

Act to sure death in the House of Representatives, but it would also kill the tobacco bill here in the U.S. Senate. Without a unanimous consent agreement that assures that we would return immediately to the tobacco legislation, I am unwilling to take the risk of removing it as the business before the Senate and substituting the Nuclear Waste Policy Act, as much as I support that legislation.

So for those reasons, I will vote against invoking cloture.

Mr. REID. Mr. President, what time remains?

The PRESIDING OFFICER (Mr. BROWNBACK). There is 1 minute 30 seconds remaining.

Mr. REID. I yield 1 minute to my colleague from Nevada.

Mr. BRYAN. Mr. President, I think the Senator from Florida has cut to the core of this issue. From the perspective of those who want this legislation to proceed, the question of adopting the House bill without amendment obviously moves that process forward. We are now told that, no, that is not the strategy, that we want to offer a so-called Bingaman amendment; and then we hear that there is a so-called perfecting amendment, which nobody has seen. Out our way, that is called keeping some cards up your sleeve. We don't have any idea what we are going to be asked to vote on. I think our colleague makes a good point. I urge rejection of the motion to invoke cloture.

Mr. REID. Mr. President, the action today is a waste of time. Let's move to tobacco, to the Patients' Bill of Rights, to IRS reform, or to the appropriations bills—13 in number—or let's move to school construction; let's do something that is worth while. The President said he will veto this. The Speaker has said he won't consider it. This is a waste of time.

I urge everybody to vote no on cloture.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the clerk will report the cloture motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 312, H.R. 1270, the Nuclear Waste Policy Act:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Slade Gorton, Pat Roberts, Olympia J. Snowe, Jon Kyl, Tim Hutchinson, Rod Grams, Spencer Abraham, Pete Domenici, Bill Roth, Don Nickles, Thad Cochran, Michael B. Enzi, Charles Grassley.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Sen-

ate that debate on the motion to proceed to the consideration of H.R. 1270, an act to amend the Nuclear Waste Policy Act of 1997, shall be brought to a close?

The yeas and nays are required under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), and the Senator from Illinois (Ms. MOSELEY-BRAUN), are necessarily absent.

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

The yeas and nays resulted—yeas 56, nays 39, as follows:

#### [Rollcall Vote No. 148 Leg.]

#### YEAS—56

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Coats	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Levin	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

#### NAYS—39

Akaka	Feingold	Lautenberg
Baucus	Feinstein	Leahy
Bingaman	Ford	Lieberman
Breaux	Glenn	Mikulski
Bryan	Graham	Moynihan
Bumpers	Harkin	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden

#### NOT VOTING—5

Biden	Inhofe	Specter
Boxer	Moseley-Braun	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I just received a statement from the Speaker of the House concerning the last vote we had on the high-level nu-

clear waste bill. I would like to enter the Speaker's statement on the nuclear waste bill in the RECORD so that there will not be any confusion as to the position of the Speaker of the House of Representatives. I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### SPEAKER'S STATEMENT ON NUCLEAR WASTE BILL

WASHINGTON, DC.—House Speaker Newt Gingrich released the following statement on the status of the nuclear waste bill.

"Although I strongly support a legislative resolution to the nuclear waste issue, it is unlikely that such a bill will make it past the President's veto to become law this year. Because of the crowded calendar and the strong opposition of some members, I do not expect to schedule floor action this year.

"Along with his colleague Jim Gibbons, John Ensign has been a forceful and effective voice for the citizens of Nevada in opposing the nuclear waste bill."—House Speaker Newt Gingrich.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

#### NOMINATION OF ROSEMARY S. POOLER, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under a previous order, the Senate will now proceed to executive session to consider the nomination of Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit, Calendar No. 622.

The nomination is confirmed.

The nomination considered and confirmed is as follows:

#### THE JUDICIARY

Rosemary S. Pooler, of New York, to be United States Circuit Judge for the Second Circuit.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

May we please have order.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

#### NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.