Bay Institute.
California Police Activities League.
Carquinez Strait Preservation Trust.
Defenders of Wildlife.
Earth Island Institute.
East Bay Regional Park District.
Environmental Defense Fund.
Friends of the Earth.
Friends of the River.
Golden Gate Audubon Society.
Greater Vallejo Recreation District.
Izaak Walton League.
Land Trust Alliance.
Marin Conservation League.
Martinez Regional Land Trust.
National Conference of State Historic Preservation Officers.
National Audubon Society.
National Environmental Trust.
National Parks and Conservation Association.
National Association of Police Athletic Leagues.
National Wildlife Federation.
Natural Resources Defense Council.
Physicians for Social Responsibility.
Preservation Action.
Save San Francisco Bay Association.
Save the Redwoods.
Scenic America.
Sierra Club.
Society for American Archaeology.
Trust for Public Land.
U.S. Public Interest Research Group.
Wilderness Society.

Mrs. BOXER. Mr. President, I encourage my colleagues to support the true conservation bill: the Resources 2000 Act. Again I thank the majority leader for his graciousness.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, we cleared the campaign finance consent on both sides of the aisle. As far as I know, 99 Senators are prepared to agree with that. One Senator, the Senator from Michigan, came in at the last minute and objected.

I will make the commitment that I will live up to this unanimous consent agreement we have entered into to call it up on no later than Tuesday, October 12, 1999. I hope we will get the entire agreement worked out. But in the meantime, we plan on going forward October 12, either way.

INTELLIGENCE AUTHORIZATION

I ask unanimous consent the Senate now proceed to H.R 1555.

I further ask unanimous consent that following the offering of the amendment by Senator KYL as provided for in the consent agreement of May 27, there be up to nine relevant second-degree amendments in order for each leader or their designees, and an additional amendment to be offered by the managers to include agreed-upon amendments.

I further ask unanimous consent that the listed first-degree amendments noted below also be relevant and subject to relevant second-degree amendments: Senator TORRICELLI, funding disclosure; Senator MOYNIHAN, declassification; Senator GRAHAM, relevant; Senator FEINSTEIN, drug czar; Senator SMITH of New Hampshire, intelligence listing; Senator SMITH of New Hampshire, intelligence declassification; and Senator COVERDELL, drug kingpins.

I further ask unanimous consent that following the disposition of the amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate, and no motions to commit or recommit be in order.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I want to make it clear to the majority leader, in anticipation or not anticipation of the Senator from Michigan agreeing to the unanimous consent request, that it is the majority leader's intention to follow through with the unanimous consent request as is now presently in the Record no later than October 12 to move forward with the amending process as agreed to by the Senator from Kentucky and all of us until the Senator from Michigan objected; is that correct, I ask my friend from Mississippi?

Mr. LOTT. I apologize.

Mr. MCCAIN. Again, I want to reaffirm that it is the intention of the majority leader to comply with the unanimous consent request which was agreed to on both sides, with the exception of the Senator from Michigan, that no later than October 12, we will move forward with the legislation as articulated in the unanimous consent request.

Mr. LOTT. I say that is my intent. Of course, I would like to get the same commitment from the Senator from Arizona that it is his intent to live with this agreement also.

Mr. MCCAIN. Absolutely.

Mr. LOTT. That is my intent. I modify my UC request to delete the amendments by Senators TORRICELLI and GRAHAM and add one by Senator BRYAN regarding DOE labs.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the unanimous consent agreement, the junior Senator from Arizona, Mr. KYL, is to be recognized to offer an amendment after the general statements.

Mr. SHELBY. What is the pending business?

The PRESIDING OFFICER. The Senator from Alabama is recognized to make an opening statement on the bill.

Mr. SHELBY. Mr. President, on May 5 of this year the Senate Select Committee on Intelligence unanimously reported out of the Intelligence Authorization Act for Fiscal Year 2000. It subsequently referred to the Committee on Armed Services, where it was reported out on June 8.

Senator KERREY and I have once again worked very closely together to address our critical need for high-quality intelligence by allocating resources in a manner designed to ensure that this need is met.

In preparing this legislation, the committee conducted a detailed review of the administration's three major intelligence budget requests for fiscal year 2000. They are the National Foreign Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities of the Military Services.

The committee held briefings and hearings with senior intelligence officials, reviewed budget justification materials, and considered responses to specific questions posed by the committee.

As in the past, the committee also impaneled a group of outside experts composed of distinguished scientists, industry leaders, and retired general and flag officers to review specific technical issues within the intelligence community.

The panel is known as the Technical Advisory Group and is similar to the Defense Department's Defense Science Board in some ways.

This group brings an invaluable level of expertise to the committee's work, and we owe them a debt of gratitude for their service.

Many of their recommendations have been incorporated into this bill before the Senate this evening.

Once again the committee has focused on what we refer to as the ''five C's''. They are: counterproliferation, counterterrorism, counternarcotics, covert action, and counterintelligence.

The last of the five, counterintelligence, has received a great deal of congressional and media attention in recent months in light of revelations of espionage activities by the People's Republic of China.

I am proud to say that the Intelligence Committee has been attempting to address the shortcomings of the Department of Energy's counterintelligence program for nearly 10 years, often to no avail.

In fact, it was the Intelligence Committee that directed the study that finally led to the drafting and signing of Presidential Decision Directive 61.

Before I turn to the legislative provisions in this bill, I feel compelled to share with our colleagues some comments about the current state of our defense and intelligence preparedness.

In the immediate aftermath of the cold war, optimistic appraisals of our

intelligence and security requirements generated calls for dramatic cuts in defense and intelligence spending.

The first national security decision made by President Clinton on taking office in 1993 was to cut more than $120 billion from the defense budget. Substantial cuts were also made to classified intelligence programs.

Unfortunately, such optimistic estimates have proved sadly wrong.

Today we face a series of transnational threats spanning the spectrum of conflict from terrorist acts committed on U.S. territory to the development of weapons of mass destruction and their means of delivery by Third World countries.

I recently traveled to the Balkans and reviewed some of our intelligence activities in Europe. Military and civilian personnel were routinely working in excess of 80 hours a week, and that pace was nonstop throughout the Kosovo conflict.

Regretfully, the problems the military and the intelligence community are experiencing are partly our fault. Congress accepted ''defense on the cheap,'' and we have gotten exactly what we paid for as we always do—an intelligence community and military force stretched to its limits.

I believe the result is clear: We are not prepared to meet the challenges of a complex and dangerous world.

National security cannot be had on the cheap, and we have attempted to address some of the shortfalls in this year's bill.

The bill's classified schedule of authorizations and annex—I remind every Senator—are available for review just off the Senate floor. I repeat: The bill's classified schedule of authorizations and annex are available to every Senator in this body for review just off the Senate floor.

I will now discuss the significant unclassified legislative provisions contained in the bill.

First, section 304 directs the President to require an employee who requires access to classified information to provide written consent that permits an authorized investigative agency to access information stored in computers used in the performance of Government duties.

This provision is intended to avoid the problems we have seen with the FBI's reluctance to access ''Government'' computers without a warrant in the course of an espionage investigation.

There should be no question—yes, there should be no question—that investigative agencies may search the computer of an individual with access to classified information. This provision makes that perfectly clear.

Second, sections 501 through 505 comprise the Department of Energy Sensitive Country Foreign Visitors Moratorium Act of 1999.

What is that? Section 502 establishes a moratorium on foreign visitors to classified facilities at Department of Energy National Laboratories.

The moratorium applies only to citizens of nations on the Department of Energy ''sensitive countries list.''

Section 502 also provides for a waiver of the moratorium on a case-by-case basis if the Secretary of Energy justifies the waiver and certifies that the visit is necessary for the national security of the United States.

Section 503 requires that the Secretary of Energy perform background checks on all foreign visitors to the National Laboratories. The term ''background checks'' means the consultation of all available, appropriate, and relevant intelligence community and law enforcement databases.

Section 504 requires an interim report to Congress on the counterintelligence activities at the National Laboratories and a net assessment of the Foreign Visitors Program at the National Laboratories to be produced by a panel of experts.

Most importantly, the report must include a recommendation as to whether the moratorium should be continued or repealed.

The Senate Intelligence Committee has been critical of the Department of Energy's counterintelligence program for nearly 10 years. Beginning in 1990, we identified serious shortfalls in funding and personnel dedicated to protecting our Nation's nuclear secrets.

Yet year after year—and this year as well—the committee has provided funds and directed many reviews and studies in an effort to persuade the Department of Energy to take action.

Unfortunately, this and prior administrations failed to heed our warnings.

Consequently, a serious espionage threat at our National Labs has gone virtually unabated and it appears that our nuclear weapons program may have suffered extremely grave damage.

I believe we must take steps to ensure the integrity of our National Labs. We understand that a moratorium on the Foreign Visitors Program may be perceived by some as a draconian measure, but until the Department of Energy fully implements a comprehensive and sustained counterintelligence program, we believe that we must err on the side of caution. The stakes are too high.

The moratorium requires a net assessment to be conducted by a panel of experts; this is an integral part of a comprehensive report by the Director of Central Intelligence and the Director of the FBI on the counterintelligence activities at the National Laboratories.

Only then should we decide whether to lift the moratorium in favor of a comprehensive plan. I believe this is a very important point.

During our preliminary look in the committee into the problems at the DOE labs, we were convinced that the FBI could and should be required to inform an agency or department that they are investigating an employee of that particular agency.

Accordingly, section 602 of the bill requires the FBI to establish meaningful liaison with the relevant agency at the beginning stages of a counterintelligence investigation.

This section also amends the Intelligence Authorization Act for fiscal year 1995 to make clear that the FBI's obligation to consult with departments and agencies concerned begins when the FBI has knowledge of espionage activities from other sources or as a result of its own information or investigation.

In closing, I must remind the Members of this body, my colleagues, of an unfortunate fact. This is the last time that Senator KERREY, the distinguished senior Senator from Nebraska, will bring an intelligence authorization bill to the floor of the Senate as the vice chairman of the committee.

Senator KERREY's tenure on the committee will conclude at the end of this year.

This past March 14, as some of you will recall, marked the 30th anniversary of the day that Lieutenant, Junior Grade, BOB KERREY, leading his SEAL team on an operation on an island in the bay of Nha Trang earned our Nation's highest award for valor, the Medal of Honor.

No one who knows BOB KERREY's military record would question his physical courage, but I would like to talk for just a few minutes about another type of courage he has, and that is moral courage.

In a town like Washington that rewards neither, he is the rare man who has both, I believe. The wartime history of the United States Navy has documented his physical courage, but I want to recognize his moral courage. And I want to tell you why.

Senator KERREY has taken stands that many of us would consider politically unwise.

He took a stand on entitlements reform here in the Senate long before it was politically wise to do so. It can be said he laid his bare hand on the ''third rail of American politics'' and took the heat—something few in this body were willing to attempt.

As vice chairman of this committee, Senator KERREY has often taken issue with his own administration when he believed it was in the national interest to do so. Indeed, he always puts the interests of the Nation ahead of politics.

Also, Senator KERREY's knowledge of our intelligence needs is unparalleled in the Senate. And I will miss his service, as others will, on the Intelligence Committee.

Senator KERREY has set a very high standard for his successor, and I thank him for his dedication and integrity, and also for his personal friendship. It has been a pleasure and an honor to work with Nebraska's senior Senator.

I look forward to joining him on the floor one last time when the conference report for this bill reaches the floor later this year.

Until that time, though, we will continue to work closely to conduct vigorous oversight of the intelligence activities of the United States in the

nonpartisan spirit that created this important and unique committee.

Mr. President, before I yield the floor, I ask unanimous consent that a copy of the Congressional Budget Office cost estimate for S. 1009 be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1009—Intelligence Authorization Act for Fiscal Year 2000

Summary: S. 1009 would authorize appropriations for fiscal year 2000 for intelligence activities of the United States government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CIARDS).

This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that enacting the bill would result in additional spending of $172 million over the 2000–2004 period, assuming appropriation of the authorized amounts. The unclassified portion of the bill would affect direct spending; thus, pay-as-you-go procedures would apply. However, CBO cannot give a precise estimate of the direct spending effects because the data necessary to support a cost estimate are classified.

The Unfunded Mandates Reform Act (UMRA) excludes from application of that all legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not cover intergovernmental or private-sector mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of the unclassified portions of S. 1009 is shown in the following table. CBO cannot obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances held by CBO employees. For purposes of this estimate, CBO assumes that the bill will be enacted by October 1, 1999, and that the authorized amounts will be appropriated for fiscal year 2000.

	By fiscal years in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Intelligence Community Management:						
Budget Authority [1]	102	0	0	0	0	.....
Estimated Outlays	104	39	9	2	0	.....
Proposed Changes:						
Authorization Level	0	172	0	0	0	.....
Estimated Outlays	0	106	52	10	3	.....
Spending Under S. 1009 for Intelligence Community Management:						
Authorization Level[1]	102	172	0	0	0	0
Estimated Outlays	104	145	61	12	3	0
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	(2)	(2)	(2)	(2)	(2)
Estimated Outlays	0	(2)	(2)	(2)	(2)	(2)

[1] The 1999 level is the amount appropriated for that year.

[2] CBO cannot give a precise estimate of direct spending effects because the data necessary to support a cost estimate are classified.

Outlays are estimated according to historical spending patterns. The costs of this legislation fall within budget function 050 (national defense).

The bill would authorize appropriations of $172 million for the Intelligence Community Management Account, which funds the coordination of programs, budget oversight, and management of the intelligence agencies. In addition, the bill would authorize $209 million for CIARDS to cover retirement costs attributable to military service and various unfunded liabilities. The payment to CIARDS is considered mandatory, and the authorization under this bill would be the same as assumed in the CBO baseline.

Section 305 would allow an individual who is or has been affiliated with a Communist or similar political party to become a naturalized citizen, if the individual has made a contribution to the national security or national intelligence mission of the United States. Under current law, such individuals are not allowed to become naturalized citizens, unless the affiliation was involuntary. Enacting this provision could effect certain federal assistance programs and the amount of fees collected by the Immigration and Naturalization Service. Because the number of affected individuals is expected to be very small, however, CBO estimates that any effects on direct spending would not be significant.

Section 402 of the bill would extend the authority of the Central Intelligence Agency to offer incentive payments to employees who voluntarily retire or resign. This * * * which is currently scheduled to expire at the end of fiscal year 1999, would be * * * through fiscal year 2000. Section 402 would also require the CIA to make a deposit to the Civil Service Retirement and Disability Fund equal to 15 percent of final pay for each employee who accepts an incentive payment. CBO estimates that these payments would amount to less than $3 million. We believe that these deposits would be sufficient to cover the cost of any long-term increase in benefits that would result from induced retirements, although the timing of agency payments and the additional benefit payments would not match on a yearly basis. CBO cannot provide a precise estimate of the direct spending effects because the data necessary for an estimate are classified.

Section 501 of the bill would require a background investigation of citizens of a foreign nation before they could enter a national laboratory of the Department of Energy. Based on information from two of the three national laboratories, CBO expects the laboratories to host about 10,000 foreign visitors a year. The cost to conduct an investigation would depend on the type of background check. According to the Defense Department, the cost for a minimum national agency check is about $70, and the cost can increase to $300 with additional credit bureau or local police agency checks. Because some of these costs would be incurred under current law, CBO estimates that the additional costs of section 501 would be minimal.

Pay-as-you-go considerations: Sections 305 and 402 of the bill would affect direct spending, and therefore the bill would be subject to pay-as-you-go procedures. CBO estimates that the direct spending costs of section 305 would be very small. CBO cannot estimate the precise direct spending effects of section 402 because the necessary data are classified.

Intergovernmental and private-sector impact: The Unfunded Mandates Reform Act excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do * * * intergovernmental or private-sector mandates as defined by UMRA.

Previous CBO estimate: On May 5, 1999, CBO prepared a cost estimate for the unclassified portion of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000, as ordered reported by the House Permanent Select Committee on Intelligence, The House version authorizes * * * Intelligence Community Management, and the estimated costs of H.R. 155 are * * * higher.

Estimate prepared by: Federal Costs: Estimate for Naturalization Provision: Valerie Baxter. Estimate for Voluntary Separation Pay: Eric Rollins. Estimate for Remaining Provisions: Dawn Sauter. Impact on State, Local, and Tribal Governments: Teri Gullo. Impact on the Private Sector: Eric Labs.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

PRIVILEGE OF THE FLOOR

Mr. SHELBY. Mr. President, I ask unanimous consent that the following members of the committee staff be granted floor privileges during the pendency of this bill: Dan Gallington, Jim Barnett, Al Cumming, Pete Dorn, Peter Flory, Lorenzo Goco, Ken Johnson, Ken Myers, Linda Taylor, Jim Wolfe; and also Dr. Michael Cieslak on Senator BINGAMAN's staff.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. SHELBY. 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. KERREY. 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. KERREY. Mr. President, I rise to join my chairman, Senator SHELBY of Alabama, with whom I have had the pleasure to work now for several years. This is my last year on this select committee. It has been an opportunity, for the last 8 years, to acquire an understanding of what it takes to collect intelligence, to analyze that intelligence, to process it, produce it, and disseminate it.

It is nowhere near as easy as it used to be. In the old days, you basically sent human beings out there to try to figure out what was going on. You hoped they spoke the language and were smart enough to figure things out. They would come back and bring you the best stuff they could. Oftentimes it would be too late to act upon it.

I had a small piece of that some 30 years ago in the service, where we used to collect intelligence as well. So I have at least some independent understanding of the difficulty, especially on the human side. But the importance of what intelligence can bring to an operation cannot be overstated— the recent operation in Kosovo, the Dayton peace agreement, incident after incident that cannot be disclosed to the public because most of it occurs in a secret environment where warfighters and policymakers get information in a timely fashion and, as a consequence, lives are saved, success is achieved, and national security is improved.

This bill is a result of a bipartisan effort to make the year 2000 a watershed year for intelligence. This bill sets the intelligence community on a course to respond to the very complex world we are facing. The era of downsizing has ended. Intelligence must be positioned to collect, analyze, and inform policymakers on the complex threats we face.

As my colleagues are no doubt aware, most of the bill is classified. As always, Chairman SHELBY and I have made the classified sections available to our colleagues for their review. Further, committee staff is readily available to brief on any aspect of this bill. I believe Members have found the bill to be the result of a completely bipartisan effort to fund intelligence activities in fiscal year 2000.

Chairman SHELBY and I have tried, and I think on most occasions have consistently applied a single test, to determine whether or not a funding level or a provision or an oversight hearing or a letter or some other action is required. And that test is, will this make the people of the United States of America and our interests more secure as a consequence? If the answer is yes, we have done it. If the answer is no, we have not.

We do not, in these committees, check with our leadership to determine whether or not there is a Democratic position or a Republican position. What we do is check to determine whether or not the action will be in the best interest of the United States of America and keep the United States as secure as our best judgments can make it. It has been a pleasure to work with Senator SHELBY, and it has been an honor for me to have the opportunity to watch him participate and to experience his leadership on this committee.

As I said, I believe the year 2000 must be a watershed year for intelligence. That is because the intelligence community has been significantly downsized in the decade of the 1990s. Again, in classified briefings, we are pleased to provide Members with the information on that. I think most Members will be shocked to see the budget and the number of people, especially the number of people we have today, who are doing the collection, doing the analysis, doing the work of trying to figure out, with new technologies, how to produce and then how to disseminate this intelligence as quickly and accurately as possible. The number of people doing that has gone down.

This is not a simple task, such as we sometimes see in crime reports, where somebody will go into a 7–Eleven store, and they will have a camera that shows who they are. It is not that simple. These are, on the imaging side, complicated images; on the signal side, complicated signals; and always, on the human side, a very complicated set of circumstances out there that have to be first observed and then interpreted by men and women who have the requisite skills to get the job done.

Furthermore, we are making decisions today that don't just affect this year. We are making decisions today that will affect intelligence collectors and intelligence efforts 10 years from now.

In the area of technology, one has to try to anticipate where the world is going to go. The chairman and I put together what is called a technical advisory group, a group of not only highly skilled but highly motivated men and women, who love their country and are concerned about what we need to do to keep our country safe. We were able to basically take very complicated subjects; in my case—I am sure it is not true for the chairman —they had to convert sophisticated subject matter into very unsophisticated phrases so I would be able to understand what it was they were saying and make better judgments as well about what we need to do. Their contributions have been enormously important and have added significant value to our ability to make these kinds of decisions.

I pay them a very high compliment and urge my colleagues to consider that it is not just the highly professional and skilled staff—a couple years ago, we went away from a system where Republicans got so many staff members, Democrats got so many staff members or an individual got staff as well, to a professional staff—we have enjoyed the benefit of tremendous input coming from our private sector technical advisory group.

The cold war has ended.

And it is quite appropriate for us to have downsized our intelligence collection. As I said, in my strong and considered judgment, we have reached the point of no return. We have reached the point now where we are beginning to drawdown, as we say in farm country, our seed corn. We are drawing down our basic stockpile of resources to the point where we are doing great damage to our ability to answer the call of warfighters.

Though nobody knew the direction the world was going to take, or the size and seriousness of the threats the United States was going to face after the cold war, during the transition I believe it was quite correct to restructure many national priorities and get our economy back on sound footing. However, this transition must be considered to be open especially now that we have a better understanding of where the rest of the world is heading and we have a much more precise understanding of the kinds of threats the people of the United States face in that world.

Unfortunately, in some areas in the world, the world is heading in the wrong direction. Rogue states are trying to acquire chemical, nuclear, and biological weapons for the purpose of threatening us and our friends. Many countries are actively pursuing long-range missile programs, which also threaten international peace.

A potential strategic partner, Russia, is in the midst of economic chaos and under extreme political difficulties. In recent war game exercises involving 50,000 conventional forces in Russia, the defense minister said those conventional forces did not have the capability they had 7 or 8 years ago when it was the Soviet Union. They have now made a decision to use nuclear weapons much more quickly than under previous battlefield instructions. That increases the threat to the people of the United States and signals the kind of decisionmaking that other powers out there that do not have conventional parity with the United States and other powers with bad intent might do in order to compensate for their lack of conventional strength.

Even more problematic, Russia's nuclear stockpile is aging. It is subject to the vagaries of the political and economic problems that confront its national leaders and too large to serve its essential defense requirements. Moreover, other nations are either at war or on the brink of war.

Prior to the Fourth of July recess, I spoke on the floor about the escalating military confrontation building between India and Pakistan. That conflict appears to have been resolved and a stand-down has occurred, but that conflict could flash up in an instant and put the interests of the people of the United States at considerable risk. Elsewhere, in Kosovo and Bosnia, and with Serbia, as well, our relations are extremely unsettled and are the focus of very close attention.

The list goes on and on. We have 37,000 Americans forward deployed in South Korea. Americans are forward deployed in many other regions in this world for the purpose of stabilizing those parts of the world. We believe—and I think quite correctly—that forward deployment increases stability in the world and adds to the chances of success to the struggling democratic nations—struggling to make the transition from command economies to market. It is very important for the United States to deploy our forces. It tends to act as a deterrent against potential bad actors. We have a mission in Iraq we are flying on a daily basis, and we are trying to watch literally the entire planet simultaneously so as to prepare our policymakers for something that could happen which could put American lives and interests at risk.

I am not trying to turn this statement into an international tour de force over foreign or defense policy. Instead, I want to remind my colleagues and the citizens whom they represent, that in many regions the world order is very disordered, and the Intelligence Community is the edge our policymakers must have in order to stay ahead of what has happened.

Without timely intelligence support, we cannot respond effectively. This means the era of downsizing intelligence has to end or we will find ourselves at a point where Congress discovers there are things we can't do. There is a tendency to take our intelligence efforts for granted and see it as sort of an invisible force. We see an image that is presented to us, such as a bomb damage assessment, and we don't understand what went into that. We didn't merely pull it off of a shelf. Or we see a report of an analysis that

is done, where decisions are made and troops are deployed, and we don't ask ourselves as often as we should what was the intelligence collection fraction that went into that effort.

Was it possible to just pick up the forces and go into an area? The answer is no. A significant amount of analysis is done, and that analysis has given us an edge. It gives us battlefield superiority and the capability of doing things that, in previous wars, we were simply unable to do.

Our enemies know that. Our intelligence capability, all by itself, acts as a considerable deterrent. Because people know we have the capabilities, they are much less likely to take an action that would be hostile to us, dangerous to us and at the end of the day dangerous for them as well.

As colleagues may recall, last year when introducing the Fiscal Year 1999 Intelligence Authorization Act, I referred, as I mentioned, to this technical advisory group that Chairman SHELBY had the foresight to create. This highly qualified group of Americans evaluated some of the most esoteric and technical subjects the committee had to confront in order to position intelligence for future challenges. We used their services this year. They provided us with extremely valuable advice and saved taxpayers, my guess is—it would not be out of line to say they have saved hundreds of millions of dollars.

They have identified the areas where we might be able to use technology to reduce the threat of weapons of mass destruction. Because of the enormous contributions these men and women on the technical advisory group have made to the intelligence oversight effort, we had the ability not to just write a bill but, as I have said, write a bill that will keep Americans more safe.

I would be remiss if I didn't mention a subject that held a lot of media attention over the past 3 or 4 months, and that is counterintelligence. This bill contains provisions intended to help intelligence and law enforcement meet the espionage challenges we face. I am sure it is obvious that because of who we are, many nations want to know what we do. Espionage is a fact of life. We should act decisively when we detect it and prosecute fully those who engage in it. But it will not go away. Thus, we need to strengthen counterintelligence to meet the challenges. The bill contains important provisions to help us attack this very real and present danger.

As my colleagues are no doubt also aware, there will be an important amendment on the bill concerning a reorganization of parts of the Department of Energy. Most of the amendment is not about intelligence or counterintelligence; it is about nuclear weapons security. The President's Foreign Intelligence Advisory Board's report entitled ''Science At Its Best, Security At Its Worst'' reminds us it is also about accountability.

I look forward to a full debate on the amendment of which I am a cosponsor and to our discussion on the intelligence and counterintelligence provisions.

Again, I thank Senator SHELBY, the chairman of the committee, for his bipartisan and patriotic approach to developing this bill. I thank the entire staff for their work to present the committee a bill they could fully support. Because of the spirit of working together, the bill was reported out of committee unanimously. I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, under the previous order, is it in order to proceed to the Kyl-Domenici amendment?

The PRESIDING OFFICER. That is correct.

Mr. KYL. Is the amendment already at the desk or does it need to be called up?

The PRESIDING OFFICER. It is not at the desk.

AMENDMENT NO. 1258

Mr. KYL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. THOMPSON, Mr. SPECTER, Mr. GREGG, Mr. HUTCHINSON, Mr. SHELBY, Mr. WARNER, Mr. BUNNING, Mr. HELMS, Mr. FITZGERALD, Mr. LOTT, Mr. KERREY, Mrs. FEINSTEIN, and Mr. SMITH of New Hampshire, proposes an amendment numbered 1258.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. KYL. Mr. President, let me first compliment Senator SHELBY and Senator KERREY, the chairman and vice chairman of the Intelligence Committee, for their work in presenting the intelligence authorization bill to the floor. This amendment to the Intelligence Authorization bill deals with the all-important question of how the Department of Energy will be reorganized to ensure the theft of our nuclear secrets, as has occurred in the past, will be a question of the past and will not occur in the future.

As we heard earlier today, over the past several months, there have been a lot of sobering stories about how our Nation's security has been damaged by China's theft of America's most sensitive secrets—literally the crown jewels of our nuclear arsenal. In searching for a solution to this problem and examining how best to safeguard our Nation and its nuclear secrets, it has become clear the only way this can be accomplished is through a complete overhaul of how the Department of Energy is organized and how it is managed.

I think everyone can agree the system is broken. As the bipartisan Cox committee report pointed out, security and counterintelligence at U.S. nuclear facilities has been grossly deficient for many years, enabling China to steal classified information on all of the nuclear warheads currently deployed by the United States, as well as the neutron bomb, and a variety of other military know-how, including missile guidance and reentry vehicle technology.

This is incredibly important when a nation has been able to steal the secrets on how to build the most sophisticated weapons ever devised by mankind, those most sophisticated nuclear weapons in our arsenal.

When reports of the Chinese espionage at our nuclear labs became public earlier this year, President Clinton asked his Foreign Intelligence Advisory Board, led by former Senator Warren Rudman, to investigate the cause of these terrible security breaches. Over the course of several weeks, the Presidential panel reviewed more than 700 reports and studies, thousands of pages of classified and unclassified documents, conducted interviews with scores of senior Federal officials, and visited the Department of Energy sites at the heart of the inquiry.

At the end of this exhaustive investigation, the panel concluded that the root cause of the Energy Department's dismal security and counterintelligence report was ''organizational disarray, managerial neglect, and a culture of arrogance . . . [which] conspired to create an espionage scandal waiting to happen.''

The Presidential board went on to note that the Department of Energy (DOE) ''represents the best of America's scientific talent and achievement, but it has also been responsible for the worst security record on secrecy that the members of this panel have ever encountered.''

Senator Rudman and his colleagues pulled no punches in describing the problems that exist at DOE or in prescribing bold solutions stating,

Reorganization [of DOE] is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.

The Rudman report noted that,

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable to reforming itself. Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find. The long traditional and effective method of entrenched DOE and lab bureaucrats is to defeat security reform initiatives by waiting them out.

That is from the Rudman report.

I ask that our colleagues keep that in mind when they consider amendments that may be offered a little bit later to this amendment—amendments that people at the Department of Energy

would very much like to see passed because it would leave them in control, the very situation that the Rudman report notes is unacceptable and must be changed.

Furthermore, the authors of the Rudman report go on to say,

> We are stunned by the huge numbers of DOE employees involved in overseeing a weapons lab contract. We repeatedly heard from officials at various levels of DOE and the weapons labs how this convoluted and bloated management structure has constantly transmitted confusing and often contradictory mandates to the labs.

Although Energy Secretary Richardson has announced several new initiatives to change management and procedures at DOE, the Presidential panel's report states, ''we seriously doubt that his initiatives will achieve lasting success,'' and notes, ''moreover, the Richardson initiatives simply do not go far enough.''

In their report, the Presidential board also described the record of problems with implementing organizational changes ordered by previous Energy Secretaries and Deputy Secretaries, since the entrenched bureaucracy has often reverted to its old tricks once these people left. For example, the report notes that in 1990, then-Secretary Watkins ordered a new series of initiatives on safeguards and security to be implemented. According to the Rudman panel, once Secretary Watkins left two years later, ''the initiatives all but evaporated.'' And furthermore, the panel's report notes, ''Deputy Secretary Charles Curtis in late 1996 investigated clear indications of serious security and counterintelligence problems and drew up a list of initiatives in response. Those initiatives were also dropped after he left office.''

It is because of these problems that the Presidential panel recommended that Congress act to reorganize the Department by statute, so that the bureaucracy could not simple wait out another Secretary of Energy. Senator DOMENICI, Senator MURKOWSKI, and I have written legislation to implement the group's recommendations. Our proposal would gather all of the parts of our nation's nuclear weapons research, development, and production programs under one semi-autonomous agency within the Energy Department.

We need to create a specific separate organizational structure for the weapons programs at DOE, managed by one person who reports only to the Secretary of Energy. And furthermore, we need to separate the nuclear weapons programs at DOE from the rest of the Department that is responsible for energy conservation and environmental management issues. As the Rudman report concluded, semi-autonomous agency, created by statute, is the only way we are going to solve the problems with DOE's management of the nuclear weapons complex.

Before explaining the details of this amendment, let me first mention that while the Cox Committee and the President's Foreign Intelligence Advisory Board, led by Senator Rudman, have done a great service to the nation by producing high quality reports with excellent recommendations, they are by no means the first people to recommend such changes. Over the past 20 years, at least 29 GAO reports, 61 internal DOE studies, and more than a dozen reports by outside commissions have called for restructuring how the Department is managed. Let us not wait until another forest is consumed to print more studies before we act to correct the serious management problems at DOE.

Mr. REID. Mr. President, may I interrupt to make a unanimous consent request.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Robert Perret, a fellow in my office, be entitled to floor privileges during the pendency of this amendment.

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

Mr. REID. I apologize to my friend.

Mr. KYL. I am happy to comply.

Mr. President, the point of referring to these 29 GAO reports, 61 internal DOE studies, and more than a dozen reports by outside commissions over the past 20 years is to make the point that now is the time for us to move forward and not to await important studies, and not to await more discussions about how this ought to be done. We have enough evidence of what needs to be done. It is now time to get on with the serious subject of fixing this broken management structure at DOE.

Here is the summary of the amendment.

This amendment would create a semi-autonomous agency within DOE called the Agency for Nuclear Stewardship.

The Agency will be headed by an Under Secretary who ''shall report solely and directly to the Secretary and shall be subject to the supervision and direction of the Secretary.''

Let me digress for a moment to make this point.

There are some who would put additional layers of bureaucracy between the Secretary and this Agency for Nuclear Stewardship. That would be a grave mistake. As the Rudman report itself notes, the point is to streamline this agency's responsibility, starting with the Secretary at the top and everyone else reporting to the Deputy Secretary who reports strictly to the Secretary of Energy. If you insert other management layers, you are only getting back to the same kind of problem that the Rudman report has criticized in the past.

The Under Secretary for Nuclear Stewardship will have authority over all programs at DOE related to ''nuclear weapons, non-proliferation and fissile material disposition.''

The agency's semi-autonomy (as recommended by the Rudman report) is created by making all employees of the agency accountable to the Secretary and Under Secretary of Energy but not to other officials at DOE outside the Agency.

The language reads:

> All personnel of the Agency for Nuclear Stewardship, in carrying out any function of the Agency, shall be responsible to, and subject to the supervision and direction of, the Secretary and the Under Secretary for Nuclear Stewardship or his designee within the Agency, and shall not be responsible to, or subject to the supervision or direction of, any other officer, employee, or agent of any other part of the Department.

The Secretary, however, ''may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the Agency's programs and to make recommendations to the Secretary regarding the administration of such programs, including consistency with other similar programs and activities in the Department.''

There is another proposed amendment which we will get to later which suggests that all of the programs and activities of this special new autonomous agency are to act in ways consistent with all other departmental rules and regulations promulgated for all of the other departments within the Department of Energy.

That would be a big mistake and get right back to the problem that the Rudman commission noted; that is, that this is a special, unique entity, and that you cannot have everybody else within the Department of Energy controlling what goes on within this particular group.

The Under Secretary for Nuclear Stewardship will have 3 Deputy Directors, who will manage programs in the following areas:

No. 1. Defense Programs. The national lab directors and heads of weapons production and test sites will report directly to this person, who will be responsible for managing the programs necessary to maintain the safety and reliability of our nuclear stockpile.

No. 2. Nonproliferation and fissile materials disposition. This person would manage the Energy Department's efforts to help Russia and other states of the former Soviet Union secure their nuclear weapons and fissile material, as well as plan for how to dispose of dozens of tons of excess plutonium in the United States and Russia; and

No. 3. Naval Reactors. This highly successful program which designs, constructs, operates, and disposes of the nuclear reactors used in the U.S. Navy's fleet will continue to operate as it does today, except the Admiral in charge will now report to the Under Secretary for Nuclear Stewardship as well as the Secretary of Energy.

As recommended by the Rudman panel, under our amendment, the Under Secretary for Nuclear Stewardship will appoint Chiefs of Counterintelligence, Security, and Intelligence.

The Chief of Counterintelligence will develop and implement the Agency's

programs to prevent the disclosure of loss of classified information and be responsible for personnel assurance programs, like background checks.

The Chief of Security will be responsible for the development and implementation of programs for the protection, control, and accounting of fissile material, and for the physical and cyber-security of all sites in the Agency.

And the Chief of Intelligence will manage the Agency's programs for the analysis of foreign nuclear weapons programs.

These 3 chiefs will report to the Under Secretary and shall have statutorily provided ''direct access to the Secretary and all other senior officials of the Department and its contractors'' concerning these matters.

The amendment calls on the Under Secretary for Nuclear Stewardship to report annually through the Secretary to Congress regarding:

No. 1. The adequacy of DOE procedures and policies for protecting national security information.

No. 2. Whether each DOE national laboratory and nuclear weapons production and test site is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring a lab into compliance; and

No. 3. A description of the number and type of violations of security and counterintelligence laws and requirements at DOE nuclear weapons facilities.

Furthermore, the amendment calls for the Under Secretary to keep the Secretary and the Congress fully and currently informed about any potentially significant threat to, or loss of, national security information.

The amendment would require every employee of DOE, the national labs, or associated contractors to alert the Under Secretary whenever they believe there is a problem, abuse or violation of the law relating to the management of national security information.

And, in order to address concerns that DOE officials were blocked from notifying Congress of security and counterintelligence breaches, the amendment contains a provision stating that ''no officer or employee of the Department of Energy or any other Federal agency or department may delay, deny, obstruct, or otherwise interfere with the preparation'' of these reports to Congress.

Mr. President, the Senate should act with urgency to correct the serious problems that exist at our nuclear facilities to halt the flow of our precious nuclear secrets to countries like China.

Our amendment is a sound approach to rectifying the systematic problems that have been identified and that exist today, and I am disappointed that Secretary Richardson has not yet embraced the proposal we have submitted. Since as recently as April of 1999, the Secretary of Energy's own Management Review Report stated:

> Significant problems exist [in DOE] in that roles and responsibilities are unclear; lines of authority and accountability are not well understood or followed; the distinction between headquarters, line and staff functions is unclear, and each is operating with autonomy.

Statistics support this view. According to the GAO, from 1980 to 1996, DOE terminated 9 of 18 major defense program projects after spending $1.9 billion and completed only two projects: One behind schedule and overbudget, with the other behind schedule and underbudget. Schedule slippages and cost overruns occurred on many of the remaining seven projects ongoing in 1996.

Finally, I note that management problems cannot be divorced from security concerns. As the GAO noted in testimony to the House, continuing management problems at DOE were ''key factors contributing to security problems at the laboratories'' and a ''major reason why DOE has been unable to develop long-term solutions to recurring problems reported by the advisory groups.''

The amendment we offer enjoys broad bipartisan support. In addition to Senator DOMENICI who chairs the Energy and Water Appropriations Subcommittee, and Senator MURKOWSKI who chairs the Energy Committee, it is cosponsored by the chairman and vice chairman of the Intelligence Committee, Senators SHELBY and KERREY; the chairman of the Armed Services Committee and its Subcommittee on Strategic Forces, Senators WARNER and SMITH; chairman of the Governmental Affairs Committee, Senator THOMPSON; chairman of the Foreign Relations Committee, Senator HELMS; former chairman of the Intelligence Committee, Senator SPECTER; as well as Senator FEINSTEIN, Senator HUTCHINSON, Senator GREGG, Senator BUNNING, Senator FITZGERALD, and the distinguished majority leader, Senator LOTT.

We cannot delay the implementation of important security and counterintelligence upgrades at our nuclear labs and facilities. Great harm to our Nation's security has already been done, and if we want to prevent further damage, we must act to reform the way we manage our nuclear weapons programs and facilities to create accountability and responsibility. Our most fundamental duty as Senators is to protect the security and the safety of the American people. They deserve no less than our best in this regard. I urge my colleagues to act now to halt the hemorrhage of America's nuclear secrets and to support the adoption of this important amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I thank the distinguished Senator from Arizona. He is persistent with this legislation. I appreciate very much his interest in the beginning in trying to do something about, as he knows, what many people have previously said needs to be done.

The distinguished Senator from Virginia finally succeeded in getting a provision accepted by the administration in the national defense authorization bill having to do with an oversight committee appointed by the leadership, which I think will add a lot of value to our effort to make these labs produce good science and the best security as well.

I was asked the question, I say to my friend from Arizona, not long after our caucuses, which the Senator from Arizona might be interested in: Do you think the Republicans want an issue or do they want to get something done?

My view is, Senator KYL of Arizona, Senator MURKOWSKI of Alaska, and Senator DOMENICI of New Mexico want to get something done. It has been probably 20 years people have been calling to our attention the need to change the structure of this organization. It is basically a hodgepodge of various agencies that were combined in, I believe, 1978 or 1979—in the 1970's. Various agencies were combined into the Department of Energy. It is very important we seize this opportunity.

Senator Rudman said he did not know what happened exactly, but all of a sudden the focus is on it. A series of things have occurred that present us with an opportunity to change this law. The law needs to be changed. The law needs to be changed to restructure this agency to make it more likely that the United States of America and our interests are going to be safe and secure, and that we will continue to produce the high-quality science these laboratories are known throughout the world for producing.

I have very high praise for the Senator from Arizona. I appreciate very much his perseverance in this matter and his willingness to change his own bill to accommodate former Senator Rudman, the PFIAB's recommendations, and accommodate some of the concerns I had as well.

We are trying to write a law. I know Senator LEVIN and Senator BINGAMAN, Senator REID, and others, are going to offer some amendments. I say to my colleagues on the Democratic side, I believe, and I believe so strongly, that the Republicans do not desire an issue. They want to make real change.

It would have been real easy, in fact, to say: OK, we got 10 or 11 things on the defense authorization bill. You can say that is a success; why fight that battle. We have encryption to do. We have lots of other issues—all of us do—to take care of.

I am very impressed with the fact there is a determination to get a good piece of legislation that will improve the security of the United States of America and will enable us to stay in the high-quality science direction these laboratories produce. I hope the debate, which I am not sure is going to occur tonight—I understand we may not have any amendments offered to this bill until tomorrow. I hope I am wrong. It will be nice to have people

offer these amendments and get them out of the way so we can move on to other business.

I hope the debate is engaged in the same high-level manner that we have negotiated the changes in this legislation. By high level, I mean, as I referenced earlier in praise of Chairman SHELBY, the only test that is important is: Does it make the United States of America more secure?

I believe the amendment of the Senator from Arizona does. I am pleased to be a cosponsor of it. I intend to vote for it, and I hope some of the changes being suggested can be accommodated, but most important, I hope we end this year changing the law and are able to look into the future 10 years from now and say the laboratories are producing the finest science and the highest level of security as well.

Mr. KYL. I ask the indulgence of the chairman for just a moment. I know he wants to proceed and make a brief comment or two. I want to comment on a couple of things the Senator from Nebraska just said.

First of all, I compliment him. He is vice chairman of the Intelligence Committee and probably one of the most productive members of the committee in doing the hard work of protecting our Nation's security, which most people will never know about.

For his constituents and others in America who are concerned about these things, they need to know it is the day-in-and-day-out work of the chairman of the committee, Senator SHELBY, and Senator KERREY from Nebraska who make this effort work.

Second, I compliment Senator KERREY for working on this legislation and agreeing to support it at a time when his party's administration was not yet supportive. Secretary Richardson did not agree to the concept of a semiautonomous agency until relatively recently. But Senator KERREY agreed this was the best approach to take, I think even before Senator Rudman came out with his report.

Coming out early and saying it is important to reorganize and to pay attention to the national security concerns at the Department of Energy was something he was willing to do early on in a bipartisan way. His conduct throughout this whole matter is exemplary and should offer guidance to all of us on any issue we face. Party aside, when there is a problem to be addressed, we get in and try to address it.

I assure Senator KERREY and others on the Democratic side this is not something the Republicans look to as an issue but rather as something to get done. I hope before we finish with the amendments, we can continue to work on them and try to get as much of a bipartisan coalition in support of the legislation as is possible because there is nothing partisan about national security and there is nothing partisan when it comes to espionage at our National Laboratories.

I thank the Senator from Nebraska for the comments he made, and I compliment both Senator KERREY and Senator SHELBY for the great job they have done.

Senator WARNER is on the floor. He has been stalwart in his support of our efforts, each day asking: What is new; we will stick with you; we know this has to be done. That kind of support is encouraging.

We can get this done. If we get it done quickly, it is good for the American people.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his comments. I have worked along with the team, the principals. They were going to put the amendment on the armed services authorization bill. I thought at that point in time that an insufficient number of Senators had had an opportunity to acquaint themselves with the seriousness of this issue and that we should wait for the bill of our distinguished colleagues from Alabama and Nebraska. A number of Senators have now acquainted themselves with those provisions. We have an impressive number of cosponsors, and I am privileged to be one.

I don't view this as any retribution against the President or the Secretary of Energy. It is something that simply has to be done with these institutions that are enormously valuable to the Nation and our national security. I use the word ''enormously'' because I can't think of another word that connotes a greater degree of importance to our country.

I went out a week ago yesterday and spent several hours at Los Alamos and then went on to the other laboratory. I must say, the impression I gained from talking with a fairly significant number of individuals, both at Sandia and Los Alamos, was that they are willing to work with this proposition as laid out in the Senator's amendment and make it work.

I have listened to those who have some questions. As a matter of fact, I made myself available to work with Senator LEVIN. We worked together on the Armed Services Committee. It is still not clear in my mind exactly what he hopes to achieve. It is my expectation we will address it tomorrow when the amendments come forward.

I know it is the right thing to be done in the interests of the country. I thank the distinguished chairman of the Intelligence Committee. Indeed, his committee has held 11 hearings. The Senate Armed Services Committee also has had several. One broke a record; it was 7 continuous hours of hearing. It convinced our membership we are behind it.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Alabama.

Mr. SHELBY. Mr. President, I also support the Kyl-Domenici-Murkowski amendment that is the pending business in the Senate.

I take just a minute to commend the Senator from Arizona, Senator KYL, and Senator DOMENICI and Senator MURKOWSKI for working together on this very important amendment. It is important for the restructuring of our labs following the Rudman recommendation and others.

Most Members know the horror stories that have been going on for years and years. This won't solve everything, but it will be a positive step in the right direction.

I also note my colleague from Nebraska, the vice chairman of the committee, Senator KERREY, and I both support this. That is unusual. We believe this is not a partisan issue. This is important for the Nation as far as national security is concerned. It is a step in the right direction. It is above politics, above party.

I mention again, as I did yesterday, the Rudman report, which was requested by the President of the United States, Bill Clinton, concluded that purely administrative reorganizational changes at the Department of Energy labs are inadequate, totally inadequate to the challenge at hand. He said:

> To ensure its long-term success, this new agency must be established by statute.

That is exactly what the amendment of Senators KYL, DOMENICI, and MURKOWSKI does.

As an indication of how badly the Department of Energy is broken, I only have to remind my colleagues it took over 100 studies of counterintelligence, security and management practices by the FBI, other intelligence agencies, the General Accounting Office, the Department of Energy itself and others, plus one enormous espionage scandal to create the impetus for change that is before the Senate this evening.

I think it is time for the Senate to act. I believe this is a good amendment. It is positive. It has been worked. I believe we will pass it.

Mr. President, I support the Kyl-Domenici-Murkowski amendment to restructure the Department of Energy.

I am a cosponsor of that amendment, as is the distinguished vice chairman of the Intelligence Committee, Senator KERREY.

By now, my colleagues are familiar with the findings of the Rudman report, entitled ''Science at its Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.'' But I think certain key conclusions are worth restating, because they underline the need for action.

The Rudman report found that:

> At the birth of DOE, the brilliant scientific breakthroughs of the nuclear weapons laboratories came with a troubling record of security administration. Twenty years later, virtually every one of its original problems persists. . . . Multiple chains of command and standards of performance negated accountability, resulting in pervasive inefficiency, confusion, and mistrust. . . .
>
> In response to these problems, the Department has been the subject of a nearly unbroken history of dire warnings and attempted but aborted reforms.

Building on the conclusions of the 1997 Institute for Defense Analyses report and the 1999 Chiles Commission, the Rudman panel concluded that:

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 retail 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 heartbreaking 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