

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

We think this can be done and protect intelligence and counterintelligence activities within the laboratories.

We have no objection on our side, and I don't assume there is any on the other side.

Mr. BINGAMAN. Mr. President, there is no objection here.

Mr. REID. Mr. President, I think we are all in agreement that the quality of American science benefits from participation by the national security labs.

And, I think all would agree that the quality and character of our nuclear stockpile benefits from non-weapons research and development at these labs.

The national weapons labs are truly multi-program labs that apply their skills and facilities, unmatched anywhere in the world, to the solution of critical nondefense problems as well as defense problems.

I do not believe for one moment that any of the bill's sponsors intend to isolate the weapons labs from their scientific roots.

But I do believe that the amendment's restrictive language that assigns direct responsibility and authority to the Under Secretary for Nuclear Stewardship for "all activities at the Department's national security laboratories, and nuclear weapons production facilities" will do just that.

For example, the Director of the Office of Science is responsible for research in high energy physics, a topic of particular interest and skill at the weapons labs.

But, according to the amendment, the Director has no authority over high energy physics work that might be performed at Lawrence Livermore National Lab.

According to the amendment, only the Under Secretary for Nuclear Stewardship can have responsibility and authority for work at that lab.

Mr. President, I suppose that the Director of the Office of Science could simply "trust" the Under Secretary to do the "right thing", but that is not the way things normally work.

A far more likely outcome in my opinion would be that the Director would choose to assign work to a University or other source of skills, regardless of the lost opportunity at these superb weapons labs—just in order to retain authority over things for which the Director is responsible.

In the same way that the Secretary needs to retain authority over functions for which he is responsible, other functionaries in the Department need to retain authority over work for which they are responsible.

There has been unanimous agreement among my colleagues on both sides of the aisle as well as among the members of the President's Foreign Intelligence Advisory Board that no person should be assigned responsibility without appropriate accompanying authority.

So I think we should be able to agree on this matter.

I understand that we are very near agreement on this matter with some differences remaining between whether it is the Secretary or the Under Secretary who ensures that the national security labs remain available for appropriate scientific work for other agencies and other parts of the Department.

I hope we can arrive at some common ground on this issue.

It does not seem wrong to me to call for the Secretary to establish policies regarding the availability of the national security labs since the Secretary is, according to the underlying amendment, responsible for all policies at the Department of Energy.

So I hope my colleagues can continue to work toward a bipartisan agreement that will strengthen this legislation and allow it to endure.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1262. Without objection, the amendment is agreed to.

The amendment (No. 1262) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1261

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the Levin amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1261. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG) is necessarily absent.

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

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—44

Akaka	Dodd	Kerry
Baucus	Dorgan	Kohl
Bayh	Durbin	Landrieu
Biden	Edwards	Lautenberg
Bingaman	Feingold	Leahy
Boxer	Feinstein	Levin
Breaux	Graham	Lieberman
Bryan	Harkin	Lincoln
Byrd	Hollings	Mikulski
Cleland	Inouye	Moynihan
Conrad	Johnson	Murray
Daschle	Kerrey	Reed

Reid
Robb
Rockefeller

Sarbanes
Schumer
Torrice

Wellstone
Wyden

NAYS—54

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner

NOT VOTING—2

Craig
Kennedy

The amendment (No. 1261) was rejected.

Mr. SPECTER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

ONLY A DRIZZLE IN AN EMPTY BUCKET

Mr. BYRD. Mr. President, farmers across America are experiencing hard times. This year, the difficulties of farmers in the northeast and central-Atlantic regions of America have been made worse by a serious lack of rainfall for many, many weeks.

West Virginia's farmers have been especially hard hit by the drought of 1999. No significant rainfall has drenched the scorched earth in my State since May 15. On May 28 the Governor of West Virginia declared an Agricultural State of Emergency for West Virginia. At that time, the U.S. Department of Agriculture's State Emergency Board for West Virginia concurred with that decision. Now farmers await a decision by the U.S. Department of Agriculture that would permit much needed federal emergency assistance funds to be dispensed.

We know that here in Washington, in northern Virginia, in the Maryland suburbs, and on the farms nearby, the ground is dry. We can look out our windows and see that where there was once soft green grass growing, there is now a crispy, lifeless carpet of beige. Where there is no grass, cracked, dusty earth remains. I know that my tomato plants have needed extra watering to keep them growing up their stakes, but these are merely part of my backyard small garden that I sow for pleasure. My life will not drastically change if I fail to bring in a tomato crop. That is not true for those whose livelihood depends upon it.

Close your eyes and take a moment to imagine this: you have been looking