The American people deserve to know that our most important nuclear secrets can be kept safe and secure. Especially with the terrorist threat that confronts this country, we need to know we can disarm a terrorist nuclear weapon if we should ever be faced with that particular kind of threat. We need to know our ability to do it has not been compromised.

For that reason, I hope that the Secretary will step down, that General Gordon will be able to do his job, and that from now on our nuclear laboratories can operate in a way that protects the vital information they have been able to develop over these many years.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

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LEGISLATIVE AND EXECUTIVE RELATIONS

Mr. THOMAS. Mr. President, I thank particularly the Senator from Arizona for his very thorough and accurate description of where we are and where we have been in terms of our nuclear security, in terms specifically of the Los Alamos matter, and more importantly, of course, where we are in terms of overall security, which has to be one of the most important things this Government has to do. The Senator is probably one of the more knowledgeable Members in terms of the military, in terms of intelligence, so I appreciate that very much.

Unfortunately, we have been through this now several times, the matter of having a system upon which we could rely for the security of our nuclear arsenal and secure military information. And even though this is a very trying thing we are involved in now, really the overall system is what is worrisome. If we are having these kinds of difficulties at Los Alamos—there are a number of places in this country where, of course, we are required to have security—and if we have that notion that there is no more security there than there has proven to be, then we have to wonder, of course, about the other facilities in this country which require the same kind of security.

I believe, as the Senator mentioned, the real issue is that we went through this before, not very many months ago. I happen to be on the Energy Committee in which we listened to this a great many times; we listened to the Wen Ho Lee question, and we heard from the Secretary that now we were going to take care of this issue and now you could rest assured we would have security.

The fact is we do not. The fact is that apparently there are some very simple kinds of things that could be done that would have alleviated this problem. It is difficult to understand that in a place such as Los Alamos, where you have secure storage for this kind of information, as someone said, you have less security than Wal-Mart in terms of checking in and out. That is really very scary.

So my point is that we really have to take a long look at the system. As the Senator pointed out, Congress established a while back a semiautonomous unit that was to have responsibility for nuclear security. The Secretary did not approve of that. The President, despite the fact that he signed it, did not approve it either, and therefore it was never inaugurated; it was never put into place. That raises another issue, of course, that is equally troubling to me, and that is that this administration has sort of had the notion that, if we don't agree with what the Congress has done, we simply won't do it, or, if we want to do something the Congress doesn't agree with, we will go ahead and do it.

That is really troublesome to me in that one of the real benefits of freedom, one of the real benefits of the operation of this country over the years, has been the division of power, the constitutional division among the legislative, the executive, and the judiciary. It is so vital, and we need to retain it. We find increasing evidence of the fact that some of it, of course, is in the closing chapters of this administration, but they are determined that if they don't happen to like what the Congress has done or can do something that Congress will not accept, they go ahead and do it. This is not right. This is really very scary.

We have, as you all know, a great many young people who come to visit the Senate, come to visit their Capitol, and I am delighted that they do. People want to see all the buildings, and they want to see the people who are currently filling these offices and in the White House. But the fact is that the Constitution is really the basis for our freedom. That is what other countries do not have, a Constitution and a rule of law to carry it out.

So when we threaten the division of power, then it really is worrisome, and I think we have the great responsibility to make sure that that does not in fact happen. In this instance, I think we have had a pretty patent rejection of the things the Congress has done and put into law and that have not, indeed, been implemented.

There are a number of important matters, of course, that are before us as we enter into what are almost the closing months of this Congress. We have accomplished a number of things that are very useful; we have some tax reform, some welfare reform; we have done some things for the military, to strengthen it. There are a number of items, of course, yet to be done.

One of them, of course, that is imperative is the passage of appropriations, all of which have to be done before the end of September, which is the end of the fiscal year. One of the scary things for the Congress, I believe, again, with this sort of contest sometimes with the executive branch, is if we do not finish these things in time, the President would threaten, of course, as he did before, to shut down the Government and blame the Congress for doing that and use the leverage for the budget to be quite different from what the Congress would like it to be. Therefore, we need to move forward.

I was in Wyoming this weekend, as I am nearly every weekend. There is a good deal of concern about regulatory reform, the idea that, first of all, we have probably excessive regulation in many places. One of the most current examples, I believe, might be in the area of the price of gasoline where, without much consideration of where we were going and its result, we have had more regulations to control diesel fuel and gasoline, which is at least a part of the reason that gas prices are as high as they are, the lack of a policy in energy. We have allowed ourselves to become overly dependent on OPEC and the rest of the world by limiting or restricting, through regulation, our access to energy that could be produced in the United States so at least we were not 60-percent dependent, as we soon will be, on overseas production.

Those are the things with which we ought to be dealing in terms of excessive regulation.

One of the ways to fix that is to have a system whereby once the laws are passed by the legislature and are implemented by the executive branch through regulation, those regulations should come back to the legislative body to ensure the thrust of the legislation is reflected in the regulations.

This happens in most States. Most State legislators have an opportunity to look at the regulations once they have been drafted to ensure it reflects the intent of the legislation.

We passed a law in 1996 to do that. Unfortunately, it has not worked. We have had 12,000 regulations. Very few have come back because they have to go through OMB to be scanned out, first of all. I believe there has been some effort to change five of them, but none of have been changed because the system does not work.

I introduced a bill 3 weeks ago that will give us an opportunity to look at the regulations and accept the responsibility that a legislature has to oversee the implementation of regulations to ensure the laws are carried out properly.

We have a responsibility for energy policy. I mentioned that. This administration does not have an energy policy. We have not dealt with the question of how to encourage and, indeed, should

we encourage the production of domestic petroleum. We have great petroleum reserves in the West and in ANWR. Better ways of exploring and producing resources that are more protective of the environment are being developed. Yet we do not have a policy to do that. We find ourselves at the mercy of OPEC.

We have to deal with the question of coal production. There are ways in which we can use that resource and make it more environmentally friendly. We have to recognize that is a main source of electric production as we find ourselves using more and more electricity and our generating capacity is not growing, partly because of a lack of an energy policy. Interestingly enough, the problem we are having with security also is in the Energy Department. So the Senator's suggestion that perhaps we have some changes there may apply to some other issues as well.

Many of us are very interested in public land management. In the West, in my State, 50 percent of the State belongs to the Federal Government. In most States in the West, it is even higher than that. Nevada is nearly 90 percent federally owned.

The people who live there need a way with which to deal with the question of public land management. I happen to be chairman of the Subcommittee on National Parks. Clearly, the goal is to maintain those resources. They are great natural resources. They are national treasures.

At the same time, as we maintain those facilities and resources they ought to be available to their owners—the taxpayers—to visit. This administration is seeking to limit access in a number of ways, such as a nationwide rule automatically designating 40 million acres roadless. I have no objection to looking at roadless areas. We have roadless areas, and we ought to manage those. It ought to be done on the basis of forest plans for each individual forest instead of one plan.

I see the Forest Service is proud of all the meetings they have been having to have input. I attended some of those meetings. The fact is, people have very little information available to them when they go to the meetings and cannot respond. Sometimes they are not asked to respond but only to listen to a broad description of where it is going. There was great discussion in the House about the Antiquities Act which is an old law. Theodore Roosevelt used it years ago. Most of us have no problem with the concept that the President can, through Executive order, change their lands and change their designation. This is limitless and has been used more over the last few months by this administration than at any time in memory without involvement of the local people.

All these things go together. Now we are faced with a proposition to take $1 billion a year to acquire more Federal land without any recognition of the fact that the States in the West are already heavily federally owned.

These are some issues about which we need to be talking. My friend on the other side of the aisle in the previous hour was talking about Social Security. He was very critical of the idea of allowing Social Security payers to take a portion of their Social Security and invest it in equities in the marketplace so that the return will be four or five times what it is now.

Unfortunately, for young people, such as these pages, when they make their first dollars, 12.5 percent of it will be put into Social Security. If things do not change, there is very little chance they will have any benefits for them.

How do we change that? Raise taxes? I do not think people are interested in that. We can reduce benefits; I do not think many are interested in that.

One alternative is to take those dollars now invested under law in Government securities and return 1 percent on investment and allow 2 percent of the 12 percent to be invested in personal accounts. The account belongs to the payer and will be invested on their behalf as they direct, whether it is in equities, bonds, or a combination of the two. If they should be unfortunate enough to pass away before they ever get the benefits, it will go to their estate.

There is great criticism about that on the other side of the aisle without a good alternative as to how we are going to provide benefits for young Social Security payers as they enter into the program. I should mention, one of the safety factors is that no one over 50 or 55 will be impacted or affected. Their Social Security will not change.

These are a few of the things with which we ought to be dealing.

Tax relief: We seem to be greatly concerned about what we do with excess money that will appear in this year's budget. Certainly, there are some things we ought to do. One of them, of course, is to adequately fund Government programs. I understand people have different ideas about that, but we can do that and there would still be substantial excess dollars available.

The next priority is to make sure Social Security is there and those Social Security dollars are not spent for operations, which is something we have done over years, until the last couple of years. That ought to be set aside so it does not happen. We ought to be dealing with Medicare making sure those dollars are set aside as well and not spent for operations so those benefits will be available.

Frankly—and I realize there are different views and that is what the Senate is about—but there are those generally on that side of the aisle whose idea—and it is legitimate—is that the Federal Government ought to be spending more, doing more; the Federal Government ought to undertake to solve all these problems. I do not happen to agree with that. I happen to think we ought to have a limited Federal Government; that, indeed, we ought to do those things the Federal Government ought to be doing, but it should not be involved in all of our lives. That is what the private sector is for. That is what local governments are for. That is what State governments are for.

Of course, that is the philosophical argument with which we are all faced. One of the elements of that is tax relief. We have passed one tax relief bill this year. We passed the marriage penalty tax which is more of a fairness issue than anything. It deals with the fact that a man and woman, earning a certain amount of money, unmarried pay a certain amount in taxes. These two same people get married, earning the same amount of money and pay more income taxes. It is wrong. We passed a bill in both Houses. Now we need to make sure the President signs it.

The estate tax is another one that takes away over 50 percent of an estate above a certain level.

We ought to make that more fair. Tax relief is certainly one of the things that we ought to be doing, that we ought to be talking about. Unfortunately, what we are faced with now is that we find ourselves in a position where I think many in the body are more interested in creating issues than they are in finding solutions. We find the same issues being brought up time after time after time. For example, my friend again talked about gun control this morning. He talked about additional laws, when the fact is, clearly, what is really important is the enforcement of the laws that we have now.

In the Colorado incident, there were 22 laws broken. Do we need more laws? Probably not. What we need to do is enforce them. The General Accounting Office did an audit of the effectiveness of the national instant criminal background check. As of September of 1999, the ATF headquarters staff had screened 70,000 denials and concluded that only 22,000 had merit. Only 1 percent of those denials were ever pursued as to if the person trying to buy a gun was, in fact, legally allowed to. Clearly, that issue has been talked about here. It basically has been resolved.

We keep talking about the Patients' Bill of Rights. We passed it in both Houses. The question now is whether, when you need an appeal from your HMO, you go to the court or physicians in an appeal position, whether you want to take a year and a half to go to court, or whether you want an automatic and quick response from professionals in the medical profession who say: Yes, do it. That is where we are.

You hear in the media that the Senate defeated the Patients' Bill of Rights. That is not true. The Patients' Bill of Rights has been passed by this Congress in both Houses. We need now to put it together. Indeed, it is in conference.

We find ourselves debating education. We find ourselves having to pull away from the elementary and secondary

education bill in which the Federal Government participates—not heavily. The Federal Government's role in funding elementary and secondary education is about 7 percent of the total expenditure. But the argument is whether the decisions are made in Washington as to how that 7 percent is used before it is sent down to the school districts or whether we send down the 7 percent and let the States and the school districts decide, which is what our position is on this side.

I spoke at a graduation a couple weeks ago in Chugwater, WY. The graduating class was 12. You can see that is a pretty small school. The things they need in Chugwater, WY, are quite different than what you need in Pittsburgh or Philadelphia or Washington, DC. So if you are going to really be able to help all different kinds of schools and have the flexibility to do that, clearly, you have to transport those decisions to State and local government.

These are some of the things in which we find ourselves involved. I am hopeful we can move forward. I do not expect everyone to agree. Certainly, that is not why we are here. But we ought to have a system where, No. 1, after we have dealt with an issue, we can move on to the next issue, and not have it continuously brought up as nongermane amendments, which is happening all the time. We ought to be able to say, we have a system where we can participate. But we have a system that can hold everything up, which is being used now in not allowing us to move forward as we should.

As you can imagine, it gets just a little bit nerve-racking from time to time when you think of all the things that we could be doing, and need to be doing, but find it difficult to do.

Finally, there is something, it seems to me, that would be most helpful if we could do it a little more. We are talking now about the reregulation of electricity, trying to make it competitive so there would be better opportunity for people to choose their supplier, so there would be a better opportunity for people to invest in generation, and do all those things. But we really have not decided where we want to go and where we want to be.

One of the things that seems to be difficult for us to do in governance is, first of all, to decide what we want to accomplish and then talk about how we get there. It sounds like a fairly simple routine, but it is not really happening. It would be good if we could do that, if we could say, for example, in terms of the Patients' Bill of Rights: All right, what do we want the result to be? What is our goal? What do we want to accomplish? and see if we could not define that, and then make the rules, make the regulations, pass the laws that would implement that decision. But instead, if we do not have that clearly defined, it seems that we continue to go around and around.

I am sometimes reminded by children of Alice in Wonderland. She fell through the hole in the Earth and was lost, and she talked to people to try to get some directions. None of them were very useful. She finally came to the Cheshire cat who was sitting up in a tree at a fork in the road.

She said: Mr. Cat, which road should I take?

He said: Where do you want to go?

She said: I don't know.

He said: Then it doesn't make any difference which road you take.

That is kind of where we are in some of the things we do. In any event, we are going to make some progress. I hope that we move forward and get our appropriations finished. I hope we can do something on national security. We need to have a system that works to decide what it is we want to accomplish, how we best accomplish that, and put it into place.

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UNANIMOUS-CONSENT AGREEMENT—AMENDMENT TO S. 2549

Mr. THOMAS. Madam President, I have a unanimous consent request. I ask unanimous consent that notwithstanding the current unanimous consent agreement, Senator HATCH be recognized at 4 p.m. to offer his amendment regarding hate crimes.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

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

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

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

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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.

McCain amendment No. 3214, to amendment No. 3210, to require the disclosure of expenditures and contributions by certain political organizations.

Mr. WARNER. Madam President, if my recollection serves me, the senior Senator from Massachusetts was to offer an amendment which would be the subject of debate for some period of time. That would be followed by the senior Senator from Utah, Mr. HATCH, who likewise will offer an amendment that would be the subject of debate. I see my distinguished colleague. I yield to him for any clarification he wishes to make of my statement.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I am here in part today to offer Senator KENNEDY's amendment on his behalf and to speak in support of it. If the good Senator from Virginia is ready and wishes to do that, we could perhaps go through some of the cleared amendments on the authorization bill. I am happy to do it either way, to join with him in offering those amendments now for a few minutes and then to introduce the Kennedy amendment, if he would like.

The PRESIDING OFFICER. The Chair wishes to inform both Senators that the unanimous consent request was modified a brief time ago to provide for the Senator from Utah to offer his amendment at 4 o'clock.

Mr. WARNER. Madam President, I am glad to be informed of that.

The PRESIDING OFFICER. It did not affect the positioning of the amendment of the Senator from Massachusetts, which the Chair believes is to be offered first.

Mr. LEVIN. Madam 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. 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. WARNER. At this time, Senator LEVIN and I will act on some cleared amendments.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, so we keep this clear, there is a unanimous consent agreement that is currently in place, as modified, so that immediately following the introduction of the Kennedy amendment and Senators speaking thereon, at 4 o'clock Senator HATCH would then introduce his amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Madam President, I ask unanimous consent that we maintain that unanimous consent agreement in place without modification, exempt that prior to my offering the Kennedy amendment, it be in order for the Senator from Virginia to proceed with the cleared amendments, as he has indicated. I further ask unanimous consent that immediately following my introduction of the Kennedy amendment