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It does not violate the Budget Act, and my understanding is that the administration's objection to this bill makes no sense whatsoever.

Madam Speaker, it is time for us to settle this issue and to begin the process of avoiding this overhanging liability to the American taxpayers. Forty States, 80 different sites; it is time for us to settle it.

I want to commend my friend from Michigan for bringing this bill forward and for understanding the practical realities. Yes, we could argue process; yes, we could argue schedule; yes, we could argue for 12 hours on this floor. The result would be the same. The issue would go undetermined and unsettled.

It is time, schedule permitting, process permitting, for us to settle it, and to begin to bring an end to this awful 15-year debate, an end that provides for some permanent resolution of this issue, some permanent repository for nuclear waste, so that American citizens can avoid this overhanging problem of damages and so that we can rationalize this system of protection and provision for ultimate storage of these wastes.

Madam Speaker, I urge my colleagues to support this bill, to vote for it. It is critical that we pass it on to final action by the Senate and the White House.

Mr. PAUL. Madam Speaker, while nuclear power has conferred a considerable benefit upon power users in this country, today, we confront the symptoms of a federal government run Constitutionally amok which requires our serious attention. As a Congress, we are faced with the decision of whether to further ignore the federal government's constitutional limits and ultimately confront additional future symptoms of such action or acknowledge the necessary consequences of such an extra-Constitutional activity and act to correct the initial "enumerated powers doctrine" transgression.

In 1982, the federal government entered into an agreement with nuclear power industry to take possession of their nuclear waste and properly dispose of it in 1998. It should be noted that it is now March 2000 and the federal government has quite simply breached its contract. More importantly, it should be noted that the federal government had no authority to enter such an agreement in the first place. These facts, of course, did nothing to prevent the federal government from collecting from utility companies and their customers tax revenues for placement in a trust fund to accomplish their illegitimate and unfulfilled promise. Lack of constitutional authority also did nothing to stop the federal government from squandering more than \$6 billion of that trust fund without having collected one gram of nuclear waste.

Today we are faced with yet another bill which provides mandates for which neither constitutional authority exists nor for which there is any reason to believe that such mandates will be observed by the Department of Energy any more than the previously legislated mandates have been observed. Additionally, this bill further expands the authority of

the Environmental Protection Agency (EPA) and further involves the EPA in the process which could only exponentially increase the difficulty and time required to actually accomplish the legislation's stated purpose.

These facts stated, we nevertheless remain faced with the current status quo requiring a solution. The initial question which must necessarily be asked and answered is "whether one constitutionally illegitimate action by the federal government may ever be used to justify the second?" The answer to this question must always be answered in the negative. This does not mean, however, that those whose taxes have been illegitimately taken should receive nothing in return—quite the contrary. Numerous breach of contract lawsuits have been filed against the federal government for which quick remedies must be effectuated. Not only must the ill-taken revenues be returned to the non-breaching parties but attorneys fees and damages imposed upon the non-breaching parties should be awarded them as well. Perhaps, even more should be done, however, as this "contract" can, in many ways, be likened to the car thief who knowingly sells a stolen car to an unsuspecting customer inasmuch as the federal government promised to deliver something for which they themselves have usurped (stolen) from the state authorities and, hence, had no legitimate right to offer.

Of course, returning the trust fund money including interest and damages to ratepayers and utilities companies quite obviously does not dispose of the hazardous waste. Waste disposal and public safety, though, remains a power of the state governments under the tenth amendment to the U.S. Constitution which specifies that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people." The public safety and police power have long been held to be state law matters and most appropriately so.

While citizens of those forty-nine states exclusive of Nevada may believe that Nevada is a fine place to dispose of one's waste, one must never concede the principle of states right guaranteed by the Constitution or forget that, in so doing, the next choice of the federal government may be to deposit equally dangerous or harmful materials in the rangeland of Texas. To the extent any particular state is unfit for such waste, the Constitution allows for interstate compacts between states. Enlisting the aid of the federal government to impose one's waste on citizens of another state while efficacious for the "dumper" is thus neither prudent, Constitutional, nor particularly pleasant for the "dumpee."

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to S. 1287. The bill poses a serious risk of contaminating our Nation's groundwater with nuclear waste. It also would require the Department of Energy to accept nuclear waste for permanent storage before a storage facility was completed.

Nuclear waste storage policy needs to reflect science, not politics. It must protect Americans health and the safety of their natural resources. This bill does neither.

Under the bill, there would need to be 100,000 shipments of extremely dangerous nuclear waste traveling the roads and highways of 43 States.

The threat to drinking water as a result of the use MTBE as a fuel additive underscores

the need to proceed carefully in storing nuclear waste. We are learning that migration of chemicals in groundwater is wider and easier than we previously thought. To hurry to store nuclear waste at Yucca Mountain without fully understanding the risks of groundwater contamination is foolish and dangerous.

Currently the standards for Yucca Mountain include no radiation standards whatsoever for groundwater contamination. A recent article in the journal Science concluded that plutonium dioxide, present in nuclear waste, is water soluble. By rushing 77,000 tons of radioactive waste to Yucca Mountain is to reduce the time available to conduct research to assure that groundwater is protected.

It is regrettable that the Republican leadership has prevented Members from offering amendments to correct the deficiencies of this bill. Almost a year ago, the Commerce Committee reported a nuclear waste bill with bipartisan support to the House. The Republican leadership will not permit us to even consider that bill.

We need to resolve the problem of nuclear waste storage. But a bad bill is no solution. The President has indicated that he will veto this bill. He is right to do so. I will vote against this bill, and will vote to uphold his veto.

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

Pursuant to House Resolution 444, the Senate bill is considered read for amendment, and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

MOTION TO COMMIT

Ms. BERKLEY. Madam Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. BERKLEY. I am, Madam Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Ms. Berkley of Nevada moves to commit the Senate bill, S. 1287, the Nuclear Waste Policy Amendments Act, to the Committee on Commerce, with instructions that the Committee hold hearings on the bill.

Mr. UPTON. Madam Speaker, I reserve a point of order. I do not think we have seen a copy of the motion.

The SPEAKER pro tempore. The gentleman from Nevada (Ms. BERKLEY) will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, the intense debate today makes it clear that the House should not act on this flawed legislation, but should further consider it in committee.

A great many amendments have been drafted by Members of the House who agree that S. 1287 is a dangerous and irresponsible approach to dealing with our greatest environmental challenge, nuclear waste. But we are operating under a closed rule, and no amendments were considered. In view of this