such a strong bipartisan vote. I stress, the vote was, indeed, broad based and bipartisan. A total of 65 House Democrats—both moderate and liberal Members—constituting more than 30 percent of the entire House Democratic caucus, joined Republicans in voting for the bill.

Here in the Senate there is also broad bipartisan support for the death tax relief bill introduced by my friend and colleague, Senator JON KYL, who has been such a leader in this effort.

As a matter of sound, long-term tax policy, H.R. 8 seeks to make a very fundamental and noteworthy change to the Tax Code. It recognizes that it is the sale of the asset, not the death of the owner, that should trigger a Federal tax. H.R. 8 would establish the principle that if family members inherit assets or property—a family business or a farm, for example—the Federal Government would tax those assets when they are sold by the heirs by imposing a capital gains tax.

Furthermore, the legislation before us would allow the Government to use the decedent's basis for determining the taxable amount of the inherited assets. So if a family businessperson dies and leaves the assets and property of their business to his or her children, they can continue running the business if they choose to do so without having to worry about the Federal Government's death tax bill forcing them to break up the business or sell the farm. This change would represent a giant step forward for many small businesses and family farms throughout Maine and the country.

There are two other points that I want to make about the impact of the death tax. The first is that it has a very unfortunate impact on jobs. The National Association of Women Business Owners, a group I was pleased to work with in my time with the Small Business Administration, has written a letter endorsing passage of this legislation. This organization surveyed many of its members and found that, on average, 39 jobs per business, or 11,000 jobs of those businesses surveyed, have already been lost due to the planning and the payment of the death tax. You can multiply that death tax time and again to see the deleterious impact of the death tax on job creation.

I know a bag manufacturer in northern Maine who told me that he spends tens of thousands of dollars each year on life insurance in order to be prepared in case he dies so that his family would not be hit by the estate tax. That is money he would like to invest right back into his business in order to hire more people or to buy new equipment or to expand his company. But instead, he is having to divert this money into planning for the estate tax. That is a point that is missed by my colleagues on the other side of the aisle.

They claim that only 2 percent of the people are affected by the estate tax. In fact, it is so many more than that because of businesses that spend tens of thousands of dollars each year on life insurance or estate tax planning in order to avoid the imposition of the death tax.

The second point that I want to make is the impact of the death tax on the concentration of economic power in this country. I think this is an issue that has been largely overlooked in this debate.

When a small business is sold because the children cannot afford to pay the death tax, it is usually sold to a large out-of-State corporation which is not subject to the death tax. When that happens, it generally results in layoffs for local employees, diminished commitment to the community, and a greater concentration of economic power. Surely, we should not want that to be the result of our Federal tax policy.

The time has come for Congress to act this year to provide overdue death tax relief to our Nation's small businesses and family farms.

In doing so, we will take a giant step forward in making our tax policy far fairer. No longer will it be the death of an owner that triggers the imposition of tax but, rather, the sale of the asset when income is realized. That makes so much more sense as a matter of tax policy. We will also be telling people who have worked so hard over a lifetime to build their business that we, too, believe in the American dream.

I yield back any time I may have remaining, and I yield the floor.

—

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 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:

Smith (of New Hampshire) amendment No. 3210, to prohibit granting security clearances to felons.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are prepared to go, but I would like a few minutes to consult with the proponents of the next amendment, together with my distinguished ranking member. I propose to have a quorum call not to exceed 5 minutes. 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. WARNER. 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. WARNER. Mr. President, I will momentarily request that we go to regular order, which would bring up the amendment pending by the Senator from New Hampshire, Mr. SMITH. Might I inquire of the Chair if I am not correct?

The PRESIDING OFFICER. That is the pending amendment.

Mr. WARNER. Mr. President, I request regular order, that the amendment be brought up.

The PRESIDING OFFICER. The amendment is pending.

Mr. WARNER. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. WARNER. I thank the Chair.

Mr. SMITH of New Hampshire. Mr. President, the hearing the Armed Services Committee held April 6 on the issue of security clearances revealed a shocking lack of concern within DOD for protecting our national security secrets.

As a result of that hearing, I proposed an amendment. My amendment, again, is simple. It would prevent DOD from granting security clearances to those who are under indictment for, or have been convicted in a court of a crime punishable by imprisonment for a term exceeding 1 year.

It would also disallow a clearance for anyone who is a fugitive from justice; is an unlawful user of, or addicted to any controlled substance; has been adjudicated as a mental defective; or has been dishonorably discharged from the Armed Forces.

As I said on the floor earlier, in an investigative series by USA Today, it was reported that DOHA, the Defense Office of Hearings and Appeals, granted clearances routinely to felons, including a murderer, individuals with chronic alcohol and drug abuse problems, a pedophile and an exhibitionist, and a convicted cocaine dealer. All received security clearances to work for defense contractors. Another individual was awarded a clearance while on probation for bank fraud, yet another was allowed to keep his clearance after taking part in a $2 million fraud against the Navy. Another had a history of criminal sexual misconduct for which he was still undergoing therapy.

Common sense dictates that one convicted murderer—or one convicted drug dealer with a security clearance—is one too many.

One individual can wreak havoc on national security. The damaging legacy of Aldrich Ames, Jonathan Pollard, the Walkers, and now suspect spy, Wen Ho Lee, is well-known to all of us who deal with national security issues. We simply cannot afford to have loose standards when it comes to protecting our secrets—and protecting lives.

Let me just add that during the Armed Services Committee hearing on this issue, the witness from DOD's C3I,

which oversees the Defense Security Services, said this in response to my questioning:

I agree wholeheartedly with your observation that one unqualified person for a clearance is one too many, and clearly, I think zero defects is the goals for all of us.

Zero defects—that is what DOD said its goal is for security clearances—well, I agree with that completely, but we have to take measures to reach that goal—not just talk about it as an ideal.

Realistically, we cannot take all of the risk out of the system, but we can at least take a practical approach to denying clearances to those people who have broken the law by serious infractions. And we can send a message to DOHA that it has been far too lenient in granting clearances. This amendment sends that message.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 3210.

The amendment (No. 3210) 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.

Mr. WARNER. 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. WARNER. 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. WARNER. Mr. President, we have had an extensive conference with Senator BYRD and representatives of Senator ROTH's office.

AMENDMENT NO. 3767

(Purpose: To provide for annual reporting of the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China, and for other purposes)

Mr. WARNER. Mr. President, I send to the desk the Byrd-Warner amendment No. 3767.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. BYRD, for himself, Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. HELMS, Mr. BREAUX, Mr. HATCH, and Mr. CAMPBELL, proposes an amendment numbered 3767.

Mr. BYRD. 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:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ANNUAL REPORT ON NATIONAL SECURITY IMPLICATIONS OF UNITED STATES-CHINA TRADE RELATIONSHIP.

(a) IN GENERAL.—Section 127(k) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended to read as follows:

''(k) UNITED STATES-CHINA NATIONAL SECURITY IMPLICATIONS.—

''(1) IN GENERAL.—Upon submission of the report described in subsection (e), the Commission shall continue for the purpose of monitoring, investigating, and reporting to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

''(2) ANNUAL REPORT.—Not later than March 1, 2001, and annually thereafter, the Commission shall submit a report to Congress, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

''(3) CONTENTS OF REPORT.—The report described in paragraph (2) shall include, at a minimum, a full discussion of the following:

''(A) The portion of trade in goods and services that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

''(B) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, the United States and the Asian allies of the United States.

''(C) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the Asian allies of the United States.

''(D) The acquisition by the Government of the People's Republic of China and entities controlled by the Government of advanced military technologies through United States trade and technology transfers.

''(E) Any transfers, other than those identified under subparagraph (D), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

''(F) The use of financial transactions, capital flow, and currency manipulations that affect the national security interests of the United States.

''(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse to the United States national security interests.

''(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences constitute a security problem for the United States.

''(I) The extent to which the trade surplus of the People's Republic of China with the United States is dedicated to enhancing the military budget of the People's Republic of China.

''(J) The overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

''(3) NATIONAL DEFENSE WAIVER.—The report described in paragraph (2) shall include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade Act of 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) NAME OF COMMISSION.—Section 127(c)(1) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended by striking ''Trade Deficit Review Commission'' and inserting ''United States-China Security Review Commission''.

(2) QUALIFICATIONS OF MEMBERS.—Section 127(c)(3) of such Act (19 U.S.C. 2213 note) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL CONSIDERATIONS.—For the period beginning after December 1, 2000, consideration shall also be given to the appointment of persons with expertise and experience in national security matters and United States-China relations.''.

(3) PERIOD OF APPOINTMENT.—Section 127(c)(3)(A) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(A) IN GENERAL.—

''(i) APPOINTMENT BEGINNING WITH 107th CONGRESS.—Beginning with the 107th Congress and each new Congress thereafter, members shall be appointed not later than 30 days after the date on which Congress convenes. Members may be reappointed for additional terms of service.

''(ii) TRANSITION.—Members serving on the Commission shall continue to serve until such time as new members are appointed.''.

(4) TERMINOLOGY.—

(A) Section 127(c)(6) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' and inserting ''Chairman''.

(B) Section 127(g) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' each place it appears and inserting ''Chairman''.

(5) CHAIRMAN AND VICE CHAIRMAN.—Section 127(c)(7) of such Act (19 U.S.C. 2213 note) is amended—

(A) by striking ''Chairperson'' and ''vice chairperson'' in the heading and inserting ''Chairman'' and ''vice chairman'';

(B) by striking ''chairperson'' and ''vice chairperson'' in the text and inserting ''Chairman'' and ''Vice Chairman''; and

(C) by inserting ''at the beginning of each new Congress'' before the end period.

(6) HEARINGS.—Section 127(f)(1) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(1) HEARINGS.—

''(A) IN GENERAL.—The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

''(B) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act.''.

''(C) SECURITY.—The Office of Senate Security shall provide classified storage and meeting and hearing spaces, when necessary, for the Commission.

''(D) SECURITY CLEARANCES.—All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.''.

(7) APPROPRIATIONS.—Section 127(i) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(i) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended.

''(2) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2000.

AMENDMENT NO. 3794 TO AMENDMENT NO. 3767

(Purpose: To provide for annual reporting of the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China, and for other purposes)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself and Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. HELMS, Mr. BREAUX, Mr. HATCH, Mr. CAMPBELL, Mrs. LINCOLN, and Mr. WELLSTONE, proposes an amendment numbered 3794 to amendment numbered 3767.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be laid aside, and that we proceed with other matters.

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

AMENDMENTS NOS. 3250 AND 3751 MODIFICATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment No. 3250 be modified by striking section 3531(a)(1) of the bill, and that amendment No. 3751 be modified by striking section 3405(e)(1)(b) of the Strom Thurmond National Defense Authorization Act for the fiscal year 1999, as amended by section 3202(b) of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, as I understand, the request was that amendment No. 3751 be modified.

Is that correct?

Mr. WARNER. The Senator is correct.

Mr. LEVIN. I have no objection.

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

AMENDMENT NO. 3765

(Purpose: To require that the annual report on transfers of militarily sensitive technology to countries and entities of concern include a discussion of actions taken on recommendations of inspectors general contained in previous annual reports)

Mr. WARNER. Mr. President, I call up amendment No. 3765 which requires that the annual report on transfers of militarily sensitive technology to countries of concern include a discussion of actions taken on recommendations of inspectors general contained in previous annual reports.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. It has been cleared.

Mr. WARNER. I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. SMITH of New Hampshire, proposes an amendment numbered 3765.

Mr. WARNER. 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:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ADDITIONAL MATTERS FOR ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

Section 1402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 798) is amended by adding at the end the following:

''(4) The status of the implementation or other disposition of recommendations included in reports of audits by Inspectors General that have been set forth in previous annual reports under this section.''.

Mr. SMITH of New Hampshire. Mr. President, in section 1402 of the National Defense Authorization Act for Fiscal year 2000, Congress required annual reports by the agency Inspectors General on the transfers of militarily sensitive technology to countries and entities of concern. The first report was issued this spring and focused on so-called ''deemed exports'' or the release of technical data to a foreign national working in or visiting a federal facility in the United States.

The DOD IG found that Defense Department research centers released militarily valuable information to foreign visitors without ever determining whether export licenses were required. For example if foreign scientists (whether Chinese or Swedish) visit DOD or other federal labs, export licenses are not being requested before information is transferred. The IG found that Defense Department laboratories and research facilities lack procedures for determining whether export licenses are required, and the auditors found that the services were not even aware of the concept of ''deemed'' exports.

During FY99, DOD never asked for a deemed export license and out of 783 deemed export license applications to the Department of Commerce, only five came from the federal government (2 from NASA and 3 from DOE) despite wide-ranging scientific exchange programs with foreign nationals coming to our labs. (The 778 other licenses were requested by industry.)

The IG's report reveals another in a long line of security weaknesses recently uncovered. Militarily useful technology is leaking out of the U.S. in many different ways—either by direct commercial sale through relaxed export controls or by lax security procedures and information security polices that encourage effective espionage by nations who do not share U.S. interests. Deemed or knowledge exports are becoming ever more important to U.S. national security. It makes little sense for the U.S. to control the sale of weapon systems abroad, if we allow our potential adversaries to obtain the underlying know-how behind our weapons systems technology and manufacturing processes through scientific exchanges and knowledge transfers.

The Inspectors General made a series of recommendations to address the problems with deemed exports policies and procedures in order to better protect U.S. technology. It is anticipated that the IGs will make many more recommendations regarding export control procedures over the next 7 years. Historically, there is always a problem with effective implementation of any oversight recommendation. Without effective follow-up or interest shown by Congress, many IG recommendations are only partially implemented or not at all. The amendment I am offering ensures that Congress will receive a record of the status of agency implementation of recommends made by the Inspectors General on not only this year's deemed exports report, but on the next 6 annual export control reports. This will serve as a basis for possible legislation next year and in the future if agencies are behind schedule in implementing the IGs' recommendations.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3765) was agreed to.

Mr. WARNER. Mr. President, 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. 3761

(Purpose: To provide for the concurrent payment to surviving spouses of disability and indemnity compensation and annuities under the Survivor Benefit Plan (SBP))

Mr. LEVIN. Mr. President, on behalf of Senators BRYAN and ROBB, I call up amendment No. 3761 which would provide for concurrent receipt by a surviving spouse of survivor benefit plan benefits and VA dependency and disability compensation.

I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the Senator is correct. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. BRYAN and Mr. ROBB, proposes an amendment numbered 3761.

Mr. LEVIN. 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:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. CONCURRENT PAYMENT TO SURVIVING SPOUSES OF DISABILITY AND INDEMNITY COMPENSATION AND ANNUITIES UNDER SURVIVOR BENEFIT PLAN.

(a) CONCURRENT PAYMENT.—Section 1450 of title 10, United States Code, is amended by striking subsection (c).

(b) CONFORMING AMENDMENTS.—That section is further amended by striking subsections (e) and (k).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the payment of annuities under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, for months beginning on or after that date.

(d) RECOMPUTATION OF ANNUITIES.—The Secretary of Defense shall provide for the readjustment of any annuities to which subsection (c) of section 1450 of title 10, United States Code, applies as of the date before the date of the enactment of this Act, as if the adjustment otherwise provided for under such subsection (c) had never been made.

(e) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendments made by this section for any period before the effective date of the amendments as specified in subsection (c).

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3761) 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. 3770, AS MODIFIED

(Purpose: To improve the ability of the National Laboratories to achieve their missions through collaborations with other institutions)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I call up amendment No. 3770 to establish the National Laboratories Partnership Act of 2000, and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. BINGAMAN, Mr. DOMENICI, Mrs. MURRAY, Mr. GORTON, Mr. THOMPSON, Mr. FRIST, and Mr. MURKOWSKI, proposes an amendment numbered 3770, as modified.

Mr. LEVIN. 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 Title XXXI, add the following subtitle:

Subtitle ___. National Laboratories Partnership Improvement Act

SECTION 31 ___ 1. SHORT TITLE.

This subtitle may be cited as the ''National Laboratories Partnership Improvement Act of 2000''.

SEC. 31 ___ 2. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''departmental mission'' means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''National Laboratory'' means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term ''facility'' means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term ''nonprofit institution'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term ''Secretary'' means the Secretary of Energy;

(8) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''technology-related business concern'' means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services;

(10) the term ''technology cluster'' means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions

that reinforce each other's performance through formal or informal relationships;

(11) the term ''socially and economically disadvantaged small business concerns'' has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term ''NNSA'' means the National Nuclear Security Administration established by Title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 31___ 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions; and

(d) agencies of state, tribal, or local governments—

that can support the missions of the National Laboratories and facilities.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide no more than $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratories or facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a state, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, that can support the missions of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of state, tribal, or local governments that will make substantive contributions to achieving the goals of the project; and

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so, how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date and the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 31___4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(A) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 31___5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 31___4 may also serve as the technology partnership ombudsman.

SEC. 31___6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics—

(1) the possible benefits from and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fees schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Fund-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purpose of this section, the term ''Funds-in—Agreement'' means a contract between the Department

and non-federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall transmit the report, along with his recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 31___7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

''(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases cooperative agreements, grants and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons or such terms as the Secretary may deem appropriate in furtherance of basic, (1) In addition to other authorities granted to the Secretary to enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research now or hereafter vested in the Secretary. Such other transactions shall bet be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

''(2)(A) the Secretary of Energy shall ensure that—

''(i) To the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

''(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

''(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

''(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-federal entity under paragraph (1) that is privileged and confidential.

''(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

''(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a federal agency.''.

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 31___3.

SEC. 31___8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this subtitle with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act for Fiscal Year 2000.

SEC. 31___9. ARCTIC ENERGY.

(a) ESTABLISHMENT.—There is hereby established within the Department of Energy an Office of Arctic Energy.

(b) PURPOSE.—The purposes of the Office of Arctic Energy are—

(1) to promote research, development and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby; and

(2) to promote research, development and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon and extended reach drilling technologies;

(B) gas-to-liquids technology and liquified natural gas (including associated transportation systems);

(C) small hyroelectric facilities, river turbines and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

(c) LOCATION.—The Secretary shall locate the Office of Arctic Energy at a university with special expertise and unique experience in the matters specified in paragraphs 1 and 2 of subsection b.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section $1,000,000 for the fiscal year after the date of enactment of this section.

Mr. BINGAMAN. Mr. President, I am pleased to be joined by Senators DOMENICI, MURRAY, GORTON, THOMPSON, FRIST, and MURKOWSKI in offering this amendment. This amendment, which is based on my bill, S. 1756, will strengthen the ways the Department of Energy's national labs and facilities can collaborate with industry to achieve their mission—something that's increasingly important now that industry funds 70 percent of our national R&D. The labs simply cannot stay on the cutting edge of technology and do their national security and science missions without rich and effective collaborations with industry.

A key provision of this amendment is a three year pilot program, called the Technology Infrastructure Program, authorizing the national labs to promote the development of ''technology clusters''—the phenomena seen most famously in Silicon Valley—that will help the labs achieve their national security and science missions. The basic idea is for the labs to harness the innovative power of technology clusters to do their missions by strengthening collaboration in the regions around the labs.

Mr. President, let me explain this a little more. We know from places like Silicon Valley, or our own states, that a special innovative process can get started when enough institutions in an industry or technology come together in one place. For example, if you're interested in Internet businesses, Northern Virginia is an excellent place to be. For cars and, I believe, office furniture, you ought to think about Michigan.

Paradoxically, the Internet makes these regional processes more important, not less. Why? Because when it's cheap and easy to move information around, less mobile things like your labor force and special research facilities and how they interact with each other will be what makes the difference in how well you turn information into innovation. Consider how Silicon Valley has not dissipated, despite its many high costs. And, if companies move from there, they may go to Austin or Northern Virginia, but not just anywhere they can plug in a modern.

Now, the Technology Infrastructure Program will support projects that will help the labs do their missions by strengthening the institutions and relationships that aid collaborative innovation. Every project funded under this program must, as a threshold test, show that it will help a lab ''achieve technical success in meeting'' DOE missions. Here are some possible example projects: a small business incubator or a research park by the lab; a special training program for technicians in a technology used by the lab and local businesses; or a specialized design and research facility at a local university in a technology of interest to the lab and local businesses.

I think you can see from my examples that it would be hard to link these sorts of projects to the labs' missions unless they are done near the labs. So, that's what will happen in most cases. The money authorized for the pilot program is modest—no more than $10 million a year. But, I believe it could well prove to have an immodest result.

Here is another way to think about what we're trying to do with the Technology Infrastructure Program. Given the mission of the labs, the reason they exist as organizations with all sorts of sophisticated equipment and scientists is that they together in one place people working on related subjects, so they can collaborate with each other and share special facilities.

Well, the Technology Infrastructure Program will help extend that collaboration to outside a lab's gates, to firms and other institutions that are not part of the lab but that can help it do its mission better because they're nearby. Because the projects will be cost shared. DOE can save the taxpayer's money while effectively building out the labs beyond their gates. And, because the projects will help the labs leverage commercial technology, the labs will get more cutting edge technology at a lower cost.

In short, the labs' interest in collaborating with industry to achieve their missions means that they also have an interest in promoting a strong network of local collaborators.

Other provisions of this amendment will: create a small business advocate at the labs to get small businesses

more involved in lab research and procurement; create a ombudsman at the labs to informally settle disputes over technology partnerships; establish a series of studies to investigate other ways to improve collaboration between the labs and industry; give DOE a highly flexible ''other transactions'' research authority like the one DoD has; and establish a DOE Office of Arctic Energy to focus on the special energy problems and opportunities in Arctic regions of the United States.

Of course, I'm well aware this amendment would be good for the communities around the labs. But, just as those of us with labs in our states have seen that what's good for the labs can be good for our communities, what's good for our communities can also be good for our labs.

In summary, this amendment takes the next steps in improving the ability of DOE's national labs to collaborate with academia and industry, and I think it will prove of great benefit to our national security, the labs, and the labs' communities. I greatly appreciate the support of Senators WARNER and LEVIN for including it in this bill.

Mr. WARNER. The amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3770), as modified, 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. 3739, AS MODIFIED

(Purpose: To improve the modifications to the counterintelligence polygraph program of the Department of Energy)

Mr. WARNER. Mr. President, on behalf of myself, Senators SHELBY and BRYAN, I call up amendment No. 3739 to alter the committee provision regarding the Department of Energy polygraph requirements, and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. SHELBY and Mr. BRYAN, proposes an amendment numbered 3739, as modified.

Mr. WARNER. 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:

On page 595, strike line 23 and all that follows through page 597, line 3, and insert the following:

''(2) Subject to paragraph (3), the Secretary may, after consultation with appropriate security personnel, waive the applicability of paragraph (1) to a covered person—

''(A) if—

''(i) the Secretary determines that the waiver is important to the national security interests of the United States;

''(ii) the covered person has an active security clearance; and

''(iii) the covered person acknowledges in a signed writing that the capacity of the covered person to perform duties under a high-risk program after the expiration of the waiver is conditional upon meeting the requirements of paragraph (1) within the effective period of the waiver;

''(B) if another Federal agency certifies to the Secretary that the covered person has completed successfully a full-scope or counterintelligence-scope polygraph examination during the 5-year period ending on the date of the certification; or

''(C) if the Secretary determines, after consultation with the covered person and appropriate medical personnel, that the treatment of a medical or psychological condition of the covered person should preclude the administration of the examination.

''(3)(A) The Secretary may not commence the exercise of the authority under paragraph (2) to waive the applicability of paragraph (1) to any covered persons until 15 days after the date on which the Secretary submits to the appropriate committees of Congress a report setting forth the criteria to be utilized by the Secretary for determining when a waiver under paragraph (2)(A) is important to the national security interests of the United States. The criteria shall include an assessment of counterintelligence risks and programmatic impacts.

''(B) Any waiver under paragraph (2)(A) shall be effective for not more than 120 days.

''(C) Any waiver under paragraph (2)(C) shall be effective for the duration of the treatment on which such waiver is based.

''(4) The Secretary shall submit to the appropriate committees of Congress on a semi-annual basis a report on any determinations made under paragraph (2)(A) during the 6-month period ending on the date of such report. The report shall include a national security justification for each waiver resulting from such determinations.

''(5) In this subsection, the term 'appropriate committees of Congress' means the following:

''(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(6) It is the sense of Congress that the waiver authority in paragraph (2) not be used by the Secretary to exempt from the applicability of paragraph (1) any covered persons in the highest risk categories, such as persons who have access to the most sensitive weapons design information and other highly sensitive programs, including special access programs.

''(7) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2002.''.

Mr. WARNER. Mr. President, I understand the amendment has been cleared on both sides.

Mr. LEVIN. Mr. President, it has been cleared on this side.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3739), as modified, 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. 3259, AS MODIFIED

(Purpose: To coordinate and facilitate the development by the Department of Defense of directed energy technologies, systems, and weapons)

Mr. WARNER. Mr. President, on behalf of Senator DOMENICI, I call up amendment No. 3259 relating to directed energy research and development, and I send a modification to the desk which would provide for the coordination and management of directed energy technologies and systems in the Department of Defense.

It is my understanding that this amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. DOMENICI, proposes an amendment numbered 3259, as modified.

Mr. WARNER. 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:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. COORDINATION AND FACILITATION OF DEVELOPMENT OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

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

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will

facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) IMPLEMENTATION OF HIGH ENERGY LASER MASTER PLAN.—(1) The Secretary of Defense shall implement the management and organizational structure specified in the Department of Defense High Energy Laser Master Plan of March 24, 2000.

(2) The Secretary shall locate the Joint Technology Office specified in the High Energy Laser Master Plan at a location determined appropriate by the Secretary, not later than October 1, 2000.

(3) In determining the location of the Joint Technology Office, the Secretary shall, in consultation with the Deputy Under Secretary of Defense for Science and Technology, evaluate whether to locate the Office at a site at which occur a substantial proportion of the directed energy research, development, test, and evaluation activities of the Department of Defense.

(c) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(d) ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.—The Secretary of Defense shall consider modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(e) COOPERATIVE PROGRAMS AND ACTIVITIES.—The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons.

(f) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, up to $50,000,000 may be available for science and technology activities relating to directed energy technologies, systems, and weapons.

(2) The Secretary of Defense shall establish procedures for the allocation of funds available under paragraph (1) among activities referred to in that paragraph. In establishing such procedures, the Secretary shall provide for the competitive selection of programs, projects, and activities to be carried out by the recipients of such funds.

(g) DIRECTED ENERGY DEFINED.—In this section, the term ''directed energy'', with respect to technologies, systems, or weapons, means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.

Mr. WARNER. Mr. President, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3259), as modified, was agreed to.

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

Mr. LEVIN. Move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3760, AS MODIFIED

(Purpose: To expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat)

Mr. WARNER. Mr. President, on behalf of Senators DOMENICI, LEVIN, LUGAR, BIDEN, BINGAMAN, CRAIG, THOMPSON, HAGEL, and CONRAD, I send amendment No. 3760 to the desk, which expands and strengthens U.S. efforts in the Russian nuclear weapons complex, and I send a modification to the desk.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, for himself, Mr. LEVIN, Mr. LUGAR, Mr. BIDEN, Mr. BINGAMAN, Mr. CRAIG, Mr. THOMPSON, Mr. HAGEL, and Mr. CONRAD, proposes an amendment numbered 3760, as modified.

The amendment, as modified, is as follows:

On page 610, between lines 13 and 14, insert the following:

Subtitle F—Russian Nuclear Complex Conversion

SEC. 3191. SHORT TITLE.

This subtitle may be cited as the ''Russian Nuclear Weapons Complex Conversion Act of 2000''.

SEC. 3192. FINDINGS.

Congress makes the following findings:

(1) The Russian nuclear weapons complex has begun closure and complete reconfiguration of certain weapons complex plants and productions lines. However, this work is at an early stage. The major impediments to downsizing have been economic and social conditions in Russia. Little information about this complex is shared, and 10 of its most sensitive cities remain closed. These cities house 750,000 people and employ approximately 150,000 people in nuclear military facilities. Although the Russian Federation Ministry of Atomic Energy has announced the need to significantly downsize its workforce, perhaps by as much as 50 percent, it has been very slow in accomplishing this goal. Information on the extent of any progress is very closely held.

(2) The United States, on the other hand, has significantly downsized its nuclear weapons complex in an open and transparent manner. As a result, an enormous asymmetry now exists between the United States and Russia in nuclear weapon production capacities and in transparency of such capacities. It is in the national security interest of the United States to assist the Russian Federation in accomplishing significant reductions in its nuclear military complex and in helping it to protect its nuclear weapons, nuclear materials, and nuclear secrets during such reductions. Such assistance will accomplish critical nonproliferation objectives and provide essential support towards future arms reduction agreements. The Russian Federation's program to close and reconfigure weapons complex plants and production lines will address, if it is implemented in a significant and transparent manner, concerns about the Russian Federation's ability to quickly reconstitute its arsenal.

(3) Several current programs address portions of the downsizing and nuclear security concerns. The Nuclear Cities Initiative was established to assist Russia in creating job opportunities for employees who are not required to support realistic Russian nuclear security requirements. Its focus has been on creating commercial ventures that can provide self-sustaining jobs in three of the closed cities. The current scope and funding of the program are not commensurate with the scale of the threats to the United States sought to be addressed by the program.

(4) To effectively address threats to United States national security interests, progress with respect to the nuclear cities must be expanded and accelerated. The Nuclear Cities Initiative has laid the groundwork for an immediate increase in investment which offers the potential for prompt risk reduction in the cities of Sarov, Snezhinsk, and Zheleznogorsk, which house four key Russian nuclear facilities. Furthermore, the Nuclear Cities Initiative has made considerable progress with the limited funding available. However, to gain sufficient advocacy for additional support, the program must demonstrate—

(A) rapid progress in conversion and restructuring; and

(B) an ability for the United States to track progress against verifiable milestones that support a Russian nuclear complex consistent with their future national security requirements.

(5) Reductions in the nuclear weapons-grade material stocks in the United States and Russia enhance prospects for future arms control agreements and reduce concerns that these materials could lead to proliferation risks. Confidence in both nations will be enhanced by knowledge of the extent of each nation's stockpiles of weapons-grade materials. The United States already makes this information public.

(6) Many current programs contribute to the goals stated herein. However, the lack of programmatic coordination within and among United States Government agencies impedes the capability of the United States to make rapid progress. A formal single point of coordination is essential to ensure that all United States programs directed at cooperative threat reduction, nuclear materials reduction and protection, and the downsizing, transparency, and nonproliferation of the nuclear weapons complex effectively mitigate the risks inherent in the Russian Federation's military complex.

(7) Specialists in the United States and the former Soviet Union trained in nonproliferation studies can significantly assist in the downsizing process while minimizing the threat presented by potential proliferation of weapons materials or expertise.

SEC. 3193. EXPANSION AND ENHANCEMENT OF NUCLEAR CITIES INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy shall, in accordance with the provisions of this section, take appropriate actions to expand and enhance the activities under the Nuclear Cities Initiative in order to—

(1) assist the Russian Federation in the downsizing of the Russian Nuclear Complex; and

(2) coordinate the downsizing of the Russian Nuclear Complex under the Initiative with other United States nonproliferation programs.

(b) ENHANCED USE OF MINATOM TECHNOLOGY AND RESEARCH AND DEVELOPMENT SERVICES.—In carrying out actions under

this section, the Secretary of Energy shall facilitate the enhanced use of the technology, and the research and development services, of the Russia Ministry of Atomic Energy (MINATOM) by—

(1) fostering the commercialization of peaceful, non-threatening advanced technologies of the Ministry through the development of projects to commercialize research and development services for industry and industrial entities; and

(2) authorizing the Department of Energy, and encouraging other departments and agencies of the United States Government, to utilize such research and development services for activities appropriate to the mission of the Department, and such departments and agencies, including activities relating to—

(A) nonproliferation (including the detection and identification of weapons of mass destruction and verification of treaty compliance);

(B) global energy and environmental matters; and

(C) basic scientific research of benefit to the United States.

(c) ACCELERATION OF NUCLEAR CITIES INITIATIVE.—(1) In carrying out actions under this section, the Secretary of Energy shall accelerate the Nuclear Cities Initiative by implementing, as soon as practicable after the date of the enactment of this Act, programs at the nuclear cities referred to in paragraph (2) in order to convert significant portions of the activities carried out at such nuclear cities from military activities to civilian activities.

(2) The nuclear cities referred to in this paragraph are the following:

(A) Sarov (Arzamas–16).

(B) Snezhinsk (Chelyabinsk–70).

(C) Zheleznogorsk (Krasnoyarsk–26).

(3) To advance nonproliferation and arms control objectives, the Nuclear Cities Initiative is encouraged to begin planning for accelerated conversion, commensurate with available resources, in the remaining nuclear cities.

(4) Before implementing a program under paragraph (1), the Secretary shall establish appropriate, measurable milestones for the activities to be carried out in fiscal year 2001.

(d) PLAN FOR RESTRUCTURING THE RUSSIAN NUCLEAR COMPLEX.—(1) The President, acting through the Secretary of Energy, is urged to enter into negotiations with the Russian Federation for purposes of the development by the Russian Federation of a plan to restructure the Russian Nuclear Complex in order to meet changes in the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to achieve a nuclear weapons production capacity in Russia that is consistent with the obligations of Russia under current and future arms control agreements.

(B) Mechanisms to increase transparency regarding the restructuring of the nuclear weapons complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Department of Energy officials with expertise in transparency of such matters.

(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.

(e) ENCOURAGEMENT OF CAREERS IN NONPROLIFERATION.—(1) In carrying out actions under this section, the Secretary of Energy shall carry out a program to encourage students in the United States and in the Russian Federation to pursue a career in an area relating to nonproliferation.

(2) Of the amounts under subsection (f), up to $2,000,000 shall be available for purposes of the program under paragraph (1).

(f) FUNDING FOR FISCAL YEAR 2001.—(1) There is hereby authorized to be appropriated for the Department of Energy for fiscal year 2001, $30,000,000 for purposes of the Nuclear Cities Initiative, including activities under this section.

(2) The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby reduced by $12,500,000, with the amount of the reduction to be allocated to the Close Combat Tactical Trainer.

(g) LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR CITIES INITIATIVE.—No amount in excess of $17,500,000 authorized to be appropriated for the Department of Energy for fiscal year 2001 for the Nuclear Cities Initiative may be obligated or expended for purposes of providing assistance under the Initiative until 30 days after the date on which the Secretary of Energy submits to the Committees on Armed Services of the Senate and House of Representatives the following:

(1) A copy of the written agreement between the United States Government and the Government of the Russian Federation which provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work within five years in exchange for participation in the Initiative.

(2) A certification by the Secretary that—

(A) project review procedures for all projects under the Initiative have been established and implemented; and

(B) such procedures will ensure that any scientific, technical, or commercial project initiated under the Initiative—

(i) will not enhance the military or weapons of mass destruction capabilities of Russia;

(ii) will not result in the inadvertent transfer or utilization of products or activities under such project for military purposes;

(iii) will be commercially viable within three years of the date of the certification; and

(iv) will be carried out in conjunction with an appropriate commercial, industrial, or other nonprofit entity as partner.

(3) A report setting forth the following:

(A) The project review procedures referred to in paragraph (2)(A).

(B) A list of the projects under the Initiative that have been reviewed under such project review procedures.

(C) A description for each project listed under subparagraph (B) of the purpose, lifecycle, out-year budget costs, participants, commercial viability, expected time for income generation, and number of Russian jobs created.

(h) SENSE OF CONGRESS ON FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—It is the sense of Congress that the availability of funds for the Nuclear Cities Initiative in fiscal years after fiscal year 2001 should be contingent upon—

(1) demonstrable progress in the programs carried out under subsection (c), as determined utilizing the milestones required under paragraph (4) of that subsection; and

(2) the development and implementation of the plan required by subsection (d).

SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT OF A NATIONAL COORDINATOR FOR NONPROLIFERATION MATTERS.

It is the sense of Congress that—

(1) there should be a National Coordinator for Nonproliferation Matters to coordinate—

(A) the Nuclear Cities Initiative;

(B) the Initiatives for Proliferation Prevention program;

(C) the Cooperative Threat Reduction programs;

(D) the materials protection, control, and accounting programs; and

(E) the International Science and Technology Center; and

(2) the position of National Coordinator for Nonproliferation Matters should be similar, regarding nonproliferation matters, to the position filled by designation of the President under section 1441(a) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2727; 50 U.S.C. 2351(a)).

SEC. 3195. DEFINITIONS.

In this subtitle:

(1) NUCLEAR CITY.—The term ''nuclear city'' means any of the closed nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas–16).

(B) Zarechnyy (Penza–19).

(C) Novoural'sk (Sverdlovsk–44).

(D) Lesnoy (Sverdlovsk–45).

(E) Ozersk (Chelyabinsk–65).

(F) Snezhinsk (Chelyabinsk–70).

(G) Trechgornyy (Zlatoust–36).

(H) Seversk (Tomsk–7).

(I) Zhelenznogorsk (Krasnoyarsk–26).

(J) Zelenogorsk (Krasnoyarsk–45).

(2) RUSSIAN NUCLEAR COMPLEX.—The term ''Russian Nuclear Complex'' refers to all of the nuclear cities.

Mr. WARNER. This amendment has been cleared on both sides. I ask unanimous consent my name be added as a cosponsor.

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

The question is on agreeing to the amendment.

The amendment (No. 3760), as modified, 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.

Mr. WARNER. Mr. President, I wish to advise the Senate that the amendment by Senator BENNETT and proposed by Senator THOMPSON will be initiated at 7:30 this evening.

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. WARNER. 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. WARNER. Mr. President, I am advised by the proponents and, indeed, the opponents of the amendment referred to as the Bennett amendment, that Senator BENNETT from Utah wishes to address the Senate with regard to this amendment at this time.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 3185

(Purpose: To provide for an adjustment of composite theoretical performance levels of high performance computers)

Mr. BENNETT. Mr. President, there is an amendment at the desk which I call up, amendment No. 3185.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mr. REID, proposes an amendment numbered 3185

Mr. BENNETT. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking ''180'' and inserting ''60''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

Mr. BENNETT. Mr. President, we have had a lot of discussion about this amendment. My understanding is that the order is for an hour equally divided between the proponents and the opponents of the amendment. I do not believe that time will be necessary. I certainly do not intend to take the time to explain all of the aspects of the amendment because I did so in a previous floor speech several weeks ago. I think, in the interest of moving things along tonight, I should just say to any who are interested in the issue to go back to my earlier floor speech, which was complete with charts and visual aids, and all of the other bells and whistles that we sometimes bring to the floor, and read that, and you will see how I feel about this amendment.

The Senator from Tennessee, Mr. THOMPSON, had great concerns about the issue we are discussing. This amendment has to do with export licenses for technical material, most particularly computer material that might be exported in such a way as to allow some foreign power to gain a computer capability that would enhance their military power against the United States.

Senator THOMPSON and I have been talking about this for weeks, if maybe not as long as a month or so, in an effort to find some accommodation to the concerns that he very legitimately raises about our national security and at the same time recognizes the reality of the marketplace, which is that these chips, if they are not exported from the United States, will get to the world market from Japan, Germany, Holland, and in one instance China itself.

We would like to make sure the international market is as dominated by American chips as we can possibly get it to be, which is why we are trying to shorten all of the time connected with this. Senator THOMPSON, who has his own concerns about it, has been asking that we not shorten the period as drastically as this amendment would do.

If I were offering the amendment entirely in a vacuum—that is, a legislative vacuum—I would like the amount shortened from 180 days to 30 days for the congressional action with respect to these items because I think 30 days is long enough.

I point out, at the moment, if we are going to export an F–16 to some foreign government, Congress has only 30 days to comment.

Some of these computers, to put it in the context of how rapidly things are moving, can be purchased at Toys ''R'' Us right now and be available for some foreign agent, if he wanted to come into the country, to tuck under his arm, walk through customs, go home to his country, and have a computer powerful enough in that toy that could do things that as recently as 3 years ago would seem miraculous.

So I have abandoned my 30-day desires because of the very significant legislative situation in which we find ourselves.

The 60-day requirement, which is in my amendment, has passed the House of Representatives by a vote of 415–8. I am told that if one comma is changed in the amendment that passes the Senate from the form in which it passed the House, it will run into problems in conference. So because I do not want it to run into problems in conference—I want it done—I have decided, as has the Senator from Nevada, Mr. REID, that we will forgo our desire for the 30-day period. We will endorse the 60-day period because that is in the House bill.

Now, the Senator from Tennessee has some legitimate concerns about the way this is done. I have discussed with him privately and now pledge to him publicly that I will work with him to find a way to inject the General Accounting Office into the congressional review process, something that is not called for at the moment. It is entirely haphazard at the moment. GAO gets involved if some Member of Congress asks them to get involved but not if that request is not made.

I am more than willing to say to the Senator from Tennessee that I will work with him to try to inject the GAO into the process, but I do believe that the proper and prudent thing for us to do tonight is to adopt the amendment in exactly the same language as it passed the House and thereby make sure it is not a conferenceable item and is something we will be certain will take place when the conference report is finally approved.

With that, Mr. President, I have nothing further to say, unless other Members of this body want to talk about the specific merits of it. I thank my friend from Tennessee for his willingness to work out the essential elements of this and pledge to him again publicly, as I have done privately, that I will work with him to see that we do our very best to accomplish the goal he seeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before he does leave the floor, I express my appreciation to the Senator from Utah. He has been a real leader on this issue. It has been a pleasure to work with him. It seems we have been working on this for many months, which we have. In fact, it has been nearly a year. This is a very important time in the history of this country when this legislation will pass. I hope it will pass tomorrow.

Based upon that, Mr. President, I ask for the yeas and nays on the amendment. It is my understanding the vote is going to be set for 11:30 tomorrow.

The PRESIDING OFFICER (Mr. L. CHAFEE). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senators BOXER, BAUCUS, KERRY, REID of Nevada—I am already on the amendment—BENNETT, DASCHLE, BINGAMAN, ROBB, KENNEDY, CLELAND, and MURRAY be added as cosponsors of this amendment.

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

Mr. REID. Mr. President, before the Senator from Utah leaves the floor, I want to tell him how much I appreciate his work on this issue. The work that has been done is very important.

I say to the Senator from Tennessee, he is a real advocate. He has worked very hard. He has a different view as to what should happen. He has formulated these ideas with great study and his staff has been easy to work with, but in this instance we believe we are right and that he is not quite right.

Based upon his advocacy, I, along with the Senator from Utah, am willing to work with the Senator from Tennessee. He has an idea that doesn't shorten the time whatsoever but would add another element; namely the General Accounting Office. Senator BENNETT has pledged that he would work with him on this issue, and I do so publicly also. We will try to find another vehicle to work with him on his legislation.

More than 50 percent of America's companies' revenues come from overseas sales. Also, more than 60 percent of the market for multiprocessor systems is outside the United States. What we are talking about is allowing the United States to maintain its position as a paramount producer of computers. That is what it amounts to. Things are changing very rapidly.

I can remember a few years ago I went to Clark County, in Las Vegas, NV, to the third floor of the courthouse. The entire third floor was the

computer processing system for Clark County. Then Clark County was much smaller than it is now. Today the work that is done on that entire third floor could be done with a personal computer, a laptop; things have changed so rapidly. That is why we need to allow changes.

This little computer that I carry around, this ''palm,'' as they call it, does remarkable things. I can store in this basically the Las Vegas phonebook. It has a calculator. It has numerous features that were impossible 2 years ago. It is now possible. That is what this amendment is all about: to allow the American computer industry to remain competitive and to allow sales overseas.

I appreciate the work of Senator PHIL GRAMM of Texas. He has worked on this matter for many months, along with Senator ENZI and Senator JOHNSON. I appreciate their support on this legislation.

The amendment, which has broad support from the high-tech industry and from a majority of the Members of the Senate, simply shortens the congressional review period for high performance computers from 180 days to 60 days and guarantees that the counting of those days not be tolled when Congress adjourns sine die.

We are operating under cold war era regulations and if we want to remain the world leader in computer manufacturing and in the high-tech arena, we must make this change immediately.

I have worked for the last year and a half with Senators GRAMM, ENZI, and JOHNSON on the Export Administration Act, but a few members of the majority have succeeded in blocking its passage. That bill is not moving and therefore, Senator BENNETT and I would like to simply pass this portion of the Export Administration Act to provide some temporary relief. The congressional review period for computer exports is six times longer than the review of munitions.

In February, the President, at my urging and the urging of others, proposed changes to the export controls on high performance computers, but because of the 180-day review period, these changes have yet to be implemented and U.S. companies are losing foreign market share to Chinese and other foreign competitors as we speak. This is already July and a February proposed change, which was appropriate at the time, and is nearly outdated now, has yet to go into effect.

This amendment is a bipartisan effort and one that we need to pass. Congress is stifling U.S. companies' growth and we can't stand for it, I can't stand for it. This underscores another point: the importance of exports to the U.S. computer industry. More than 50 percent of America's companies revenues come from overseas sales. If we give the international market to foreign competition in the short term, we will never get it back in the long term, and not only our economy, but our national security will founder.

A strong economy and a strong U.S. military depend on our leadership. U.S. companies have to be given the opportunity to compete worldwide in order to continue to lead the world in technological advances.

According to the Computer Coalition for Responsible Exports, U.S. computer export regulations are the most stringent in the world and give foreign competitors a head start. More than 60 percent of the market for multiprocessor systems is outside of the U.S. The U.S. industry faces stiff competition, as foreign governments allow greater export flexibility.

The current export control system interferes with legitimate U.S. exports because it does not keep pace with technology. The MTOPS level of microprocessors increased nearly 5-fold from 1998 to 1999—and today's levels will more than double when the Intel Itanium, I-Tanium, chip is introduced in the middle of this year. New export control thresholds will not take effect until the completion of the required six month waiting period—by then, the thresholds will be obsolete and American companies will have lost considerable market share in foreign countries.

The current export control system does not protect U.S. national security. The ability of America's defense system to maintain its technological advantage relies increasingly on the U.S. computer industry's ability to be at the cutting edge of technology. It does not make sense to impose a 180-day waiting period for products that have a 3-month innovation cycle and are widely available in foreign countries. Right now American companies are forbidden from selling computers in tier three countries while foreign competitors are free to do so.

As I indicated earlier, the removal of items from export controls imposed by the Munitions List, such as tanks, rockets, warships, and high-performance aircraft, requires only a 30-day waiting period. The sale of sensitive weapons, such as tanks, rockets, warships and high-performance aircraft, under the Foreign Military Sales program requires only a 30-day congressional review period. One hundred eighty days is too long.

The new Intel microprocessor, the Itanium, is expected to be available sometime this summer with companies such as NEW, Hitachi and Siemens already signed on to use the microprocessor. The most recent export control announcement made by the Administration on February 1 will therefore be out of date in less than six months.

Lastly—a review period, comparable to that applied to other export control and national security regimes, will still give Congress adequate time to review national security ramifications of any changes in the U.S. computer export control regime. I urge my colleagues to support this amendment and to allow our country's computer companies to compete with their foreign competitors and thereby continue to drive our thriving economy.

I believe that 30 days is the proper amount of time for the review period, but have agreed, with my colleague from Utah, to offer the identical language that passed in the House by a vote of 415 to 8. Less stringent language passed out of committee in the Senate, and there is no reason that this shouldn't pass with a large majority.

Mr. President, I ask unanimous consent that a letter from the U.S. Chamber of Commerce endorsing this legislation be printed in the RECORD.

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

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 13, 2000.

TO MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, offers our support of Senator Harry Reid's (D–NV) Amendment 3292 to the Defense Appropriations FY 2001 bill, which changes the regulations governing the export of high-speed computers. This measure will be considered today by the U.S. Senate.

Section 1211 of H.R. 1119, the ''National Defense Authorization Act For Fiscal Year 1998'' (Public Law 105–85) imposed new restrictions on exports of certain mid-level computers to various countries, even though similar technology is readily available in the international market place. (Mid-level is defined as operating at over 2,000 million theoretical operations per second (MTOPS). Section 1211 also authorized the president to establish a different, higher performance threshold for these restrictions but required a 180-day delay in the implementation of this new threshold, pending Congressional review of a report presenting the justification for the new threshold.

Our concern is that these computers—often mis-labeled ''supercomputers'' or ''high-performance computers''—incorporate technology that is already in fairly wide use here and abroad. As with so many other efforts to unilaterally control the availability of relatively common technology, the result of this provision was another competitive disadvantage for U.S. firms in the global markets.

Earlier this month the House of Representatives approved similar legislation that reduced from 180 to 60 days the time frame for Congress to review the administration's justification for any changes in the performance thresholds for controlling these computer exports. This is important because the 180-day period often exceeds the life cycle of the computers and is longer than the congressional review period for removing various weapons from a list of defense items subject to export controls. While allowing time to address national security issues, this legislation also reduces the chances that computer transactions will languish in Congress and become obsolete before they are permitted to move forward.

In this regard, the U.S. Chamber remains committed to repeal of section 1211 for the reasons stated above. Amendment 3292 to the Defense Appropriations for FY 2001 bill is a major step in the right direction.

Sincerely,

R. BRUCE JOSTEN.

Mr. REID. Mr. President, I ask unanimous consent that a letter from the Information Technology Industry

Council, which is representative of the employment of some 1.3 million people in the United States, in support of this legislation be printed in the RECORD.

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

INFORMATION TECHNOLOGY INDUSTRY COUNCIL,
Washington, DC, July 10, 2000.

Hon. HARRY REID,
United State Senate, Washington, DC.

DEAR SENATOR REID: I am writing to follow-up on earlier correspondence to reaffirm the fact that ITI strongly supports the bipartisan Reid/Bennett amendment to the defense authorization bill. We urge your colleagues to support your amendment, and also to oppose any efforts to further water down what is already a compromise position for the computer industry.

The Reid/Bennett amendment would provide overdue relief from the current 180-day waiting period whenever US computer export thresholds are updated. Accordingly, this letter is to inform you and your colleagues that ITI anticipates including votes pertaining to computer exports in our annual High Tech Voting Guide. As you know, the High Tech Voting Guide is used by ITI to measure Members of Congress' support for the information technology industry and policies that ensure the success of the digital economy.

ITI is the leading association of U.S. providers of information technology products and services. ITI members had worldwide revenue of more than $633 billion in 1999 and employ an estimated 1.3 million people in the United States.

As you know, ITI has endorsed your legislation to shorten the Congressionally mandated waiting period to 30 days. While we strongly support our country's security objectives, there seems no rationale for treating business-level computers that are widely available on the world market as inherently more dangerous than items being removed from the nation's munitions list—an act that gives Congress just 30 calendar days to review.

Make no mistake. Computer exports are critical to the continued success of the industry and America's leadership in information technology. Computers today are improved and innovated virtually every quarter. In our view, it does not make sense to have a six-month waiting period for products that are being innovated in three-month cycles. That rapid innovation is what provides America with her valuable advantage in technology, both in the marketplace and ultimately for national security purposes—an argument put forth recently in a Defense Science Board report on this very subject.

As a good-faith compromise, ITI and the Computer Coalition for Responsible Exports (CCRE) backed an amendment to the House-passed defense authorization bill that established a 60-day waiting period and guaranteed that the counting of those days would not be tolled when Congress adjourns sine die. The House passed that amendment last month by an overwhelming vote of 415–8.

We thank you for your leadership in offering the bipartisan Reid/Bennett amendment as a companion to the House-passed compromise provision. We trust that it will pass the Senate with a similar overwhelming majority.

We have been heartened in recent weeks by the bipartisan agreement that the waiting period must be shortened. The Administration has recommended a 30-day waiting period. The House, as mentioned above, endorsed a 60-day waiting period. And Gov. George W. Bush has publicly endorsed a 60-day waiting period in recognition that commodity computers widely available from our foreign competitors cannot be effectively controlled.

We thank you for your strong and vocal leadership in this matter and look forward to working with you and other Senators to achieve a strong, bipartisan consensus on this and other issues critical to continuing America's technological pre-eminence.

Best regards,

RHETT B. DAWSON,
President.

Mr. REID. Again, I express my appreciation to the Senator from Tennessee and the Senator from Utah and look forward to an overwhelming vote tomorrow to send this matter to the House so it can be sent to the President's desk as quickly as possible.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank my colleagues for their statements. I think they accurately state the conversations we have had. I welcome their commitment to try to work with me toward finding another vehicle in order to alleviate some of the concerns I have had.

I intended to offer a second-degree amendment to this amendment, but I can count the votes. The better part of valor is for me to accept the commitment and assistance from my colleagues in order to try to interject some expertise into the consideration of the MTOP level issues in the future.

What we are seeing with regard to this amendment is a manifestation of a discussion that is going on in this country that is very important. We obviously are leading the world in terms of high technology. We are building supercomputers that no one else has. It is natural that our people want to develop their markets and have an export market. That is important to them from an economic standpoint. Many people in the computer industry are under the impression that if they can build something, it is immediately available worldwide, internationally, by everyone. I respectfully disagree with them on that. But they are of that opinion, and they are moving aggressively in Congress and otherwise to try to raise the level of the computers they can ship without an export license.

Let's keep in mind, that is the issue: What is going to be shipped without a license or with a license. We are not talking about stopping any sales. We are talking about time periods and how fast computers can be sold and what can be sold with or without a license. That is one side of what is going on in the country today in this discussion.

The other side is that all of the statements about our capabilities and our need to market and all those kinds of things may be true. But there is another side to the story, and that is the danger that sometimes is being interjected into the world by the proliferation of weapons of mass destruction.

We have been told in no uncertain terms by the Cox committee, and others, that the Chinese, for example, are using our technology. They are specifically using our high-performance computers to enhance their own nuclear capabilities. Potentially, they will be used against our own country. We know the Chinese are selling and supplying technology to rogue nations around the world—a big problem. That is a part of the discussion we are going to have over these next few weeks, I hope, in terms of how we address that with the Chinese.

So while it is important to have a viable high-tech market, and while the technological ''genie'' is out of the bottle to a great extent, there are some of us who still believe we should not abrogate all of our export control laws. And on what we are dealing with here tonight, Congress should have an adequate time to consider how much we want to raise the MTOP levels and how liberal we want to be in terms of allowing these computers to be exported—again, mind you, without a license. They can still export them at any level, theoretically. But they have to go through a license process.

Is the congressional review too long? Is 180 days too long? I point out that, I believe as late as a year ago—I think July of last year—while it was not in law, the practice was for the review time for Congress to take between 18 and 24 months. So 6 months kicked in just about a year ago. So we have gone from 18 to 24 months a year ago, and now Congress has 6 months. We narrowed it to 6 months now that we have to review it, when the administration decides it wants to raise the MTOP levels and become more liberal with exports. Now under this bill, we are narrowing the time further to 60 days—from 6 months to 60 days—for Congress to review the raising of a particular MTOP level.

I have a great problem with that. I know there is tremendous momentum in this Congress to accede to those who want Congress to have less and less a part in this process. I agree with colleagues who said Congress has not always done its due diligence, has not always used that process to its best advantage; we have sometimes sat on our hands.

What I am trying to do, and what I was going to do by my second-degree amendment, which I will now, with the help of colleagues, try to do separate and apart, is to say, OK, we will go down to 60 days, although I don't like it; but we will say, within that 60 days, let's have GAO take a look at it; let's have some expertise from the people who are used to analyzing these things because they don't always agree with the administration, as to what the foreign availability is or what the mass marketing for a particular component is. So why do we want to fly blindly on something that is so technical and important? We need to have GAO in this process and then give Congress just 10 days after the GAO does its work, after 50 days, to look at what GAO has come up with, and then we can act if we want to.

So I think it is a very compressed timeframe. But I understand the momentum for this. I hope we are not making a mistake. I hope we are not placing too much faith in an administration that I think has been entirely too lax in terms of matters of national security, our export laws, the security of our laboratories, and everything else. I hope we are not making that mistake. But I know it is going to happen now. It passed overwhelmingly in the House, and I expect it to tomorrow. I can count as well as the next person. But I am hopeful that within the next few days, as I say, we can interject into this process at least a little bit of extra deliberation by the GAO and those with the expertise to tell us what they think about a particular increase in the MTOP levels.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I yield back all time for the proponents of the amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I yield back all time of the opponents of the amendment.

Mr. WARNER. Mr. President, subject to the leadership, I think I can announce the time of the vote. The vote on this amendment will occur at 11:30 a.m. tomorrow.

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. WARNER. 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. TORRICELLI. Mr. President, I rise today to withdraw my amendment to the fiscal year 2001 Defense authorization bill. As the matter between the U.S. Air Force and the New Jersey Forest Fire Service has been resolved, the need for legislative language to rectify this matter is no longer necessary.

At this time, I would like to show my appreciation to the Secretary of the Air Force and his staff for their professionalism and cooperation in helping bring about an expeditious and satisfactory resolution to this matter. I would like to thank the staff members of the Senate Armed Services Committee, in particular Mike McCord, for their assistance in seeing this matter through.

The reimbursement from the Air Force to the New Jersey Forest Service will help enable the men and women of this vital department to continue their important duties in protecting the forests and state parks of New Jersey from disaster.

REDSTONE ARSENAL

Mr. SESSIONS. Mr. President, I rise for the purpose of engaging the chairman of the Subcommittee on Readiness and Management Support, Committee on Armed Services to discuss a matter of some great interest relating to an Army installation located in my State. As the chairman knows, the Redstone Arsenal is located in Alabama, near the city of Huntsville. Although Redstone is not an arsenal in the traditional sense, there are certain provisions of Title III, Subtitle D, Sections 331 and 332 of the bill that I understand will apply to Redstone Arsenal. Specifically, the provision of the bill which would codify the ARMS Act and its facility use contracts and in-kind consideration provisions, and the provision on Centers of Industrial and Technical Excellence that would allow the government owned, government operated industrial facilities to pursue partnerships and arrangements with private sector entities to more fully utilize the plant and equipment at these facilities. In my own state there is interest of at least one private sector entity currently doing business on Redstone Arsenal with others to follow:

By using the Facilities Use and In-Kind Consideration provisions of ARMS, the Logistics Support Facility has been able to establish a presence on Redstone Arsenal. Using these innovative approaches, the Logistical Support Facility has been able to utilize existing Army facilities that might otherwise have been deemed to be excess. This is certainly a win-win situation for both the company and the U.S. Army: a win for the LSF which gets facilities that are close to their customer—the U.S. Army, and a win for Redstone Arsenal, which receives consideration for the use of an otherwise empty facility which it might otherwise have to pay to maintain or demolish.

Am I correct in my belief that Section 332 will allow the Logistical Support Facility and other similarly situated operations to operate on Redstone Arsenal?

Mr. INHOFE. It is exactly the sort of arrangement which you have outlined that the language in Title III is intended to promote. It is the committee's hope that additional government facilities will pursue such initiatives in order to increase their efficiency. The ARMS act was intended to breathe new life into facilities for which the Army might otherwise have less use. It is a model program and we are trying to incorporate those aspects of the ARMS program which make sense in a government owned, government operated industrial facility. This is indeed a win/win situation for business, for the Department of Defense, and for the American taxpayer.

TRANSFER OF LAND ON VIEQUES, PUERTO RICO

Ms. LANDRIEU. Mr. President, I appreciate the efforts by the Senator from Oklahoma to facilitate the resumption of critical live-fire training at the Naval training range on the island of Vieques. He has visited the island and has dedicated himself to trying to resolve this important issue.

I believe, given the differences between the provision in the Senate bill and those in the House bill, that this will be a matter of considerable discussion and debate in conference. I look forward to working with Senator INHOFE and other Members of the Senate and House to address these differences and achieve a resolution that maximizes the possibility of resuming live-fire training as soon as possible.

I am concerned that the Senate bill does not authorize the transfer of all the surplus land on the western side of the island, as requested by the President pursuant to his agreement with the Governor of Puerto Rico. I believe that only the full implementation of those directives will restore the Navy's credibility with the local population. Secretary Danzig has emphasized to us the importance of the conveyance of this land as a demonstration of good faith prior to the referendum on the Navy's continued use of Vieques. Therefore to avoid undermining the Navy's position on Vieques, the conference report should adopt the language in the House bill that would authorize this transfer.

Mr. INHOFE. Mr. President, I appreciate the comments of Senator LANDRIEU. I look forward to working with her and others on this important issue in conference. As you noted, as chairman of the Readiness and Management Support Subcommittee I have spent considerable time looking into this matter and I believe that this facility is essential to the readiness of the Navy and Marine Corps.

I understand the concern raised by some that a failure to transfer the western land as requested by the President would frustrate the long-term goal of rebuilding relations between the Navy and the people of Vieques and resuming live-fire training on the island. However, I recently visited Vieques and spoke with some of the local residents who were not as enthused by the proposed transfer of land as the Governors's office has led us to believe. Furthermore, they asked that if any land is transferred, that it be transferred directly to the people of Vieques rather than to the Commonwealth Government. However, I understand that this may not represent the views of all residents of the island and I will continue to look very seriously at this issue during the conference and will continue to speak with the residents of Vieques before I make a final decision.

I also want to ensure that whatever approach we take, we do not undermine the chances of the resumption of live-fire by providing a reverse incentive. I strongly support the Navy and Marine Corps' goal of resuming live-fire training in Vieques. As stated by the senior officers of the Department of Defense, this training is critical to our readiness. I will continue to speak with these officers on the issue, including the impact of not transferring the western land, as we proceed through

conference. I am committed to resolving this matter in a way that maximizes our opportunity to provide our military personnel with the training they need to ensure they are not unnecessarily put at risk when they are deployed into harm's way.

Ms. LANDRIEU. I thank the Senator for his commitment on this matter and look forward to working with him in the weeks ahead.

ACQUISITION PROGRAMS AT NSA

Mr. SHELBY. I note to the distinguished chairman of the Armed Services Committee an issue in the committee report accompanying the National Defense Authorization Act for Fiscal Year 2001, S. 2549. on page 126, the report deals with acquisition programs at the National Security Agency (NSA). I fear that the language of the report could have unintended consequences for the on-going efforts to modernize the National Security Agency. The report mandates that the NSA manage its modernization effort as though it were a traditional major defense acquisition program. If this mandate were applied to each of the individual technology efforts within the NSA, such a requirement could impede NSA's flexibility to modernize and upgrade its capabilities. I would ask the Chairman of the Armed Services Committee whether this was the Committee's intent?

Mr. WARNER. I thank the Chairman of the Intelligence Committee, Senator SHELBY. I believe we both agree that the National Security Agency should better address its acquisition issues. However, I note the concerns you raise and agree that the report should not be read to mandate treating each individual technology effort within NSA as a major acquisition program. As the chairman of the Intelligence Committee knows, the Department of Defense (DoD) has an extensive effort to develop various technology projects that could ultimately contribute to one or more major DoD acquisition programs. DoD does not manage these individual technology projects as major acquisition programs, despite the fact that they may contribute to successful fielding of a program being managed as a major acquisition program.

It was the committee's intent to ensure that each of the major modernization efforts that NSA must undertake will receive appropriate management attention. it was not the committee's intent that individual technology projects that are contributing to those broader efforts be managed as major acquisition programs on a project-by-project basis.

I look forward to working with you to ensure that NSA properly manages its acquisition programs.

Mr. SHELBY. I thank the Chairman.

Mr. WARNER. Mr. President, on behalf of my distinguished ranking member and myself, we submit to the Senate the following time agreement.

I ask unanimous consent that at 6:30 p.m. on Wednesday, when the Senate resumes the DOD authorization bill, Senator BYRD be recognized for up to 30 minutes for debate on his amendment, with a Roth statement to be inserted at that point following the debate, and following the disposition of the amendment and notwithstanding the managers' package of amendments, the following amendments be the only remaining first-degree amendments in order, that they be limited to 1 hour equally divided unless otherwise stated, and that with respect to the second-degree amendments, they be under no time restraints and limited to relevant second-degree amendments unless otherwise stated. Those amendments are as follows:

Feingold, re: D5 missile, 40 minutes equally divided; Durbin, re: NMD testing, 2 hours equally divided with no second-degree amendments; Harkin, secrecy; Kerry of Massachusetts, environmental fines.

I further ask unanimous consent that following the disposition of the pending Byrd amendment and the listed amendments, the bill be advanced to third reading, and the Senate proceed to the consideration of the House companion bill, H.R. 4205, all after the enacting clause be stricken, the text of the Senate bill be inserted, the House bill be advanced to third reading, and passage occur, all without any intervening action, and the Senate bill be then placed on the calendar.

I further ask unanimous consent that at the time of the stacked rollcall votes, there be up to 10 minutes equally divided provided for closing remarks with respect to only the Kerrey amendment.

I further ask unanimous consent that the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Finally, I ask the time limit with respect to the Harkin amendment only be vitiated prior to 12 noon on Wednesday, at or upon the request of the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I obviously won't because this is a very good unanimous consent agreement, I believe in reading the last two lines my good friend from Virginia left out the word ''may'' so that ''it may be vitiated.''

Mr. WARNER. Mr. President, my colleague is correct. I shall reread it.

Finally, I ask that the time limit with respect to the Harkin amendment only may be vitiated prior to 12 noon on Wednesday, upon the request of the minority leader.

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

Mr. LEVIN. Mr. President, has that now been adopted?

Mr. WARNER. That has been accepted. This is a momentous occasion.

The PRESIDING OFFICER. Yes.

Mr. WARNER. I thank all who worked so assiduously to make this possible. As we said in World War II: Praise the Lord and pass the ammunition. We have this bill on its final track.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my friend from Virginia. There has been a lot of hard work, indeed, that has gone into this agreement. I do want to see if our understanding is correct on this. It was not explicit in the unanimous consent agreement. That is that following the disposition of the Byrd amendment tomorrow evening, and notwithstanding the managers' package of amendments, that the following amendments be—and then they are identified.

It is our expectation and intention that that proceed immediately tomorrow night, to consideration of those listed amendments.

Mr. WARNER. Mr. President, the Senator is correct in that interpretation, that we will hear from our distinguished former majority leader, member of the Armed Services Committee, Senator BYRD, for 30 minutes. A statement will then be placed in the RECORD on behalf of Senator ROTH, and we will proceed immediately to the amendments as ordered.

Mr. LEVIN. After disposition of the Byrd amendment.

Mr. WARNER. After disposition of the Byrd amendment.

Mr. LEVIN. And that will all occur tomorrow night?

Mr. WARNER. That is correct.

Mr. LEVIN. I thank the Presiding Officer and my good friend from Virginia.

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MORNING BUSINESS

Mr. WARNER. Mr. President, I now ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

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ACKNOWLEDGMENT OF SENATOR PETER FITZGERALD'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today I have the pleasure to announce that another freshman has achieved the 100-hour mark as presiding officer. Senator PETER FITZGERALD is the latest recipient of the Senate's Golden Gavel Award.

Since the 1960's, the Senate has recognized those members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator FITZGERALD for presiding during the 106th Congress.