

In the meantime, it enhances conservation easements, reduces rates. I really cannot think of a good argument against this. And yet constituents may ask: Why can't you get it to a vote? Why do you need to worry about this?

The reason is, frankly, because of the rules of the Senate, any Senator has the ability to raise nongermane matters until we have had a cloture motion voted on and approved. There are those who would like to take advantage of this opportunity to raise their favorite issue in that way. If enough people do that with these nongermane riders which we have all heard so much about, it can sink the ship that otherwise would carry the legislative business to the President for his signature.

I hope that will not happen. I hope very much we can reach an agreement to quickly take up and consider any amendments and then vote for the repeal of the estate tax, vote for the House-passed bill, H.R. 8. I hope we can do that tomorrow at the very latest. If we cannot, then obviously we are going to have to file cloture and have that vote on Thursday.

I encourage all of my colleagues to look at this legislation very carefully because there is some misinformation about it. I know I talked for some time today, but hopefully I have been able to answer some of the questions that have been raised in my remarks. I stand ready to work with Senators who want to understand better exactly what we are trying to do here, what the effect of it will be, and what the many organizations are that support this legislation because they are significant. I certainly hope they will make their feelings known during the course of the next few days, too, because it is important for our colleagues to understand the depth and breadth of support for repeal of the estate tax.

I conclude by thanking Senator LEVIN, again, for allowing me to take this time and to urge my colleagues to support H.R. 8, to agree to a time agreement that will enable us to take it up in a timely fashion, to get it disposed of with germane amendments as quickly as possible so we can have a vote on repeal sometime this week.

That is something the American people would feel very proud we accomplished. Everyone can go back to their constituencies and brag about it. It is not partisan; it is bipartisan. Republicans cannot brag they did it all alone because many Democrats in the House made it possible with a veto-proof margin. Without the support of our Democratic colleagues in the Senate, I know we would not have gotten this far today.

I am very hopeful people on both sides of the aisle will see not just the fairness of it but the political benefit in responding to our constituents, which is, after all, what we are supposed to be doing around here. We know they would like to see repeal, and I think it is time for us to show them we can get something done here; we

can do this and not hide behind all of the usual parliamentary maneuvers that are so common in the Senate.

I am very hopeful we will be able to finish this bill by the end of this week, send it on to the President, and go back to our constituents and say we did something very important for them: We repealed the death tax.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

—————

NOMINATION OF MADELYN R. CREEDON, OF INDIANA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION—Continued

Mr. LEVIN. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the nomination of Madelyn Creedon to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Mr. LEVIN. Madam President, I am pleased to come to the floor today and support the nomination of a very talented and a highly qualified member of the Armed Services Committee staff to be the Deputy Administrator for Defense Programs of the newly created National Nuclear Security Administration.

Madelyn Creedon has served her country for her entire professional life in a variety of important national security positions. She has served as Associate Deputy Secretary of Energy, working closely and directly with Deputy Secretary Charles Curtis. She was the general counsel for the Defense Base Closure and Realignment Commission, and she has served as minority counsel to the Committee on Armed Services and counsel under my predecessor, Senator Sam Nunn. She spent 10 years as a trial attorney in the Department of Energy.

Madelyn Creedon's nomination for this important position was unanimously reported to the full Senate by the Armed Services Committee on April 13. After working with her for more than 8 years on the Armed Services Committee, I know firsthand of her extraordinary understanding of the national security programs of the Department of Energy and of her passionate commitment to the success of these programs and to the national security of the United States.

There are few people who have Madelyn Creedon's depth of experience and her knowledge in the nuclear weapons programs of the Department of Energy.

Last month the Senate confirmed the nomination of Gen. John Gordon to be the Under Secretary of the Department of Energy and the head of the new National Nuclear Security Administration. All of us are aware of the significant challenges General Gordon is facing in this position. The Administrator of the new National Nuclear Security Administration is responsible for maintaining the safety, security and reliability of our Nation's nuclear warheads; for managing the Department of Energy laboratories; for cleaning up some of the worst environmental problems in the country; and for addressing security problems that continue to undermine public confidence in the Department of Energy. As one of the senior deputies in the National Nuclear Security Administration, Madelyn Creedon's knowledge and experience in all of these areas will be of great assistance in helping General Gordon address the challenges he is facing.

I had a discussion with General Gordon last week. He told me that he wants Madelyn Creedon to be his deputy Administrator for Defense Programs, and he is anxious for Madelyn Creedon to get to work as his Deputy Administrator.

Madelyn Creedon is well known and respected by Senators on both sides of the aisle. Prior to her confirmation hearing in the Armed Services Committee, Senator WARNER and I received a letter from Senator LUGAR. I would like to quote just a few sentences from Senator LUGAR's letter:

As you know, Mr. Chairman, I am a strong supporter of U.S. nonproliferation efforts in the former Soviet Union. These programs have continually garnered bipartisan support because of the outstanding efforts of dedicated Members of Congress and staff on both sides of the aisle. Madelyn's efforts in this area have made tremendous contributions to the successful implementation of these important programs. Her oversight and legislative analyses of these programs have improved our country's national security. I am confident that she will provide the same level of expertise and dedication if confirmed as Deputy Administrator for Defense Programs at the Department of Energy.

It is with great enthusiasm that I offer my strong support for Madelyn's nomination, and I am hopeful that members of the Armed Services Committee and the full Senate will concur.

Madam President, I ask unanimous consent that the full text of Senator LUGAR's letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEVIN. If confirmed today, I understand that Madelyn Creedon will be the first woman to be placed in charge of the safety and reliability of America's nuclear deterrent. I cannot imagine any individual who would be better qualified to handle this awesome responsibility. We will miss Madelyn Creedon on the Armed Services Committee, but I think we all know that the committee's and the Senate's loss will be the country's gain.

In closing, I first thank Madelyn Creedon for her dedicated service on the staff of the Armed Services Committee. I congratulate her on her nomination by the President to this important position in the Department of Energy. Finally, I thank Madelyn Creedon for her continued willingness to serve the country. And I thank her family—her husband Jim, her daughter Meredith, and her son John—for their sacrifices in supporting her in this demanding position.

EXHIBIT No. 1

UNITED STATES SENATE,
Washington, DC, April 11, 2000.

Hon. JOHN WARNER,
Chairman,

Hon. CARL LEVIN,
Ranking Member, Committee on Armed Services,
U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN AND SENATOR LEVIN: I regret that I am unable to appear before your committee today to introduce a fellow Hoosier and offer my support for the nomination of Madelyn Creedon to the position of Deputy Administrator of Defense Programs at the Department of Energy. My responsibilities as Chairman of the Senate Agriculture Committee have required my presence at an important oversight hearing.

It is always a source of great pride to see Hoosiers making valuable contributions to our country's security. Madelyn has an outstanding record of service to the U.S. government. She has served with distinction as Associate Deputy Secretary for National Security Programs at the Department of Energy, as General Counsel for the Base Realignment and Closure Commission, and here in the Senate as Minority Council of the Senate Armed Services Committee. It has been in the fulfillment of this last assignment that I have had the opportunity to observe and work with Madelyn.

As you know, Mr. Chairman, I am a strong supporter of U.S. nonproliferation efforts in the former Soviet Union. These programs have continually garnered bipartisan support because of the outstanding efforts of dedicated Members of Congress and staff on both sides of the aisle. Madelyn's efforts in this area have made tremendous contributions to the successful implementation of these important programs. Her oversight and legislative analyses of these programs have improved our country's national security. I am confident that she will provide the same level of expertise and dedication if confirmed as Deputy Administrator for Defense Programs at the Department of Energy.

It is with great enthusiasm that I offer my strong support for Madelyn's nomination, and I am hopeful that members of the Armed Services Committee and the full Senate will concur.

Sincerely,

RICHARD G. LUGAR,
United States Senator.

Mr. LEVIN. Madam President, I yield the floor and 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. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. It is good to see you, Madam President, and to be back today. I just arrived from New Mexico,

which accounts for my failure to put a more conventional tie on, but if I took the time to do that I would have missed an opportunity to speak on this issue.

I am going to take a few minutes to discuss the way I see the matter, the pending nomination of Madelyn Creedon for Deputy Administrator of the National Nuclear Security Administration for Defense Programs.

Let me start by suggesting that everyone should know, and I believe the nominee understands, that she does not work for the Secretary of Energy. She works for the new National Nuclear Security Administrator for Defense Programs within the Department of Energy. We might hearken back to only a few months ago when we had a very lengthy, multiday debate with reference to what we should do to reorganize the Department of Energy in the aftermath of the Wen Ho Lee incident, and a very major report by the President's most significant security group headed by former Senator Warren Rudman of New Hampshire.

They recommended, and we adopted by law, a total reorganization within the Department of Energy of the matters that pertain to nuclear weaponry and nonproliferation on the basis that the Department of Energy had been built up just topsy-turvy and we had, within a very dysfunctional multi-layered department, a most, most significant American concern, to wit: the nuclear weaponry of America. Believe it or not, a Department called Energy is in charge of the nuclear laboratories that produce all the science with reference to nuclear weapons and the three or four sites within America that used to produce weapons when we produced them. They are now part of a very dramatically changed effort called science-based stockpile stewardship, which means we are going to make every effort to make sure our nuclear weapons are safe and secure without ever doing another nuclear test. We are trying diligently to do that.

Now we have a new department within the Department. Let me repeat that, because we are having so much difficulty getting out the message that we have already created a new entity, just let it start working. It is called the National Nuclear Security Administration. It is a hard name. In fact, I remembered it by carrying around to hearings a coffee cup that had "NNSA" on it. Then I was able to remember the name. But across the country they were all asking about 6 weeks ago: What are we going to do in the aftermath of Wen Ho Lee, finding some other secrets that had been misplaced in very peculiar circumstances?

The first thing we ought to say is that we have already done something about it. We have created a semi-autonomous agency that, in the not too distant future, will be running all of that. We have already selected the person in charge, thank God, a very distinguished general—that means he

is a four-star—who was with the CIA, worked at Sandia National Laboratories and was an adviser to two Presidents on security. He has agreed to take this job. In other words, he will be running, within the Department of Energy, under his own power, all the nuclear weapons activities. This nominee will work for him.

It was very important that we find out, since he did not select her, whether he wanted her for this job. I would think that would be the most logical question we would have; if the new man, General Gordon, who is going to run this, was not part of her selection and she was going to be his deputy, we surely ought to ask: Do you want her?

So I am first reporting to the Senate that I had a responsibility of finding that out, because she also wanted to know.

I can report to the Senate that he said: As matters are going now, I would not want to stand in the way—in fact, I will support her confirmation by the Senate. So let's not expand much on that. Let's just say that the man for whom she will work, because he is going to be in charge of all this—she is not going to be working for the Secretary of Energy—has said: OK, even though I did not pick her, let's try her.

I also want to tell the Senate that she had a lot to do, staffwise, with opposing this new law. She was the one helping Senators who opposed the creation of the National Nuclear Security Administration. So I have talked with her at length and I have said: Will you enforce this law? And she said: I will.

Do you understand, you are working for the general who runs the new National Nuclear Security Administration?

She said: I do. I work for him. I will try to help him be a success.

Do you understand that the Secretary of Energy has created a number of positions that violate this law, to wit: He has put dual-hatted some people to work for him and the new man, when Congress did not intend that?

They intended that all the people who worked for the general worked only for him, not the Secretary; that there not be 10, 12, 14 people who worked for both of them.

She said: I understand that.

He said: Did you hear the Secretary of Energy say he would fight that no longer?

She said: I did.

Did you hear him say he would support amendments to totally clarify this so there are no dual-hatted people who worked for both the Secretary of Energy and the general in charge of trying to create some decent management within our nuclear weapons complex, including the laboratories and the manufacturing centers and the non-proliferation activities that go with the laboratories?

She said she understands that.

Everybody seems to be on board.

The problem is the general was just sworn in. There were a few months of

delay for various reasons, not the least of which was that right after signing the bill into law, the President and Secretary of Energy, Bill Richardson, did not seek to implement the law very quickly. As a matter of fact, they went very slowly.

We are now at a point where the general is in office, and he needs to build his team. She will be part of his team. If Senators are worried about whether she will work in that regard, they can vote for her or against her. I did not come to the floor to fight her nomination because I satisfied myself that she understood the law and pledged to enforce it and understood she worked for the general, not for the Secretary of Energy, for the foreseeable future. I do not know how long she will be in office. I do not know how long he will be in office, although we intend to make his term a 3-year term.

With that, and given this background, I will vote for her. I am clearly of the opinion she has sufficient talent and expertise based on background and who she worked for and what she did. I do say it will be very challenging, based on her experience, for her to truly help this general make this work because she will be working for him, a very distinguished American retiring from the Air Force where he was a four-star general to undertake this job. It was a true act of patriotism on his part. He decided to take one of the most challenging jobs in Government, hardly understood as of today. But I assume that if it all works out, he will be very well known in a few years. If it really works out, he will be known for having set the nuclear weapons part of our Government on the right path, with the right management, not only with reference to security—for that will be his job also—but he will set it on a management path that something as refined as our nuclear weapons should have in place for the American people.

That has not been the case. There have been at least three major studies just crying out for us to fix this, the last one done by the President's board on national security matters, headed by Warren Rudman with four other distinguished Americans, recommended this, and we helped draft the first law. We had five chairmen on the Republican side sponsoring the legislation which worked its way through the Senate and through the House and has now created this semiautonomous agency that I just described to the Senate and to those who are interested in where the security is going to come from for the nuclear weapons complex and our laboratories.

We have created a whole new management effort. It is not going to be setting new boxes within the Department of Energy, which I have predicted will never work, but rather a total semi-independent agency with its own national administrator who will have total power and control.

For those who are fearful of this, we have indicated on the environmental

side that they must comply with NEPA, the National Environmental Policy Act. But as to other rules and regulations, it is clear they can make their own, consistent with good judgment, preserving and protecting the safety of our nuclear weapons and preservation of these great National Laboratories.

We banter around the security problems that have occurred, but everybody knows, since the Manhattan Project, we have always had the best—not the second best—we have had the very best laboratories in the world in charge of our nuclear designs, the nuclear weapons breakthroughs, and Los Alamos has always been the leader.

They are having problems. Instead of saying, here are new rules we are going to pass in Congress, let's just make sure we are going to give the new administrator of that semiautonomous agency, General Gordon, everything he needs to take it out from under the dysfunctional Department of Energy and run it in a semiautonomous manner as described by law.

Madelyn Creedon will be a big part of that. I came to the floor to speak so she will know that many of us have a genuine interest in this working, and we will have our minds and ears and eyes wide open and paying attention, and the Secretary of Energy knows we will, too. We want this general to have as much as he needs to do this job right. She will be his first assistant. Everybody should understand it is a big job.

I do not need anymore time. I yield the floor.

THE PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank my good friend from New Mexico for support of the Creedon nomination. It is important his support be there and his voting for her is a very significant step on his part. I know how deeply involved he is in the issue and how hard he fought for the creation of the semiautonomous agency, the National Nuclear Security Administration. She has satisfactorily assured him and all of us she will fully carry out this law.

As a matter of fact, when she was helping the staff when this bill was in the Senate, she helped us work out the bipartisan bill that passed the Senate by a vote of 97-1. The good Senator from New Mexico was very much in the forefront of that effort to create the bipartisan effort that we successfully created in the Senate. Again, there was only one vote against the bill as it passed the Senate, and she helped us perfect that bill. I want to give her some credit.

Perhaps even more importantly, the responsibility of whatever bumps that have been along this road are ours, not hers, because she staffs us. Just the way we want her to be the right arm of General Gordon, so she has been staffing us as well and carried out that role very well.

We are, as Senators, responsible for our staff's work. If there is disagree-

ment on this with some of the difficulties in creation of this particular semiautonomous agency or in the way it has been implemented, those disagreements lie with the Secretary of Energy or, to the extent they are legislative, lie with perhaps some Senators but not surely with our staffs who are carrying out our wishes, as we want and expect her to carry out General Gordon's wishes.

Mr. DOMENICI. Mr. President, can I make sure the Senator from Michigan and I have one thing clear because he has been so honest with me once we got past this problem? We are both going to see to it, to the best of our ability, that the semiautonomous agency, as created by law, is carried out. He told us that the other day when he was meeting with Republicans.

I am very pleased because I think we all have to watch it. Clearly, General Gordon is going to need a lot of help. I think the Senator from Michigan would concur it is not easy to set up a semiautonomous agency within the Department of Energy. He told us: Let's go. And so did Senator LIEBERMAN: Let's get it done. Is that a fair assessment?

Mr. LEVIN. It is a fair assessment, and I think General Gordon is ready to have Madelyn there assisting him and will be a big boost. That is what he told me on the phone. The Senator from New Mexico recounted a conversation with General Gordon. I had a similar conversation with him. I wanted to be sure he truly wanted Madelyn Creedon because he was not the administrator at the time that nomination was forthcoming. I wanted to be sure he was, in fact, desirous of having her as his deputy, and he is so desirous and very much supports the nomination. We now can proceed to that vote, and, hopefully, she will receive an overwhelming vote of support.

Mr. BINGAMAN. Mr. President, I rise today to speak in support of Ms. Madelyn Creedon, who has been nominated by the President to become the Deputy Administrator for Defense Programs of the new National Nuclear Security Administration (NNSA) at the Department of Energy.

Ms. Creedon has a distinguished career with broad and deep experience regarding Department of Energy defense programs over which she will have oversight and management responsibilities in her position as "second in command" at the NNSA.

My colleagues should be aware that before joining the staff of the Armed Services Committee in 1990, Ms. Creedon worked for ten years with the Office of the General Counsel at the Department of Energy (DOE).

She returned to DOE after serving as counsel to the Armed Services Committee during 1990 through 1994 during which time she had oversight and review responsibilities of DOE national security and environmental programs.

At DOE, Ms. Creedon served as Associate Deputy Secretary of Energy for

National Security Programs from 1995 to 1997 when she resumed her position on the Armed Services Committee, once again with oversight responsibilities for DOE defense and environmental programs.

In short, Mr. President, Ms. Creedon's professional credentials for this position are impeccable.

Let me add, Mr. President, that I have worked closely with her during the past several years in my capacity as ranking member of the Strategic and Emerging Threats Subcommittees of the Armed Services Committee.

I've found Ms. Creedon to be fully knowledgeable about the issues we have discussed, and to be a person of sound judgment regarding possible solutions in the interest of improving our national security.

Her professional capabilities and commitment to public service and national security are plain to see for all of us on both sides of the aisle who have worked with her.

I strongly urge my colleagues to vote in favor of Ms. Creedon's nomination to assume this important new position as Deputy Administrator to NNSA. Her experience and know-how will be key to ensuring a smooth transition to a successful NNSA.

Mr. KYL. Mr. President, might I inquire either of the Chair or Senator LEVIN, is there time remaining or is the vote scheduled to occur right at 5:30?

The PRESIDING OFFICER. There is time remaining; 4 minutes on the Republican side.

Mr. KYL. In that event, Mr. President, I would like to conclude with some remarks in opposition to the nominee.

With all due respect to Senator LEVIN—he knows I have the utmost respect for him—I believe Madelyn Creedon is not qualified for this very important position, one of the most important positions in our Government. She has never held the kind of positions, as her predecessors have, that would qualify her to head this particular agency.

The Deputy Administrator for Defense Programs has the direct authority over the Directors of the three National Laboratories, the head of the Nevada Test Site, and the heads of the four nuclear weapons production facilities. This is the person who is in charge of our nuclear weapons production facilities, as well as the nuclear weapons laboratories and programs.

While Ms. Creedon has worked as Senator LEVIN's counsel, before that and in between working for Senator LEVIN, she has also served as general counsel on the Base Closure Commission. She also served for a little over a year as an assistant to the Deputy Secretary of Energy. And she was counsel for special litigation at the Department of Energy from 1980 to 1990.

She has never had the kind of educational background or administrative background that would qualify her for

this position. The Deputy Administrator will be called upon to manage numerous large and very technically complex projects that are expanding the limits of America's scientific knowledge. Experience in managing large organizations and a technical background are highly desirable.

The previous holder of this position, for example, Dr. Victor Reis, has a Ph.D. in physics and previously headed the Defense Advanced Research Projects Agency—or DARPA, as we know it—and also served as Director of Defense Research and Engineering at the Department of Defense.

We have known for a long time that our nuclear weapons program has had great problems. With the appointment now of General Gordon to head the security side of this program, as Senator DOMENICI has just talked about, I think it is important that we have somebody really well qualified as the Deputy Administrator. I do not believe it is accurate to say that Ms. Creedon is his nominee. I think it is accurate to say he has no objection to her nomination.

But as was pointed out, her nomination was made prior to the time he took his position. While I am certain that her nomination will be confirmed here today, I think for those of us who believe very strongly in national security, a strong nuclear weapons program, and a future that will ensure that our weapons are safe and reliable, it requires us to vote "no" on a nomination which is clearly inferior.

There are 50 people who could readily be identified who have far superior qualifications to serve in this highly technical, very important post. For that reason, again, with all due deference to Senator LEVIN, and with deference to the nominee, I will be voting "no" and urging my colleagues to do the same.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Do I have 1 minute left?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. LEVIN. I will just use one of my minutes to fill in part of the record, and then we want to proceed to a vote.

Madelyn Creedon has also served as Associate Deputy Secretary of Energy for National Security Programs. It is a very important part of her background where she worked directly with then-Deputy Secretary of Energy Charles Curtis. In addition to being minority counsel for the Armed Services Committee, she served as counsel under my predecessor, Senator Nunn, when he was chairman of the committee.

So there are some additional important facets of her experience. As the Senator from Arizona mentioned, and as the Senator from New Mexico mentioned, General Gordon, who is the new person to run the agency, to run this new semiautonomous entity, specifically told me not just that he has no objection, but he supports her being both appointed and confirmed, and he

had no objection to my putting it that way.

So the person for whom we have voted and confirmed overwhelmingly to run this semiautonomous agency is anxious to get her on board and very much supports her nomination and confirmation.

With that, I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, I yield back any time we might have. I understand we will proceed to vote when time is yielded back.

Mr. President, I ask for the yeas and nays on the confirmation.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Illinois (Mr. FITZGERALD), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

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

The result was announced—yeas 54, nays 30, as follows:

[Rollcall Vote No. 172 Ex.]

YEAS—54

Abraham	Domenici	Levin
Ashcroft	Dorgan	Lieberman
Baucus	Edwards	Lugar
Bayh	Feingold	Moynihan
Bingaman	Feinstein	Murray
Bond	Gorton	Reed
Boxer	Graham	Reid
Breaux	Hagel	Robb
Bryan	Hollings	Rockefeller
Burns	Hutchison	Roth
Byrd	Inouye	Sarbanes
Chafee, L.	Jeffords	Schumer
Cleland	Johnson	Snowe
Collins	Kennedy	Stevens
Conrad	Kerrey	Thurmond
Daschle	Kohl	Warner
DeWine	Landrieu	Wellstone
Dodd	Lautenberg	Wyden

NAYS—30

Allard	Cochran	Frist
Bennett	Coverdell	Gramm
Brownback	Craig	Grams
Bunning	Crapo	Grassley
Campbell	Enzi	Gregg

Hatch	Mack	Shelby
Helms	McConnell	Smith (NH)
Hutchinson	Nickles	Smith (OR)
Kyl	Roberts	Thomas
Lott	Sessions	Thompson

NOT VOTING—16

Akaka	Kerry	Santorum
Biden	Leahy	Specter
Durbin	Lincoln	Torricelli
Fitzgerald	McCain	Voinovich
Harkin	Mikulski	
Inhofe	Murkowski	

The nomination was confirmed.

Mr. LOTT. 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.

LEGISLATIVE SESSION

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

ORDER OF BUSINESS

Mr. LOTT. Mr. President, what is the pending business now?

The PRESIDING OFFICER. Interior appropriations bill, H.R. 4578.

Mr. LOTT. I believe we are working to go forward tonight on the Defense authorization bill. I see the managers are on the floor, the chairman and ranking member, and I presume that will be something we can do around 6:30 or 7 o'clock.

I will check with the managers of the Interior appropriations bill and see if there is any further business they need to do on that bill tonight before we go to Defense authorization.

I see the distinguished Senator from West Virginia on the floor. As one of the managers, does Senator BYRD know if there is further business on the Interior appropriations bill tonight?

Mr. BYRD. Mr. President, in talking a little earlier with the distinguished Senator from Washington, Mr. GORTON, he indicated to me that we had completed our work today on that bill and we would be back on it tomorrow. I assume he did not anticipate anything further today.

Mr. LOTT. Mr. President, that was my understanding also, but I wanted to doublecheck. We will make one last check with Senator GORTON on that. We are hoping good progress can be made on the Interior appropriations bill tomorrow, hopefully even finish it tomorrow, if at all possible, and we will be glad to work with the managers on that.

I yield to Senator KENNEDY.

Mr. KENNEDY. I thank the leader.

Mr. LOTT. I yield to Senator KENNEDY.

Mr. KENNEDY. Just for a question.

As I understand it, the majority leader is going to propound a unanimous consent request to consider the Defense authorization bill. I will not object to that. But I hope the leader would consider moving back to the consideration of the Elementary and Secondary Edu-

cation Act at an evening session following the disposition.

I do not want to object to moving to this particular proposal, but I expect to object to going to other proposals if we are not given at least some assurance that we are going to revisit the Elementary and Secondary Education Act.

I commend the leader for having the night sessions. I think this is challenging all of us. I think we ought to be responsive to that. I certainly welcome the leader's determination to move the process forward in the Senate, but I hope at least the leader could work out, with our leadership, some opportunity for an early return to the Elementary and Secondary Education Act.

I will not object on this particular request this evening, but I do want to indicate, as that debate is going on for tonight and tomorrow evening, I hope we will have the opportunity for the leader to speak with Senator DASCHLE and work out a process. If we are not going to do that, then I will be constrained to object in the future, until we have some opportunity, with certainty, of revisiting the elementary and secondary education legislation, which is so basic and fundamentally important to families in this country.

I thank the leader for yielding.

Mr. LOTT. Mr. President, if I could respond to Senator KENNEDY's question, first of all, I, too, would very much like to see us complete the Elementary and Secondary Education Act. The committee did very good work on that legislation. The Senate spent a week, over a week perhaps, having amendments offered and voted on.

With regard to the underlying Elementary and Secondary Education Act and other nongermane amendments that were offered, that delayed our ability to complete that legislation. But I feel very strongly about getting it done. I am very pleased with the condition the bill is in. I think it might be a good idea that we workout an arrangement on the Elementary and Secondary Education Act for next week, perhaps similar to what we have done with the DOD authorization bill, hoping to work on that bill tonight and having votes on amendments, if any are ordered, in the morning; the same thing tomorrow night with votes occurring the next morning. We could do the same thing on the Elementary and Secondary Education Act.

But there is a key thing here. On the Elementary and Secondary Education Act, some nongermane amendments were offered delaying our ability to complete our work on that, and some that were germane. But we reached a point where we needed to try to find an agreement to complete our work.

After being abused severely by both sides of the aisle, perhaps, depending on your point of view—the Defense authorization bill had all kinds of nongermane amendments offered to it—after a period of time, there was an agreement that we needed to see if we could complete action on this very im-

portant Department of Defense authorization bill; it provides very important changes in the law, things that cannot be done just with the Defense appropriations bill, including improvements in the health care benefits for our military men and women and their families, and our retirees. We have to do this bill to get it done.

Therefore, under the persistent leadership of the Senator from Virginia and the Senator from Michigan, the managers, we came to an agreement last week, a unanimous consent agreement, that nongermane amendments would not be offered any longer and all amendments had to be offered by the close of business Friday.

While they have a long list of amendments they have to work through, I am satisfied they can get it done now that they are focused on amendments related to the Department of Defense authorization bill.

I would be glad to pursue a similar type arrangement with the Democratic leadership, with Senator KENNEDY involved, where we could maybe get a list of amendments by the close of business Friday, work on the bill at night but limit it to germane amendments that could be debated and voted on and complete action, hopefully, in a relatively reasonable period of time.

Mr. KENNEDY. If the Senator can yield for a very brief observation?

Mr. LOTT. I yield to Senator KENNEDY.

Mr. KENNEDY. I think that is a very reasonable request, with the understanding that school safety and security is also of fundamental importance to families and to schools. I think we have had good debates on class size, on afterschool programs, on well-trained teachers, new technologies, on accountability, measures about training programs and other programs. We can debate all of those matters. If we do not have safety in the schools as well, those matters will have much less relevance than they otherwise might.

I guess we still have some differences with the majority leader on the issue of school safety. I think most parents in the country believe that is a relevant amendment. Under the particular procedures of the Senate, it might be declared not to be, but certainly I think, for most Members of the Senate, it would be.

I, for one, would be willing to let that decision be made by the Senate, if we could have a vote up or down on that issue, about whether it is relevant or not relevant. I have not mentioned it or talked it over with the sponsors of the amendment or the leader, but I would think we could have a judgment made on that by the Senate itself in a very quick order and have that resolved and then move to the other amendments, if it is agreeable with the majority leader.

Mr. LOTT. As I say, we will work with the Democratic leadership and see if we can work out an agreement similar to the one we have on the Department of Defense authorization bill.