

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

Congress reaching a broader budget agreement, but the fact of the matter is, such an agreement would not represent the tight, fiscally responsible budget requirements that we passed on November 17, but rather is beginning to rely, in my opinion, on the same kind of smoke and mirrors characterized by previous budget agreements.

How many times have we voted—either the House or the Senate—on agreements in the past that were going to result in a balanced budget? I can remember my colleagues, in 1990, coming to me in support of the Bush administration agreement that was reached at Andrews Air Force Base, saying, “You have to do this for President Bush.” And I said, “I don’t think this is going to result in a balanced budget. I don’t like the tax-increase aspect of it.” “Oh, yes, it guarantees we’re going to have a balanced budget.”

I remember the President’s Chief of Staff and his budget officers all visiting with me about that subject—guaranteed to happen. Of course, it did not happen. It did not happen on any of the previous occasions, and it has not happened on the one subsequent occasion either.

The fact of the matter is, we get to a political point in these negotiations where we leave the fiscally responsible way of doing it, which is what we crafted and what we passed on November 17 and what the President vetoed on December 6. It becomes so hard to make that stick that we finally begin to compromise, and we reach an agreement which, in our heart of hearts, we realize will never really result in a balanced budget. It will make sense for a year or two, but it never gets us to the end. In 7 years who cares? That is somebody else’s problem.

Under the Clinton proposal, which we are largely meeting here, if we spend this \$4.8 billion-plus, the other billions, it adds up to almost \$8 billion more. What we are getting is a commitment to make most of the discretionary savings in the last 2 years. And 95 percent of the discretionary savings in the President’s proposal would have to be achieved in the last 2 years.

Mr. President, you and I both know that is an impossibility. We are having a hard enough time doing about one-tenth of it in the first year. That is about how much we would be trying to do here in the last years. It is not even one-seventh over 7 years. Even the Republican proposal puts more of it in the last 2 years than I think most of us would like.

The years 2001 and 2002, the sixth and seventh years, are after Bill Clinton will have left the Presidency, even if he is reelected to a second term. It is beyond the time when many of us would still be serving in the Congress. “A problem deferred is a problem solved” is the slogan of many. It is not the way to ensure a balanced budget.

Frankly, I am about to come to the conclusion that if we adopt this omni-

bus appropriations bill, we will be pretending to have achieved a balanced budget in 7 years. The President will pat himself on the back, we will pat ourselves on the back, and in 7 years we will look back on this and say, “Well, we didn’t quite get it done then, did we?” It did not work out that way.

I am simply trying to make the point right now that is the way it will turn out. It may not be the popular thing to say, Mr. President, but I think that is the way it is going to turn out. So I am at this point not inclined to vote for this legislation.

The problem is that in making the compromise this first year, having the lack of courage to do what is right even in this first year, we will never have the courage to do what is right in those last couple of years when it will be much more difficult, the choices will be much harder to make, because there will be a lot more special interests who will be heard at that time or claim that they are being heard.

I believe this bill moves in the wrong direction. I think virtually all the amendments that added money move in the wrong direction. My own view is we should vote down these amendments that add more money to the program. The House of Representatives barely passed a bill which is much more narrow. In conference I do not think we can expect the House to accept any of the add-ons that we have done.

Yet, the President says he will veto a bill that does not include these add-ons or at least many of them. So it seems to me that we are still at the impasse that we were at shortly after Christmastime, Mr. President, and that is simply a philosophical difference between the President who wants to spend about \$8 billion more than the Congress wants to spend.

We moved a long way in his direction during these budget negotiations. But I am not sure we can ever both satisfy him and also meet the requirement of a balanced budget. It may technically meet the balanced budget, but in reality, politically, we know we will never get there. I do not think that is being honest with the American people. So, as it stands right now, I am disinclined to vote for this appropriations package, especially if more of these amendments are adopted.

I guess my own prediction is that either we will have a responsible bill, which the President will inevitably veto, or further down the road we will not have a responsible bill in terms of achieving a balanced budget in the year 2002.

Mr. President, at this point, I ask unanimous consent to speak for no more than 10 minutes as in morning business.

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

## THREAT OF MISSILE ATTACK ON THE UNITED STATES AND OUR ALLIES

Mr. KYL. Mr. President, the second subject I address today deals with the subject of defense and specifically the threat of missile attack on the United States or our allies or our troops deployed abroad.

Today, the Washington Times carried a story reporting on testimony that was given yesterday to the House National Security Committee, the equivalent to the Senate Committee on Armed Services. Yesterday, the former CIA Director, James Woolsey, according to this story, told a House committee that the recent intelligence estimate on the missile threat to the United States was flawed and it should not be used as the basis for defense policy.

James Woolsey is an extraordinarily qualified source to speak to this. He served as the CIA Director for 2 years under President Clinton, and missile defense proliferation of weapons of mass destruction were one of his primary interests while serving in that capacity.

What Mr. Woolsey said, according to this news report, is that the conclusions of this recent National Intelligence Estimate, called the NIE, that says that no long-range missiles could threaten the 48 contiguous United States for at least 15 years, would be a faulty basis upon which to base U.S. policy. He urged that the United States set up a special team of outside experts to explore just how we should develop ballistic missiles and defenses to ballistic missiles in response to this threat.

He said—and I am quoting from the article:

I would bet that we would be shocked at what they could show us about available capabilities in ballistic missiles.

He also is reported to have said that if the President extrapolated a general conclusion from the very limited threat assessment of the NIE, “I believe that this was a serious error.”

That is precisely what happened. Based on this NIE, which a lot of experts have now said appear to have been politically driven—at least is not based upon the best intelligence data, or is skewed in its conclusion because of the assumptions behind it based on that document—the administration has drastically revised the spending priorities of the Congress and has said simply that it is not going to spend money that we have appropriated pursuant to a defense authorization to develop two antiballistic missile systems on the schedule that we dictated.

We are not talking here even about a national missile system to protect the continental United States, but rather the theater systems called THAAD and the so-called Navy Upper-Tier Program. In both cases, the administration, through Secretary Perry, has said they are going to delay that spending. I submit that is an unconstitutional action on the part of the administration when the Congress has specifically