

**SENATE—Thursday, November 15, 2001**

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. BYRD].

**PRAYER**

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

Faithful Father, Your words to Joshua so long ago sound in our souls as Your encouragement to us today: "I will not leave you nor forsake you. Be strong and of good courage."

Thank You for the consistency and constancy of Your presence. Your love and guidance are not on again off again. We can depend on Your steady flow of strength. Just to know that You are with us in all the ups and downs of political life is a great source of confidence. We can dare to be strong in the convictions that You have honed in our hearts and courageous in the application of them to our work in government.

Grant the Senators a renewed sense of how much You have invested in them and how much You desire to do through them in the onward movement of this Nation. It is for Your namesake, Your glory, and Your vision that You bless them. You guide and inspire them as leaders because You have great plans for this Nation that You want them to accomplish. You have chosen them. May they choose to be chosen today and lead with spiritual self-esteem motivated by this sense of chosenness. Your word for the day is "Be not afraid, I am with you." You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The PRESIDENT pro tempore 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.

**RESERVATION OF LEADER TIME**

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

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. DASCHLE. Mr. President, this morning the Senate will conduct a period of morning business with Senators

permitted to speak for up to 10 minutes. At 10:30 this morning, the Senate will consider the Agriculture appropriations conference report under a 1-hour time agreement with a vote on the adoption of the report at approximately 11:30. We also hope to consider the Commerce-State-Justice appropriations conference report during today's session. There will be other business as well, perhaps including some additional nominations.

I have just consulted with Senator HOLLINGS in regard to the airport security legislation. He has indicated that negotiations continue. He was encouraged by the progress made overnight. I have discussed the matter at some length with Senator LOTT over the course of the last couple of days. It is his view, as it is mine, that we just cannot leave today, this week, until this matter has been completed.

I know a number of Senators have been interested in the schedule for the balance of the week. I am not able to give them a definitive schedule with regard to votes, either today or tomorrow, until we know the timeframe involved in completing our work on the airport security bill.

It is my hope and expectation that it would be done sometime today. If not, of course, we will then take it up tomorrow, and Senators would be required to stay for the vote on that very important legislation.

I ask Senators' patience. As soon as the progress becomes more apparent, we will make a definitive judgment about the time involved in consideration of the conference report later this week.

I thank Senators for their attention and yield the floor.

**MORNING BUSINESS**

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from Nevada, Mr. REID, will speak for up to 10 minutes. Under the order previously entered, the junior Senator from Nevada, Mr. ENSIGN, will be recognized to speak likewise for up to 10 minutes.

The majority whip.

**YUCCA MOUNTAIN**

Mr. REID. Senator ENSIGN and I rise to address the Senate on something we believe is extremely important.

For 20 years now, there have been attempts made to place high-level nuclear waste in the deserts outside Las Vegas. We have always believed that the process has not been fair. Originally, there was supposed to be three sites selected under the 1982 act. Washington, Texas, and Nevada were the three sites chosen.

In 1987, for various reasons, the two other sites were eliminated, and so there is only one site now being focused. That is Yucca Mountain in Nevada.

Let's assume that a person is charged with a crime and they learn later that the prosecutor and the person representing the accused were the same lawyer. People would be outraged. If you were in an automobile accident and you had a trial and you suddenly learned that the person representing you, the person injured, also represented the insurance company, that would be unfair. That is what we have just learned has been going on at Yucca Mountain.

We found that the attorney who was giving advice to Yucca Mountain and being paid up to \$16 million, this law firm also was representing the nuclear power industry.

Senator ENSIGN will outline for anyone within the sound of our voices how this came about that we learned that there was one law firm representing both sides in effect.

Mr. ENSIGN. I thank the senior Senator from Nevada. Back in July of this year, one of the local Las Vegas Sun reporters, Ben Grove, brought out in a news report that there was a potential conflict of interest involving a law firm based in Chicago, Winston & Strawn, which was representing not only the nuclear power industry but also the Department of Energy at the same time. We sent a letter together, dated August 1, to the Inspector General for the Department of Energy, asking that the inspector general look into this conflict of interest. Late yesterday afternoon, the inspector general met with the senior Senator from Nevada and myself and laid out the full report on their findings. As it turns out, the inspector general said that there has been virtually no clear evidence of a conflict of interest in his time period that he has been doing these types of investigations. From September 1999 until July 2001—and by the way, only because of the reporters bringing this thing to the public did Winston & Strawn terminate the relationship with the Energy Institute. But during that period of time, this law firm represented both the Department