

"SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission."

**WELLSTONE AMENDMENTS NOS.
2277-2278**

Mr. DOMENICI (for Mr. WELLSTONE) proposed two amendments to the bill, H.R. 629, supra; as follows:

AMENDMENT NO. 2277

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in

subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) BY A MEMBER OF AN AFFECTED COMMUNITY.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

AMENDMENT NO. 2278

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(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) BY A MEMBER OF THE COMMUNITY IN WHICH A COMPACT FACILITY IS LOCATED.—If

any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct three Field Hearings as follows: on Tuesday, April 7, 1998 at 11:00 a.m. to conduct a Hearing on Tribal Sovereign Immunity, in Seattle, Washington; on Wednesday, April 8, 1998 at 1:30 p.m. to conduct a hearing on Jurisdiction Issues in the State of Montana, in Billings, Montana; and on Thursday, April 9, 1998 at 1:00 p.m. to conduct a Hearing on Economic Development in St. Paul, Minnesota.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 1, 1998 at 9:30 a.m. on pending committee business (tobacco legislation).

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on environmental tobacco smoke Wednesday, April 1, 1:30 p.m., Hearing Room (SD-406).

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, April 1, 1998 beginning at 10:00 a.m. in room SH-215, to conduct a markup.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 10:00 a.m. for a hearing on "Crashing into the Millenium".

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 2:30 p.m. for a hearing on the nomination of Melvin R. Wright to be Associate Judge of the Superior Court of the District of Columbia.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 4:00 p.m. for a business meeting and markup on legislative items and pending nominations.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, at 10:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct a markup on the following business: (1) the nomination of Katherine Archuleta of Denver, Colorado to serve on the Board of Directors of the Institute of American Indian and Alaska Native Culture and Arts Development; (2) S. 1279, Indian Employment, Training and Related Services Demonstration Act Amendments of 1997; and (3) S. 1797, the Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998. To be followed immediately by a hearing on Amendments to the Indian Gaming Regulatory Act.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, April 1, 1998, at 1:30 p.m.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, April 1, 1998 at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Airline Hubs: Fair Competition or Predatory Pricing?"

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

SUBCOMMITTEE ON FINANCIAL SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Bank-

ing, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, to conduct a hearing on identity theft.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on titles I, II, III, and V of S. 1693, the Vision 2020 National Parks Restoration Act.

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

ADDITIONAL STATEMENT

NATIONAL BREAST CANCER SURVIVORS DAY

• Mr. MURKOWSKI. Mr. President, today is National Breast Cancer Survivors Day and I want to take this opportunity to focus my colleague's attention on the importance of continued research and early detection efforts for this tragic disease.

Mr. President, one out of nine American women will suffer the tragedy of breast cancer. It is today the leading cause of death for women between the ages of 35 to 54.

Alaskan women are particularly vulnerable to this disease. We have the second highest rate of breast cancer in the Nation. One in 7 Alaska women will get breast cancer and tragically it is the Number One cause of death among Native Alaskan women.

Mr. President, these tragic Alaska deaths are not inevitable. Health experts agree that the best hope for lowering the death rate is early detection and treatment. It is estimated that breast cancer deaths can be reduced by 30 percent if all women avail themselves of regular clinical breast examination and mammography.

But for many Alaska women, especially native women living in one of our 230 remote villages, regular screening and early detection are often hopeless dreams.

For more than 20 years, my wife Nancy has recognized this problem and tried to do something about it. In 1974, she and a group of Fairbanks' women created the Breast Cancer Detection Center, for the purpose of offering mammographies to women in remote areas of Alaska—regardless of a woman's ability to pay.

Now, the Center uses a small portable mammography unit which can be flown to remote areas of Alaska, offering women in the most rural of areas easy access to mammographies at no

cost. Additionally, the Center uses a 43-foot long, 14 foot high and 26,000 pound mobile mammography van to travel through rural areas of Alaska. The van makes regular trips, usually by river barge, to remote areas in Interior Alaska such as Tanana.

Julie Roberts, a 42-year-old woman of Tanana, who receives regular mammographies from the mobile mammography van, knows the importance of early screening:

There's a lot of cancer here (in Tanana)—a lot of cancer. That's why it's important to have the mobile van here . . . I know that if I get checked, I can catch it early and can probably save my life. I have three children and I want to see my grandchildren.

I am proud to say that the Fairbanks Center now serves about 2,200 women a year and has provided screenings to more than 25,000 Alaska women in 81 villages throughout the state. To help fund the efforts of the Fairbanks Center, each year Nancy and I sponsor a fishing tournament to raise money for the operation of the van and mobile mammography unit. After just three years, donations from the tournament have totalled \$830,000.

Mr. President, Nancy and I are committed to raising more funds for this important program so that every woman in Alaska can benefit from the advances of modern technology and reduce their risk of facing this killer disease.

Mr. President on this day that we recognize survivors of breast cancer, I want take a moment to discuss legislation that I am cosponsoring with Senator D'AMATO to end the practices of so-called "drive-through" mastectomies.

In too many cases women who survive the trauma of a mastectomy are being forced to get out of the hospital only hours after their surgery. How can medical care professionals allow this? Simply because many insurance companies demand that the procedure of a mastectomy be considered an out-patient service."

Here's the horror that many insurance companies cause:

Nancy Couchot, a 60 year old woman had a radical mastectomy at 11:30 a.m. She was released from the hospital five hours— even though she was not able to walk or use the rest room without assistance.

Victoria Berck, had a mastectomy and lymph node removal at 7:30 a.m. 7 hours late. She was given instructions on how to empty two drains attached to her body and sent home. Ms. Berck concludes, "No civilized country in the world has a mastectomy as an out-patient service."

Mr. President that is why I am proud to co-sponsor the Women's Health and Cancer Rights Act of 1997, which would put an end to the drive-through mastectomies.

Specifically, the Act will require health insurance companies to allow physicians to determine the length of a mastectomy patient's hospital stay according to medical necessity. In other