

I also commend the senior Senator from New York for his past work, not only in the Senate but specifically on the Intelligence Committee, where he spent a lot of time—a lot of hours, and a lot of years—and understands what we are going through—and what we need to do. Hopefully, this is one of those little steps.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, like Chairman SHELBY, I fully support these two amendments and am enthusiastic as well for the efforts the senior Senator, Mr. MOYNIHAN, has made in the area of secrecy over the years.

I made a point earlier, when we were talking about secrecy, that sometimes secrecy does equal security. We have to have secrecy in order to maintain security. But there are times when secrecy actually makes it harder for us to achieve security. It can make us less secure.

I retold the story in the Senator's book on the Venona project when Omar Bradley made the decision not to inform the President of the United States about Klaus Fuchs and others. As a consequence of believing the President didn't have a need to know, he kept the secret. I think, as a consequence, there was less security for the Nation.

I appreciate and fully agree with the chairman. These amendments are good amendments and should be adopted. I appreciate and applaud and am grateful for the leadership of the Senator from New York on this issue of secrecy.

Mr. SHELBY. Mr. President, I urge adoption of the amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1264 and 1265) were agreed to.

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

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

The motion to lay on the table was agreed to.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that I may be able to proceed as in morning business for up to 5 minutes.

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

CAMPAIGN FINANCE REFORM

Mr. LEVIN. Mr. President, yesterday, a unanimous consent request was propounded with respect to the Senate's consideration of campaign finance reform legislation. I objected to the request and I want to explain to my colleagues why I did so.

There is no more important work for this institution than passing campaign finance reform. Despite our good efforts in 1974, following the debacle of Watergate, to limit the influence of money in our political system, we are currently operating without effective limits. We have a law that sets out reasonable limits at \$1,000 for individuals, \$5,000 for PACs, and \$25,000 to a national party. But those limits are easily evaded by the unlimited contributions of soft money. We have, in effect, no limits today.

The 1974 Federal Election Campaign Act has, in effect, been repealed. To return our elections to issues and people and away from money, we must pass campaign finance reform. Since the time agreement is critical to determining how and when we take up campaign finance reform, and perhaps its ultimate success, I wanted to be sure that I understood what the agreement contained. I objected initially on the basis of needing time to review the agreement. Having read the agreement, I do continue my objection to the original unanimous consent proposal, because I believe the agreement is inadequate for the necessary consideration of campaign finance reform.

I am well aware of the opponents' desire to filibuster the McCain-Feingold bill, a bill which is supported by a majority of the Members of the Senate. The opponents have every right to do that, and I respect that right. But supporters of campaign finance reform have every right not to back down in the face of a filibuster.

The unanimous consent agreement proposed that each of us agree that the McCain-Feingold proposal be withdrawn if we do not get 60 votes on the first try to close off a filibuster. But as long as we have a majority of the Members of the Senate supporting passage of campaign finance reform, we should be able to defeat efforts to withdraw the McCain-Feingold bill from Senate consideration. Opponents can filibuster, but supporters don't have to agree in advance to withdraw in the face of that filibuster.

The unanimous consent agreement, however, would require supporters to agree to withdraw if we don't achieve, on the first try, the 60 votes necessary to close off the filibuster.

The unanimous consent agreement said that not sooner than the third calendar day of consideration a cloture motion may be filed on the McCain-Feingold bill, and if cloture is not invoked, the bill will be placed back on the calendar. It then said that it will not be in order during the remainder of the first session of the 106th Congress for the Senate to consider issues relevant to campaign reform. This agreement would lock the Senate into relying on the one cloture vote to determine whether the fight for campaign finance reform, this year, lives or dies.

I cannot agree with that proposal. If we can't at first get 60 votes to close off the filibuster, I can't agree to putting the McCain-Feingold bill back on the calendar and just calling it quits

for the year. The proposed time agreement would have us do that.

If it takes an all-out battle to keep campaign finance reform on the front burner of this Congress, I believe we should be prepared to wage such a battle. Opponents say they are prepared to wage such a battle in opposition. Supporters surely feel just as passionately in support of this bill as opponents do in opposition.

Another term of the agreement with respect to the consideration of amendments is also unacceptable to me. The proposed agreement says:

If an amendment is not tabled, it will be in order to lay aside such amendment for two calendar days.

The unusual provision allowing an amendment which the Senate has failed to table to be laid aside for 2 days puts in question whether such amendments will be voted on after they are not tabled prior to the cloture vote. I am afraid this provision would cause more mischief than facilitate serious consideration of key campaign finance issues.

I objected—and do object—to the unanimous consent agreement which was proposed yesterday. But I am, of course, willing to work with colleagues to try to address the concerns that I have.

Again, I want to emphasize that I am speaking as one Senator who was asked to participate in a unanimous consent agreement. The proponents, the sponsors of the bill, of course, with the leadership, have every right to work out any arrangement they see fit.

But to ask unanimous consent from this Senator to agree to proceeding in this form is something to which I objected, and do object, as a Senator.

I thank the Chair.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

AMENDMENTS NOS. 1266 AND 1267 TO AMENDMENT NO. 1258, EN BLOC

Mr. KERREY. Mr. President, I send two amendments to the desk—one on behalf of myself for Senator SHELBY, and the other for Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Nebraska (Mr. KERREY) for Mr. SHELBY and Mrs. FEINSTEIN, proposes amendments numbered 1266 and 1267 to Amendment No. 1258, en bloc.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 1266 TO AMENDMENT NO. 1258

Following section (213)(t) add the following new subsection to section 213 as added by the Kyl amendment:

“(u) The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies. The Under Secretary for Nuclear Stewardship is responsible for implementation of all security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship. The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.”

AMENDMENT NO. 1267 TO AMENDMENT NO. 1258

On page 6, line 13 following the word “report” insert: “, consistent with their contractual obligations.”

MR. KERREY. Mr. President, these two amendments have been agreed to on both sides.

The first one was the agreed-upon amendment between Senator LEVIN and Senator KYL. We took my language and the language of Senator SHELBY and merged them. There is agreement on both sides. I think this and the reporting requirements of Senator FEINSTEIN are excellent additions to the bill.

THE PRESIDING OFFICER. The Senator from Alabama.

MR. SHELBY. Mr. President, I concur with Senator KERREY.

I commend Senators LEVIN, KYL, DOMENICI, MURKOWSKI, and others who brought about the progress on the bill.

I urge adoption of the amendments en bloc.

THE PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1266 and 1267) were agreed to.

MR. SHELBY. Mr. President, I move to reconsider the vote.

MR. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MR. LEVIN. Mr. President, I extend my appreciation to the managers, the good Senators, who have worked very hard to adopt this language.

This implements the heart of the amendment which I previously offered. I want to read it so that people who are following this debate—it is very short—can understand why this is important.

The amendment reads:

The Secretary shall be responsible for developing and promulgating Departmental security, counterintelligence and intelligence policies, and may use his immediate staff to assist him in developing and promulgating such policies.

With one minute change, that is the same sentence which was previously in my amendment.

The next sentence is:

The Under Secretary for Nuclear Stewardship is responsible for implementation of all

security, counterintelligence and intelligence policies within the Agency for Nuclear Stewardship.

I think that is basically the previous language.

The one change is really in the third sentence, which is now with this amendment:

The Under Secretary for Nuclear Stewardship may establish agency-specific policies unless disapproved by the Secretary.

That was the intention of the third sentence in effect. Senator KYL thought it was an important change and would clarify a point. We accept that.

We thank Senator KYL, as well as our other colleague, Senator DOMENICI, and others who have worked on this language. This language is fully acceptable to me, because it does indeed carry out the language for the most part in the spirit, *in toto*, of the previous amendment.

I thank our colleagues.

MR. KERREY. I didn’t hear everything the distinguished Senator said. He read, I think, an earlier draft. I don’t think he meant to. The word “all” in the first sentence had been stricken.

MR. LEVIN. The draft given to me had that in it, and I read it, but it was stricken in the actual amendment sent to the desk.

I thank the Senator for that correction.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

THE PRESIDING OFFICER (MR. SESSIONS). Without objection, it is so ordered.

AMENDMENT NO. 1268 TO AMENDMENT NO. 1258

(Purpose: To provide for the delegation to the Deputy Secretary of Energy of authority to supervise and direct the Under Secretary of Energy for Nuclear Stewardship)

MR. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1268 to amendment No. 1258.

In the fourth sentence of section 213(c) of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, insert after “to any Department official” the following: “other than the Deputy Secretary”.

MR. LEVIN. Mr. President, this amendment makes it possible for the Secretary of Energy to fully utilize his Deputy Secretary. The Deputy Secretary of Energy, as with the Deputy Secretary of Defense, is the No. 2 person in the Department. The Secretary of Energy simply must be allowed to rely on his deputy to serve in his absence, to help with the running of the

Department when he is absent and, indeed, to effectively be his alter ego.

To be useful to the Secretary and perform his job, the Deputy Secretary must be involved fully in every facet of the business of the Department. This amendment will allow the Deputy Secretary to carry out that very important function.

The bill will now have that change, that the Secretary may not delegate to any departmental official other than the deputy the duty to service or direct the Under Secretary for Nuclear Stewardship.

This is a very important change. I thank the managers for their support of this change. I believe it has broad support. I hope it will pass.

The organizational chart contained in the Rudman panel report, which graphically displays the panel’s recommendation to create a new separately organized Agency for Nuclear Stewardship, includes the Deputy Secretary in the same box as the Secretary. The amendment before the Senate today, however, is silent with respect to the duties and responsibilities of the Deputy Secretary.

The absence of any reference to the Deputy Secretary of Energy could be simply an oversight. But given the language in the underlying amendment that prohibits all others in the Department of Energy, except the Secretary, from supervising or directing the new Agency or its staff, I believe the role of the Deputy should be clearly spelled out.

Each of the separately organized agencies of the Department of Defense, sited as organizational models by Senators Rudman’s panel, relies heavily on the involvement of the Deputy Secretary of Defense. Indeed, the Deputy Secretary of Defense has a full delegation of responsibility from the Secretary of Defense to act for the Secretary.

This amendment removes the potential for confusion about the role of the Deputy Secretary of Energy and is consistent with the organizational charts contained in the Rudman panel report that describe the organization of the new Agency for Nuclear Stewardship.

MR. KERREY. Mr. President, I think it is a good amendment. I believe the amendment has been cleared by Senator DOMENICI as well. I don’t think there is any problem with this amendment at all. I think it is a good amendment and a good improvement in the bill.

MR. SHELBY. Mr. President, I agree with the Senator from Nebraska. This is an agreed-on amendment. A lot of work has gone into it. I commend the Senator from Michigan, the Senator from Arizona, and also the Senator from New Mexico in fashioning this with their staff.

I urge adoption of the amendment.

THE PRESIDING OFFICER. The question is on the amendment.

The amendment (No. 1268) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, the amendments which we have just adopted improve the underlying provision. Nevertheless, there are some important concerns that were raised, and I want to take a moment to address them and speak to the hope they be addressed in conference. Let me go through some of these concerns.

First, section (k) of the amendment prohibits anybody in the Department except for the Secretary and Deputy Secretary from providing supervision or direction to the Agency for Nuclear Stewardship.

That could prohibit certain specific statutory authorities found in other laws from being implemented. For instance, the Chief Financial Officers Act established some very specific authorities and duties for chief financial officers. They must direct all aspects of a department's fiscal policy.

Second, the same is true for the Inspector Generals Act. The inspector general has independent investigatory authority over the entire Department of Energy, including the new Agency. This authority includes the authority to direct and conduct investigations unimpeded. To conduct the investigations, the inspector general has, by law, full access to everyone in the department.

Those two important pieces of law, existing legislation, are key tools in avoiding waste, fraud, and abuse. I do not believe that we can nor should nor perhaps even intend in this amendment, this underlying amendment, to modify them. But it is unclear and I hope it will be clarified in conference so we do not impede the operation of those laws by this language.

Third, the method of appointing certain employees of the new Agency, in my judgment, violates the appointments clause of the Constitution. For instance, in section 213 (j)(1), the amendment says that "the Under Secretary shall, with the approval of the Secretary and Director of the Federal Bureau of Investigation, designate the chief of Counterintelligence. . . ." That responsibility, making an appointment, is, under the appointments clause, restricted to the Secretary or the President of the United States. I do not think we can delegate that authority by statute to this new Agency Director.

Fourth, there are certain restrictions on how the head of the new Agency submits reports to Congress, which I believe run afoul of the separation of powers doctrine.

Fifth, there are still too many restrictions on the Secretary's authority to control and direct the Agency.

Sixth, there are provisions which establish new relationships between the Department of Energy contractors and Federal employees of the Department. Those relationships may violate the current operating contracts for DOE facilities. More important, these new relationships may make these contractor employees Federal employees for certain purposes, such as the Federal Authority Claims Act, the Federal Drivers Act, and the Federal ethics statutes.

These are a few of the statutes that could be interpreted as being applicable to contractor employees, raising new issues of liability and responsibilities. I believe the implications of these should be and must be fully understood before we finally adopt a law in this area, a reorganization of this Department, and a conference report which contains any such implications or changes.

These issues and others should be addressed in conference on this provision. I wanted to highlight them now for our colleagues. We have made some progress on this underlying amendment, on the amendment which I think reflects the determination of most of us that we do create this semiautonomous agency. That represents, I believe, almost the consensus view of the Senate—pretty close to it—that we have a semiautonomous agency. But there are a lot of subquestions to that issue. Just creating a semiautonomous agency does not resolve the myriad of questions that exist in that process. Some of them have now been resolved. I thank my colleagues for their work with me on that.

Senator BINGAMAN has had some very important amendments which have been adopted as well. The Kyl amendment is a better amendment now that those amendments of ours have been added to it. But, again, there are many remaining questions and doubts which, hopefully, the conferees will resolve. I wanted to bring some of those to the attention of our colleague at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I want to report on the status, as I understand, of where we are on the Kyl amendment. When you turn on your television set and see what is happening in the Senate Chamber, you see that the pending

business is the Kyl amendment. Since that is me, I thought I should explain we are about ready to bring this to a conclusion, I think a very successful conclusion. In fact, the bipartisanship we were seeking to attain earlier in the day, in fact, will be attained with respect to the adoption of the Kyl amendment.

I will back up a little bit and recapitulate where we are. The underlying bill is the intelligence authorization bill. There will be a little bit of business to transact on that after the adoption of the Kyl amendment. Then the intelligence authorization bill can be approved by the Senate and we can move on to other business.

In the meantime, the Kyl amendment is the pending amendment. That is the amendment cosponsored by Senator DOMENICI, Senator MURKOWSKI, and a host of others, that will reform the Department of Energy so it will be less likely in the future that there will be nuclear secrets walking out the door of our National Laboratories. That is an oversimplification, but that is the essence of what we are trying to do.

The reorganization involves the creation of a semiautonomous agency within the Department. We basically have followed the recommendations of the President's Foreign Intelligence Advisory Board in establishing that new Agency.

There have been some amendments dealing with details of this reorganization that have been worked out between representatives of the Democratic side and supporters of our amendment.

With respect to the most perplexing of the difficulties, a matter on which an earlier vote was held, where the Levin amendment was defeated, we have gone back and rewritten the language of the bill and the Levin amendment and combined the two in a way in which we think both sides think we can make the legislation work. There have been some other concessions, as well, to Members on the Democratic side in order to achieve a broad bipartisan consensus for this legislation.

I am pleased to report that there is an agreement, A, to bring this Kyl amendment to a vote very soon, so I think Members should expect that in the very near term we will be able to have a final vote on it; and, B, that it will have the concurrence of many, if not most, of the Members on the other side of the aisle, as well as the Republican side of the aisle. That is because of the concessions that have been made in this intervening time.

So my hope is, if there is anyone else who wishes to discuss any aspect of the Kyl amendment, or to raise any questions about it, or about the other amendments that have been offered and to one degree or another worked out in the interim, that they would come and do that now because in just a matter of a few minutes we are going to propound a request to get on with the vote and then be able to move on.

I know that is the leader's desire, and we would like to be able to do that.

If there isn't anybody at this point who wants to weigh in, let me add one other point about the reason why the Senate is acting on this important matter. At the end of the day, for the Nation, there is nothing more important than our national security. We in the Senate and the House and the President understand that probably our first obligation is to protect the American people.

One of the stable elements of the peace that has prevailed over the last many decades has been the nuclear stockpile of the United States, the fact that we have nuclear weapons that provide a deterrent to any attack by an aggressor that would threaten the homeland of the United States.

It is a horrible thing to ever contemplate using those weapons, but it is undeniable that the threat of nuclear retaliation has enabled us to have a period of peace literally since World War II with our major adversaries.

It is important that the stability the world has seen because of the creation of those weapons not be disrupted by other nations acquiring the same weapons. Obviously, that could unbalance this stability that has been created over time because of the U.S. possession of those weapons.

We now know that the design information for all of the nuclear warheads that are currently in our useful arsenal are in the hands of people who could cause us harm if they were able to build weapons from that data, from those plans. That is a very distressing fact.

There are ways that we can hope to prevent the development of those weapons. It is going to require us to be very careful about what we sell to other countries and what we permit by way of technology transfer because it is still difficult to build a nuclear weapon even if you have the designs. You have to have the materials; you have to have the computing capacity and the machining capacity, and all the rest of it.

So there may still be some ability on our part to have control over our own destiny. There is no question we have now been put at risk because of the theft of these secrets. The National Laboratories, which are responsible for developing those nuclear weapons, have begun to embark upon a very important project called the Stockpile Stewardship Program in which we will attempt to be able to certify the safety and reliability of our nuclear stockpile through computing which will simulate nuclear testing.

If that program is compromised, it would, in effect, be the compromise of everything we have, not just the design information but also our analysis of how all these things work.

If we cannot protect that, we cannot protect our national security. That is one of the reasons why it is important for us to ensure that nothing else hap-

pens in the way of security breaches at our National Labs.

The Rudman report made it very clear that under the existing organization of the Department of Energy, we could not guarantee that. There were too many people that had too much influence over things, and, in effect, everybody's responsibility became nobody's responsibility. As a result, that recommendation was: We have to reorganize the Department; and it cannot reorganize itself.

Congress needs to pass a statute that provides for that reorganization. That is why we brought forth the Kyl-Domenici-Murkowski amendment. That is why I am very proud of the fact that soon the Senate is going to vote to approve that amendment. By putting it on the intelligence authorization bill, we will enable it to become the law of the land and enable the Department of Energy to be reorganized with this semiautonomous agency having jurisdiction over the nuclear programs, including the National Laboratories.

That will be a very big step. No one should rest easy that this is the end of the issue, that we do not have to worry about spying, that this will stop the espionage or the release of secrets that other people should not have. But at least it is one thing we can do, and we believe it will have a significant impact in at least this one area.

I guess one of the things many of us were saying was: If we can't do this now, after all of this time, then we think it is fairly clear we can't protect the national security of the United States.

I am not saying this is easy. But if we cannot accomplish this reorganization, then, frankly, we are not up to the task. That is why I am so glad we are going to be able to effect this reorganization. After we pass this bill, I am very hopeful that our friends in the House will be willing to work with us. If they have additional ideas, obviously, we want to work with them. But we need to send to the President a bill that he can sign. After all, his own advisory board made the recommendations we are attempting to follow.

If I am correct that what we have done has resulted in a broad bipartisan consensus, we will be able to make it clear to the executive branch of the Government that it is the will of the Congress—not just one party, the majority party of the Congress—and that should enable us to also then gain the support from the Secretary of Energy, who has acknowledged that he supports the basic concept of a semiautonomous agency but had some disagreements with us about specifics. By making some changes that go some distance toward meeting his objections, I hope we will not only have the support of both Democrats and Republicans in the Congress but also the Secretary of Energy because we have to get about this quickly.

There is no reason, after the Senate acts today, hopefully, that the process

cannot begin in anticipation of the fact that this will be the law. No one has to wait until September or whatever date we might actually be able to get the President's signature on this law. This Secretary of Energy has a great opportunity; as the person who came into office about the time all of these revelations were made public and who himself began to make some changes in a positive way, he is in a unique position now to take advantage of the reorganization that we will present to him and actually institute the changes so that his successor, a year and a half from now, whoever that might be, presumably will have in place a very well-functioning Department of Energy with a semiautonomous agency in charge of our nuclear weapons programs.

That is something this Secretary will have the opportunity to do. But it is a real challenge for him. If he is able to accomplish that, he will certainly have earned his place in history. Meanwhile, it is up to us to earn our place in history by adopting this legislation and moving the process forward.

I am very hopeful we will not see any additional delays now. There have been some in the past. I had complained about that earlier in the day. I am hopeful we will not see any additional delays, that we will move this legislation forward, get it signed into law, and get it implemented. If we do that, we will be proud of the fact that we have helped the security of the people of the United States of America.

Mr. President, I will soon propound a request with respect to a vote on my amendment. I will check with a couple other people before I do that. But, again, I think Members should expect that pretty soon we will be having a vote on this amendment.

Mr. CRAIG. Mr. President, I rise to engage in a colloquy with my colleague from New Mexico, Senator DOMENICI, regarding an issue associated with the implementation of the Kyl, Domenici, Murkowski amendment. This amendment creates a new semi-autonomous Agency for Nuclear Stewardship within the Department of Energy by collecting together various national security programs and nuclear weapons laboratories and facilities into a new agency. My state of Idaho hosts two Department of Energy laboratories—the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory West. Since these laboratories do not meet the definition of nuclear weapons laboratories, they are not included in the amendment, but I want to raise for my colleagues some of the complexities of implementing this new organizational structure.

As I said, the laboratories in my state are not included in the proposal for the new agency but it is important to understand that Idaho's laboratories are making significant contributions to national security. Just as my colleagues from New Mexico have mentioned earlier in this debate, that we

must do nothing to impede the continued contribution of the weapons laboratories to the critical civilian missions of the Department of Energy, I want to emphasize and confirm my colleague's agreement that the non-weapons laboratories shall continue to contribute and have their capabilities made available to the national security programs of the Department of Energy.

To clarify this point, I would like to use a specific example from the Idaho National Engineering and Environmental Laboratory. The Advanced Test Reactor, or ATR, in Idaho is the only world-class test reactor left in the United States. I do not state this as a boast, but as a fact. The ATR has a vital role in both improving the operation of the nuclear Navy and supporting our nation's future nuclear energy research and development endeavors. In addition, this important facility has the potential to attract significant international interest and investment. I am concerned that this amendment, which moves the Naval Reactors program from under the umbrella of DOE's nuclear research and development program to the new agency, will also reassign responsibility for this reactor.

Reassigning the responsibility for this reactor to the new agency would be harmful from two perspectives. First, our Naval Reactors program is a user of this facility but should not be burdened with its operation and maintenance. Second, moving responsibility for this reactor out of the nuclear research and development program could inadvertently endanger its use by the U.S. civilian and international research community. Since this latter use is growing and very important to our future civilian nuclear research activities, could I ask my colleague from New Mexico to confirm that it is not the intent of this amendment to move responsibility for the Advanced Test Reactor when moving the Naval Reactors program to the new agency?

Mr. DOMENICI. In responding, let me first confirm for my friend from Idaho that it is not the intent of this amendment to shift or reassign responsibility for Idaho's Advanced Test Reactor to the new Agency for Nuclear Stewardship. Let me further acknowledge the larger issue that my colleague has raised, by stating that under the new Departmental structure created by the Kyl, Domenici, Murkowski amendment the Secretary of Energy should continue to ensure that the capabilities, skills and unique expertise of all of the Department's laboratories are made available to the national security programs of DOE. In this way, the beneficial collaboration between defense and non-defense sectors of the Department—a collaboration that has been taking place over the entire history of DOE—will continue under the new structure.

Mr. CRAIG. I thank my colleague for that clarification and assurance. The Naval Reactors program has a proud history in Idaho. All spent naval nu-

clear fuel is sent to Idaho for examination and storage pending its permanent disposition. Although Idaho's facilities are not included in the new agency, I am assured that the many ways in which Idaho's laboratories contribute to our national security will continue under this new organizational structure.

Mr. LIEBERMAN. Mr. President, I rise today in support of Mr. DOMENICI's amendment to the Department of Energy reorganization amendment. I have been a strong supporter of the need to reorganize the defense labs in order to improve security and I applaud the sponsors of the reorganization amendment that we will be considering. It is of overriding importance that we take all necessary actions to protect our national security.

However, as I have considered the very serious need to address security threats, I have also been listening closely to the debate about how environment, safety, and health protections can best be incorporated into the Department of Energy's operations as they relate to the weapons labs.

The legacy of the Atomic Energy Commission and the Department of Energy regarding environmental protection is not a proud one. Since the first days of the Atomic Energy Commission over 40 years ago, weapons production programs and facilities emphasized production and too often neglected environmental safety. By the 1980s, the history of mismanagement caught up with the Agency, when 17 major plants in 13 states, employing 80,000 people were brought to a standstill because of a series of accidents and leaks. Over 10,000 individual sites have been documented where toxic or radioactive substances were improperly abandoned or released into soil, groundwater, or surface waters. "Tiger Teams" of trained investigators were sent to plants to ensure compliance with environmental and safety requirements. The Agency and the public have paid for the cost of this mismanagement: the price tag of past mistakes is now at about \$250 billion dollars, or \$6 billion a year. Clearly we have to learn from the past as we think about how to deal with environment and safety in the future.

Based on the Rudman report, there is a strong case made for treating environment and safety issues separately. Our former colleague Warren Rudman himself has said that environment and health issues "ought to stay where they ought to stay, with the Secretary . . . because I know what we all went through back during the 1980s." GAO has testified on numerous occasions that independent oversight is critical to ensuring adequate protection of health and safety. They have said explicitly that this oversight needs to encompass on-site reviews of compliance with environmental and safety laws.

Much has changed since the time that rampant disregard for environmental protections at the labs was discovered. Over time, we as a society,

within industry, and within government have come to incorporate environment and health concerns more fully into both policy and practice. And I have no reason to believe that there would be any intentional disregard for environmental and health concerns if the those functions were put under the supervision of the Agency for Nuclear Stewardship. However, given the potential magnitude of problems that could be caused even by simple, honest mistakes, the best course of action is to be prudent. I therefore support the Domenici amendment because it allows the Secretary of the Department of Energy to ensure compliance with all environmental, safety and health requirements, while protecting the security of the weapons labs. I am pleased that we were able to work out this issue as part of the restructuring proposal.

Ms. COLLINS. Mr. President, I rise today as a cosponsor to the Kyl/Domenici/Murkowski amendment requiring reorganization of the Department of Energy.

Over the past several months, I have been deeply troubled by the revelations regarding the efforts made by the People's Republic of China to acquire our most sensitive technology. The report of the House Select Committee revealed that design information has been stolen on all of the nuclear warheads that the United States currently has deployed. Among the material stolen by China was design information on the W-88, the most sophisticated nuclear weapon the U.S. has ever built. We use the W-88 on the sixth-generation ballistic missiles carried aboard our nuclear submarine fleet.

With this information, the PRC has rapidly assimilated stolen nuclear secrets into its own weapons systems and advanced their nuclear program by approximately forty years. Not only am I deeply concerned about these incidents of espionage, I am even more disturbed by the lackadaisical response by the Clinton Administration. After learning about the theft of information in 1995, the Administration failed to undertake a serious reassessment of our intelligence community. When questioned a few months ago about the Department of Energy's security structure, Secretary Bill Richardson commented, "whoever figured it out must've been smoking dope or drunk." What a sobering assessment, indeed, of the state of security at our nuclear weapons laboratories. In fact, only after the espionage accounts hit the news media earlier this year did the President take any action to reevaluate the security of our weapons labs.

In March, the President requested that the President's Foreign Intelligence Advisory Board (PFIAB) undertake an inquiry and issue a report on the security threat at the Department of Energy's weapons labs. This review, chaired by the former Senator Warren B. Rudman, found that the Department of Energy is responsible for the worst security record that the members of

the advisory board had ever encountered. The Department devoted far too little time, attention, and resources to the responsibilities of security and counterintelligence. Without change, it is feared that the Department of Energy laboratories would continue to be a major target of foreign intelligence services. According to the Rudman report, the only way to combat these problems is through a reorganization which takes the oversight of our weapons labs away from the "dysfunctional bureaucracy" of the Department of Energy and gives it to a new, semi-autonomous agency.

The Kyl/Domenici/Murkowski amendment, which I am pleased to co-sponsor, will begin the reform efforts at the Department of Energy by establishing a separate organizational entity, the Agency for Nuclear Stewardship, with clear lines of authority, accountability, and responsibility. These changes will help correct the current organizational disarray and ensure that all programs and activities related to national security functions receive proper attention and oversight. These changes will strengthen the security and protection of our most vital technological secrets and ensure that if violations do occur, the responsible parties are readily identified, and the proper corrective actions put into place immediately.

I urge my colleagues to join with us in support of this amendment to help ensure the security of our nation for years to come.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. 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. BRYAN. Mr. President, I thank the Chair. I ask unanimous consent that the pending amendment be set aside momentarily for the purpose of considering an amendment that I propose to offer.

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

AMENDMENT NO. 1269

(Purpose: To terminate the exemption of certain contractors and other entities from civil penalties for violations of nuclear safety requirements under the Atomic Energy Act of 1954)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN] proposes an amendment numbered 1269.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. _____. TERMINATION OF EXEMPTION OF CERTAIN CONTRACTORS AND OTHER ENTITIES FROM CIVIL PENALTIES FOR VIOLATIONS OF NUCLEAR SAFETY REQUIREMENTS UNDER ATOMIC ENERGY ACT OF 1954.

(a) **NONPROFIT EDUCATIONAL INSTITUTIONS.**—Subsection b. (2) of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking the second sentence.

(b) **LIABILITY OF NONPROFIT CONTRACTORS.**—Subsection b. of that section is further amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), the amounts of civil penalties for violations of this section by nonprofit contractors of the Department shall be determined in accordance with the schedule of penalties employed by the Nuclear Regulatory Commission under the General Statement of Policies and Procedures for NRC Enforcement for similar violations by nonprofit contractors.

"(B) A civil penalty may be imposed on a nonprofit contractor of the Department for a violation of this section only to the extent that such civil penalty, when aggregated with any other penalties under the contract concerned at the time of the imposition of such civil penalty, does not exceed the performance fee of the contractor under such contract."

(c) **SPECIFIED CONTRACTORS.**—That section is further amended by striking subsection d..

(d) **APPLICABILITY.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to violations specified in section 234A of the Atomic Energy Act of 1954 that occur on or after that date.

Mr. BRYAN. Mr. President, I want to call your attention to a situation that I became aware of only a short time ago. An article that appeared in the June 28 issue of Newsweek caught my attention. It is entitled "Nuclear Leaks of Another Kind."

This was in the context of a discussion we have had about some of the espionage activity that has occurred in our labs and, particularly, the issue as it relates to Los Alamos in recent months. Let me share an excerpt so my colleagues will get the flavor of the article and understand the amendment I am offering and its underlying purpose.

The article begins by saying:

Nuclear secrets aren't the only kind of unauthorized leaks from U.S. weapons labs. According to a General Accounting Office draft report obtained by Newsweek, over the past three weeks, the Los Alamos and Lawrence Livermore labs were assessed fines of hundreds of thousands of dollars for safety violations, including exposing their employees to radiation levels that exceed the standards promulgated by the Department of Energy.

Then it goes on to say that, under the law, in an anomaly—which the occupant of the Chair will readily appreciate because of his own extraordinary and impressive legal background—we make a distinction with respect to the contractor status of those who work in the DOE labs. If the contractor is a contractor who is a private entrepreneur—that is to say, it is a profit-making contractor—these fines for safety violations—one in particular that caught my eye is the radiation standards to protect the employees ac-

cording to the DOE promulgated standards. With respect to those fines that would be imposed upon a contractor who is a private sector contractor, the fines are assessed and collected. But under what I consider an extraordinary anomaly in the law, if you are a nonprofit contractor, the very violation—again, fundamental to the essence of protecting the health and safety of the employees; namely, the radiation standard they would be exposed to—for those kinds of violations, a fine is assessed but is never collected.

So in effect we have a totally inconsistent policy. One says that if you are a private contractor and you are an entrepreneur and are in the business to make money or to profit from that—all of which is very legitimate—and you violate one of the DOE's safety regulations and you are fined, you are assessed initially, and the fine is collected. If you are a nonprofit, you are assessed for the identical violation, but it is never collected.

Let me say that the General Accounting Office report that was referenced in this Newsweek article has now been made public in its final form. This is a document issued June 1999: General Accounting Office, Department of Energy Nuclear Safety, "Enforcement Program Should Be Strengthened."

This report gives additional persuasive force to what I propose in the amendment. This General Accounting Office report makes an important point that if the regulations were promulgated by the Nuclear Regulatory Commission, the NRC, no distinction is made between the private sector contractor and the public sector contractor. That is to say, if a violation occurs with respect to the nonprofit contractor, and it is a violation of health and safety standards, then the nonprofit is assessed and a fine may be collected. So we have an anomaly in the law that makes no public policy sense at all.

Let me make it clear to my colleagues that it is not my intention to impose onerous fines on nonprofit entities that have a contract. But as the General Accounting Office makes very clear, the fact that a fine may be collected has a deterrent value. As this report further makes the point, there is no rational basis—none whatsoever—in making the distinction between for-profit and nonprofit contractors, and the further point that the purpose of imposing these civil penalties is not to collect fines but to encourage contractors to perform safely, that is the issue that I seek to address.

I recognize the concern that the nonprofits raise that, my golly, if you change the law, somehow this may constitute an invasion of our endowment moneys; that all of this could be compromised. Let me assure my colleagues that nothing is further from the truth. That is not what I intend.

So as a further effort to assuage those concerns in the amendment that

is before this body, we would limit any fine that was assessed to the amount of the performance fee provided to the nonprofit contractor by the Department. Let me repeat that. In effect, we would put a ceiling, a limit, if you will, on any fine that would be assessed and would say that, in no event, notwithstanding the extent, severity, and the extended period of time in which the violation may have occurred, may the fine exceed the performance fee that you are provided. It strikes me that that addresses fairly and reasonably the concern that a nonprofit would have in terms of the potential invasion of the endowments.

The point I seek to emphasize is that nonprofits have a track record of some very extensive fines. The assessments, according to the report, amount to several hundreds of thousands of dollars. So we are not talking about something that is theoretical, hypothetical, or highly speculative; it has occurred. And, remember, under current law, with respect to nonprofits, a fine can be assessed but never collected. So human nature tells us—and our entire legal system is structured on this premise—that for people who violate the rules, whether it is a speed limit or some other regulation, the fact that one can be fined or can be subject to some kind of a sanction, tends to influence our behavior in a positive way. That is, we don't do that sort of thing. No one is accusing the nonprofits of bad faith. But I must say we have not gotten their attention with respect to these violations.

I conclude, as I began, by describing the nature of these violations. We are not talking about some highly technical extenuated rule or regulation that only a flyspeck—as we used to say—lawyer could pick up. We are talking about something fundamental to the public health and safety. That is the radiation standard—the exposure to which employees in these laboratories could be exposed.

I can't think of anything that would be more significant or more important in terms of health and safety than to make sure the laboratory is adhering to a radiation standard which the Department of Energy has promulgated, which they say is to observe to protect health and safety.

Let me say that I have had a little experience in this area, not as a technical person, but many years ago in my youth I worked as an employee at the Nevada Test Site. Every employee who entered the Nevada Test Site was given a badge. That badge had in it a gasometer. The reason for that is this was during the days of atmospheric testing programs. It was to periodically check to make sure no employee by inadvertence or accident was exposed to a higher radiation standard than had been determined necessary for the protection of the health and safety of that employee.

In the same spirit, these standards have been imposed to protect the

health and safety of those individuals who work in the lab. That is the kind of violation about which we are talking.

I have attempted to work some type of an accommodation through the very able manager of the bill, and others, particularly the distinguished Senator from New Mexico, who understandably have an interest in this measure. We have not been able to reach an agreement.

I want to serve notice that this is not the last time this amendment will surface. This is a gross injustice to those employees who serve in the lab, and their families. Their health and safety can be endangered. And those who would do so face no penalty under the law.

I will not ask for a rollcall vote on this amendment. I intend to withdraw the amendment at the appropriate time, after the distinguished chairman of the committee responds. But this is an issue which must be addressed. It will be addressed by this Senator. We will have a series of votes on this at a later point in time if we are not able to reach an accommodation.

I will be happy to either yield the floor or to respond to any questions that the able managers of the bill have.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alabama.

Mr. SHELBY. Mr. President, I will be brief.

First of all, I commend my friend and colleague, Senator BRYAN, who brought this to the attention of the Senate. We have discussed this before. He feels very strongly about it. I believe if you look at it in its entirety, it has some merit. But I also think this should be addressed at the level of the appropriate committee. At the time when he pursues this, I will tell every one of my colleagues to look at this very carefully because I believe what he is proposing should be evaluated in that light. Personally, I think it has some merit.

I commend the Senator from Nevada, who is also a member of the Intelligence Committee, and a senior member. Perhaps soon he will be the vice chairman of the committee—next year.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I, too, thank the Senator from Nevada for bringing this to our attention. I was not aware of the problem. I look forward to the opportunity of having a chance to work with the Senator to change the law and to end the problem he has identified.

Mr. BRYAN. I thank both the Senator from Alabama and the Senator from Nebraska, with whom I have the privilege of working closely in the Intelligence Committee.

We need to address that. His comments have been very helpful and encouraging. We want to work through this and protect the employees in these critically important national security facilities.

I am not sure of the parliamentary vehicle that I may need to employ. If I need to ask unanimous consent to withdraw my amendment—I don't think I need that—if I do, I will ask for it.

If the Chair will guide the gentleman from Nevada, I will ease us out of this parliamentary situation.

The PRESIDING OFFICER. The Senator would need to ask unanimous consent to withdraw the amendment.

AMENDMENT NO. 1269 WITHDRAWN

Mr. BRYAN. Mr. President, I ask unanimous consent that the amendment be withdrawn.

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

The amendment (No. 1269) was withdrawn.

Mr. BRYAN. I thank the Chair. I thank my colleagues.

AMENDMENT NO. 1258

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Arizona, Mr. KYL.

Mr. SHELBY. I urge adoption of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—96

Abraham	DeWine	Kerrey
Akaka	Dodd	Kerry
Allard	Domenici	Kohl
Ashcroft	Dorgan	Kyl
Baucus	Durbin	Landrieu
Bayh	Edwards	Lautenberg
Bennett	Enzi	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Lieberman
Bond	Fitzgerald	Lincoln
Boxer	Frist	Lott
Breaux	Gorton	Lugar
Brownback	Graham	Mack
Bryan	Gramm	McConnell
Bunning	Grams	Mikulski
Burns	Grassley	Moynihan
Byrd	Gregg	Murkowski
Campbell	Hagel	Murray
Chafee	Harkin	Nickles
Cleland	Hatch	Reed
Cochran	Helms	Reid
Collins	Hollings	Robb
Conrad	Hutchinson	Roberts
Coverdell	Hutchison	Rockefeller
Craig	Inhofe	Roth
Crapo	Inouye	Santorum
Daschle	Johnson	Sarbanes

Schumer	Snowe	Thurmond
Sessions	Specter	Torricelli
Shelby	Stevens	Voinovich
Smith (NH)	Thomas	Warner
Smith (OR)	Thompson	Wellstone

NAYS—1

Wyden

NOT VOTING—3

Jeffords	Kennedy	McCain
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The amendment (No. 1258), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. SHELBY. Mr. President, I ask unanimous consent that it now be in order to offer a substitute amendment which consists of the committee-reported bill, S. 1009, a managers' package of amendments, and all previously agreed to amendments. The substitute is at the desk, and I ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. There is an issue we have to work out before we can proceed.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

TRIBUTE TO THE KENNEDY AND BESSETTE FAMILIES

Mr. DODD. Mr. President, I want to address the Senate for a few moments about a topic I know has consumed the attention of each and every one of us in this Chamber, indeed all Americans, over the past several days, and that is the tragic deaths of John Kennedy, Jr., his wife Carolyn, and her sister Lauren Bessette.

Permit me, if you will, to engage in a little regional chauvinism, for there are few things in life so pleasant as a

New England summer day. It is glorious to behold. The warm sweet air, the cold waters of its rivers and lakes and ocean seem to command a celebration of the very simple pleasures of life.

On this past Saturday, though, the inherent joy of a New England summer season dissolved throughout America with the news that these three young people were lost off the New England coast. Lost on a day that seemed meant for gladness, not grief. Lost in waters that should have welcomed pleasure, not disaster. For one family, the Kennedy family, a moment of a family's supreme joy—a wedding—was snatched greedily by the hand of a very cruel fate, indeed.

Most of us spent the better part of this past weekend hoping against hope that John and Carolyn and Lauren could be found safe and alive. By Sunday night we were resigned to the awful truth. Two American families have endured unspeakable loss.

One of those families, which is represented by the Bessette and Freeman families, we know very little about. They are constituents of mine and my colleague, Senator LIEBERMAN. We know very little about them other than the fact of their tragic loss. We can only imagine the joy and love and, yes, the easy and brilliant summer days, that they shared with these two remarkable and talented young women.

The other family we know a great deal about—about its moments of triumph and tragedy—and through it all their consistent service to our Nation and to humanity.

It happens that the patriarch, if you will, today of that family is our colleague and one of my dearest friends in this body, TED KENNEDY. We can only wonder at the immense burden of the grief he carries for his relatives over this loss and over all the other senseless, excruciating losses endured by the Kennedy family over the years. Those of us who have come to know him can only admire his courage and perseverance in the face of adversity which would wither the will of other men.

I know I speak for all of us here, and that I echo the sentiments expressed here on the floor this morning and last evening by other colleagues, in saying that we send our deepest, deepest sympathies to him, to his family, and to the family of Carolyn and Lauren Bessette.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I cannot add to the words of Senator DODD. I thank him for what he said on

the floor of the Senate. And I say to him that what he said represents how I feel as a Senator from Minnesota.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

UNANIMOUS-CONSENT REQUEST—
H.R. 1501

Mr. LEAHY. Mr. President, I am about to propound a unanimous consent request on the juvenile justice conference. I notified the distinguished majority leader that I would be doing this earlier, and a day ago I also notified the distinguished chairman of the Judiciary Committee. I do it not in expectation the unanimous consent request will be agreed to but to, I hope, move this ball down the field.

So my request is this: I ask unanimous consent that the Senate proceed to the consideration of H.R. 1501, the House juvenile justice bill; that all after the enacting clause be stricken, and that the text of S. 254, as passed by the Senate, minus the provision added by Senator FEINSTEIN's amendment No. 343, as modified, be inserted in lieu thereof; the bill be passed, as amended; the Senate insist on its amendment and request a conference with the House; that the conferees be instructed to include in the conference report the provision added by Senator FEINSTEIN's amendment No. 343 to S. 254; and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. I reserve the right to object—and I will object.

First of all, this is the kind of motion that usually the majority leader would make, and it is my intent to do that in the near future. I think we should go to conference on this issue. The juvenile justice bill came from the Judiciary Committee. The committee had been working on it, I think, for 3 years. Senators on both sides of the aisle worked on that bill. It included a variety of Senators, including, obviously, Senator LEAHY, Senator HATCH, Senator FEINSTEIN, Senator SESSIONS, Senator ASHCROFT, Senator THOMPSON, and a whole number of Senators over a period of years.

It does have very important provisions in regard to how do you deal with juvenile crime, how do you try offenders, and where do you incarcerate them. It deals with the real world problems of trying to deal with juvenile crime, including security in our schools. Specifically, it provides for metal detectors at our schools. It has programs that deal with alcohol abuse, drug abuse. It has some very important