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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord, we read the Bible and there it is: the persistently repeated admonition to give thanks. We know You well enough to know that You do not need the assurance of our gratitude. Surely, the need for thanksgiving must have something to do with our spiritual health. The psalmist said, "O Lord my God, I will give thanks to You forever."—Psalm 30:12. In this life and in heaven, forever is a long time. Paul said, "In everything give thanks; for this is the will of God for you."—1 Thess. 5:18.

In everything, Lord? Suddenly we know the secret. Thanksgiving is the memory of the heart. We have great memories of Your faithfulness. They become cherished memories as we tell You how grateful we are, not only for Your blessings, but, for You. We say with Joyce Kilmer, "Thank God for God!"

Most important of all, we know that when we thank You for all Your good gifts, the growth of false pride is stunted. And when we can thank You even for the rough and tough things in life, we really can let go of our control and trust You to bring good out of the most distressing things. And so, we give thanks! And we praise You for the Senators here who will be casting their votes today. Thank You for the privilege of living in this democracy. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 21, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, we have a vote that will occur immediately on the Murray amendment. The managers and leaders hope others will offer amendments today. We will have the opportunity to do that. This will be the last vote of the day.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2514, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Murray/Snowe amendment No. 3927, to restore a previous policy regarding restrictions on use of Department of Defense facilities.

Mr. WARNER. Mr. President, Senator SANTORUM consulted with me yesterday at great length about his desire not to have this vote today. He wished to be present. He had to be absent for valid reasons.

I want to state for the record that were the Senator from Pennsylvania, Mr. SANTORUM, present, he would vote in the negative.

VOTE ON AMENDMENT NO. 3927

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) and the Senator from Pennsylvania (Mr. SANTORUM) would each vote "no."

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

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—52

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Reed
Byrd	Graham	Rockefeller
Cantwell	Harkin	Sarbanes
Carnahan	Hollings	Schumer
Carper	Inouye	Snowe
Chafee	Jeffords	Specter
Cleland	Johnson	Stabenow
Clinton	Kennedy	Stevens
Collins	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	
Dayton	Levin	

NAYS—40

Allard	Fitzgerald	Nelson (NE)
Allen	Frist	Nickles
Bennett	Grassley	Reid
Bond	Gregg	Roberts
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Inhofe	Smith (OR)
Cochran	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Murkowski	

NOT VOTING—8

Breaux	Helms	Santorum
Craig	Hutchison	Thomas
Gramm	Miller	

The amendment (No. 3927) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I am sure everybody is aware that this is the last vote of the day. I know our colleagues, both Senator LEVIN and Senator WARNER, are interested, however, in continuing debate on the bill throughout the day and on Monday. We will be in session. We will be in a position to entertain amendments and to bring them to closure.

My hope is we can use these 2 days. I am inclined to press for a finite list, but we will not do that today. Senators should be aware that next week is going to be a very busy week. Those who want to wait until Tuesday or Wednesday should not count on having a lot of time to debate their amendments. We have 2 great days—today and Monday—to offer amendments. I hope Senators will do so.

There will be a vote Monday night—at least one and maybe more. So Senators should be prepared to vote on Monday after 5 o'clock. We will announce a time certain after consultation with the Republican leader, and Senators should be prepared to come back and vote on Monday so that we can begin a full day of work on the bill on Tuesday and, hopefully, complete our work Wednesday or Thursday.

I know the distinguished Republican leader has some comments and ques-

tions. I will yield the floor to him at this time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments and yielding so I can engage in a colloquy with him.

First, regarding the schedule and the majority leader's intent to move forward, I certainly support what he is trying to do. I think good progress has been made this week on the Defense authorization bill. I think we have disposed of two or three issues that could have been very contentious. It took a little time, but we got them done without much difficulty. I assume that next week we will have not more than 4½ days to finish this bill and maybe some other actions in addition to that.

I join the majority leader in urging Members, if they have a serious amendment, to identify it to the managers. This is aimed at both sides. Let's not make up this fictitious list of grand designs where Senators say "I have 10 amendments" when everybody knows he or she has one or none.

Also, it seems to me, as I recall from studying the list, that there are about four other amendments that could take some time and could be somewhat controversial and require some votes. But there should not be a long list. I hope our managers will not have to sit here all day Monday begging Senators to offer amendments and nobody showing up, and then whine on Thursday if the majority leader has to file a cloture and say: I got cut out.

These managers are excellent and experienced and they are going to try to move forward. There has been good cooperation and we need to continue that. Hopefully, we can do effective work on Monday and get a list that we are really going to have to do, and avoid forcing the majority leader to have to file cloture, as he clearly will have to do Tuesday afternoon if we don't have some idea of how we are going to proceed. I used to get into that position, too. It is not always the majority leader's choice.

I want to press the point that this is serious legislation. The country needs it, our military men and women need it. The majority leader did the right thing in moving to it. He has a right to expect us to work in good faith in bringing up amendments that are serious and need to be debated.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I was going to advise the leadership that the distinguished Senator from New Hampshire, Mr. SMITH, is prepared to address the Senate on his amendment. That could start between 4 and 4:30 and perhaps meet the hour designated with the leadership for a vote.

I also wish to request, respectfully, of the leaders to repeat the statements made yesterday by both leaders to the effect that the criteria to be established by the distinguished chairman

and myself is that the amendments must be relevant. Would the leader be kind enough to repeat that for the record so all can hear.

Mr. DASCHLE. Mr. President, let me reiterate what we did say yesterday for the record. Under the agreement we have now entered into, amendments have to be relevant—not necessarily germane, in the definition of Senate parlance, but certainly relevant. We leave it to the two managers to determine that—not the Parliamentarians but the managers. They will be the arbiters of relevancy. They are fair and they are respected on both sides of the aisle. I respect their judgment and will stand behind the decisions they make.

Having said that, I hope we are limiting ourselves to relevant amendments, that Senators at least come forward with some understanding of what the amendments—relevant amendments—are. While we don't need a finite list today, it would be helpful to know what relevant amendments Senators are intending to offer so that we have some ability to schedule for the remainder of the week.

Mr. LEVIN. Mr. President, will the Republican leader yield?

Mr. LOTT. I will be glad to yield.

Mr. LEVIN. First, I thank the majority leader and the Republican leader for their continuing efforts to move this bill along. Senator WARNER pointed out that Senator SMITH will be ready on Monday afternoon with his amendment. I understand Senator DAYTON, who is a cosponsor of that amendment, will also be available. We think we have confirmed that as well. We could proceed perhaps at 4 o'clock. We expect a rollcall vote on that amendment. Perhaps we can get a time agreement on that amendment today, which will also help facilitate this matter.

Both Senator WARNER and I will be here this morning at least, we will be here on Monday, and we hope Senators who have relevant amendments will inform us of that. We also are going to be able to clear some amendments in the next few hours, we hope, and either take care of those today or Monday.

NOMINATIONS

Mr. LOTT. Mr. President, I would like to make a couple of other points. We also need to move some nominations in the next week. Senator DASCHLE and I are trying to find a way to get that process moving. A lot of these are not controversial. They are Republican and Democrat, people such as Congressman TONY HALL, who is awaiting confirmation to be Ambassador for the United Nations Agency for Food and Agriculture. A number of these are U.S. attorneys and U.S. marshals.

I urge the majority leader to consider beginning to do packages as we go along so we do not have them all stacked up at the end on Thursday or Friday where one objection, unrelated to the nominations, could deny all these people who have been waiting, some of them a good while, an opportunity to be considered.

Also, I am concerned that—I don't know—11 or 12 judges are on the calendar. I think most of them are non-controversial. But if we have to have a recorded vote, that could run into a lot of time and could really delay some of our work next week.

I wanted to make that point to the majority leader and urge him to see if we can begin work together to develop a list, large or small, along the way, rather than just one huge package at the end next week.

I yield the floor so Senator DASCHLE can respond.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I share the concern for the growing list of executive nominations. I say to my colleagues that the distinguished Republican leader and I and our staffs have been discussing this matter at length over the course of the last couple of weeks.

There have been meetings as late as yesterday with the White House with regard to an understanding about how we might go forward. I have not had the opportunity to talk with my staff this morning as to the progress made on those discussions, but I have every reason to believe we have made substantial progress and that we ought to be in a position to begin moving all of those nominations on the calendar next week. I also share his view that when that happens, we do not want to leave them to the end.

We may dual track next week to the extent that it is possible with the Defense bill so we can complete work on the Defense bill on schedule but chip away at that Executive Calendar list throughout the week. Certainly, if negotiations have been completed and we have all come to some agreement, it would be my intention to do it perhaps as early as Monday.

Mr. LOTT. Mr. President, if I can get the floor back.

The PRESIDING OFFICER. The Republican Leader.

#### YUCCA MOUNTAIN RESOLUTION

Mr. LOTT. Mr. President, I wish to raise one other issue. By law, the Senate must consider a joint resolution regarding the Yucca Mountain facility which has passed the House and has been reported out of the Senate Energy and Natural Resources Committee. We are quickly approaching a deadline for that legislation, which is also written in the law. It is my hope we can get an indication as to when that resolution will be scheduled as provided under the statute.

I remind my colleagues that the law provides an expedited process for that measure, and it will only take 10 hours or less if Members decide not to use all the time, of course. We have offered—in fact, I think both sides have offered—suggestions as to how we might proceed. We do have a suggestion for consent that I have sent over to Senator DASCHLE as to how to proceed on the resolution so Members will know

exactly how we will go forward and what time, when we might actually get to it.

It is unclear if that will be accepted, but I just want our colleagues to know we are trying to get some clarification of exactly when we will go to this very important joint resolution dealing with the Yucca Mountain site for nuclear waste disposal.

I add that the majority leader had previously stated his intent to proceed to a number of other important issues in July. We have a lot of important work that needs to be done and only 4 weeks in that time. Given the busy schedule, including the prospect of appropriations bills, it would be my hope that the Senate could consider this resolution even next week. I realize that would be contingent upon completing the Defense authorization bill, but I have a good feeling about how the Defense authorization bill may proceed next week. Maybe I am dreaming on this first day of summer to think we could actually finish it a little early, but I am hoping for the very best, and this resolution could possibly even be brought up next week.

If not then, we do need to get some indication of when we will proceed. It is governed by law. I ask the leader to consider scheduling this measure and giving advice to colleagues as to when he anticipates this matter will be considered.

I yield the floor to Senator DASCHLE for a response he wants to give.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I have no intention at this point to bring it up certainly this coming week. As the distinguished Republican leader knows, I have made no secret of my opposition to the resolution, and I know that sentiment is shared by a large percentage of our colleagues on this side of the aisle.

It is, of course, within the right of any Senator without debate to move to the resolution under the law. This is not a Senate rule. This is a law promulgated in 1982. Any Senator can move to it, and when that occurs, the motion to proceed is voted upon, and then a 10-hour debate, wherein no amendments are authorized to ensue, with a vote to follow at the expiration of that 10 hours.

Every Senator has the confidence that if he or she chooses to make that position, it supplants whatever is on the floor at the time. That is the prerogative, unfortunately in my view, of any Senator given the law. It supersedes all Senate rules. I hope we will not avail ourselves of these expeditious moves in the future. Senate procedure ought to be respected, but I can do nothing about the current circumstances.

As the Senator knows, clearly that is within his right or the rights of other colleagues interested in moving legislation. I would oppose it when or if it is offered, but that is certainly the right of a colleague to consider.

Mr. LOTT. I thank Senator DASCHLE for his comments. I understand this issue is privileged. It is like conference reports. It does not displace anything; it just temporarily interrupts it, and we can go right back to the pending business. That is why I raise the subject.

I want everybody to understand that nobody is trying to shove this in an unfair way. There is a lot of consultation involved on both sides. We want to make sure Members understand how it can proceed and what the issue is and also give Senators who have concerns in opposition full knowledge of what time and how this will come up. That is why I bring it up at this point.

I understand and appreciate Senator DASCHLE's position and the statement he just gave our colleagues.

#### CONGRESSIONAL BASEBALL GAME

Mr. LOTT. Mr. President, on a final happy note, I observe there was a baseball game last night, really outstanding game to retire the trophy. I am pleased to say the Rumping Elephants were able to bring home the victory and retire the trophy. The score was 9 to 2.

Why would I bring that up in the Senate since usually it is the younger and more inexperienced House Members who play on these baseball teams? In fact, one of the stars of the game was the Senator from Nevada, JOHN ENSIGN, who played a sterling game at shortstop and actually got a walk, a hit, scored a run, and I think snagged about eight balls.

So it just goes to show that Senators not only are older and more experienced but also perhaps more talented.

Mr. REID. Will the Senator yield?

Mr. LOTT. With that glowing conclusion, I yield the floor.

Mr. REID. If the Senator will yield before he leaves, I will say a word in response.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On a less serious note, the Senator from Mississippi got about as many hits as I did last night; right?

Mr. LOTT. Yes.

Mr. REID. The Senator did about as well as I did in the baseball game, which is not very well. We did not play.

I have sat silently listening to the colloquy between the two leaders on an issue of importance to me, and that is the nuclear waste issue. There are many of us—and I have spoken at great length with the majority leader—who believe the law that was passed stands Senate precedent on its head and there will be a concerted effort by a number of Republicans and a significant number of Democrats, with the majority leader, saying it sets such a bad precedent that the motion to proceed should not, of course, go forward.

While the two leaders are present, I wanted to make sure everyone understood this is not a slam dunk, that the motion to proceed or whatever we want to call this unique aspect of law that passed is certainly not assured of going forward.

Whenever a Republican decides to bring it up, there will be a vote on this so-called motion to proceed, and I am hopeful and cautiously optimistic that it will not prevail. I wanted to make sure everyone understood that.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I am sorry the Republican leader had to bring up the score of the game last night. He could have quietly and graciously noted that the Republicans won, but it is his right to notice publicly that we got trounced last night. But there is another day. I graciously admit defeat in this case. We did have some star players, and I congratulate Senator ENSIGN on his valiant performance. But there is another day, another game, and we are going to try to level the playing field next year. In the meantime, we will try to do the best we can to win our victories on the Senate floor.

Mr. REID. If the leader will allow me to say this: We do appreciate very much that the Republicans did not bring on Hall of Famer JIM BUNNING to pitch against the Democrats.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

#### AMENDMENT NO. 3953

Mr. LEVIN. Mr. President, on behalf of Senator WARNER and myself, I offer an amendment which would extend the authority for the Secretary of Defense to engage in commercial activities as security for intelligence collection activities. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 3953.

The amendment is as follows:

(Purpose: To extend the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities)

On page 90, between lines 19 and 20, and insert the following:

**SEC. 346. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.**

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2002" in the second sentence and inserting "December 31, 2004".

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3953) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3954

Mr. LEVIN. Mr. President, on behalf of Senator NELSON of Florida and Senator ALLARD, I offer an amendment which sets forth the sense of the Senate that maintaining assured access to space is in the national security interest and that the Under Secretary of the Air Force should evaluate all options to maintain such access. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, for himself and Mr. ALLARD, proposes an amendment numbered 3954.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding assured access to space)

At the end of subtitle D of title I, add the following:

**SEC. 135. SENSE OF CONGRESS REGARDING ASSURED ACCESS TO SPACE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Assured access to space is a vital national security interest of the United States.

(2) The Evolved Expendable Launch Vehicle program of the Department of Defense is a critical element of the Department's plans for assuring United States access to space.

(3) Significant contractions in the commercial space launch marketplace have eroded the overall viability of the United States space launch industrial base and could hamper the ability of the Department of Defense to provide assured access to space in the future.

(4) The continuing viability of the United States space launch industrial base is a critical element of any strategy to ensure the long-term ability of the United States to assure access to space.

(5) The Under Secretary of the Air Force, as acquisition executive for space programs in the Department of Defense, has been authorized to develop a strategy to address United States space launch and assured access to space requirements.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Under Secretary of the Air Force should—

(1) evaluate all options for sustaining the United States space launch industrial base;

(2) develop an integrated, long-range, and adequately funded plan for assuring United States access to space; and

(3) submit to Congress a report on the plan at the earliest opportunity practicable.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3954) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3955

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON of Texas, I

offer an amendment which would authorize a land conveyance at Fort Hood, TX, for the purpose of establishing a veterans cemetery.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 3955.

The amendment is as follows:

(Purpose: To authorize a land conveyance at Fort Hood, Texas)

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Land Board of the State of Texas (in this section referred to as the "Board"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 174 acres at Fort Hood, Texas, for the purpose of permitting the Board to establish a State-run cemetery for veterans.

(b) REVERSIONARY INTEREST.—(1) If at the end of the five-year period beginning on the date of the conveyance authorized by subsection (a), the Secretary determines that the property conveyed under that subsection is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. WARNER. Mr. President, I understand this amendment has been cleared.

Mr. LEVIN. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3955) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3956

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment which would authorize, as a force protection measure, the replacement of a public road at Aviano Air Base, Italy.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3956.

The amendment is as follows:

(Purpose: To provide authority to use military construction funds for construction of a public road to replace a public road adjacent to Aviano Air Base, Italy, closed for force protection purposes)

At the end of title XXIII, add the following:

**SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUCTION FUNDS FOR CONSTRUCTION OF PUBLIC ROAD NEAR AVIANO AIR BASE, ITALY, CLOSED FOR FORCE PROTECTION PURPOSES.**

(a) **AUTHORITY TO USE FUNDS.**—The Secretary of the Air Force may, using amounts authorized to be appropriated by section 2301(b), carry out a project to provide a public road, and associated improvements, to replace a public road adjacent to Aviano Air Base, Italy, that has been closed for force protection purposes.

(b) **SCOPE OF AUTHORITY.**—(1) The authority of the Secretary to carry out the project referred to in subsection (a) shall include authority as follows:

(A) To acquire property for the project for transfer to a host nation authority.

(B) To provide funds to a host nation authority to acquire property for the project.

(C) To make a contribution to a host nation authority for purposes of carrying out the project.

(D) To provide vehicle and pedestrian access to landowners effected by the project.

(2) The acquisition of property using authority in subparagraph (A) or (B) of paragraph (1) may be made regardless of whether or not ownership of such property will vest in the United States.

(c) **INAPPLICABILITY OF CERTAIN REAL PROPERTY MANAGEMENT REQUIREMENT.**—Section 2672(a)(1)(B) of title 10, United States Code, shall not apply with respect to any acquisition of interests in land for purposes of the project authorized by subsection (a).

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3956) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3957

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators AKAKA and INHOFE, which would extend the authorization for a fiscal year 2000 military construction project at Lackland Air Force Base, TX.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3957.

The amendment is as follows:

(Purpose: To authorize the extension of a fiscal year 2000 military construction project for a dormitory at Lackland Air Force Base, Texas)

In the first table in section 2702(b), insert after the item relating to Tinker Air Force Base, Oklahoma, the following:

Texas .....	Lackland Air Force Base .....	Dormitory	\$5,300,000
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Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3957) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3958

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to the land conveyance at Westover Air Reserve Base, MA, in section 2824 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. INHOFE, proposes an amendment numbered 3958.

The amendment is as follows:

(Purpose: To make a technical correction regarding the land conveyance, Westover Air Reserve Base, Massachusetts)

On page 336, beginning on line 10, strike "188 housing units" and insert "133 housing units".

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3958) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3959

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I send an amendment to the desk which would make a technical correction to a fiscal year 2003 military construction project authorization in Korea and to the amount authorized for a military construction project in Germany.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3959.

The amendment is as follows:

(Purpose: To make technical corrections to authorizations for certain military construction projects for the Army)

In the table in section 2101(b), strike the item relating to Landstuhl, Germany, and insert the following new item:

	Landstuhl .....	\$2,400,000
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In the table in section 2101(b), strike the item relating to Camp Walker, Korea, and insert the following new item:

	Camp Henry ...	\$10,200,000
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Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3959) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3960

Mr. LEVIN. Mr. President, on behalf of Senators AKAKA and INHOFE, I offer an amendment to make a correction to a fiscal year 2001 military construction

project authorization in Korea. This is a different amendment. I send that to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA and Mr. INHOFE, proposes an amendment numbered 3960.

The amendment is as follows:

(Purpose: To modify the authority to carry out a certain fiscal year 2001 military construction project for the Army)

At the end of title XXI, add the following:

**SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.**

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398; 114 Stat. 1654A-390) is amended by striking "Camp Page" in the installation or location column and inserting "Camp Stanley".

Mr. WARNER. Mr. President, the amendment is cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3960) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3961

Mr. LEVIN. Mr. President, on behalf of Senators CLINTON and SCHUMER, I offer an amendment which would modify leasing authorities under the alternative authority for acquisition and

improvement of family housing. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. CLINTON and Mr. SCHUMER, proposes an amendment numbered 3961.

The amendment is as follows:

(Purpose: To modify leasing authorities under the alternative authority for acquisition and improvement of military housing)

At the end of subtitle A of title XXVIII, add the following:

**SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) LEASING OF HOUSING.—Subsection (a) of section 2874 of title 10, United States Code, is amended to read as follows:

“(a) LEASE AUTHORIZED.—(1) The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

“(2) The Secretary concerned shall utilize housing units leased under paragraph (1) as military family housing or military unaccompanied housing, as appropriate.”.

(b) REPEAL OF INTERIM LEASE AUTHORITY.—Section 2879 of such title is repealed.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for section 2874 of such title is amended to read as follows:

**“§ 2874. Leasing of housing”.**

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended—

(A) by striking the item relating to section 2874 and inserting the following new item:

“2874. Leasing of housing.”; and

(B) by striking the item relating to section 2879.

Mr. WARNER. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3961) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I intend to remain for a period of time in case any Senator comes to the floor. Then we will consult on such time as we recommend to the leadership if this bill is laid aside, and such morning business time as may be, in the leader's judgment, appropriate.

In a few minutes I hope to address the Senate with regard to the NATO forthcoming enlargement issue, as well as those issues relating to other matters which are important. I have some visitors at this moment, so I will have to absent myself from the floor.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia. I will also be available in the event someone with an amendment does come to the floor. I have to leave also for a few minutes, but I will be available for some time to join you and welcome anybody who

does come to the floor with an amendment.

**MORNING BUSINESS**

Mr. LEVIN. Mr. President, I ask unanimous consent that we go into a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Alaska, Mr. MURKOWSKI, is recognized.

**YUCCA MOUNTAIN RESOLUTION**

Mr. MURKOWSKI. Mr. President, I want to bring to the attention of my colleagues the development on the Yucca Mountain resolution, specifically what it means, and share a few realistic observations on just what we are talking about as we reflect on our obligation to address the waste in this country.

In the past 2 days, I have come to the Senate floor to speak in morning business on S.J. Res. 34. I have spoken generally on the need to move this resolution and the procedure under which the resolution will move. I was pleased to see that the two leaders had an opportunity to discuss this earlier in the day. I think it is fair to say that, clearly, we are left with the appropriate procedure, which simply mandates that any Member may bring this up upon recognition of the Chair at any time. So it is quite appropriate that the leaders related the parliamentary procedure.

I want to speak specifically about what the resolution does and does not do. This seems to be a point of contention in the minds of some. The resolution merely reaffirms the present recommendation of Yucca Mountain as a suitable site for this Nation's permanent geologic repository. That is simply all there is to it. It does not license the repository. It does not build a repository. It does not start the transportation of spent fuel from reactors tomorrow or the next day. It does not start transportation of high-level nuclear waste from the Department of Energy weapon sites. It does none of those things.

The resolution gives the Department of Energy the go ahead to begin the licensing process with the Nuclear Regulatory Commission and that is simply all there is to it.

Now, I have already given, in a series of presentations, a little background of the fact that we have collected some \$17 billion from ratepayers in this country, and that the Federal Government signed a solemn contractual commitment to take the waste in 1998. The Federal Government has breached the sanctity of that contract. It is estimated that the damages and suits against the Federal Government are somewhere in the area of \$40 billion to \$70 billion. That is an obligation to the U.S. taxpayers because the Congress of

the United States has not forced, if you will, compliance of that contractual commitment.

A lot of people simply dismiss this as something we can put off. You can put it off all right, but you are going to do it at the expense of the taxpayers. This was a contract. The ratepayers that use nuclear energy paid into a fund. The Federal Government has held that money to take the waste in 1998. The Federal Government is in violation of that contract. It is just that simple.

We have an opportunity and obligation to move. The House has moved, the Senate has not because the licensing process is a first of its kind. No one anticipates it is going to move quickly or smoothly. Both the DOE and the Nuclear Regulatory Commission indicated a great deal of work needs to be done before any repository is licensed to construct. The resolution is no real guarantee that Yucca will be built, but it certainly moves the process along. I know that is what some don't want to hear. I certainly hope it is not the case, but the reality is that we have no guarantee that the Department of Energy will be able to meet the licensing requirements imposed by the NRC.

We have an obligation to move this process along under the structure that was agreed to many years ago. Now, it is true the NRC has issued a sufficiency letter that indicates the Commission believes the DOE will, at the appropriate time, have sufficient information to apply for and receive the license, but only time and additional work will tell. Opponents of Yucca Mountain have indicated, for instance, that we should not pass this resolution because there are a number of unresolved technical issues. As a matter of fact, there are issues that both DOE and NRC have agreed will be resolved in the licensing process.

There are a number of other issues that should have been raised, such as transportation, that cannot and should not be resolved prior to making the decision regarding licensing of Yucca Mountain. Transportation to and from Yucca will be resolved in the licensing process. To use it now is as a scare tactic—which some have suggested—or a reason to vote no on the resolution is irresponsible.

I want to point out that, for the past 30 years, the United States has seen close to 3,000 shipments of spent fuel and high-level waste go across the surface of our country—the railroads and the highways—and not one of these shipments has resulted in a harmful release of radiation. We are doing this now and we are doing it safely. These are the existing transportation routes on this chart—the interstate highways from the State of Washington through Idaho. It goes from Hanford, and you pick up the National Laboratories, you pick up Rocky Flats, Los Alamos, and the Livermore Lab in San Francisco. This is the route of movement of waste. It moves over to South Carolina and up and down the east coast. It