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Bill Tracking Report

105th Congress
1st Session

U. S. Senate

S 104

1997 Bill Tracking S. 104; 105 Bill Tracking S. 104

NUCLEAR WASTE POLICY ACT OF 1997

<=A1> Retrieve full text version

DATE-INTRO: January 21, 1997

LAST-ACTION-DATE: June 17, 1997

STATUS: Passed in the Senate

SPONSOR: Senator Frank H. Murkowski R-AK

TOTAL-COSPONSORS: 30 Cosponsors: 3 Democrats / 27 Republicans

SYNOPSIS: A bill to amend the Nuclear Waste Policy Act of 1982.

ACTIONS: Committee Referrals:

01/21/97 Senate Energy and Natural Resources Committee

Legislative Chronology:

1st Session Activity:

01/21/97 143 Cong Rec S 161	Referred to the Senate Energy and Natural Resources Committee
01/21/97 143 Cong Rec S 482	Remarks by Sen. Murkowski AK
01/21/97 143 Cong Rec S 482	Remarks by Sen. Craig ID
01/28/97 143 Cong Rec S 768	Cosponsor(s) added
01/29/97 143 Cong Rec S 818	Cosponsor(s) added
02/05/97 143 Cong Rec D 80	Senate Energy and Natural Resources Committee concluded hearings
02/10/97 143 Cong Rec S 1194	Cosponsor(s) added

02/12/97 143 Cong Rec S 1319 Cosponsor(s) added
02/24/97 143 Cong Rec S 1480 Cosponsor(s) added
03/12/97 143 Cong Rec D 225 Senate Energy and Natural Resources Committee began markup
03/14/97 143 Cong Rec S 2320 Reported in the Senate
03/14/97 143 Cong Rec S 2331 Remarks by Sen. Dorgan ND
03/20/97 143 Cong Rec S 2630 A motion was entered to close further debate on the motion to proceed to consideration of the bill, and by unanimous consent, a vote on the closure motion will occur on Tuesday, April 8, 1997
03/20/97 143 Cong Rec S 2630 The motion to proceed was withdrawn
03/20/97 143 Cong Rec S 2645 Report to accompany the bill, reported in the Senate (S. Rept. No. 105-10)
03/20/97 143 Cong Rec S 2731 Remarks by Sen. Murkowski AK
03/20/97 143 Cong Rec S 2732 Remarks by Sen. Craig ID
04/07/97 143 Cong Rec S 2766 Senate began consideration of the motion to proceed to consideration of the bill
04/07/97 143 Cong Rec S 2766 A unanimous-consent agreement was reached in the Senate providing for further consideration of the motion to proceed to consideration of the bill on Tuesday, April 8, 1997, with a cloture vote to occur thereon at 5:15 p.m.
04/07/97 143 Cong Rec S 2786 A second motion was entered to close further debate on the motion to proceed to consideration of the bill, and in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the closure motion could occur on Wednesday, April 9, 1997
04/07/97 143 Cong Rec S 2791 Cosponsor(s) added
04/07/97 143 Cong Rec S 2791 Cosponsor(s) added
04/07/97 143 Cong Rec S 2797 Remarks by Sen. Murkowski AK
04/08/97 143 Cong Rec S 2820 Senate continued consideration of the motion to proceed to consideration of the bill
04/08/97 143 Cong Rec S 2828 A unanimous-consent agreement was reached in the Senate providing for consideration of the bill on Wednesday, April 9, 1997
04/09/97 143 Cong Rec S 2881 Senate began consideration of the bill, agreeing to committee amendments, and taking action on further amendments proposed thereto
04/09/97 143 Cong Rec S 2900 Murkowski Amendment No. 26, in the nature of a substitute, pending in the Senate
04/09/97 143 Cong Rec S 2900 Thurmond/Hollings Amendment No. 27 (to Amendment No. 26), to provide that the Savannah River Site and Barnwell County, South Carolina shall not be available for construction for an interim storage facility, pending in the Senate
04/09/97 143 Cong Rec S 2900 A motion was entered to close further debate on Amendment No. 26, and in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the closure motion will occur on Friday, April 11, 1997
04/09/97 143 Cong Rec S 2900 Senate will continue consideration of the bill

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on Thursday, April 10, 1997

04/09/97 143 Cong Rec S 2933 Murkowski Amendment No. 26, submitted

04/09/97 143 Cong Rec S 2945 Thurmond (and Hollings) Amendment No. 27, submitted

04/10/97 143 Cong Rec S 2951 Senate continued consideration of the bill, taking action on amendments proposed thereto

04/10/97 143 Cong Rec S 2963 of the State of entry, by a recorded vote of 72 yeas and 24 nays
<=A2> (Vote No. 36)

04/10/97 143 Cong Rec S 2963 Senate adopted Thurmond/Hollings Amendment No. 27 (to Amendment No. 26), to provide that the Savannah River Site and Barnwell County, South Carolina shall not be available for construction for an interim storage facility, by voice vote

04/10/97 143 Cong Rec S 2963 Senate adopted Domenici Amendment No. 40 (to Amendment No. 26), to prevent double counting'' in the determination of the fee collected for electricity generated by civilian nuclear power reactors and sold, by voice vote

04/10/97 143 Cong Rec S 2963 Senate tabled Reid/Bryan Modified Amendment No. 28 (to Amendment No. 27), providing that the transportation of spent nuclear fuel or high-level radioactive waste to a centralized interim storage site or to a permanent repository shall not cross any state line without the express written consent of the Governor

04/10/97 143 Cong Rec S 2977 Reid (for Wellstone) Amendment No. 29 (to Amendment No. 26), to ensure that emergency response personnel in all jurisdictions on primary and alternative shipping routes have received training and have been determined to meet standards set by the Secretary before shipments of spent nuclear fuel and high-level nuclear waste, pending in the Senate

04/10/97 143 Cong Rec S 2977 Reid (for Wellstone) Amendment No. 30 (to Amendment No. 26), to express the sense of the Senate regarding Federal assistance for elderly and disabled legal immigrants, pending in the Senate

04/10/97 143 Cong Rec S 2977 Senate adopted Murkowski Amendment No. 36 (to Amendment No. 26), to give authority to the Secretary of Energy to collect fees for electricity generated by civilian nuclear power reactors sold during an offsetting collection period, by voice vote

04/10/97 143 Cong Rec S 2987 Senate adopted Thompson (for rist/Thompson) Amendment No. 37 (to Amendment No. 26), to provide that the President shall not designate the Oak Ridge Reservation in the State of Tennessee as a site for construction of an interim storage facility, by a recorded vote of

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60 yeas and 33 nays
 <=A3> (Vote No. 37)

04/10/97 143 Cong Rec S 2995 Senate rejected Bumpers Amendment No. 33 (to Amendment No. 26), to clarify Congressional intent with respect to enactment of this Act in response to DOE's inability to meet the January 31, 1998 contractual deadline to start disposing of spent nuclear fuel, by a recorded vote of 24 yeas and 69 nays

<=A4> (Vote No. 38)

04/10/97 143 Cong Rec S 2995 Senate rejected Bingaman Amendment No. 41 (to Amendment No. 26), to strike the ban on designating certain sites as interim storage facilities, by a recorded vote 36 yeas and 56 nays

<=A5> (Vote No. 39)

04/10/97 143 Cong Rec S 2996 Lott (for Domenici) Amendment No. 42, (to Amendment No. 26), to provide that no points of order, which require 60 votes in order to adopt a motion to waive such point of order, shall be considered to be waived during the consideration of a joint resolution under section 401 of this Act, pending in the Senate

04/10/97 143 Cong Rec S 2996 A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, with final disposition to occur thereon on Tuesday, April 15, 1996, and pursuant to the agreement, the cloture vote scheduled for Friday, April 11, 1997, on Amendment No. 26, listed above, was

vitiating

04/10/97 143 Cong Rec S 2996 Senate will resume consideration of the bill on Monday, April 14, 1997

04/10/97 143 Cong Rec S 2996 Murkowski Amendment No. 26, in the nature of a substitute, pending in the Senate

04/10/97 143 Cong Rec S 2996 Lott (for Murkowski) Amendment No. 43 (to Amendment No. 42), to establish the level of annual fee for each civilian nuclear power reactor, pending in the Senate

04/10/97 143 Cong Rec S 3059 Reid (and Bryan) Amendment No 28, submitted

04/10/97 143 Cong Rec S 3059 Wellstone Amendments Nos. 29-30, submitted

04/10/97 143 Cong Rec S 3059 Bingaman Amendments Nos. 31-32, submitted

04/10/97 143 Cong Rec S 3060 Bumpers Amendment No. 33, submitted

04/10/97 143 Cong Rec S 3060 Domenici Amendments Nos. 34-35, submitted

04/10/97 143 Cong Rec S 3061 Murkowski Amendment No. 36, submitted

04/10/97 143 Cong Rec S 3061 Frist (and Thompson) Amendment No. 37, submitted

04/10/97 143 Cong Rec S 3061 Domenici Amendments Nos. 38-39, submitted

04/10/97 143 Cong Rec S 3062 Domenici Amendment No. 40, submitted

04/10/97 143 Cong Rec S 3062 Bingaman Amendment No. 41, submitted

04/10/97 143 Cong Rec S 3062 Domenici Amendment No. 42, submitted

04/10/97 143 Cong Rec S 3062 Murkowski Amendment No. 43, submitted

04/14/97 143 Cong Rec S 3077 Senate continued consideration of the bill, taking action on amendments proposed thereto

04/14/97 143 Cong Rec S 3077 Senate continued consideration of the bill, taking action on amendments proposed thereto

04/14/97 143 Cong Rec S 3082 Senate adopted Reid (for Wellstone) Amendment No. 29 (to Amendment No. 26), to ensure that emergency response personnel in all jurisdictions on primary and alternative shipping routes have received training and have been determined to meet standards set by the Secretary before shipments of spent nuclear fuel and high-level nuclear waste, by voice vote

04/14/97 143 Cong Rec S 3084 Senate adopted Reid (for Wellstone) Amendment No. 30 (to Amendment No. 26), to express the sense of the Senate regarding Federal assistance for elderly and disabled legal immigrants, by voice vote

04/14/97 143 Cong Rec S 3084 Senate adopted Murkowski (for Lott) Amendment No. 44 (to Amendment No. 30), regarding assistance for elderly and disabled legal immigrants, by voice vote

04/14/97 143 Cong Rec S 3092 Lott (for Domenici) Amendment No. 42, (to Amendment No. 26), to provide that no points of order, which require 60 votes in order to adopt a motion to waive such point of order, shall be considered to be waived during the consideration of a joint resolution under section 401 of this Act, pending in the Senate

04/14/97 143 Cong Rec S 3092 Lott (for Murkowski) Amendment No. 43 (to Amendment No. 42), to establish the level of annualfee for each civillian nuclear power reactor, pending in the Senate

04/14/97 143 Cong Rec S 3113 Bingaman Amendment No. 31 (to Amendment No. 26), to provide for the case in which the Yucca Mountain site proves to be unsuitable or cannot be licensed and to strike the automatic default to a site in Nevada, pending in the Senate

04/14/97 143 Cong Rec S 3113 Senate will continue consideration of the bill on Tuesday, April 15, 1997, with a vote on final passage to occur thereon

04/14/97 143 Cong Rec S 3113 Murkowski Amendment No. 26, in the nature of a substitute, pending in the Senate

04/14/97 143 Cong Rec S 3127 Lott Amendment No. 44, submitted

04/15/97 143 Cong Rec S 3136 Senate tabled Bingaman Amendment No. 31 (to Amendment No. 26), to provide for the case in which the Yucca Mountain site proves to be unsuitable or cannot be licensed and to strike the automatic default to a site in Nevada, by a recorded vote of 59 yeas and 39 nays
<=A6> (Vote No. 40)

04/15/97 143 Cong Rec S 3137 Senate adopted Murkowski Amendment No. 26, in the nature of a substitute, by voice vote

04/15/97 143 Cong Rec S 3137 Senate adopted Lott (for Domenici) Amendment

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No. 42, (to Amendment No. 26), to provide that no points of order, which require 60 votes in order to adopt a motion to waive such point of order, shall be considered to be waived during the consideration of a joint resolution under section 401 of this Act, by voice vote

04/15/97 143 Cong Rec S 3137 Senate adopted Lott (for Murkowski) Amendment No. 43 (to Amendment No. 42), to establish the level of annual fee for each civilian nuclear power reactor, by a recorded vote of 66 yeas and 32 nays

<=A7> (Vote No. 41)

04/15/97 143 Cong Rec S 3153 Passed in the Senate, by a recorded vote of 65 yeas and 34 nays

<=A8> (Vote No. 42)

06/17/97 143 Cong Rec S 5884 Remarks by Sen. Abraham MI

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Nuclear Waste Policy Act of 1997

Digest :

04/15/97 (Passed Senate, amended) **Nuclear Waste Policy Act of 1997** - Amends the Nuclear Waste Policy Act of 1982 to revise and rename it the Nuclear Waste Policy Act of 1997.

Instructs the Secretary of Energy (the Secretary) to: (1) develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste; (2) store spent nuclear fuel and high-level radioactive waste beginning no later than 18 months after issuance of a license for a specified interim storage facility; (3) provide for the transportation of such wastes (using systems and components procured and manufactured in the United States); and (4) engage private sector participation to the greatest extent possible in the implementation of this Act.

Shields the United States from any financial liability for the Secretary's failure to meet acceptance or emplacement deadlines under this Act.

Establishes an integrated management system for spent nuclear fuel and high-level radioactive waste, including its storage, transportation, and disposal.

Sets a deadline for development of the capability to commence rail to truck intermodal transfer from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

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Directs the Secretary to offer to enter into a prescribed benefits agreement with Lincoln County, Nevada, including a payment schedule. Requires conveyance to such County of specified Federal lands.

Prescribes procedural guidelines for the availability of safe transportation for spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities and from mainline transportation facilities to the interim storage facility or repository, using routes that minimize transportation through populated areas. Requires development of a comprehensive management plan that ensures safe transportation from sites designated by the contract holders to the interim storage facility site not later than 24 months after the Secretary submits a license application for an interim storage facility, and after an opportunity for public comment.

Prescribes guidelines under which the Secretary shall: (1) develop a transportation plan for the implementation of each shipping campaign from each site at which high-level nuclear waste is stored; and (2) evaluate the relative safety of proposed shipping routes and modes from each shipping origin to the interim storage facility or repository compared with the safety of alternative modes and routes.

Prescribes general transportation requirements, including technical assistance and funds for: (1) States, Indian tribes, and nonprofit employee and joint labor-management organizations for worker health and safety training and education programs; and (2) emergency response situations.

Prohibits shipments of spent nuclear fuel and high-level radioactive waste through any grant-eligible jurisdiction: (1) until the Secretary has determined that personnel in all State, local, and tribal jurisdictions on primary and alternative shipping routes have met acceptable standards of training for emergency responses to accidents involving spent nuclear fuel and high-level nuclear waste; and (2) unless technical assistance and funds to implement safe transportation procedures and emergency response situations have been available for at least three years prior to shipment.

Directs the Secretary to award grants to States and Indian tribes for development and implementation of plans to prepare for such shipments.

Mandates public education programs for States, local governments, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

Requires a transporter of nuclear waste under contract with the Secretary to comply with all governmental and Indian tribal

transportation regulations.

Instructs the Secretary of Transportation to promulgate employee protection training standards for workers directly involved in nuclear waste transportation, storage, and disposal.

Requires the Secretary to provide to the President and the Congress a viability assessment of the Yucca Mountain site by a specified deadline. Prescribes assessment contents.

Authorizes the President to make a determination in his or her sole and unreviewable discretion, disqualifying such site as a repository based upon the President's views that the preponderance of information indicates it is unsuitable for development of a repository of useful size. Mandates a preliminary Secretarial designation of a specific interim storage facility site if the President does not make a determination of unsuitability.

Sets a deadline by which the President must designate a site for construction of an interim storage facility following a determination of unsuitability for the Yucca Mountain site. Precludes from designation for construction of an interim storage facility: (1) the Hanford Nuclear Reservation in the State of Washington; (2) the Savannah River Site and Barnwell County in South Carolina; and (3) the Oak Ridge Reservation in Tennessee.

Requires the Secretary to make a preliminary designation of a specific site within Area 25 of the Nevada Test Site for planning and construction of an interim storage facility if the President does not make a determination of Yucca Mountain unsuitability by the deadline. Deems site approved by law as the interim storage facility site if: (1) the President does not designate a construction site for such a facility; or (2) such construction is not approved by law within 24 months of the President's determination of Yucca Mountain unsuitability for the repository.

Directs the Secretary to submit a topical safety analysis report to the Nuclear Regulatory Commission (NRC) containing a generic design for the facility. Sets a deadline by which the NRC must issue a safety evaluation report approving or disapproving such design. Prescribes authorization guidelines for non-site-specific and site-specific activities for an interim storage facility, and for a permanent repository, including: (1) licensing standards; (2) compliance with the National Environmental Policy Act; and (3) land withdrawal.

Authorizes the Secretary to: (1) make grants to enable affected Indian tribes or local governmental units to monitor and review the impact of the integrated management system upon residents at the Yucca Mountain site; and (2) offer financial and technical assistance, as well as payments in lieu of taxes, to help a tribe or local

governmental
unit to mitigate such impact.

Directs the Secretary to offer an affected local government unit the opportunity to designate an on-site representative to conduct oversight activities at an interim storage facility or repository site.

Provides that acceptance of benefits under this Act by any affected Indian tribe or local government shall not be deemed an expression of consent to the siting of an interim storage facility or repository in Nevada.

Instructs the Secretary of the Interior to convey all Federal interest in specified property to Nye County, Nevada.

Prescribes contract guidelines for the Secretary to accept title to, and transport, store, and dispose of spent nuclear fuel or high-level radioactive waste. Prescribes a schedule of annual fees payable to the Secretary of Energy for electricity generated and sold by civilian nuclear power reactors, and of a one-time fee for spent nuclear fuel used in such generation. States that payment of the latter one-time fee relieves the payer of further financial obligation to the Federal Government for its long-term storage or permanent disposal of spent fuel or waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor before January 7, 1983. Mandates annual fee reviews, and adjustment proposals to the Congress if appropriate.

Continues the Nuclear Waste Fund.

Establishes the Office of Civilian Radioactive Waste Management within the Department of Energy, whose Director shall be directly responsible to the Secretary for executing the Secretary's functions under this Act.

Directs the Secretary to issue a final rule establishing the appropriate portion of the costs of managing high-level radioactive waste and spent nuclear fuel allocable to the interim storage or permanent disposal of high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. Authorizes appropriations.

Preempts State and local law in favor of this Act. Identifies subjects expressly preempted.

Grants U.S. courts of appeals original and exclusive jurisdiction over civil actions under this Act. Prescribes guidelines for NRC licensing hearings regarding facility expansions and transshipments.

Prohibits the Secretary from conducting site-specific activities for a second repository unless the Congress has specifically authorized and appropriated funds for them.

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Requires the NRC to promulgate regulatory guidelines for: (1) financial arrangements for low-level radioactive waste site closures; and (2) training and qualification of civilian nuclear powerplant personnel.

Delineates an emplacement schedule for contract holders' spent nuclear fuel and high-level radioactive waste.

States that the Secretary's acceptance of spent nuclear fuel or high-level radioactive waste constitutes a transfer of title to the Secretary. Authorizes the Secretary to: (1) accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor; and (2) pay for the on-site storage of such fuel until DOE removes it from the site.

Authorizes the Secretary to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas. Prohibits the use of funds from the Nuclear Waste Fund for such Pilot Program.

Declares that nothing in this or any other Federal law shall be construed as a reservation of Federal water or water rights for any purpose arising under this Act. Authorizes the United States to acquire and exercise such rights, subject to certain restrictions.

Authorizes the NRC to establish licensing procedures for any technology for the dry storage of spent nuclear fuel without, to the maximum extent possible, the need for site-specific NRC approvals.

Continues the Nuclear Waste Technical Review Board. Authorizes appropriations.

Directs the Secretary to take necessary action to improve the management of the civilian radioactive waste management program to ensure to the maximum extent its operation like a private business.

Directs the Secretary to: (1) create a value engineering function within the Office of Civilian Radioactive Waste Management; and (2) employ, on an on-going basis, integrated performance modeling regarding site characterization.

Expresses the sense of the Senate that: (1) the Secretary and the petitioners in Northern States Power (Minnesota), v. Department of Energy, should enter into a settlement agreement to resolve the issues pending before the United States Court of Appeals before enactment of this Act; and (2) elderly and disabled legal immigrants who are unable to work should receive assistance essential to their well-being, and that the President, Congress, the States, and faith-based

and other organizations should continue to work together toward that end.

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