use of tobacco. Mr. President, we had a vacation. We had a week off for the Memorial recess. We have lost yesterday. We have lost today. The point is, at some point in time the nuclear waste policy matter has to be resolved by this body. The fact that we have voted 65 to 34 previously on the issue, and the leadership has indicated a willingness to take it up today and set aside the tobacco bill—and further, make no mistake, it is the leader's intention to go back to the tobacco bill. As a matter of fact, he proposed a

unanimous consent request that was objected to. So clearly the intention of the leadership on the Republican side is to proceed with tobacco. But there is a lot going on to resolve the tobacco issue and there will be a lot more time taken in order to reach a conclusion that is satisfactory to this body. So let's be realistic and recognize that today belongs to the issue of nuclear waste. The Senate has an obligation to resolve this issue, to vote for cloture. After cloture, set it aside, go back to the tobacco bill, and then come back on the issue of nuclear waste.

Make no mistake about it. There is a lot of politics involved in this bill. I know what is going on in Nevada. There is an eager House Member who has issued a press release relative to the attitude of the House. I am not going to go down that particular avenue. But it is fair to say the politics in Nevada is against a nuclear waste site in that State. But to be realistic, nobody wants to have nuclear waste in their State. Yet 65 Members of this body voted on August 15, 1997, to put the Nuclear Waste Policy Act in order and designate Yucca Mountain to be a site for an interim facility. Furthermore, as passed, S. 104 set deadlines for the Department of Energy to meet its contractual obligations to accept and store at a single permanent repository the nuclear waste generated at the commercial nuclear power industry site that will be used to store all Federal nuclear waste. Congress selected Yucca Mountain, NV, as the site to be considered for the repository.

So there you have it. You have a situation where we have designated an area. We have expressed, by a vote of 65 to 34, the attitude of this body. Now we are seeking cloture so we can proceed with the obligation to address and resolve this.

So what is a "yes" vote for? Mr. President, a "yes" vote is for storage of nuclear waste at one, safe, Government-controlled site; responsible action to meet the Government's obligation to take our nuclear waste after collecting \$14 billion from the consumers of electricity in this country. Currently, the Government is in violation of its contractual commitments to the nuclear waste industry. The suits that are pending on this could cost the taxpayers somewhere between \$60- and \$80 billion because the Government was supposed to take the waste beginning this year. What we are attempting to do with this legislation is address the responsibility, with finality, for the Government to deliver on its commitments. Also, as we address global warming, the Kyoto accord, and other concerns, there is definitely a role for the nuclear power industry from the standpoint of its contribution to air quality. Nuclear energy provides clean air.

What does a "no" vote do for us? Storing high-level waste in over 80 sites instead of one site is what a "no" vote does for us. It is a continuation of

a breach of contract that will cost the taxpayers, as I have said, untold dollars in damages, an estimated \$60- to \$80 billion. It will basically eliminate our largest single source of emission-free power, and it will result in moving over to another alternative which is not clean, in the sense of nuclear power.

Today's vote is an opportunity for triumph, if you will. It is the issue of safety of people over politics. A successful vote today will allow us to consider and adopt a bill that will lead us to a safer future for all Americans.

As we look at the history of this, as I have said, we passed this bill by large margins, bipartisan margins. The House passed the underlying bill with 307 votes. There you have a pretty good idea of the attitude in the House.

It would be the height of irresponsibility to let our process down at this time, and obviously, as we look to our environmental concerns, to not have an answer to our high-level waste problem is basically a cop-out on our responsibility.

We have, as the map on the right indicates, a number of sites around the country. Forty States are affected, Mr. President. There are 80 sites in the 40 States. This is in addition to the waste stored at the Department of Energy waste disposal facility.

What we have is waste being stored in the backyard of constituents, young and old, across the country, near our neighborhoods, near our schools. Each year that goes by, our ability to continue storage of nuclear waste at each of these sites in a safe and responsible way is diminished. Why, Mr. President? Because many of these sites are filling up. They are designed for a certain capacity of nuclear waste and in many of those pools, at reactor sites, we are seeing storage up to its maximum-designed capacity.

As I have indicated, the Government agreed to take that waste beginning this year, in 1998, but it can't fulfill its contractual obligation, and that is a contractual obligation of every Member of this body to address the responsibility of the ratepayers who have paid in \$14 billion. It is irresponsible to let this situation continue. I for one am not going to let that happen.

Again, I would like to identify in my State of Alaska I don't have a constituency associated with nuclear power or nuclear waste, but it is an obligation that I have as committee chairman and that we have as Members of this body who struggled with this issue of nuclear waste for more than a decade.

Let me display a chart that shows the payments that have been made by each State. Here is what the electric consumers of the United States have contributed over the years to take care of nuclear waste beginning this year. There they are, Mr. President, in millions of dollars. They total \$14 billion. They are asking for this Senate and the House of Representatives to mandate the removal of the waste as a consequence of what they have paid in so

that the waste can safely be stored in Nevada. The U.S. Court of Appeals has ruled that the Department of Energy has an obligation to take possession of this waste in 1998 whether or not a repository is ready. Last November, the court ordered the Department of Energy to pay contractual damages.

I told you those contractual damages are estimated to be up to \$80 billion of taxpayers' money, unless we address our obligation to put this waste out in the desert in Nevada. Neither the consumers nor the taxpayers deserve to bear the cost of the Government's failure.

The administration has simply ducked this issue. They don't want to deal with it on their watch. They just as soon have the nuclear waste issue be resolved by somebody else at another time, regardless of the liability to the taxpayers, regardless of the fact that the ratepayers have paid in the \$14 billion.

Mr. President, we are here today trying again to address a responsible resolve, and to adopt a responsible resolve, we are going to have to get on the bill. This is a motion to proceed to the bill. That is all it is.

Again, I reflect on the opening statements of my colleagues on the other side relative to tying this to the tobacco issue. Tobacco is complex enough without mixing it with nuclear waste. It doesn't belong there, and we have the obligation now to address it.

The statement of the administration bases its objections on a misreading of the bill and a disregard for the reality of the Federal Government's obligation to take the waste beginning in 1998. The administration claims it cares about clean air and preventing climate change.

Currently, 22 percent of our electric power is generated by nuclear energy. This is emission-free nuclear energy. The Department of Energy's information administration says the Kyoto treaty would require a 41-percent reduction of CO₂ emissions from a predicted level in the year 2008 to 2012. Keep in mind, this administration isn't going to be here in the year 2008 to 2012.

How do you get there from here in the Kyoto accord without the nuclear industry? You don't. You can't. There are no new emission-free sources that can economically take the place of nuclear energy. For the moment, we can forget about the Kyoto treaty and think about the present, the present time. Between 1990 and 1995, 37 percent of the sulfur dioxide reductions required by the Clean Air Act came from increased generation of existing nuclear power plants. That is where the reduction is coming from, and this administration doesn't want to accept the responsibility to take care of the waste. Why? It doesn't want to address it on its watch.

Why are my colleagues on the other side mixing tobacco in the issue and saying each day that we delay when

the leadership has asked unanimous consent to go back to tobacco after we resolve this matter? This is a cop-out, Mr. President.

That is why I urge my colleagues to reflect on how their votes are going to be recorded. Those on the other side who voted with us last time are Senator CLELAND, Senator GRAHAM, Senator HARKIN, Senator HOLLINGS, Senator JOHNSON, Senator KOHL, Senator LEAHY, Senator LEVIN, Senator MOSELEY-BRAUN, Senator MURRAY, Senator ROBB, Senator WYDEN.

I encourage them to reflect, again, that this shouldn't get mixed up with Nevada politics. If we look at polling in Nevada, we have to acknowledge Nevada does not want to be the resting place, even temporarily, for our nuclear waste. But both sides are against putting nuclear waste in Nevada. So it isn't a matter of competition among the Members who are against it. They are all against it.

If you ask a Nevadan whether they want nuclear waste in their State, the answer is no. You can go to 49 other States and you will get the same answer. But we have a responsibility to put it somewhere, and we are proposing to put it in the desert where we have had over 50 years of nuclear testing.

There it is. This is the location for the nuclear waste storage at the Nevada site that was used previously for more than 800 tests of nuclear weapons. If you don't want to put it there, you tell me where you want to put it. We spent over \$7 billion at Yucca Mountain already testing it. We are proposing that the waste be moved in accordance with the Government's contract, move it out to a temporary repository until Yucca Mountain can be licensed and certified.

If it isn't licensed and certified, then it is going to have to go someplace else, but until then, this is the site, and to suggest we shouldn't take it up simply means more storage piling up at our reactors. Some of those reactors are going to shut down. We are going to have to get that power someplace else. We will probably have to go to coal-fired power which, obviously, is not going to have the same effect that this has on our air quality.

EPA can pass all the regulations in the world, but if the administration really does not care about clean air—well, they can do something about it, if the President would get behind this legislation. Instead, the administration intends to delay this issue, delay this issue, delay this issue, and the whole time telling the American people that it really cares for its safety, the environment, and their pocketbook.

Let me tell you again, if you are concerned about the safety, you are not going to put this around in the number of States where we have it, that is 40 States with 80 sites. If you care about the dollars, you are not going to stop the realization that the taxpayers have paid \$14 billion; and now we are looking at claims for nonperformance of the

contract to the taxpayers in over \$70 to \$80 billion.

Is the President really concerned about clean air and climate change or is this a cynical diplomatic or, more realistically, a political excuse? I think it is the latter, Mr. President. There is politics in this issue. There is politics in the mix of this issue and tobacco. This issue should stand on its own.

Finally, Mr. President, we have really reached a crossroad. The job of fixing this program is ours. Time for fixing this program is now. The vote before the Senate is to move forward with a motion to proceed. Then we are going to move back to tobacco.

We have made progress on this issue. We have made progress at Yucca Mountain. As I have indicated, the 5-mile tunnel is complete. We spent \$7 billion of the consumers' money. We have to build on this progress. Our bill continues site characteristics, activities for permanent repository. It allows each State to designate the route that the nuclear waste will move to the site proposed in Nevada.

I remind the President that we have waste moving throughout the United States, military waste across State lines. We can move it safely. We know how. Europe moves it safely by rail and by ship. There is no magic in this. But the realization is that today we need a temporary storage facility or we are going to be storing spent fuel all across this Nation for decades to come. We are going to be in violation of our contract, which will cost the taxpayers more money to settle the suit.

And we can choose today whether to start on this process to resolve the issue of whether the Nation is going to continue to have 80 interim storage sites or just one safe site—that arid, remote Nevada test site where I have indicated we have exploded scores of nuclear bombs during the cold war. And it is safe and it is remote. And, unfortunately, it has to be in one of our States, and it happens to be in the State of Nevada. But it has brought a lot of jobs to Nevada, a lot of prosperity to Nevada over the years.

And there is the realization that if Yucca is licensed—and it is likely to be—it is going to be a very, very easy task to move the spent fuel to the repository. And in the unlikely event that Yucca is not licensed, or found to be unsuitable, Congress and the administration are going to have to consider our options. In either case, we will be ahead of the game regardless of what happens at Yucca.

This is a step that we should take. And remember today, yes is a vote for cloture. It is a vote for the storage of nuclear waste at one safe Government-controlled site. It is a responsible action to meet Government's obligation to take the nuclear waste, after collecting \$14 billion from the consumers of electricity. It is for cleaner air. And a no vote, again, is for continuing to store high-level nuclear waste in over the 80 sites instead of the 1 safe site. It

is a continuation of a breach of contract that is going to cost the taxpayers of this country some \$70 to \$80 billion as a consequence of our inaction.

A no vote is for eliminating our largest source of emission-free power, resulting in dirtier air. And isn't it extraordinary that this Nation, with all of our technology, cannot address or resolve our high-level nuclear waste; but the French, the Japanese, the British, the Swedes have all addressed it responsibly? We cannot even get our Government to commit to its contractual commitment.

The time is now. I urge my colleagues—I know the politics of this body. I know this is an issue in the race in Nevada, and I can understand and be sensitive of that, but each one of us has an obligation as statesmen to address responsibly the obligation we have towards taking this waste and putting it out in a temporary repository in Nevada.

I understand the arguments from my colleagues from Nevada relative to their bottom line. They do not want it in their State. But we have an obligation to put it somewhere. We have voted previously to put it in Nevada, in a temporary repository. To back down now is to shirk a duty and an obligation that we were elected to address, Mr. President, address with a resolve; namely, the sanctity of a contractual commitment that is due to take that waste this year and the recognition that the Government, the administration, refuses to accept that responsibility, therefore, that obligation becomes ours; furthermore, the litigation and cost to the taxpayers who are going to be confronted with this, and the full employment for lawyers if we do not address it now.

So do not let politics enter into the vote and the resolve on this issue. This issue should stand on its own. This issue does not belong in consideration of the tobacco bill. This legislation should be addressed and resolved with a vote in favor today so we can move on and meet our responsibility.

Mr. President, I ask how much time I have remaining on this side.

The PRESIDING OFFICER. Twenty-nine minutes 40 seconds.

Mr. MURKOWSKI. I thank the President, and reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before yielding to my colleague from Nevada, I would like to ask my friend, the junior Senator from Alaska, do you disagree with Dr. Richard Wilson, professor of physics, Harvard University, who testified before the Energy and Water Subcommittee 2 weeks ago, recognizing this man is one of the foremost experts on things physics and nuclear power in this country, when he said, "And you can put it [nuclear waste] next to a power plant, as we are doing * * *, without appreciably increasing any risk to anybody"?

Do you disagree with his statement?

Mr. MURKOWSKI. Relative to powerplants, let me advise the President there are safety and economic advantages to having 1 central storage facility rather than 80. I think my colleagues would agree on the other side. Throughout the debate, we keep hearing suggestions like: "Why don't we study the issue some more? Why don't we just leave it at the plant sites?" which is what is suggested, and "Why do we have to solve the problem now?"

Well, why should we leave spent fuel at the nuclear power plants in 34 States when there is a less costly storage method with an increased margin of safety in an area that has already been proven for its storage of waste?

Mr. REID. Let me reclaim my time.

Mr. MURKOWSKI. Let me try to finish.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I would say, of course, my friend from Alaska did not answer the question because the answer is so obvious. We have here one of the most eminent scientists in America dealing with nuclear waste, with things nuclear. He said, "And you can put it next to a power plant [nuclear waste], as we are doing * * *, without appreciably increasing any risk to anybody."

I also say to those within the sound of my voice, it is cheaper to have dry cast storage containment. It only costs about \$5 million to establish one on-site.

It would seem to me that this is so clear that it is easy to see through the transparency of what the nuclear utilities are trying to do. They are trying to wash their hands of this terribly deadly waste that they produced; namely, plutonium, wash their hands of it and give the responsibility to somebody else. Otherwise we would go for the cheaper, safer version that has been underscored as being safe by Dr. Richard Wilson, professor of physics, Harvard University.

I yield to my colleague from the State of Nevada whatever time he may consume.

The PRESIDING OFFICER. The Senator from Nevada, Mr. BRYAN.

Mr. BRYAN. I thank the Chair and I thank my colleague.

Mr. President, for those who are not familiar with the parliamentary intricacies of the Senate process, I think a reasonable question should be raised, and that is why are we debating this issue; namely, the placement of a temporary nuclear waste dump at the Nevada test site in Nevada, when, No. 1, the Speaker of the House has indicated that no such legislation will be processed in the House; and, No. 2, the President of the United States has said if any such legislation should reach his desk, he will veto it.

Mr. MURKOWSKI. May I ask my colleague a question?

Mr. BRYAN. I yield briefly.

Mr. MURKOWSKI. Mr. President, could the Senator identify the state-

ment of the Speaker of the House of Representatives relative to the statement of the Senator from Nevada that the House will not take it up? I have not seen that statement from the Speaker of the House.

Mr. BRYAN. I am happy to respond to my colleague. Let me just say very briefly that statement appears in the form of a statement issued by the Congressman from the First Congressional District in Nevada in which he quotes the Speaker directly and explicitly, I must say, based upon a previous statement that the Speaker made with respect to the same House Member in 1996, when he indicated at that time no action would be taken on the temporary nuclear waste bill. In 1996, the Speaker was good to his commitment and did not do so. I presume that he would be in the same vein committed to honor the commitment he has made.

I say to my friend from Alaska, I have no reason to challenge that. I have seen nothing from the Speaker to indicate that the Congressman's statement is inaccurate.

Mr. MURKOWSKI. Mr. President, I have been unable to get a copy of his statement from the Speaker. I read the statement from Congressman ENSIGN on the issue relative to the attitude of the Speaker, but we have not been able to get a release.

I suggest at this time we are perhaps misleading in the sense of suggesting that is the Speaker's position.

I thank my colleague.

Mr. BRYAN. Let me reclaim the floor and simply make the point that this bill, if it ever reaches the President's desk, will be vetoed. I have no question, based on the assertion not contradicted in any way, this statement was released yesterday. It has not been contradicted. I can understand why the Speaker may be reluctant to talk with my friend from Alaska because of the strong views. I suspect the nuclear power industry has also been unable to get a response.

Mr. MURKOWSKI. Is this not the statement from the Congressman that is running for the Senate seat that is vacant in Nevada?

Mr. REID. Vacant? Vacant?

The PRESIDING OFFICER. The Senator from Alaska should address the questions through the Chair.

Mr. BRYAN. I reclaim the floor and I simply say, because I want to talk about a number of issues, I inform my friend and colleague that a House leadership aide today told one of the local publications here on Capitol Hill.

... that the nuclear industry and other bill proponents should have seen this one coming. It was presumed among the leadership that a vote on an issue as contentious as nuclear waste storage could never take place in an election year.

That is June 2, 1998. It comes from Congress Daily, a confirmation from a House leadership aide. I have no doubt it is true.

Let me get to the point as our time is limited. There is a lot more in operation here than nuclear waste. We are

talking, my friends, about an unholy alliance between two of the largest corporate entities in America—the nuclear power industry and the tobacco lobby. Here is how both of them win and the American taxpayer and the kids of America lose. The Democratic leader was absolutely correct when he said we should stay on the tobacco bill until we complete it, just as we have with other issues that are deemed priorities by the leadership in this Chamber.

The way to do that is to stay on it, not to get sidetracked on another issue. From a procedural point of view, the majority leader, at any time, can file a motion to proceed to invoke cloture at any time. It seems to me more is in operation here than might meet the eye. No. 1, if we get off tobacco, and that will be the effect if cloture is granted—everybody in this Chamber knows that our time limit for this session is extremely limited, 13 weeks or less; there are 13 appropriations bills that have to be processed, and many other pieces of legislation—in effect, a vote to invoke cloture is a vote to kill tobacco. That is a vote that kills children in America. Three thousand each day take up smoking for the first time; 1,000 of them will die prematurely as a result of smoking-related complications.

A decade ago we thought we had made progress in reducing smoking of the underage. However, from 1990 to 1996 the statistics have been tragic and disastrous. The rates of teenage smoking have soared. In some categories of youngsters, African-American, they have more than doubled. In my view, it is absolutely important and imperative as a matter of public policy that we deal with the tobacco issue.

Obviously, the nuclear waste industry has its own agenda but they find common ground with another industry in America, and that is the tobacco industry. The two of them come up with this strategy and both are winners and the American people are losers.

Let's talk a little bit about the process for a moment. We are urged to move to consideration of a bill that is the House bill. That bill, by every standard, is much worse than a bad bill processed out of this Senate earlier in this Congress. The chairman of the Energy Committee has indicated that he has an amendment that will be offered shortly after—but everybody here understands what is happening. There is a so-called substitute that most of us have never seen—that at best is a work in progress—that we have no idea what it might be. There has been no conference, no conference. The Democratic members of the committee have not been involved or consulted in any way. This has been the nuclear utilities working out various provisions in the back room which serve their best interests, and which we have not yet seen in the light of day.

My colleagues, you are asked to bring to the floor a bill that ulti-

mately, if the substitute is offered, we don't have any indication as to what its contents may be. I agree with the majority leader when he said the responsible thing to do is to deal with each of these issues, tobacco and nuclear waste, separately and the way to do that is to vote no on the cloture motion and to stay on tobacco until we have completed it. Then if there is any desire to proceed, something that the majority leader has every right under the rule to do, he can proceed along that line. But there is no reason—none—to bring this issue to a head now.

Now, let's just talk a little bit about the merits of this legislation and the need. For the last 18 years, the nuclear power industry in America has been crying there is an urgent need, catastrophe will fall upon us, that there is a crisis.

Here is a statement made by our former colleague on the floor of the Senate, July 28, 1980—18 years ago—referring to a piece of legislation which was then referred to as away-from-reactor legislation, but essentially the same thing, a so-called temporary nuclear waste dump. Our former colleague said in discussing this:

It is an urgent problem, Mr. President, for this Nation. It is urgent, first, because we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Didn't happen, didn't happen. No nuclear utility in America has ever been closed down because of inadequate space. Some have been closed down because they are dangerous and they constitute a public health and safety risk, and others have shut down because simply in the evolving electrical markets of the day they are simply no longer economic. So that is the need argument. We are hearing that it is urgent; we need to deal with it.

Let me talk about what the scientific community has said, the Nuclear Waste Review Board, not comprised of Nevada citizens who have strong views, as the chairman of the committee properly addresses. This is the scientific community. "The board sees no compelling technical or safety reasons to move spent fuel to a specialized safety facility."

None. Indeed, our colleagues have specifically incorporated into the law a provision that would be changed if this piece of legislation is processed that specifically precludes the establishment of a temporary nuclear waste dump until such time as a permanent dump is established. They knew then, as we ought to know now, that something that becomes temporary is de facto permanent in America.

So the scientific community is not supportive. The President of the United States has indicated that he will veto this legislation. It is said the great joy of this piece of legislation is that all

nuclear waste will be congregated in a single site. Not true, Mr. President. Not true. In effect, what we do is we will add one additional site. These designated sites on this chart indicate commercial reactors around the country.

Those who are familiar with nuclear power understand that a nuclear reactor is powered by spent-fuel rods. Those spent-fuel rods, after a period of time, lose efficiency, so that they need to be removed from the reactor core and placed in storage. Those spent-fuel rods are what we are talking about here. That is the commercial nuclear waste. What is done, because they generate enormous amounts of heat, is they are placed in pools of water at the reactor site, so every commercial nuclear reactor in the country that has an active reactor will have someplace that by necessity they will have to store these spent nuclear rods for a period of 8, 9, 10 years. So this allusion that sometime we will have a single site is simply not the case at all. So long as there are commercial reactors in America, that is the process we must go through.

Finally, a word about the court case and the responsibility of the Department of Energy. Mr. President, the Nuclear Waste Policy Act was enacted in 1982. It indicated there would be a series of contracts that would be entered into by each of the reactor sites and, indeed, that is what has occurred. Those contracts defined the responsibilities of the parties. The responsibility of the Department of Energy is, in the event that there is a delay in taking the nuclear waste from the reactor site—everyone must concede that is the case; there is no way possible that those dates can be met, and January 31, 1998, was the date—it expressly indicates that the remedy that is provided is that, to the extent the delay is ascertained, "the contract will be equitably adjusted to reflect any additional cost incurred by the party not responsible for or contributing to the delay."

What that means is to the extent that a nuclear utility incurs additional expense for on-site storage that it would not otherwise have incurred had the Department of Energy been able to take the nuclear waste, the nuclear utility and its ratepayers are entitled to be compensated. I do not disagree with that. I have introduced legislation since coming to this body that would provide for that. The simple way that could be done is to reduce the amount of a contribution which the nuclear utility makes to the nuclear waste fund in the form of a mill tax levy on each kilowatt hour of nuclear power generated so that the ratepayers may be whole. That has been offered time and time again. The nuclear utilities reject that because they have a different agenda. We will talk more about that. Their agenda is to transfer the financial responsibility from the nuclear utilities to the American taxpayer, and that is one of the most outrageous features of this legislation.

I yield the floor and reserve the balance of my time.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Who yields time?

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to my friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me join my colleague from Nevada and say we are debating a motion to proceed. To proceed to what? To proceed to something that the House and the Senate of the U.S. Congress have spoken to in a substantial majority for the last 3 years, which is that the Government of the United States should honor the 1982 Nuclear Waste Act and take possession of the waste that they promised the utilities they would take in return for the ratepayers paying out billions of dollars to build a permanent repository.

The Senators from Nevada have alluded that there is no cost or obligation. It is the word of our Government; it is the law that speaks. It is a solemn obligation under taxes that we have taken to take possession and build a permanent repository. The courts have also, just in the last year, clearly reflected that. This administration has had to quietly admit it. Now they are fighting in court saying, "We don't want our hands dirtied by our obligation."

Mr. President, you are without claim, you are without program, but you aren't without politics. I must say that when the Senators from Nevada talk about the Nuclear Waste Technical Review Board saying certain things, let me remind the Senate the chairman of that board was appointed by this President. Would it be so unusual that he would reflect the political attitudes of this President? I suggest not.

Now, I find it very interesting that the Senators from Nevada are standing on the floor today wringing their hands and suggesting that we are avoiding the debate on tobacco. Since when has the Senate been a single legislative body? Under the leadership of Democrats and Republicans alike, for the purpose of moving timely policy issues, this Senate has dealt with a multitude of issues. That is exactly what the majority leader is attempting to do today—to start a process on the nuclear waste bill and to move on with tobacco.

Who has denied the Senate the right to do two things at one time? The Senators from Nevada. They are the ones that say it is either/or and it is not both. So I find it a bit ironic that they would suggest today that thousands of children may die from tobacco. Let me tell you that any child that starts smoking tobacco doesn't die from it immediately; 10, 15, 20 or 30 years down the line, if they are foolish enough to continue, they might. So back off. That is an illogical argument, and the reality is very clear. This Senate is ca-

pable of doing a multitude of things, and we must if we are going to move timely policy issues for this country.

Oh, my goodness, Dr. Richard Wilson is suggesting that waste stored at generating sites is safe. What is the difference between storage at a generating site and storage at a temporary site awaiting final disposition in the Nevada desert? Well, I will tell you that there is a difference. The difference is that neither is a problem. So to the Senators from Nevada who claim this great difficulty of human risk to the State of Nevada, there is no risk, by the admission of Dr. Richard Wilson. What there is, is the reality of the law and a timely responsible disposition of this issue.

How can any Senator stand on the floor and say we are going to collect \$14 billion in taxes, which we have done, and then we are going to turn and run away from the issue and spend the money elsewhere? That is what the Senators from Nevada are suggesting. They are suggesting that somehow we collect the money, but we have no obligation after the fact.

The law and the courts are clear. The reality is that we move toward the development of a permanent repository. And while we are doing that, and while it is the Congress of the United States that, by law, designated Yucca Mountain for the purpose of the necessary scientific and engineering studies to determine its desirability for that, we have the responsibility of the law to fulfill the obligation.

By the way, what Dr. Richard Wilson did not say is that every site that stores waste at every generating site today, by definition, is temporary—by definition, is temporary. And yet it is safe. Yes, it is safe. It has been well managed. But because it is temporary, the Congress of the United States in 1982 said it is time this country developed a permanent—permanent—resolution of this issue.

I would suggest, with a smile on my face, that the Senators from Nevada, when using the tobacco argument, are hiding behind a bit of a smokescreen today. But let's clear the smoke and face the reality that we can deal with more than one issue at one time in this Chamber. The Senators from Nevada are denying us the ability to deal with tobacco, because if we get cloture today, we are on nuclear waste, and we will stay there until this issue is resolved, when we could move forth and debate both tobacco and nuclear waste with a timely allocation to each issue for the purpose of resolving it to final disposition.

That is what the majority leader was talking about. That is what this Senate is trying to do. It is our obligation, and it is our responsibility. The Senator from Alaska has talked about the waste, the amount of storage facilities, and what we are attempting to do—81 sites in 41 States, commercial spent fuel. Are big utility companies trying to shove off the responsibility, as has

been alluded to by the Senators from Nevada? Quite the contrary. The big utility companies entered into an agreement with their Government. They signed a contract, and they paid the tax. Is that shoving anything off? Absolutely not. It is the reality of the law, and the Senators from Nevada know that.

Can I blame them for their arguments in defense of their State? No. But they are not entitled to their own truth when it does not match the reality of the law. Facts cannot be generated on a daily basis. The reality is very clear—\$14 billion later and better than a decade and a half, the Congress of the United States has not forced their Government and has not forced this administration to own up to the law, and it is now time we do so. A majority of this body agrees with that; 65 Senators agree with it, 307 House Members, because they understand that they have an obligation to uphold the contractual relationship of this Government as was established.

And what did our courts say? Yes, contracts mean something. Last year, the Supreme Court said: You have a contract; the Government is responsible for delivering on the contract. The Senators from Nevada say quite the contrary. Well, they can debate about the Supreme Court if they want to; I will not. What the legislation that we have before us proposes to do is to honor the contract and to do so in a reasonable and timely way, to build a temporary repository, to begin to handle waste in the very way, the very safe way, by the admission of the Senator from Nevada, that it is being handled at temporary sites.

So what is the fear? I think there is none. In fact, if you study the issue, you know there is no fear. How many nuclear bombs were trucked right down through the middle of Las Vegas—hundreds of them were—as they moved out to the test site in Nevada for the purpose of their testing. We in this country have the phenomenal integrity of managing nuclear waste in a sound and safe way. And that is the record. We know that is the record. But the legislation that we have before us, or at least that we are attempting to get to, even tightens up on that. It even gets much, much tougher. It goes on to talk about the responsibility of establishing the transportation sites and working with the States to assure that those transportation sites' integrity is maintained.

Nevada as a State, as does my State of Idaho, has had a long history of dealing safely and soundly with nuclear materials and doing it in a way that has been cost-effective, that has brought hundreds of millions of dollars to our State in the form of revenue, jobs, and taxation.

Is it a double standard we talk about today? Not this Senator. It is a contractual obligation of our Government to find and build a permanent repository for the long-term safe disposition

of nuclear waste material. That is the debate today. I cannot blame the Senators from Nevada for the fight they put up. But it is very clear where this Congress and where this Government intends to go, and it has been very clear since 1982, because that is what the citizens of our country have wanted, and that is what we have obligated ourselves to do.

We have a nuclear legacy that some would like to walk away from, but it is a nuclear legacy of which this country can well be proud.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. CRAIG. Will the Senator from Alaska yield me additional time?

Mr. MURKOWSKI. May I ask the Chair, Mr. President, how much remaining time we have on this side.

The PRESIDING OFFICER. The Senator from Alaska has 18 minutes 30 seconds.

Mr. MURKOWSKI. About 8 minutes.

Mr. CRAIG. Mr. President, this Nation has a nuclear legacy that some would like to shy away from. It is, in fact, the legacy of which I am proud. It has brought safety and security to this country for decades. Now we must handle it in a responsible fashion, because from that legacy there is a debt, and the debt is the safe and responsible management of nuclear waste from the military side.

Some years ago, we decided that a permanent repository would also house high-level military nuclear waste. While all of that legacy is a responsibility of our Government and our citizens, there is another legacy that we can be even more proud of, and that is the history of the commercial electrical generating industry that chose to generate electricity from nuclear energy. About 20 percent of our electrical base today is nuclear, and our scientists and environmental friends tell us that if we are to obtain the clean air standards in the nonattainment areas, we will probably have to have more nuclear generated electricity, or at least we will have to keep the same ratios even with the growth of our country.

All of a sudden, out of a Kyoto discussion comes a new recognition of a phenomenally clean, safe form of electrical generation. We all understand that. We all find it terribly important. If we are going to address the reality of climate change—and all of us are concerned about it—one of our obligations is to provide a safe, clean source of energy, and it is nuclear. And to do so, we must find a safe, clean way to handle the spent fuel. That is what we have understood for a long time, and that is what this country will demand.

That is what we are putting forth today—to deal with this legislation, to put it to the President, hopefully, for his signature. And I will tell you that the Senators from Nevada have said he might veto it. Well, the President of the United States does not run the legislative branch of Government, nor

should we view that threat as something that would deter or direct our policy formation. We are a separate branch, and while the President might suggest he would veto it, we also have the power to override. And in the last vote we had on this issue, we missed that by one vote. I am convinced today, based on the increased importance of this issue and the reality of the court tests and the simple explanation of our President as he throws his political hands up and says, "I have no solution to the problem, and I will do nothing," even though the courts and the law say he must, that he is acting in a fully irresponsible fashion. The Congress of the United States knows that, and 41 States know that. And the public is beginning to say, "Wait a moment, Mr. President. You have an obligation under the law. Didn't you take an oath of office? Aren't you responsible for upholding the law?"

But so is the Congress. And the Congress and the President, in concert, can resolve this issue. The resolution is in the very legislation that we are attempting to debate on the floor, to build a safe, temporary repository to begin to take possession of the waste that we promised we would in 1982 as we began this process and as we began to tax the ratepayers of the nuclear-generating utilities of this country.

We can do that and we should do that, if that is what we debate today. This is not a debate about tobacco. That is a false argument. It was the Senators from Nevada and the minority leader who denied the Senate the right to debate both issues. So let us not use that again. It is a phony argument. It is a false-based argument. This Senate, under Democrat or Republican leadership, has dealt with two or three issues at a time. When we get under time constraints, as we are in this political year when our colleagues will want to be out campaigning by early October, there will be many times on the floor of the Senate when we will want to deal with multiple issues.

This is one where some have chosen to be selective, but let the record show that is a false choice. We can do both. We should do both. That is the intent. That is why we are here today, to debate a motion to proceed so we can handle both at the same time in a responsible way, so we can turn to our citizens and our electorate and say, as we close the business of the 105th session of the U.S. Senate, that we dealt in a timely fashion with our environmental responsibilities with nuclear waste, high-level waste materials, and that we also dealt with the responsibility to the teenagers of America, and that is to deal with tobacco and try to restrict it from their access and their use. We can do both, and we should, and that is what we are attempting here this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope my friend from Idaho would review the comments that he made. I, of course, recognize that a child who begins smoking today doesn't die today. No, that is true. As the Senator from Idaho said, that person doesn't die today. That person dies later, an agonizing death from lung cancer, emphysema, heart disease. No, they don't die today. They die later.

Also, I think my friend should go back and look at the statement he made about those who are not teenagers who are foolish enough to continue smoking. The tobacco legislation is about addiction. The tobacco companies addict our children. Mr. President, 3,000 children a day are addicted to tobacco. It is not something they can just stop when they turn 19, something they can stop when they turn 32. They are addicted to a substance that causes them to want this product. They pay huge amounts for it. Why? Because they are addicted to it. They are addicted—when? They are addicted, 90 percent of them, when they are teenagers.

So, for my friend from Idaho to say, "if they are foolish enough to continue smoking"—I think the facts should be reassessed, as, I submit, should be a number of the other facts stated by my friend from Idaho. For example, he agrees with Dr. Wilson. He said that storing nuclear waste at a repository next to the nuclear generating facility is safe. The problem is with the logic that he carries forward, that it is also safe if you put it 3,000 miles away. We lose track of the fact that this has to be hauled 3,000 miles away or 2,000 miles away or whatever the distance. The logic is not there. His review of Dr. Wilson's statement is simply without foundation.

Dr. Wilson said, "And you can put it next to a power plant, as we are doing sometimes, without appreciably increasing any risk to anybody." Dr. Wilson does not say you can haul it 3,000 miles and it will be safe.

Also, I am amazed that my friend from Idaho does not understand a basic truth—that nuclear bombs aren't hauled through Nevada and then set off in the desert. There are components, separate components, like a puzzle, none of which standing alone will cause any damage to anyone, that are brought to the Nevada test site. Many of the parts are shipped by air to the Test Site landing strip. And these components are then assembled. We have an assembly facility out there that cost almost \$1 billion. That is where they are assembled. So, for someone to say these have been hauled through the highways of Nevada or the city of Las Vegas for years is baseless, without foundation.

This is a debate on tobacco. This is a subterfuge to stop us from going to tobacco. I could talk about tobacco all day, and I will talk about it a little while longer. But I just want to mention a little bit about where my colleagues on the other side of the aisle—

and I am sorry to say, I do say this "on the other side of the aisle," because this has become a partisan issue. There are matters passed out, "Senate vote analysis," passed out on everyone's desk, compiled and written by the staff of the Republican Policy Committee. This is not a bipartisan issue. This is being pushed by the leadership of the House and the leadership of the Senate.

I also say, however, if we go to this partisan issue that wants to put the above-ground storage at the Nevada test site—I show you this chart. It has on it information, not gathered by the Senators from the State of Nevada, but from the Council of National Seismic System Composite Catalog. It shows earthquakes of magnitude 2.5 and greater in the vicinity of the repository right here, the above-ground repository. This area is loaded with earthquakes. Not one, not two, not three—there are so many of them you cannot count, right on-site. These are earthquakes that have already taken place in the last 20 years. Don't you think it would be nice if this issue were debated in committee, that they hold some hearings on this?

This is stealth legislation.

We are proceeding on a bill that came from the House. Anyone would consider this legislation an environmental abomination. I should not say "anyone." But the vast majority of the people of this country would. The bills that have passed the House and Senate cannot be reconciled. With time running out, the nuclear utilities are furiously working behind closed doors to come up with a final bill. No one has any idea what they are going to come up with. Maybe the nuclear industry does. I wouldn't be surprised if they wrote it. But the final surprise bill is going to be proposed and sprung upon us at a later time, yet this body is voting to proceed to this measure. That should be reason enough not to proceed.

It is important to keep in mind that the President of the United States has already promised to veto this legislation, not once, not twice, but numerous times. I would say scores of times. He doesn't like this legislation. It is unfair. We should stick with what has been talked about, and that is whether or not there should be a deep repository at Yucca Mountain. Let the scientists go ahead and work on that. But that is not good enough for the very powerful, greedy nuclear utilities. That is not good enough for them. What they want is to short-circuit the system, go to the Nevada test site where we have all of these earthquakes, and pour a big cement pad on top of the ground and dump the canisters on top of the ground. It is easy. It is out of their hair. Even though my friend from Idaho agrees it is safe if they leave it where it is, why should we worry about transporting it all those miles? Why? Because the nuclear utilities want to get rid of it. They created the most poisonous substance known to man. They created it.

So, is it any wonder that this has been decried as a do-nothing Congress? The President said he will veto it. The Speaker of the House of Representatives said, "I'm not going to touch nuclear waste." Yet, we are marching forward on this legislation. Why? Why? Because, if the motion to invoke cloture prevails, we will go to nuclear waste and tobacco is history.

There seems to be an unhealthy obsession with satisfying the legislative interests of the nuclear waste industry. Are we satisfying them at the expense of a bill designed to curb teenage smoking, a goal that many publicly support. But secretly, do some want this legislation, tobacco legislation, to go away?

Preventing teenage smoking is something that is important. This room is not big enough to put in 3,000 kids. If they did, they would be jammed in pretty tight, on top of each other. Three thousand kids a day become addicted to tobacco smoking. And, no, they don't die today. But many, many of them are going to die because of one thing, tobacco, inhaling tobacco.

In the State of Nevada, almost 20 percent of high school kids chew tobacco, smokeless tobacco—18 percent.

We may have our differences over the best way of bringing about the cessation of teenage smoking and other forms of tobacco abuse, but I hope we don't disagree on the goal.

The two Senators from Nevada, I want it spread across the Record of this Senate, will exercise every right that we have as Senators today, tomorrow, next week, the week after. We will make sure this issue is considered fully and fairly; that if cloture is invoked on this very inopportune legislation, we are going to do everything we can to make sure that our message is heard.

This is the wrong time to bring up legislation that has been guaranteed a veto by the President, and the Speaker of the House has said he will not move forward on it. We are prepared to spend as much time as possible debating this measure, even at the expense of other business that is important to this Senate.

There is a lot to go over on this legislation. We are voting to proceed to either a House bill that is an unacceptable environmental disaster or a substitute measure that has been written by the nuclear industry and seen by very few. I haven't seen the substitute. I assume the nuclear industry has. I haven't seen it. It has not been the subject of any hearings. It has not been given the opportunity to be marked up. It is not enjoying the benefit of public scrutiny and input from other interests.

Yet, the proponents of this measure are getting ready to spring this on this body and file cloture on it. That is the way they do it, because they know the longer it is subject to the light of day, the more warts will be revealed. Environmental groups will rip this substitute apart. Proponents would have

you believe they are sweetening the pot to broaden their support. Nuclear waste is a witches' brew that is unacceptable and cannot be made palatable.

I urge all Members—Democrats and Senators of good will—recognizing the importance of tobacco, to vote against cloture. We need to get back to the problems of addressing teenage smoking. We don't need to be wasting this body's time on a measure that the President said he will veto and just yesterday the Speaker of the House said, "We're not going to touch nuclear waste."

I ask the Chair how much time the Senators from Nevada have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. REID. I reserve the remainder of my time.

The PRESIDING OFFICER. If neither side yields time, time is equally charged.

Mr. MURKOWSKI. Mr. President, I wonder if the Chair will advise how much time is remaining.

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes and 30 seconds; the Senator from Nevada has 13 minutes and 39 seconds.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, in the last few minutes we have heard from our friends from Nevada a good deal about the status of tobacco. How tobacco relates to high-level nuclear waste is beyond this Senator from Alaska. I think both can kill. Certainly tobacco, as we have evidenced, can kill and high-level nuclear waste, if not properly stored and not properly transported and not properly basically put to rest, can kill. But when I look at the reality of where we are in this debate, I refer my good friends to reflect on the action that was taken by the majority leader when he asked:

I ask unanimous consent that it be in order for the majority leader, after notification of the Democratic leader, to resume consideration of the tobacco bill, notwithstanding rule XXII with respect to the nuclear waste bill.

That was objected to, Mr. President. It was objected to by the minority leader. Let's not make any mistake about who is whom in wanting to go back to the tobacco bill. This was a unanimous consent request of the majority leader, a legitimate request, to guarantee going back, and it was objected to by the other side. So who is objecting to moving on tobacco? It is pretty clear. It ought to be clear to everybody.

We are all concerned about the disposition of the tobacco bill, but this bill has no relation. We have an obligation on this bill to address it with a resolve.

Do you have a few questions? Well, let's take a few, Mr. President. Anyone who buys the line that the tobacco industry and the nuclear power industry

are somehow in bed together, why that is preposterous. It is absolutely preposterous. There is absolutely no connection, and we all know it. The Nevadans would have the alternative of doing absolutely nothing—absolutely nothing—about high-level nuclear waste.

Mr. President, this also is about Nevada politics, not about tobacco. It is Nevada politics, again, on who can generate the responsibility for killing this issue in the Congress of the United States, whether it be the House Member who is running for the Senate office or the Nevada Senator who is up for reelection. Whoever can put the best spin on it in Nevada is going to claim a victory. That is politics, but make sure we understand it, Mr. President.

When my good friend on the other side says that he has no idea what the substitute is about, well, somebody's memory is short because we debated the issue. We had a vote on the issue. The substitute we debated on April 15, 1997. The substitute was adopted 65 to 34. When he indicates that he has no idea relative to the amendment proposed to be offered, that was the Bingaman amendment. That was debated and debated extensively. So the record will note that the substitute was voted on 65-34 and was adopted. The Bingaman amendment was debated on the floor; it was rejected. The Senator from Alaska is proposing to take the Bingaman amendment, if we can move off the motion to proceed, and get this issue behind us.

Mr. President, let's make sure we understand what this issue is all about. It is about ducking our responsibility. It is about Nevada politics, and we are now told that the House won't take it up. I haven't seen a statement from the Speaker of the House of Representatives. Anyone can issue a press release, and it is important to recognize who is issuing the press release. It is the Congressman who is seeking the Nevada Senate seat so he can get aboard and claim that he is responsible for killing it.

As I said, anyone can issue a press release, but I can tell you what is true: We have a bill that received a big bipartisan vote. This is not a partisan issue, as evidenced by the vote last time.

We had 12 Democrats that voted with 53 Republicans. All right, that is a fact. I have the word of Chairman BLILEY in the House that he is committed to getting this bill done. I know the majority and minority staff of the Commerce Committee spent all day every day in the last recess negotiating a compromise. I do not think they would have done that if the leadership did not intend to take up the bill.

I think this is a blatant attempt to influence the vote today in effect to perhaps become a self-fulfilling prophecy. We have to focus on the substance of the bill and vote to do what is right, not put this off, not listen to political posturing from the other body or political posturing that affects this body.

So I urge my colleagues to vote yes on cloture. You know, if you look at this picture, here is the Nevada test site, Mr. President. The last weapon there was exploded underground in 1991. Underground tests are still performed there with nuclear materials being exploded with conventional explosives, all with the wholehearted support—the wholehearted support—of whom?

Well, here it is, Mr. President. Here is what the State of Nevada in its resolution says about the site. I would like to read relevant portions of the Nevada Assembly Joint Resolution No. 15 of February 26, 1975.

Whereas, the people of Southern Nevada have confidence in the safety record of the Nevada Test Site and in the ability of the staff of the site to maintain safety in the handling of nuclear materials * * * [and]

Whereas Nuclear waste disposal * * * can * * * be carried out at the Nevada Test Site with minimal capital investment relative to other locations; now, therefore, be it

Resolved, by the Assembly and the State of Nevada, jointly, That the legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose Nevada Test Site for the disposal of nuclear wastes. . . .

That is what some people in Nevada and the Nevada legislature think about this idea. It is a pretty good idea. It means jobs. They want to see the ongoing development, if you will, of this area.

Let me tell you what the Sierra Club has to say about it. The Sierra Club is quite succinct. And I will read it as follows:

"They're never going to be able to reclaim [this site, the Nevada test site] for 10,000 or 15,000 years," says Randy Harnes of the Sierra Club's Las Vegas chapter. "They might as well do [their research] there."

He concludes:

Given the constant monitoring, the site "is probably the safest place in the whole United States."

There you have the Sierra Club, if you put a good deal of faith in their analysis.

Why can't we leave the waste at the reactors? First of all, as my friend from Idaho indicated, the court said the Department of Energy has a contract obligation. The Government has a contract obligation to take the waste in 1998. Congress cannot change that obligation. It is a taxpayers' liability. And the spent fuel was never meant to be stored for long-term storage. We know that.

It is estimated that if you are going to store it at the sites of the nuclear plants, it is going to cost you almost \$8 billion. Who is going to pay for that? The ratepayers—ultimately the taxpayers.

We have heard a lot about Dr. Wilson today. Let me tell you what Ivan Selin, the chairman of the NRC said. Spent fuel can be managed more effectively and efficiently at a single site rather than at multiple sites. Dr. Selin, in a statement in March of 1995 to the Senate Energy Committee, said the NRC—

that is the law of the nuclear land—"believe[s] that a centralized facility will provide safety advantages relative to dispersed storage at individual sites. Considering the 100-year potential time frame of licensed storage, a centralized facility would allow for a more focused inspection and surveillance program by both DOE and NRC."

So make no mistake about it, putting it in one site simply makes sense, and it is a logical observation that anybody would make relative to having temporary sites near the location of the reactors where it was never intended.

Mr. President, I would like to save a few minutes on this side for concluding remarks. So I ask how much time we have remaining?

The PRESIDING OFFICER. One minute 45 seconds.

Mr. MURKOWSKI. I ask that we may withhold that time.

Mr. REID. I yield to my colleague from Nevada such time as he may consume.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank my senior colleague, and I thank the Chair.

Mr. President, this debate is winding down, but I think we need to make very clear that there is no misimpression created that somehow the Senators from Nevada have injected the nuclear waste and the tobacco issue together. It is my strong preference, as a member of the Commerce Committee, having served on that committee, and having voted with the great majority 19-1 to report this bill out—I am referring to Senator MCCAIN's legislation—and serving on the Finance Committee where it was reported out by a 12-6 vote—I was with the prevailing majority—my priority is to consider the tobacco legislation.

It was not the Senators from Nevada who interjected nuclear waste in the midst of our discussion on tobacco. Now we have a way in this body of determining what our priorities are. If our priorities are addressed to finishing and completing a piece of legislation, neither hell nor high water can divert our attention and focus, and as the majority leader has said many times, and rightly so, we are going to stay on this issue until it is finished.

What is different here? It is a matter of priorities, I suspect, an agenda that may not be spoken. The best and the most effective way to deal with the tobacco issue is to stay on the bill until we complete it, and that is the logical thing to do. To go off that bill, go on nuclear waste, back and forth, is not the logical way to do it.

Mr. President, there is absolutely no urgency in the world to move to nuclear waste today. There is urgency to process this tobacco legislation. At the end of this day, when we return to our respective homes, another 3,000 young people in this country will have taken up smoking. And as we have said time

and time again, 1,000 of them—1,000 of them—one-third will die prematurely as a result of smoking-related complications.

That is the urgency. That is the priority that I attach. Let me say that there are some things that have been said about this legislation that I do not have time to respond to completely, but the Nevada legislature has very strongly expressed its opposition. It is suggested by the chairman of the Senate Energy Committee that you can understand why Nevadans would be opposed to this legislation.

Let me suggest that opposition to this legislation has not come from Nevadans alone. When the American people are asked—the country as a whole—66 percent indicate they oppose temporary nuclear waste storage as proposed in this legislation. Only 17 percent support it; and another 17 percent do not know. This is a product of research done for the University of Maryland's 1997 National Omnibus Survey.

I have very little time, Mr. President, but I want to talk about what I call the "dirty little secret" that is involved here. What the nuclear utility industry wants more than anything else is for the American public—the taxpayers in America—to lift this financial responsibility.

Our friends in opposition who urge cloture frequently invoke the sanctity of this contract. This contract, as well as the legislation before us, requires those utilities to make a contribution to the nuclear waste trust fund of \$1 million. That is a tenth of a penny for each kilowatt hour of nuclear power generated by these reactors. Here are the numbers. At no time did it contemplate, in addition to the expense incurred in terms of a permanent repository, that there would be an interim that would be added to this cost.

Here are the total costs to this program: \$53.9 billion that is kind of broken down in terms of the Nevada transportation crosscountry, the so-called centralized interim storage facility that is being talked about here, all of the other expenditures.

So, \$53.9 billion is what nuclear waste storage is going to cost us in America when this program ultimately winds down.

Here is the agenda, here is the agenda: total program costs, \$53.9 billion; total revenue derived from the utilities, and that is at the current rate of 1 mill for each kilowatt-hour, is \$28.1 billion.

Guess who gets stuck with that number? Guess who gets stuck with that number? All of you, all of you. Every taxpayer in America, \$25.8 billion. That is at the current rate. If that gives you a little bit of elevated blood pressure, under H.R. 1270, the contribution of 1 mill would be roughly reduced by a third. So it would be, like, three-tenths of 1 mill, which would mean this number—rather than going to \$25.8 billion, billions of additional dollars will have been added.

That is what the agenda is on the part of the utilities. Their contract, the same contract that has been invoked with such sanctity, as well as the legislation, requires the nuclear utility industry to cover the costs of the high-level waste disposal program in America. They would like to shift that burden to you.

Now, we haven't talked about one other issue, and that is, finally, the transportation issue. It is absolutely crazy, and the Congress recognized this, to "site" an interim storage, whatever merit an interim storage might have. Assume for the sake of argument there was some conceivable merit to it, although I must say I find none and there is no compelling reason and none of the scientists tells us it ought to be done. Assume for the sake of argument, no one agrees we should have a site for interim storage until the permanent site is determined.

This chart depicts the transportation routes. Nevada is frequently the focus because we wind up at the end. But there are over 50 million Americans who will be affected within 1 mile or less of the site of the various transportation routes. This chart shows rail routes and highway routes. Every American is placed at risk. That makes no sense, either. That is why the current law, the law that would be changed by H.R. 1270—no temporary facility until we make a judgment with respect to the permanent.

I conclude as I began. There is a lot more to this than meets the eye. The President of the United States has indicated he is going to veto this legislation and he has indicated the reasons for that. Bad policy and bad science conclude that this ought not to be passed. The Speaker of the House, who wears a different political jersey than the Senators of Nevada, indicates that this legislation is not going to be enacted or acted upon by the House this year. He made a similar statement in 1996 and it was not processed.

So, why are we doing this? Why are we going off of the tobacco bill? Could it be that there are some in this Chamber who really don't want to see tobacco legislation enacted? There is no conceivable reason that we have to have the vote on nuclear waste today. The leadership has every right at any time to file a motion to invoke cloture under our rules to proceed to the bill, and it is simply a matter of time elapsing for that to mature. That could be done next week, the week thereafter, or in anticipation of the conclusion of the tobacco debate.

I respectfully submit, Mr. President, that the timing of this issue is highly suspect. To those of us who are committed to the tobacco legislation, that is a priority in America. Can there be any greater priority than the young people in America, at a time when the data reflects that the rate of increase of youngsters under the age of 18 has increased dramatically? We need comprehensive tobacco legislation. A vote

invoking cloture jeopardizes that bill, may kill the tobacco legislation. Oppose the cloture vote, we stay on tobacco. We do what the American people have a right to expect us to do, and that is to act on behalf of the young people of America.

I reserve any remainder of time I may have.

Mr. JOHNSON. Mr. President, as we begin our second week of debate on the tobacco settlement legislation introduced by Senator MCCAIN, we are faced with a cloture vote on H.R. 1270, the Nuclear Waste Policy Act. As we all know, the issues surrounding nuclear waste storage are extremely complex, often contentious, and no simple solutions exist. While I do not agree with everything in the bill, I have supported legislative action on this critical issue in the past and hope to in the future. This country cannot afford inaction on this issue, and it is my hope that we will soon move to address this vital issue.

That being said, I oppose the effort to invoke cloture on H.R. 1270 today. We concluded one week of debate on a national tobacco settlement prior to the Memorial Day recess. That legislation, which is absolutely critical to public health, and especially children's health, remains the pending business before the Senate, and I cannot support any effort to substitute other legislation before this body at this time.

We all know the vital statistics surrounding underage tobacco use. Every day, 3,000 children will start smoking. One thousand of them will die prematurely from this addiction. It is time to pass comprehensive tobacco legislation that addresses the critical public health issues caused by tobacco use. Such an approach will reduce teen smoking, invest in public health research and programs to help smokers quit, and protect tobacco farmers and their communities.

Let us keep in mind that the tobacco industry has carefully targeted children. They have done this because children are most vulnerable to nicotine addiction and they are most easily affected by slick advertising and promotional ploys. The evidence is overwhelming that smoking is a pediatric disease. Almost ninety percent of all people who ever try a cigarette, do so by age 18, and 71 percent of people who have ever smoked daily were smoking by age 18.

My own state of South Dakota ranks second among all states in underage tobacco use. Almost 40 percent of our high school kids smoke cigarettes, and even more use smokeless tobacco. Almost a quarter of all expectant mothers in South Dakota report using tobacco during pregnancy; an appalling statistic that results in low birth weight and other natal difficulties.

Mr. President, we face an historic opportunity to address a critical public health problem. I firmly believe that this legislation will be remembered as a dramatic change in our government's

efforts and policies. This bill will be one of the most socially significant items this Congress tackles. Therefore, I will oppose cloture on H.R. 1270 at this time. The Senate should maintain focus on tobacco legislation that will help our children withstand the pressures and inducements of the tobacco industry to addict them to tobacco products.

I must also express my frustration over a recent statement from the Speaker of the House. He has apparently determined that the nuclear waste conference report will not be considered by the House of Representatives. If that is the case, any further action on the Senate floor is obviously for partisan political purposes, and I will not support furthering that goal.

Mr. KOHL. Mr. President, I will vote against cloture on the motion to proceed to the House version of the nuclear waste bill, but I want to be very clear that my vote does not change my strong support for nuclear waste legislation—and for passing such legislation this year. The federal government must act to fulfill its legal responsibility to store used fuel from more than 100 nuclear power plants across America. Over a decade ago, the federal government promised the ratepayers of Wisconsin that it would take possession of all the spent nuclear waste in the State by 1998 and send it to the desert of Nevada for long-term storage. On the basis of that promise, the ratepayers of Wisconsin have paid over \$250 million into a fund to help pay for the construction of the storage site. But we have seen no return on that investment, only delays.

This vote today has nothing to do with nuclear waste. The fate of that legislation lies in the House. The vote today is about tobacco—and whether we will continue to work on the strong tobacco control legislation that we started on two weeks ago.

Let me be clear about that because most people watching this debate outside of Washington D.C. may not understand how these two important issues are linked. Very simply, if we invoke cloture right now, the tobacco bill will be bumped off the Senate floor and will not come back until the majority leader, and every Member of this body, agrees to bring it back. Though I think there is tremendous support for tobacco legislation, I do not think there is unanimous support—and that's what we would need to bring the bill up again.

So I will oppose cloture today, but I will continue to support the nuclear waste bill; I will vote for it if it comes up again this year; and I will support cloture motions related to it—as long as they are not simply legislative maneuvers to kill other important initiatives.

Mr. MURKOWSKI. How much time is remaining on this side?

The PRESIDING OFFICER. One minute 41 seconds and the other side has 4 minutes 14 seconds.

Mr. GRAHAM. Would the Senator from Alaska or the Senator from Idaho yield for a question?

Mr. MURKOWSKI. I am pleased to yield, but I would like to ask on whose time.

Mr. GRAHAM. I have no time.

I ask unanimous consent I be allowed to ask questions for no longer than 2 minutes without counting against either side.

Mr. MURKOWSKI. I have no objection.

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

Mr. GRAHAM. Mr. President, in light of what the Speaker announced were his intentions, is it your understanding that if we made any amendment to this legislation and therefore caused it to have to return to the House, that we would essentially be defeating the legislation?

Mr. MURKOWSKI. Mr. President, if I may respond to my friend from Florida, first of all, we have not been able to obtain a copy of any statement from the Speaker. The statement that has been alluded to on the floor is a statement by the Congressman from Nevada who is running for the Senate office. He released a statement which indicated that the House leader would not take up the bill. We have not been able to confirm that with the House leader.

It would be my intention to offer the Senate-passed bill, Senate bill 104, with an addition of the Bingaman amendment, which was circulated at the time of the Senate consideration. If informal negotiations with the House bear fruit, which they certainly have been, I will probably offer a perfecting amendment, but there is no agreement at this time.

Mr. GRAHAM. Would the Senator not agree, in order to deal with the statement that the Speaker made as well as his actions over the past period in frustrating the adoption of a Nuclear Waste Policy Act, we would be well advised before we take up this cloture vote to adopt by unanimous consent agreement that no amendments would be in order to H.R. 1270, thus to assure that the bill would, if passed, go directly to the President?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. MURKOWSKI. If I may respond, I don't have any type of vote counts on the House bill, and I would have to defer from any guesstimate.

If I may reclaim my remaining time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we have heard tobacco brought into this discussion. Tobacco certainly is a problem. We recognize that. So is nuclear waste responsibility. We have that before the Senate now. But with nuclear waste, the Government has a liability already established and established in a court of law. There is no such obligation with respect to tobacco. We are trying to address that now.

On nuclear waste, we have collected \$14 billion from the taxpayers for its

disposal. On tobacco, we have not collected one dime.

I also remind my colleagues we have had a unanimous consent request to take up tobacco next. It has been objected to by the minority leader.

So make no mistake about it, Mr. President, we spent a lot of time trying to resolve this important issue. We are in the homestretch now. The House bill got 307 votes, if there is any question about the attitude prevailing in the House. The Senate bill we are voting on today had 65 votes the last time. That is the kind of overwhelming bipartisan support—and there is no reason this bill should not be passed now. Democrats who were with us last time included Senators CLELAND, GRAHAM, HARKIN, HOLLINGS, JOHNSON, KOHL, LEAHY, LEVIN, MOSELEY-BRAUN, MURRAY, ROBB, and WYDEN.

The whole business is there today. The obligation remains here today to address this and not put it off. The Senators from Nevada say not today, not today, not today. Well, when? How many dollars does the taxpayer have to address as far as his responsibility, when the ratepayers have paid \$14 billion and the taxpayers are now stuck for liability when we go to court and we don't have a resolve of this problem. There is no use putting it off today. The time to act is now.

I yield the floor.

Mr. REID. I yield 2 minutes to the Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate this opportunity. I strongly support the Nuclear Waste Policy Act. As the Senator from Alaska just stated, I was one of the 65 Senators who voted for it when we last passed it. I think it is very important that we pass a Nuclear Waste Policy Act as part of a national effort to assure that nuclear energy will continue to play a significant part in America's energy future. This importance is underscored by the contribution which nuclear energy can make to the United States meeting its global warming commitments without incurring major economic disruption in the rest of our economy.

I am concerned, however, Mr. President, that I do not believe what we are about this afternoon is serious legislation but, rather, is a subterfuge. If I felt that by invoking cloture today and then passing it today or tomorrow we would move toward the adoption of the National Waste Policy Act, I would be a strong supporter. But the Speaker of the House, through a statement of an honorable Member of the House, has indicated that it is not his intention to take this legislation up in the House of Representatives. Therefore, unless we are willing to adopt precisely what the House has submitted and send it directly to the President for signature, any amendment that we might consider would have the effect of dooming this legislation.

I am also concerned, Mr. President, that the effect of this would not only be to send the Nuclear Waste Policy

Act to sure death in the House of Representatives, but it would also kill the tobacco bill here in the U.S. Senate. Without a unanimous consent agreement that assures that we would return immediately to the tobacco legislation, I am unwilling to take the risk of removing it as the business before the Senate and substituting the Nuclear Waste Policy Act, as much as I support that legislation.

So for those reasons, I will vote against invoking cloture.

Mr. REID. Mr. President, what time remains?

The PRESIDING OFFICER (Mr. BROWNBACK). There is 1 minute 30 seconds remaining.

Mr. REID. I yield 1 minute to my colleague from Nevada.

Mr. BRYAN. Mr. President, I think the Senator from Florida has cut to the core of this issue. From the perspective of those who want this legislation to proceed, the question of adopting the House bill without amendment obviously moves that process forward. We are now told that, no, that is not the strategy, that we want to offer a so-called Bingaman amendment; and then we hear that there is a so-called perfecting amendment, which nobody has seen. Out our way, that is called keeping some cards up your sleeve. We don't have any idea what we are going to be asked to vote on. I think our colleague makes a good point. I urge rejection of the motion to invoke cloture.

Mr. REID. Mr. President, the action today is a waste of time. Let's move to tobacco, to the Patients' Bill of Rights, to IRS reform, or to the appropriations bills—13 in number—or let's move to school construction; let's do something that is worth while. The President said he will veto this. The Speaker has said he won't consider it. This is a waste of time.

I urge everybody to vote no on cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the clerk will report the cloture motion.

The 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 motion to proceed to calendar No. 312, H.R. 1270, the Nuclear Waste Policy Act:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Slade Gorton, Pat Roberts, Olympia J. Snowe, Jon Kyl, Tim Hutchinson, Rod Grams, Spencer Abraham, Pete Domenici, Bill Roth, Don Nickles, Thad Cochran, Michael B. Enzi, Charles Grassley.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Sen-

ate that debate on the motion to proceed to the consideration of H.R. 1270, an act to amend the Nuclear Waste Policy Act of 1997, shall be brought to a close?

The yeas and nays are required under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), and the Senator from Illinois (Ms. MOSELEY-BRAUN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—56

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Coats	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Levin	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—39

Akaka	Feingold	Lautenberg
Baucus	Feinstein	Leahy
Bingaman	Ford	Lieberman
Breaux	Glenn	Mikulski
Bryan	Graham	Moynihan
Bumpers	Harkin	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden

NOT VOTING—5

Biden	Inhofe	Specter
Boxer	Moseley-Braun	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I just received a statement from the Speaker of the House concerning the last vote we had on the high-level nu-

clear waste bill. I would like to enter the Speaker's statement on the nuclear waste bill in the RECORD so that there will not be any confusion as to the position of the Speaker of the House of Representatives. I ask unanimous consent that this statement be printed in the RECORD.

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

SPEAKER'S STATEMENT ON NUCLEAR WASTE BILL

WASHINGTON, DC.—House Speaker Newt Gingrich released the following statement on the status of the nuclear waste bill.

"Although I strongly support a legislative resolution to the nuclear waste issue, it is unlikely that such a bill will make it past the President's veto to become law this year. Because of the crowded calendar and the strong opposition of some members, I do not expect to schedule floor action this year.

"Along with his colleague Jim Gibbons, John Ensign has been a forceful and effective voice for the citizens of Nevada in opposing the nuclear waste bill."—House Speaker Newt Gingrich.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION OF ROSEMARY S. POOLER, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under a previous order, the Senate will now proceed to executive session to consider the nomination of Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit, Calendar No. 622.

The nomination is confirmed.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

May we please have order.

The Senator from Idaho.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.