before the end of its repayment period, except as limited by subsection (e) of Section 3303.

Mr. BOND. Mr. President, I would like to bring one item of concern to the attention of the chairman of the Appropriations Committee. Specifically, I am concerned about a provision contained in the House-passed version of this bill which would prohibit expenditure of any funds to expand our Embassy in Vietnam or open new facilities beyond those that were in place on July 11, 1995, unless the President makes a number of certifications relating to the efforts to account for soldiers missing in action from the Vietnam war.

Mr. President, this is an unnecessary provision which will do nothing to support our Government's active, successful, on-going efforts to resolve remaining MIA cases.

The Senate has not had the opportunity to speak on this particular provision. The Senate last fall did, however, consider a proposal to slow efforts to move forward on relations with Vietnam, and we rejected it by an overwhelming margin. That vote certainly indicates that the majority of the Senate supports moving forward in our relationship with Vietnam.

I urge the chairman to recognize that there is strong opposition to this provision in the Senate, and reject it in the House-Senate conference.

Mr. HATFIELD. Mr. President, I am aware of the concerns of the Senator from Missouri. I am further aware that those concerns are shared by a large number of our colleagues, and I will make an effort in conference to maintain the Senate position on this issue.

Mr. BOND. Mr. President, I thank the chairman and I assure him I will be a vocal supporter of that position in conference.

Mr. KERREY. Mr. President, I join the Senator from Missouri in expressing opposition to the provision contained in the House bill which will restrict our ability to move forward in Vietnam. I believe both the Senate and the President have clearly expressed their opposition to this provision in the past.

The inclusion of this provision in the fiscal year 1996 Commerce-State-Justice conference report was cited by the President as one of the reasons for his veto of that legislation. Furthermore the President has indicated that he intends to veto the Foreign Relations Authorization Act in part because of the inclusion of this provision that will limit his ability to further normalize relations with Vietnam. Specifically, he warns this provision ''could threaten the progress that has been made on POW/MIA issues * * *''

I strongly opposed this restriction last fall, and I will oppose it just as strongly in this conference.

Mr. KERRY. Mr. President, I would like to address this issue as well. The Senate has voted more than once on the question of how best to promote the full accounting of Americans missing in action in Vietnam and on the issue of moving forward in our relations with Vietnam. In each case, this body has voted to take reciprocal steps toward Vietnam as a means of achieving both these objectives. The provision contained in the House bill, if included in the conference report, would be contrary to the Senate's clear record and for that reason it should be rejected by the conferees.

That is not the only reason it should be rejected, however. Working with Vietnam, we have established an unprecedented process for resolving outstanding POW/MIA cases. American and Vietnamese teams are working together to conduct field exercises and to pursue other leads. Even as we speak, a high-level Presidential delegation is in Hanoi consulting with Vietnamese government officials on the progress of this effort. The legislation contained in the House bill could jeopardize this ongoing work and set back the progress we are making.

I think we should recognize this provision for what it is—a thinly veiled attempt to undermine the administration's decision to normalize relations with Vietnam. The majority of Members in this body was indicated they support normalization. We should not allow the House to put us on record otherwise.

Mr. MCCAIN. Mr. President, I am very pleased that the Committee has seen fit to strike the provision of the House-passed omnibus appropriations bill which restricts the United States diplomatic presence in Vietnam. I would like to join my colleagues in opposition to the House provision.

The committee first dealt with this issue in response to a House amendment to the CJS bill which passed without a recorded vote. That amendment, as my colleagues may remember, prohibited funds for expanding diplomatic relations with Vietnam. When the conference report was approved by the Senate on December 7, 1995, it allowed for funding, but conditioned funding on a Presidential certification involving missing servicemen.

The President listed the Vietnam provision as one of his reasons for vetoing the CFS bill. In his estimation, the restriction ''unduly restricts his ability to pursue national interests in Vietnam.'' Nevertheless, the House has decided to revisit the issue. It has included language in its Omnibus appropriation bill virtually identical to the language which solicited to veto on CFS and just 2 days ago the threat of another on the State Department reorganization bill.

I couldn't agree with the President more in this regard. He has made a decision to normalize relations with Vietnam—a decision certainly consistent with this constitutional authority, and he should not be constrained in carrying it out. I commend the Senate committee for acting in a manner which will allow United States-Vietnam relations to move forward.

I am still hopeful that we can put this issue behind us. The Senate, after all, has demonstrated time and again its lack of support for any restrictions on our relations with Vietnam. It has done so once again by striking the House Vietnam language in the bill before us. I encourage the Senate conferees to honor the very clear sentiment of the Senate and to hold firm.

Mr. HATFIELD. Mr. President, I thank all senators for their comments. I look forward to working with my colleagues on the committee to try to resolve this issue in a way that meets their concerns.

Mr. President, 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. GRAMS. 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. GRAMS. Mr. President, I also ask unanimous consent to speak as if in morning business for up to 15 minutes.

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

AN ENERGY DEPARTMENT IN SEARCH OF AN ENERGY MISSION

Mr. GRAMS. Mr. President, a great many businesses, nonprofit organizations, and even Government agencies have created their own mission statements.

Far from simply being slogans, mission statements can serve as a guiding force, setting out specific goals, principles, and objectives.

When I was elected to the Senate, I drafted a mission statement for my office which outlines the priorities of the Minnesotans I was sent here to represent, and offers a yardstick we can use to measure how well we are meeting their needs.

It works—a mission statement brings the mission into focus.

But what happens when a massive Federal agency, entrusted with billions of taxpayer dollars, is forced to operate without a definable mission? How can it remain accountable to the taxpayers when its mission is constantly shifting and evolving?

Without a well-defined mission to contain it, a bureaucracy can grow in one of two ways. It can spread as quickly as fire on a lake of gasoline, rapidly consuming every inch of available space. Or it might expand slowly, like water dripping into a bucket, gradually growing in volume until it finally spills over its borders.

Either way, the results can be disastrous.

Metaphors aside, if you need a concrete example that illustrates the kind of bureaucracy I'm describing, you need look no further than the Department of Energy.

Mr. President, let me take you back to 1977. Jimmy Carter was President, and the Nation was still grappling with the energy crisis which had paralyzed it earlier in the decade. With the OPEC oil embargo and the gas lines it created still vivid memories, 1977 was the year in which Congress took what it thought was a preemptive strike against future energy emergencies by establishing a Cabinet-level Department of Energy.

When he submitted legislation to Congress proposing a national energy agency, President Carter said:

> Nowhere is the need for reorganization and consolidation greater than in energy policy. All but two of the Executive Branch's Cabinet departments now have some responsibilities for energy policy—but no agency, anywhere in the Federal Government, has the broad authority needed to deal with our energy problems in a comprehensive way.

At the same time, however, some were questioning the need for yet another layer of Federal bureaucracy. In May of that year, Nobel Prize-winning economist Milton Friedman likened a national energy agency to a Trojan horse. ''[I]t enthrones a bureaucracy that would have a self-interest in expanding in size and power,'' he wrote, ''and would have the means to do so—both directly, through exercising price control and other powers, and indirectly, through propagandizing the public and the Congress for still broader powers.''

Fast forward to 1996. Decades of fiscal mismanagement in Washington have sapped America's Treasury and left a $5 trillion debt on the Nation's credit card.

Middle-class taxpayers have been called on repeatedly to bail out the Government through ever-higher taxes. Now they are frustrated, and they are demanding relief, and they are demanding that the Nation begin prioritizing its precious resources by balancing the Federal budget. In 1996, the Department of Energy is marking its nineteenth anniversary, but at an annual cost to the taxpayers of more than $15 billion, there is little to celebrate.

DOE has become a black hole for taxpayer dollars, a bureaucracy without equal, an energy agency without a clear or focused energy mission. Milton Friedman was right—the Trojan horse has arrived.

The question is, what went wrong? For one thing, the problems DOE was created to protect us against never materialized. Oil supplies eventually rose, while oil prices dropped. The need for a national energy agency became less apparent. Still, DOE has continued to grow, as bureaucrats seek to justify its existence by branching out into areas only marginally related to national energy policy. Our national energy agency has cost the taxpayers hundreds of billions of dollars in its ongoing quest for an energy mission.

The General Accounting Office published a troubling report last August entitled ''Department of Energy: A Framework for Restructuring DOE and Its Missions,'' which noted that DOE has been in transition almost from the time of its creation. In discussing DOE's changing missions and priorities, the GAO reported:

> For its first 3 years, DOE's programs emphasized research and initiatives to cope with a global energy crisis that disrupted U.S. and world markets and economies. By the mid-1980's, accelerating nuclear weapons production and expanding space-based defense research dominated DOE's budget resources.
>
> Since the late 1980's, DOE's budget has reflected a growing emphasis on solving a half-century's environmental and safety problems caused by the nuclear weapons and research activities of DOE and its predecessors.

To appreciate how far DOE has strayed from its original energy mandate, one must first understand that 85 percent of its budget today is spent on activities that have no direct relation to energy resources.

Let me say that again. Eighty-five percent of the budget of DOE today is spent on activities that have no direct relationship to energy resources.

An examination of where those nonenergy dollars are being directed is perhaps the best way to illustrate the enormous gap between the stated missions of DOE, and the results those missions have generated.

The bulk of DOE's nonenergy funds goes toward the cleanup of radioactive waste from nuclear weapons facilities and for overseeing storage of the Nation's nuclear waste. Unfortunately, the waste problem—which wasn't one of DOE's missions in 1977 but has since become one of its primary responsibilities—has also become its primary failure.

There are 26 nuclear power plants nationwide, including the Prairie Island facility in my home State of Minnesota, which will run out of storage space for their spent nuclear fuel beginning as early as 1998. That's the very year in which DOE is required by law to start accepting nuclear waste at an interim storage facility. DOE has known about the 1998 deadline for 14 years, since passage of the Nuclear Waste Policy Act. The Senate Energy Committee this week reaffirmed its intention to hold DOE to its legal obligation. And yet years of backpedaling, false starts, and feet-dragging by DOE have thrown that deadline in doubt.

Despite repeated warnings from Congress that the deadline is fast approaching, no temporary site has been selected and a permanent storage facility is no more than a pipe dream at this point.

Those 26 nuclear plants are left with the distasteful choice of either building more temporary storage or closing down and depriving millions of electric customers of cost-effective fuel.

Electric utility customers are paying the price for DOE's delay. Through a surcharge on their monthly energy bills, they have already contributed $11 billion of their hard-earned dollars to a nuclear waste trust fund established to finance creation of a permanent storage facility. DOE has raided the trust fund of $5 billion, with little to show for it.

I would suggest, Mr. President, that the failure of DOE to move forward with this most basic mission—over 14 years, at a cost to the taxpayers of $11 billion—should itself raise serious questions about DOE's ability to carry out any of its missions.

DOE is also responsible for national energy research, which includes the development of alternative sources of energy such as solar, wind, synthetic fuels, and clean coal.

DOE research has cost the American taxpayers more than $70 billion since 1977, but we have little to show for this tremendous investment. That $70 billion has bought plenty of pork, but few meaningful scientific breakthroughs.

In testimony last year before the House Subcommittee on Energy and Water Development, Jerry Taylor of the Cato Institute said,

> Energy R&D spending has cost the American taxpayer plenty without any real reform. . . . Virtually all economists who have looked at those programs agree that Federal energy R&D investments have proven to be a spectacular failure.

Another of DOE's missions has been to promote energy conservation in the aftermath of the OPEC oil embargo.

But unlike the days of the oil crisis, when the Federal Government predicted that supplies of fossil fuels would be depleted by the year 2000, U.S. oil reserves are 50 percent higher today than they were in the early 1970's. Coal and natural gas reserves have increased substantially. Energy prices are actually lower.

For most Americans, the energy crunch is just a vague memory—keeping a multimillion-dollar agency around just in case, at a time when we face a $5 trillion public debt, is hardly prudent Government management.

And what of DOE's mission to ensure affordable power, and access to it by consumers? Unfortunately, DOE has been ineffective in carrying out both of those functions.

The Department's ultimate goal of guiding the Nation toward independence from foreign energy sources has obviously never been achieved. Let me explain why.

DOE itself projects that crude oil production in the United States—which is already in decline—will continue to drop over the next decade. By the year 2005, the United States will be 68 percent dependent on imported oil, and natural gas imports are expected to increase as well.

Mr. President, 68 percent of our energy needs will come from outside of the United States. Back during the oil embargo it was only about 33 percent. You can see what problems we ran into when there was a squeeze on the oil from abroad at that time. By the year 2005, more than double that, 68 percent, will come from outside our borders. We

will become hostage to the world's energy. That is hardly energy independence. DOE has clearly strayed from its original missions.

At a time when Federal spending priorities are being re-examined, and agencies which are overgrown, obsolete, duplicative, or irrelevant—four counts on which DOE must plead guilty—are being dragged into the light, the Department of Energy demands scrutiny by Congress.

Mr. President, I believe there are three basic reasons DOE has been unable to achieve even its most basic missions:

First, DOE is too big. It takes 20,000 Federal bureaucrats to manage it and another 150,000 contract workers to carry out its far-reaching agenda.

Second, DOE is too expensive. It has an annual budget of $15.4 billion. Even in the absence of another energy crisis like that which led to its creation, DOE's budget has grown 235 percent since 1977.

And third, DOE has no real mission. By virtue of its massive size and annual cost, it has become inefficient and nearly impossible to manage. Due in part to its constant attempts at justifying its own existence, DOE has fallen victim to its own sprawling, tangled agenda.

DOE's long-documented management problems were highlighted in last summer's report by the GAO. As part of an ongoing management review of DOE, the GAO surveyed 37 experts on DOE, including former DOE Secretaries, President Carter, and representatives of the private, academic, and public sectors. GAO wanted to know whether DOE was meeting its mission goals, and whether those missions were still appropriate functions of the Federal Government in the post-cold war, budget-conscious 1990's.

Victor Rezendes of the GAO summed up their findings during a congressional hearing last year:

> DOE suffers from significant management problems, ranging from poor environmental management . . . to major internal inefficiencies. . .. Thus, this agency is ripe for change.

Although the GAO offered no recommendations as to DOE's future, not one of the experts surveyed thought that DOE should remain as it is today. And they raised many questions:

Why is the Nation's energy agency maintaining nuclear weapons stockpiles and managing the cleanup of weapons production facilities?

Why is the Nation's energy agency involved in nonenergy related research?

Why is DOE undertaking such activities as science education and industrial competitiveness?

As the GAO concluded in its report:

> It is not clear if the Department and its missions are still needed in their present form or could be implemented more effectively elsewhere in the public or private sectors.

Unlike the muddled missions offered up by the Department of Energy, the mission of my Senate office is concise and focused, and is precisely summed up in our mission statement. This is how it begins:

> As the Senator and staff of the State of Minnesota, we pledge to lead the fight to reaffirm Congress' oversight responsibilities. By doing so, we will evaluate programs to ensure the wisest use of taxpayer dollars and focus on future streamlining and downsizing of Federal Government.

Mr. President, that is the mission I was sent here to carry out by the taxpayers of Minnesota—taxpayers who are no longer willing to foot the bill for a bloated and cumbersome agency which is unable to meet its obligations and has outlived its usefulness.

The Department of Energy needs the immediate attention of Congress. It's time we put this Trojan horse out to pasture.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

Mr. KYL. Mr. President, I would like to speak for a moment about the bill which is before us, the omnibus appropriations bill, which started out $1.8 billion over the spending levels that we considered just a few months ago in the balanced budget we sent to the President on November 17 and which he vetoed on December 6.

The previous versions of the Commerce, State, Justice, VA-HUD, Labor-HHS, and Education bills, all of which are part of the omnibus appropriations bill that we are considering now, were all within the limits of the budget at that time needed to get into balance by the year 2002. In other words, all three of those appropriations bills satisfied our requirement to meet each year for the next 7 years the objective of those years, the goal which, at the end of 7 years, would have us achieve a balanced budget.

During the consideration of this omnibus appropriations bill, in addition to the $1.8 billion that had started out above that level, we have added $2.4 billion as part of an amendment that was primarily for the purpose of more educational spending. That was not paid for by legitimate offsets, in my view, but rather by one-time asset sales which were already included as offsets in our balanced budget passed on November 17. In other words, in effect, we are trying to count savings twice.

I am on the Energy and Natural Resources Committee. The provisions of the offset were all developed by our committee as a means of achieving some savings for the next fiscal year or the year after that, depending upon when they took effect. They were asset sales, some of which would not realize benefits until 2 years hence.

But three of those particular asset sales were used as the offsets for this $2.4 billion increase in expenditure. There are a couple things wrong with it.

First, we have already used that money to achieve our balanced budget. So, in effect, it is a double counting.

Second, it is a one-time sale of an asset that we will never have again to use. The sales are a good idea, by the way, but these are ongoing authorizations for activities, educational expenditures, that will occur each year. To pay for them the first year out of an asset sale and leave undecided how we are going to pay for them in the future, in particular when it is in the context of a plan to try to balance the budget over 7 years, is not fiscally responsible.

Ongoing expenses, expenses that we know will occur each year, should be paid for out of an ongoing revenue source that we identify can meet those expenses each of those years.

If you have a one-time expense, then it makes sense to pay for it with a one-time sale. So, using asset sales to finance these ongoing job training and education programs, I think, is not good fiscal policy.

So, on one hand, we do not have legitimate offsets. On the other hand, we are adding another $2.4 billion on top of the $1.8 billion. In addition to that, we are considering right now an amendment that would add another $400 million-plus for a variety of programs, including the so-called volunteer AmeriCorps project.

AmeriCorps is a program that the GAO says is costing the taxpayer $26,654 per volunteer. Let me repeat that, Mr. President. President Clinton has sold this program to the American people on the basis we should have more volunteers to do worthy projects in our society. I wholeheartedly agree with that. We have a lot of volunteers, from grade school kids, high school kids, to people working in the community, working for charities, working for governmental programs, all kinds of volunteer programs.

They do this free of charge. But it costs the U.S. taxpayer $26,654 per AmeriCorps volunteer, according to the General Accounting Office. We are going to be increasing that program by, I have forgotten the amount of money, but it is over $100 million. The total cost of the amendment that is before us currently is over $400 million. We have other pending amendments that would also increase the cost of the bill. In addition to that, in addition to all of these things, the bill includes another $4.8 billion in so-called contingency appropriations, which represents more spending on several of the administration's pet projects.

It is true that this additional spending is conditioned on the President and