

have done everything we can in the Senate. It is now up to the House to appoint conferees. Once that is done, we will move as quickly as possible to solve the differences we have with the House of Representatives and move forward on this bill.

I yield my time back and urge we move to the legislation. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 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 Services, and for other purposes.

Pending:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding, under the order that is before the Senate, the first order of business would be two voice votes on two amendments pending. Is that right?

The PRESIDING OFFICER. Two amendments were to be disposed of.

Mr. REID. Mr. President, if I could take a minute.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. In our conversations before the Senate was called back into session, the Senator from Idaho indicated he would like to speak for 5 minutes prior to those two voice votes and that time would be credited against the 2 hours the majority has on the underlying Cantwell amendment. I understand he is going to make that request.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that I be allowed 5 minutes taken out of our side of the time that is allocated during this morning's debate to discuss an issue and make a unanimous consent request.

Mr. REID. Mr. President, if I could be heard, reserving the right to object, it is my further understanding this would have no bearing on our voting in 5 minutes on the two amendments. Is that right?

Mr. CRAPO. That is correct, Mr. President.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I therefore ask unanimous consent that it be made in order that I be allowed to amend my amendment in the form of amendments that are at the desk at this time. The purpose of this request is that there has been some question raised in regard to the South Carolina language, as to whether it creates any precedential value in regard to other States which are dealing with radioactive materials and the handling of them. We do not believe there is such a precedential effect and we believe it is very clear there is not, but because some have raised that question, we would like to simply amend the legislation that is before us today to make it perfectly clear there is no precedential effect of this language on any State other than South Carolina.

For that reason, I ask unanimous consent that I be allowed to amend my own amendment, which is at the desk, in the form of an amendment which we have presented to the other side.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I ask for regular order.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has the 5 minutes been used that the Senator requested for debate?

The PRESIDING OFFICER. There was an objection to the Senator's 5-minute request.

Mr. REID. Regular order.

Mr. CRAIG. I ask to speak for up to 2 minutes.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 3226.

The amendment (No. 3226) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3170, as amended.

The amendment (No. 3170) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is now my understanding the Cantwell amendment will be reported. It has not been reported yet, is that true?

The PRESIDING OFFICER. Under the previous order, the Senator from Washington, Ms. CANTWELL, is recognized to offer her amendment.

AMENDMENT NO. 3261

Ms. CANTWELL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. HOLLINGS, Mrs. MURRAY, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 3261.

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

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

The amendment is as follows:

(Purpose: To ensure adequate funding for, and the continuation of activities related to, the treatment by the Department of Energy of high level radioactive waste)

Beginning on page 384, strike line 3 and all that follows through page 391, line 7, and insert the following:

SEC. 3117. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

(a) ANNUAL REPORT REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section: "SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.

"The Secretary of Energy shall submit to Congress each year, in the budget justification materials submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted under section 1105(a) of title 31, United States Code), the following:

"(1) A detailed description and accounting of the proposed obligations and expenditures by the Department of Energy for safeguards and security in carrying out programs necessary for the national security for the fiscal year covered by such budget, including any technologies on safeguards and security proposed to be deployed or implemented during such fiscal year.

"(2) With respect to the fiscal year ending in the year before the year in which such budget is submitted, a detailed description and accounting of—

"(A) the policy on safeguards and security, including any modifications in such policy adopted or implemented during such fiscal year;

"(B) any initiatives on safeguards and security in effect or implemented during such fiscal year;

"(C) the amount obligated and expended for safeguards and security during such fiscal year, set forth by total amount, by amount per program, and by amount per facility; and

"(D) the technologies on safeguards and security deployed or implemented during such fiscal year."

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 4731 the following new item:

"Sec. 4732. Annual report on expenditures for safeguards and security."

SEC. 3118. AUTHORITY TO CONSOLIDATE COUNTERINTELLIGENCE OFFICES OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORITY.—The Secretary of Energy may consolidate the counterintelligence programs and functions referred to in subsection (b) within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and provide for their discharge by that Office.