

Nuclear Stewardship is too important and sensitive to treat it like the power marketing administrations, fossil energy, or any other area of the Department. The reports from the last year show that we need to break the nuclear programs out and the approach in this amendment will raise the stature of the programs and will improve the security for our nation.

Let me end by stating that after five internal DOE reviews, four outside studies, six GAO reports, and three blue ribbon commissions, it is time to make these much needed changes at the Department. I ask that all my colleagues support the Kyl-Domenici-Murkowski amendment and the Intelligence Authorization Act.

I yield back the remainder of my time. 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. DOMENICI. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. DOMENICI. Mr. President, Senator BINGAMAN is in the Chamber. I assume the Bingaman-Domenici amendment with reference to work for others is available and ready; is that correct, I ask the Senator?

Mr. BINGAMAN. Mr. President, it is ready. We have it written up in amendment form. We just got it on a sheet of paper. We can easily do that and take another minute or two.

Mr. DOMENICI. I would like to get it done before this vote.

Mr. BINGAMAN. We will put it on the right paper and go with it.

Mr. DOMENICI. I will use the remaining 10, 15, 20 seconds to say we have been looking through the amendments to see if we can see daylight in dealing with the agency for nuclear weapons development. I believe Senator CARL LEVIN has another amendment. We are going to submit to him some language on reporting, the deputy to the Secretary being available for the Secretary to accomplish some of the responsibilities that the Secretary has. We will get with him on that. Hopefully, we can work that out.

Mr. LEVIN. I thank the Senator from New Mexico.

Mr. DOMENICI. Senator BINGAMAN has an environment and safety amendment. I will have one I will offer ahead of that. Perhaps it can be accepted and Senator BINGAMAN can offer his after it. We will work on that. It seems to me, other than the alleged, talked-about substitute, which I know nothing about, which I assume will be ready—is that correct, I ask Senator LEVIN? It will not cause us a long delay to have that available?

Mr. LEVIN. That is correct, depending on the actions of the Senate prior

to that. It should not take more than perhaps 10, 15 minutes to prepare after we are done with all the amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent Katy Lampron, of my staff, have privileges of the floor throughout today, including all votes today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have some rather brief remarks that will probably take me 15 minutes. Is this a time when I might speak out of order?

The PRESIDING OFFICER. The vote is scheduled to occur at 1:15.

Mr. BYRD. Mr. President, if there is no objection, I would like to proceed. I ask unanimous consent that the vote be delayed for an additional 5 minutes or whatever.

Mr. LOTT. Mr. President, certainly I do not object for such a reasonable request from the Senator. But I would hope there would be no further delay. We had intended to vote at 12; then we were told 12:30, 12:40, 1:15, and now it is 1:20. I know there is an effort being made to work it out, and that is very commendable, but I think we need to have a recorded vote. I will not object, but I plead with Senators, let's vote at 1:20.

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

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

I do not take the time of the Senate very often. I try not to impose upon other Senators or upon the Senate. But I noted a series of quorum calls, so I felt this might be a good time for me to speak.

EULOGY FOR JFK, JR.

Mr. BYRD. Mr. President, the small, serious, tousled-hair lad seemed, even at the tender age of 3, to know just the

right thing to do. With a straight back and a smart, entirely proper, military salute, John F. Kennedy, Jr. expressed the grief of an entire nation with a dignity far beyond his years. He was only 3, yet he gave the Nation a lasting, memorable, indelible image, an image that is remembered by millions and captured on videotape for generations to come.

Now John F. Kennedy, Jr. has, himself, been lost at an age far too young for easy acceptance by a country which had affectionately watched him grow to manhood. His untimely death feels as heavy and oppressive as the too hot, too dry summer in which he lived his final days.

Words fail to express the special deprivation that the human spirit feels when the young, the beautiful, the handsome, the vital among us are suddenly taken from our midst before they have fulfilled their potential promise. Especially, in this case, the mind reels at the spectre of yet another Kennedy, taken too soon, yet another unbearable sorrow for this family which has had so much sorrow to bear. Yet this incredible American family will undoubtedly once again demonstrate to the Nation that they will endure, and that it is how one lives, and not how one dies, that ultimately matters.

John Kennedy, Jr., his wife, Carolyn, and his sister-in-law, Lauren Bessette have vanished in the summer night in the springtime of their years, and our hearts go out to the Bessette and the Kennedy families. I am particularly saddened for my good friend, Senator TED KENNEDY. He is a great Senator. He is a great figure on the American political stage. I know that his heart must be broken by this latest family tragedy, yet I am confident that his expansive spirit and his deep faith in God will see him safely to a harbor of peace and of comfort.

My wife, Erma, and I offer our prayers and our deepest sympathies to him and to the families at this saddest of sad times.

TED KENNEDY, in July of 1996—3 years ago—presented to me a book titled "American Poetry."

I have chosen a bit of poetry by Nathaniel Hawthorne from that book for the RECORD today. It seems to me that it is most appropriate for this occasion.

The title of this poem is "The Ocean."

The Ocean has its silent caves,
Deep, quiet and alone;
Though there be fury on the waves,
Beneath them there is none.
The awful spirits of the deep
Hold their communion there;
And there are those for whom we weep,
The young, the bright, the fair.
Calmly the wearied seamen rest
Beneath their own blue sea.
The ocean solitudes are blest,
For there is purity.
The earth has guilt, the earth has care,
Unquiet are its graves;

But peaceful sleep is ever there,
Beneath the dark blue waves.

Mr. President, what is the scheduled time for the vote?

The PRESIDING OFFICER. At 1:15.

Mr. BYRD. I thank the Chair.

Mr. President, I am going to honor the request by the distinguished majority leader, and I am going to yield the floor now. But I will ask unanimous consent that immediately after the vote, I may be recognized to make a second speech, to which I had alluded earlier, which will probably require no longer than 15 minutes at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

AMENDMENT NO. 1262 TO AMENDMENT NO. 1258

Mr. BINGAMAN. Mr. President, there is an amendment that Senator DOMENICI, Senator REID, and I have agreed to, which I offer at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Senator DOMENICI and Senator REID, proposes an amendment numbered 1262 to amendment No. 1258.

Mr. BINGAMAN. 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:

In section 213 of the Department of Energy Organization Act, as proposed by subsection (c) of the amendment, strike subsection (o) and insert the following new subsection (o):

(o)(1) The Secretary shall ensure that other programs of the Department, other federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

(2) The Under Secretary, under the direction, authority, and control of the Secretary, shall, consistent with the effective discharge of the Agency's responsibilities, make the capabilities of the national security laboratories available to the entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

Mr. BINGAMAN. Mr. President, I am very pleased that we could get agreement to offer this amendment. It is a

joint amendment that Senator DOMENICI, Senator REID, and I have participated in drafting. It tries to ensure that our national laboratories, particularly those that are focused on defense-related activities and our nuclear weapons capability, are open to do other work, work for other parts of the Department of Energy, work for other agencies of the Government, and work with industry, where appropriate.

We provide what the Secretary needs to ensure that this is the case, and that the Under Secretary, working under the direction of the Secretary, shall make the capabilities of the national laboratories available to these other entities that want to perform work there, and that these entities shall be able to do so in a manner that continues to provide them with direct programmatic control of the activities they are sponsoring at the laboratories.

Mr. President, this concern has been for the future of civilian research and development at the DOE laboratories that carry out defense-related research. I was concerned that the Kyl amendment was setting up an architecture for these laboratories that well may make it more difficult to carry out civilian-related research. We don't want to wake up, 5 years from now, and discover that this architecture dictated the destiny of those laboratories in unfortunate ways.

I don't quarrel with the notion that these labs have, and should continue to have, nuclear weapons as a core mission. But it seems to me that the task of science-based stockpile stewardship cannot succeed unless these labs are fully integrated into the larger world of science and technology.

I believe that the civilian R&D programs at Sandia, Los Alamos, and Lawrence Livermore National Laboratories play a critical role in attracting and keeping the best people in those laboratories. By civilian R&D, I am talking about the work funded at the laboratories by DOE programs other than the defense programs, programs funded by other civilian agencies of the government, and technology partnerships with industry.

There have been numerous cases where this civilian R&D has provided new ideas for defense-related technical activities. In other cases, this civilian R&D has helped maintain core competencies at the labs needed for their defense missions. Our national security, in my view, would be damaged in the long run if these institutions stopped being national laboratories and just had a weapon focus.

My colleagues and co-sponsors agree with this assessment. It is basic to a number of provisions of law that we have enacted in past Congresses, particularly the National Competitiveness Technology Transfer Act of 1989, which I sponsored with Senator DOMENICI.

The findings of that bill are as relevant today, 10 years later, as they were when we passed that bill as part of the Defense Act that year.

Last week, before the Committee on Energy and Natural Resources, we heard testimony from one of DOE's most distinguished laboratory directors, Dr. Burt Richter. He's the head of a civilian DOE laboratory, but has a long acquaintance with the defense side of DOE. He stated, "one has to face the fact that maintaining the credibility of a nuclear deterrent is not the most exciting job in science these days", underlining the issues of attracting and retaining personnel. But he says, "it needs some of the best people to do it".

He then went on to say, "The scientists at the weapons labs have to be able to interact with the rest of the scientific community, because all of the science needed for stockpile stewardship is not in the weapons labs, and the best people will not go into isolation behind a fence in today's world." He concluded by reminding us, "This is not World War II."

I think that he's right. In creating this new Agency, we need to make sure that we are not damaging one of the most precious assets for which the Department of Energy is the custodian.

I think this is an important clarification, an important provision to add to the bill. I appreciate the cooperation of my colleague in getting agreement on the amendment. I hope the Senate will adopt it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

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

Mr. DOMENICI. Mr. President, I think this is a good amendment. I was pleased to work with the Senator BINGAMAN and Senator REID in getting it developed. I thank our staff.

We are very proud that the laboratories do work for others. That means the Department of Defense and the private sector; it means other agencies of the Federal Government and work for the Department in other areas besides nuclear. It is important, and we knew it from the very beginning, that this flexibility and ability to do such work be protected to the maximum extent in the new configuration and management scheme.

I believe we have done that. It will not detract from its principal mission, which is the subject matter of the amendment, creating a new agency within the Department, but it will assure that these jewels of research, which are the three nuclear deterrent laboratories, remain at the high level they have been for many, many decades. That means it will work for others, thus attracting the very best scientists.