

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . . Reorganization is clearly warranted to resolve the many specific problems . . . in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. . . . To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

To provide "deep and lasting structural change that will give the weapons laboratories the accountability, clear lines of authority, and priority they deserve," the Rudman Report endorsed two possible solutions:

Creation of a wholly independent agency such as NASA to perform weapons research and nuclear stockpile management functions; or

Placing weapons research and nuclear stockpile management functions in a "new semi-autonomous agency within DOE that has a clear mission, streamlined bureaucracy, and drastically simplified lines of authority and accountability."

The latter option is the approach contained in the Kyl-Domenici-Murkowski amendment. The new semi-autonomous agency, the Agency for Nuclear Stewardship, will be a single agency, within the DOE, with responsibility for all activities of our nuclear weapons complex, including the National Laboratories—nuclear weapons, nonproliferation, and disposition of fissile materials.

This agency will be led by an Undersecretary. The Undersecretary will be in charge of and responsible for all aspects of the agency's work, will report—directly and solely—to the Secretary of Energy, and will be subject to the supervision and direction of the Secretary. The Secretary of Energy will retain full authority over all activities of this agency. Thus, for the first time, this critical function of our national government will have the clear chain of command that it requires.

As recommended by the Rudman report, the new agency will have its own senior officials responsible for counterintelligence and security matters within the agency. These officials will carry out the counterintelligence and security policies established by the Secretary and will report to the Undersecretary and have direct access to the Secretary. The Agency will have a Senior official responsible for the analysis and assessment of intelligence, who will also report to the Undersecretary and have direct access to the Secretary.

The Rudman report concluded that purely administrative re-organizational changes are inadequate to the challenge at hand: "To ensure its long-term success, this new agency must be established by statute."

For if the history of attempts to reform DOE underscores one thing, it is the ability of the DOE and the labs to hunker down and outwait and outlast Secretaries and other would-be agents of change—even Presidents.

For example, as documented by Senator Rudman and his colleagues, "even after President Clinton issued Presidential Decision Directive 61 ordering that the Department make fundamental changes in security procedures, compliance by Department bureaucrats was grudging and belated."

At the same time, we in the Senate should recognize that our work will not be done even after this amendment is adopted and enacted into law. As the Rudman report warned,

DOE cannot be fixed by a single legislative act: management must follow mandate. . . . Thus, both Congress and the Executive branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

Mr. President, it is an indication of how badly the Department of Energy is broken that it took over one hundred studies of counterintelligence, security and management practices—by the FBI and other intelligence agencies, the GAO, the DOE itself, and others, plus one enormous espionage scandal—to create the impetus for change.

Now is the time for the Senate to act.

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. DASCHLE. 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. DASCHLE. I will use some leader time allocated to me today to talk about another matter.

REFLECTIONS ON THE DEATH OF JOHN F. KENNEDY JR., CAROLYN BESSETTE KENNEDY AND LAUREN BESSETTE

Mr. DASCHLE. Like so many of us, I listened all weekend long to the news reports, and held onto hope long past the point when it was reasonable to do so.

I wanted so much for there to be a different ending—for John F. Kennedy Jr., his wife Carolyn, and her sister Lauren to somehow, miraculously, have survived. So like people all across our Nation, all across the world, I kept a vigil.

Then, Sunday night, the Coast Guard announced that the rescue mission had become a recovery mission.

Today, our thoughts and prayers are with the Kennedy and Bessette families. We pray that God will comfort them and help them bear this grief that must seem unbearable now. We offer our sympathies, as well, to the many friends of John Kennedy, Carolyn Bessette Kennedy and Lauren Bessette. They, too, have suffered a great loss.

I want my friend, Senator EDWARD KENNEDY, John's uncle, to know, as I have told him personally, we are praying for him.

Just last week, Senator KENNEDY stood on this floor and spoke about people who had died too young, and the heartbroken families they had left behind. He urged us to pass real patient protections so other families would not have to experience that same pain.

Today, once again, it is Senator KENNEDY's family, along with the Bessette family, who are experiencing the pain of death that comes far too soon.

More than a century ago, the great New England poet, Emily Dickinson, sent a letter to a friend who had lost someone very dear. "When not inconvenient to your heart," she wrote, "please remember us, and let us help you carry [your grief], if you grow tired."

I know I speak for many of us when I say to Senator KENNEDY: Please—if there is any way—let us help you carry your grief, if you grow tired. You and your family have given our Nation so much. Let us—if we can—give something back to you.

All weekend, I watched the news. Over and over again, I saw that heart-breaking image of the little boy saluting his father's coffin. Then came the announcement that the little boy was gone, too. And just when I thought I finally understood the magnitude of the loss, I listened to the news again this morning, and I heard friends of John F. Kennedy, Jr. say they felt certain he would have run for public office one day—probably for a seat in the United States Senate.

I don't know if that is true. I do know that John F. Kennedy, Jr. believed deeply in public service. He believed what his father had said: "to those whom much is given, much is required." If he had chosen to run for the Senate, I have no doubt he would have succeeded, and he would have been a great Senator.

I suspect we will regret for a long, long time what John Kennedy did not have time to give us. I hope we will also remember, and treasure, what he did have time to give us. Those moments of joy when he was a little boy playing in the Oval Office with his sister and father; his stunning example of courage when he said good-bye to his father.

I hope we will remember:

His kindness and surprising humility; his inventiveness, and his professional success; the good humor and amazing grace with which he accepted celebrity; the dignity with which he bore his sorrows; and the happiness he found in his life, particularly in his marriage.

Some years ago, another young man died too young. Alex Coffin, the son of Reverend William Sloane Coffin, was driving in a terrible storm when his car plunged into Boston Harbor and he drowned. He was 24 years old. Ten days later, William Sloane Coffin spoke about Alex's death to his parishioners

at Riverside Church in New York City. I want to read a short section of his sermon, because I think it bears repeating today.

The one thing no one should ever say about Alex's death—or the death of any young person—is that it is God's will. "No one," Reverend Coffin said, "knows enough to say that . . . God doesn't go around this world with his finger on triggers, his fist around knives, his hands on steering wheels. God is dead set against all unnatural deaths . . . My own consolation lies in knowing that . . . when the waves closed over the sinking car, God's heart was the first of all our hearts to break."

None of us knows why John Kennedy Jr., Carolyn Bessette Kennedy and Lauren Bessette were taken from us in the prime of their lives. We don't know why the Kennedy family has had to endure so much sorrow over so many years. Nor do we know why the Bessette family has to suffer such an incomprehensibly huge loss all at once. What we do know is that the hearts of the Kennedys and the Bessettes were not the only hearts that broke when the waves closed over that sinking plane last Friday night. We are all heartbroken by the deaths of three such remarkable young people.

Not long ago, I came across a book of poems by another man who also lost a young son. The man's name is David Ray. His son's name was Sam. Sam also died, at 19, also in a car accident. After Sam's death, his father wrote a whole series of poems to him, and about him. I'd like to read a very short one; it's called "Another Trick of the Mind."

Out of a book, a little trick—
Instead of the picture and much longing
for that lost face,
place yourself within the frame.
You are back together again, if only
in the past, or in the dream,
or this gilded picture in mind.
But it is no longer a dream, or a picture
of loss. And then you go on,
down the road you have to go, together.

In our memories, we all have a scrapbook full of images of John Kennedy, Jr. Perhaps in the days ahead, when the sadness creeps up on us, we can imagine—just for a moment—that John and Carolyn and Lauren are still with us. And we can go down the road we have to go, together. And maybe when we play that trick on ourselves, and our sadness lifts for that moment, we can remember how fortunate we were to have had them with us as long as we did.

I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I rise to speak for just a moment to express my profound sympathy and condolences to our colleague and friend, Senator TED KENNEDY, and the members of the Kennedy family, and for the Bessette family, as well.

Although I know the pain of losing a loved one, I have little conception of

the pain which Senator KENNEDY and his family are feeling with the multiple losses of family members at such early stages in their lives, and under such tragic conditions.

My heart is heavy with grief for the family, and my thoughts and prayers are with them. I can only pray that they realize and are comforted in some small manner by the love, affection, and support of the Members of this body, as well as people all across this nation, for whom the Kennedy family is a symbol of courage, achievement, and service to mankind.

Mr. WARNER. Mr. President, I wish to speak with regard to the feelings in my heart and in the hearts of my daughter Mary, my daughter Virginia, and my son John on behalf of the Kennedy family.

My daughter Mary was a member of the play group at the White House formed by the President and his lovely wife Jacqueline Kennedy for their daughter Caroline and, my recollection is, three or four others of the same age. They were perhaps among the most photographed young people in America at that time. Our family cherishes the pictures with Caroline and in some John-John was there. It was just a warm experience for these youngsters to start their life.

Jacqueline Kennedy was so gracious to all of us in our family. I had known Mrs. Kennedy when I was, my recollection is, in my early twenties, and we were in the same group of young people who mingled together at various events in those days. I remember the absolute startling beauty of that magnificent woman. We remained friends throughout her life. She and the President briefly had a farm in Virginia which abutted on the farm that my then-wife Catherine and I had, and I frequently saw her at sporting events.

The families were intertwined at a very young age. Previously, at the University of Virginia Law School, while my period at that school was interrupted by service in the Marines during the Korean war, Bobby Kennedy was there, and we overlapped for a period of time. I remember participating in some of the touch football games and getting my first insight into that extraordinary family.

My daughter Virginia knew John-John quite well. In past years, prior to marriage, they were in the same group that often attended events together.

This has left a very deep and sad feeling in the hearts of my children, and I know they would want their deepest sympathy conveyed to the members of the family. I do that tonight, being privileged to be on the floor of the Senate and talking about this most distinguished family.

I met President Kennedy on several occasions. I knew him, as a matter of fact, when he was a Senator. I remember very well one night going to a television studio with him and some other people. I cannot recall exactly what the show was, but that night, for var-

ious reasons, is tucked away in my memory.

Then, of course, in the campaign of 1960, I was the advance man for President Nixon; and Bobby Kennedy was the advance man for his brother. We had frequent but always pleasant and cordial meetings on the campaign trail of 1960.

But the main purpose of my taking the floor is to express, on behalf of my children, our profound sorrow for this tragic event, and how we are all deprived of what I think in our hearts we believe would have been a great future for this young man, had the Lord seen fit to have him remain with us. He was destined to go on to greatness, and we, as a nation, have been deprived. But we accept the Lord's will in this case.

All that could be done was done, primarily by the Coast Guard, the Navy, the National Transportation Safety Board, and others. I think they are worthy of commendation for their services.

To our distinguished colleague, Senator KENNEDY, I know, having spoken with him, he was looking forward to this wedding. So often this family has come together in hours of tragedy, but this wedding was to be an hour of pure joy. He looked forward to it with expectation. But now, of course, that has to be postponed, I hope for a brief period.

But I remember how hard the Senator worked on the Patients' Bill of Rights. I voted against him on every vote except one, and that has often been the case in my 21 years in the Senate serving with my friend. And we have had many opportunities to work together on various things. He is a member of the Senate Armed Services Committee, of which I am privileged to be chairman. When I was ranking member on the Seapower Subcommittee, he was chairman; and then for a brief period, when I was chairman of the Seapower Subcommittee, he was ranking member.

But I remember how hard he worked last week. His heart was in that bill regarding the health of the citizens of our Nation. It was just another chapter in his long and distinguished career in the Senate.

I believe on both sides of the aisle he is regarded as one of the hardest working, most conscientious Members of the Senate. We have nothing but profound respect for him and the manner in which he, as one of the heads of this distinguished family, has worked to bring this family once again to the realization of a loss that they must accept.

Mr. President, we conclude today's proceedings by several of us speaking on this. We do so from the heart and convey our prayers and sympathy to this family.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank the Chair.

I join in the expressions of my colleagues in expressing my profound sadness and regret at the fate that has befallen our colleague and members of his and the Bessette family.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

Mr. THOMPSON. Mr. President, I will also make some comments about the reorganization of the Department of Energy with regard to its nuclear activities.

I heard my colleagues speaking earlier on this subject. I think it is one of those great times in the Senate where Members from both sides of the aisle can come together and try to get something done for the benefit of the country and for the benefit of our safety in a troubled world. It is a historic opportunity.

Perhaps to lend a little bit of a different perspective or additional perspective, I should say, with regard to some of the work we do in the Governmental Affairs Committee, it has to do generally with the operation of Government. We continually face instances where the Government is not performing the way it should. The taxpayers are not getting their money's worth. We continually see instances of waste, fraud, and abuse. We have what is known as the high risk list; that is, those Departments and agencies which are most prone to waste, fraud, and abuse. We see the same agencies year in and year out. We have reports year in and year out about these kinds of problems. It is affecting the way our people look at their own Government, which I think is probably the most important underlying problem that we have in this country. This lack of faith and trust in Government has become a recurring theme in recent nonpartisan and bipartisan surveys of public opinion toward Government. This trend is definitely in the wrong direction.

A poll released by the Counsel for Excellence in Government last week found that just 29 percent of Americans say that they trust the Government in Washington to do what's right most of the time. This is down even from last year's poll, which found only a 38 percent level of trust. The National Academy of Public Administration recently released a national election study poll this June that pegged the percentage of Americans who trust Government at a meager 32 percent. According to the Pew Research Center for the People and the Press, it is poor Government performance that is the leading indicator, the leading factor, in Americans' distrust of the Federal Government. An overwhelming majority of the public—74 percent—say that the Government does only a fair or poor job in managing its programs and providing services. The National Academy of Public Administration reports that survey respondents complain about Government failures, stating that Government be-

comes part of the problem, is too big, serving others, doing nothing, and wasting money. So we have seen that over a period of years.

Time and time and again, we have had reports bringing this to our attention. All too often, we wind up talking about it and doing very little about it. But now we find that we are faced with a different kind of lack of performance as far as our Government is concerned. Maybe we can afford certain breakdowns. Maybe we can afford certain fraud, inefficiencies, and waste, but we are facing a different kind now, and that has to do with our national security. Time and time again, we see instances where the right hand within a department does not know what the left hand is doing.

We recently received the inspector general's report from the Department of Justice which demonstrated that we on the Governmental Affairs Committee did not receive evidence and did not receive materials showing people with strong ties to the Chinese government at the same time they were making political contributions in this country. Six inspectors general gave us a report recently regarding how our export control system was working. We found out that it is not working very well at all. We don't know very much, sometimes, about who is doing the exporting. We don't know much about who the end users are and what they are doing with these dual-use technologies we are sending them, some of which can be used for military purposes. The law requires that we train our licensing officers. But we are not following that law. We have no training programs with regard to our licensing officers. We are supposed to be checking up on our foreign visitors there and making sure that when they visit the labs, they are not coming away with information that they should not be having. We are not doing a good job there.

The law requires that we keep up with the cumulative effect of the exports we are sending to these other countries, but we are not doing that either. We found out recently that, with regard to trying to get materials regarding someone who is a suspect, actual espionage activities broke down interdepartmentally between the Department of Energy and the Department of Justice because of a lack of communication. We were trying to get a search warrant there; it never came about. If we had the correct information and had been really talking to each other and had a system whereby we could exchange information after asking the right questions, we would not even have needed that search warrant. These are all instances where the Government is not performing in the way the Government should be performing. And now we see a systematic breakdown with regard to the security at our national laboratories.

This is bad enough in and of itself at any time. But I think it is especially

disturbing now that we understand more and more that we are living in a different world than we have been living in in times past. I think that after the end of the Cold War, when we didn't have the big Soviet Union threat anymore, we let our guard down in this country. We thought that we could place less emphasis on preparedness, readiness, national security, and things of that nature. The Chinese were in no position to pose a direct threat to us, and we felt the Soviet Union certainly was not. Yet as we look around the world, we see that new threats are developing. We got the Rumsfeld report, and we understand now that rogue nations around this world are rapidly developing biological, nuclear, and chemical capabilities that pose a threat to this country. Then we have the Cox report, which tells us what we have lost with regard to our own national laboratories, in terms of nuclear technology and perhaps even nuclear materials. The President's own Federal foreign intelligence advisory committee, led by Senator Rudman, now points out the difficulties that we are having in that regard.

It is a different world. So we must ask ourselves: If not now, when? If we can't, at long last, after all these reports—and Senator Rudman pointed out that there had been over a hundred reports over the years pointing out the problems that we were having at our national labs. Yet very little was done. So it takes a tremendous amount. We have seen in these nonmilitary matters, non-national security matters, how difficult it is. The Government has gotten too big and complex, with layer upon layer of assistants and deputy assistants in these departments, and we are having less and less accountability and more and more complexity, more and more of the right hand not knowing what the left hand is doing.

So now, at long last, when we have someone, such as the President's own commission, report to us that within the Department of Energy there is no accountability, that it is dysfunctional, that it is saturated with cynicism and disregard for authority, that it is incapable of reforming itself, that it will do whatever is necessary, apparently, to delay reform, certainly this must get our attention.

I believe from listening to my colleagues and the way this thing is developing, perhaps maybe at long last our attention has been gotten. And what is being proposed now in terms of reorganization is a very straightforward approach. It is not nearly as radical as some people would like to go. Many people would like to take matters of nuclear safety, our laboratories and nuclear materials totally outside the Department of Energy and set up a totally different entity to deal with them. This bill doesn't do that. It keeps it within the Department of Energy. The Secretary of Energy continues to set the policy for the department. And the newly created Under