

I have been disturbed by the recent articles in the press which have focused on the reputation of certain Senate staff and of one staff person in particular. It appears that there are those individuals in the political arena who have determined that, in order to promote their particular agendas, it is necessary to excoriate and vilify any person who represents a different point of view. The criticisms leveled have been vicious and unrelenting. There is a take-no-prisoner, scorched-earth attitude, with little concern for the individuals who are wounded as part of this guerilla-style rhetoric.

Mr. President, Sheila Burke has worked for the Senate since 1977. Since joining the staff of Senator DOLE, Sheila has proved to be a superb employee. She has represented the interests of Senator DOLE and those of the Republican Conference in a way that they all can be proud. I have always found Sheila to be fair and even-handed. When I was the leader of my party in the Senate, I had the occasion from time to time to talk with Sheila Burke. I never came to know her well, but I did come to admire her greatly. Her abilities have benefited both sides of the aisle.

The Senate can only operate in an atmosphere of compromise and conciliation. There is no place for the slings and arrows of fortune that have been directed at Mrs. Burke. Frankly, many of her critics seem to be more concerned with the operations of the White House in 1997 than of the Senate of 1995. My feeling is that we ought to be more concerned with the difficult issues that face us here and now. The massive problems facing this nation demand all of our attention. We ought to be working together to address these concerns instead of worrying about who may occupy the position of White House Chief of Staff in some future administration.

Sheila Burke is a most capable individual. She has a family. She is a mother. She has three children. She has a husband who commutes back and forth to Connecticut. Yet, she finds time to be a good mother, a good wife, and to be a good chief of staff of a Senator—in this case, the majority leader. She is a registered nurse. She is a very disciplined, professional woman. That is my perception of Sheila Burke.

She has to be tough. She has to be tough. She represents her boss and she does it well. I have a chief of staff. I have loyal members on my staff, many of whom have been with me for years. I know that a chief of staff has to be dedicated, has to be very capable, and has to represent the viewpoints of the Senator who employs her.

It must be very difficult to do the job and do it well, and especially if one is criticized in the public press for doing that job and doing it well.

I consider Sheila a loyal and trusted employee of the Senate. I think it is time for the cowards who would hide behind the uncalled for criticism of a Senate staffer to direct their venom-

enhanced energy toward becoming constructive players of the legislative process. As a staff person, she cannot very well defend herself in the press. It must be pretty hard for her, with the stresses that are upon her as a chief of staff, to bear up under such unfair and unwarranted criticism.

I admire her courage.

Plutarch tells us, of Aristides, who was one of the 10 Athenian generals at the Battle of Marathon in 490 B.C. Aristides was also at the Battle of Salamis in 480, B.C.

And as one of the archons, Aristides conducted himself in such a way and with such a high sense of justice and with such great virtue that he was given the surname, Plutarch tells us, "the Just," "Aristides the Just." Themistocles sought to undermine Aristides' standing with the people, and spread the word that Aristides was assuming to himself the work of the adjudicator and making the decisions himself, and so stirred up the people.

Plutarch tells us that the Ostracism was a process by which those individuals who excited envy in the minds of others might be banished. It was not a punishment for a crime or misdemeanor but just a way of lessening and humiliating, making more humble those who were achievers.

The process worked something like this, according to Plutarch. The citizens throughout Attica came to Athens and they took earthen shells, or pieces of pots and other earthenware, and wrote the name of an individual on those shells—an individual they wished to see banished. They took the shells to the marketplace where there was an enclosure behind a wooden rail, and the magistrates, then, would count the shells. And if there were less than 6,000 shells with names, the Ostracism failed. But if there were 6,000 or more of these shells, then the individual whose name appeared on most of the 6,000 shells would be banished.

So, upon this occasion as Aristides was walking about the marketplace, witnessing the goings on, a certain illiterate rustic approached him, Aristides, and asked Aristides to write on the shell the name "Aristides." Aristides was somewhat surprised and curious, and he asked the individual if Aristides had ever done him, the individual, a wrong?

The rustic replied, "No, nor do I even know him; but it vexes me to everywhere hear him called the Just."

I wonder sometimes if this is not what we see all too often, by those who envy the achievers.

The scriptures say, "Wrath is cruel, and anger is outrageous; but who is able to stand before envy?"

Mr. President, it is the same story with anyone who accomplishes things and in some way establishes a good name for himself. There will always be those who will criticize the achievers among us. The world will always be divided into two classes: those who go ahead and do things, and those who sit

on the sidelines and say, "Why was it not done the other way?"

Alexander the Great bore the censures of his critics with great moderation and used to say, "There was something noble in hearing himself ill spoken of while he was doing well."

And Voltaire says somewhere that it is a noble thing to make ingrates.

I think it best to heed Polonius' advice to Laertes, as given to us in Hamlet,

Take each man's censure, but reserve thy judgment

... this, above all: to thine ownself be true, and it must follow, as the night the day, thou canst not be false to any man.

So, if I may close with a few words of comfort and encouragement to Sheila, they would be these: You have shown that you "can keep your head when all about you are losing theirs and blaming it on you." Continue on this path of duty.

I say to Senators, I think we err if we do not encourage those who achieve. So I want to add my words of encouragement to Sheila Burke.

Continue on the path of duty. Do not be turned aside by the skeptics, the doubters, the cynics. Satisfaction will come in the serenity of a clear conscience and the knowledge that:

Tired of the Senate's barren brawl,
An hour with silence we prefer,
Where statelier rise the woods than all
Yon towers of talk at Westminster.
Let this man prate and that man plot,
On fame or place or title bent:
The votes of veering crowds are not
The things that are more excellent.

Mr. President, I yield the floor.

THE DEFENSE MODERNIZATION ACCOUNT

Mr. GLENN. Mr. President, on Saturday, August 5, 1995, I offered an amendment in the nature of a substitute to section 1003 of S. 1026, the National Defense Authorization Act for fiscal year 1996. My amendment, cosponsored by Senator ROTH and Senator GRASSLEY, was accepted by unanimous consent of the Senate. At this time I would like to make some comments about my amendment. I ask unanimous consent that a copy of the amendment be printed in the RECORD following my remarks, along with some relevant correspondence on this issue between Senator LEVIN and Office of Management and Budget Director Rivlin.

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

(See exhibit 1.)

Mr. GLENN. I would like to say at the outset that I share Senator NUNN's concerns that the military departments—indeed, I would say, all agencies of Government—should have incentives to find savings within the programs under their jurisdiction. I would further agree with the distinguished ranking member of the Armed Services Committee that one of the flaws of our current budget and appropriations process is that, rather than encouraging cost-savings efficiencies, it induces

agencies to spend whatever money is left before their authority expires at the end of a fiscal year. So, in this sense, I support the underlying purpose of the committee in developing innovative methods for providing such incentives, including the defense modernization account DMA.

As a long-time member of both the Armed Services Committee and the Governmental Affairs Committee—which I chaired for 8 years—I know full well, however, the significant problems and difficulties with DOD's financial management and controls systems. DOD has over 260 disparate accounting systems which are not yet integrated. Despite the efforts of John Hamre, the DOD comptroller, we have not yet reached the day when DOD can produce accurate, reliable, and auditable financial statements. In fact, I can tell you it will not even be in this century.

These problems have led to over \$20 billion worth of unmatched disbursements, where money has been paid out without proper and sufficient documentation. We do not know what it was used for. Moreover, DOD has been overpaying its contractors by the hundreds of millions of dollars each year, much of that discovered and returned by the contractors themselves, not through DOD followup. I will not bother to put everyone to sleep here by discussing negative unliquidated obligations—NULO's, as they are called.

These financial management problems should make anyone familiar with DOD pause before we give new and additional authorities in this area—however important the goal.

Perhaps the most relevant example to this proposal of DOD financial management problems is the infamous M accounts, or merged surplus accounts. A few years back, in 1991, I was one of the first in Congress to uncover this problem and help close these funds down. In layman's terms, M accounts had all the features of a slush fund, created by pooling together all excess appropriations dollars not spent in a fiscal year and using them for almost whatever purpose they wanted. Whether authorized by law, or not. There was no auditable trail, no accounting controls.

By the time we began our investigations into the M accounts, they had grown to over \$50 billion. The legislation which shut these accounts down required that an audit be conducted to determine, if we could, for what purposes this money was spent. After more than 3 years, we still have not figured out where some \$5.2 billion has gone. There are no matching records for the disbursements.

There were elements of the defense modernization account that reminded me of M accounts—and reminded others as well. In fact, my distinguished friend from Michigan, Senator LEVIN, was kind enough to share with me an exchange of correspondence he had with the Office of Management and Budget about the problems with this

account. And as previously stated, I have asked that this correspondence be made a part of the RECORD.

I am bound and determined that we not repeat the past. Since the committee reported the legislation, I have been working with Senator NUNN and others to improve section 1003. I now believe that we have built in sufficient financial controls and reporting requirements, while maintaining the flexibility, incentives, and intent of the original legislation.

I would like to briefly discuss some of the problems as I perceived them in the committee's language and describe what my amendment does to address those problems.

As proposed, the DMA had significant control and accountability shortcomings. For example, the DMA did not say who is responsible for identifying savings. If savings are achieved it is important to know how so that this knowledge could potentially be applied to other programs. There was no restriction on cross-fiscal year transfers—with the corresponding prospect that the DMA could be funded by transferring expired funds; and there was no limit on the ultimate size or life of the account. Under the original legislation, funds transferred into the DMA would lose their fiscal year and purpose identities, greatly complicating auditing. Programs would have been able to mask accounting and management deficiencies by transferring unobligated balances to the DMA at the end of the fiscal year, and transferring money back when unrecorded and forgotten bills show up. There was also a substantial risk, with no limit on its size or life, that the account could grow to embarrassing proportions.

We addressed these problems and I believe have reached agreement on acceptable changes to strengthen the financial controls. With the agreed changes, the DMA would require a secretarial determination of excess funds and identification of their source for funds transferred into the DMA; it would limit transfers into the DMA to unexpired funds available in the current year.

It would preserve the integrity of the Account Closing Act limitation on the period of availability for expenditure for funds transferred into the account; with this limitation, funds would not lose their fiscal year identity.

It would require notice to the relevant congressional committees of the amount and purpose of transfers from the DMA.

It would prohibit transfers from DMA to cover unliquidated or unrecorded obligations from prior fiscal years or to make unmatched disbursements.

It would limit the use of DMA funds to programs and purposes for which Congress has authorized funds.

It would require a quarterly report on transfers to/from DMA with amount, source and/or purpose.

It would cap the fund at \$1 billion; limit the availability of funds in the

DMA to the end of the third full fiscal year after transfer.

It would sunset the authority to transfer funds into the account after 8 years; GAO is to audit the account after 5 years and again 6 months prior to sunset. This will give DOD time before consideration of sunset to fix whatever deficiencies are found in first audit. We also provide for the account to be closed consistent with the account closing provisions of title 31. (31 U.S.C. §§ 1552(a), 1553(a)).

Mr. President I believe that these controls will help ensure that the defense modernization account does not become another M account. I appreciate Senator NUNN's willingness to work with me on this amendment. I also appreciate the work and input of Senator GRASSLEY, Senator ROTH, and their staff.

AMENDMENT No. 2279

Beginning on page 321, strike out line 15 and all that follows through page 325, line 18, and insert in lieu thereof the following:

“(b) CREDITS TO ACCOUNT.—(1) Under regulations prescribed by the Secretary of Defense, and upon a determination by the Secretary concerned of the availability and source of excess funds as described in subparagraph (A) or (B), the Secretary may transfer to the Defense Modernization Account during any fiscal year—

“(A) any amount of unexpired funds available to the Secretary for procurements that, as a result of economies, efficiencies, and other savings achieved in the procurements, are excess to the funding requirements of the procurements; and

“(B) any amount of unexpired funds available to the Secretary for support of installations and facilities that, as a result of economies, efficiencies, and other savings, are excess to the funding requirements for support of installations and facilities.

“(2) Funds referred to in paragraph (1) may not be transferred to the Defense Modernization Account by a Secretary concerned if—

“(A) the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred to that account; or

“(B) the balance of funds in the account, after transfer of funds to the account would exceed \$1,000,000,000.

“(3) Amounts credited to the Defense Modernization Account shall remain available for transfer until the end of the third fiscal year that follows the fiscal year in which the amounts are credited to the account.

“(4) The period of availability of funds for expenditure provided for in sections 1551 and 1552 of title 31 shall not be extended by transfer into the Defense Modernization Account.

“(c) ATTRIBUTION OF FUNDS.—The funds transferred to the Defense Modernization Account by a military department, Defense Agency, or other element of the Department of Defense shall be available in accordance with subsections (f) and (g) only for that military department, Defense Agency, or element.

“(d) USE OF FUNDS.—Funds available from the Defense Modernization Account pursuant to subsection (f) or (g) may be used only for the following purposes:

“(1) For increasing, subject to subsection (e), the quantity of items and services procured under a procurement program in order to achieve a more efficient production or delivery rate.

"(2) For research, development, test and evaluation and procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

"(e) LIMITATIONS.—(1) Funds from the Defense Modernization Account may not be used to increase the quantity of an item or services procured under a particular procurement program to the extent that doing so would—

"(A) result in procurement of a total quantity of items or services in excess of—

"(i) a specific limitation provided in law on the quantity of the items or services that may be procured; or

"(ii) the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense; or

"(B) result in an obligation or expenditure of funds in excess of a specific limitation provided in law on the amount that may be obligated or expended, respectively, for the procurement program.

"(2) Funds from the Defense Modernization Account may not be used for a purpose or program for which Congress has not authorized appropriations.

"(3) Funds may not be transferred from the Defense Modernization Account in any year for the purpose of—

"(A) making any expenditure for which there is no corresponding obligation; or

"(B) making any expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

"(f) TRANSFER OF FUNDS.—(1) Funds in the Defense Modernization Account may be transferred in any fiscal year to appropriations available for use for purposes set forth in subsection (d).

"(2) Before funds in the Defense Modernization Account are transferred under paragraph (1), the Secretary concerned shall transmit to the congressional defense committees a notification of the amount and purpose of the proposed transfer.

"(3) The total amount of the transfers from the Defense Modernization Account may not exceed \$500,000,000 in any fiscal year.

"(g) AVAILABILITY OF FUNDS FOR APPROPRIATION.—Funds in the Defense Modernization Account may be appropriated for purposes set forth in subsection (d) to the extent provided in Acts authorizing appropriations for the Department of Defense.

"(h) SECRETARY TO ACT THROUGH COMPTROLLER.—In exercising authority under this section, the Secretary of Defense shall act through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regulations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

"(i) QUARTERLY REPORT.—Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the amount and source of each credit to the Defense Modernization Account during the quarter and the amount and purpose of each transfer from the account during the quarter.

"(j) DEFINITIONS.—In this section:

"(1) The term 'Secretary concerned' includes the Secretary of Defense.

"(2) The term 'unexpired funds' means funds appropriated for a definite period that remain available for obligation.

"(3) The term 'congressional defense committees' means—

"(A) the Committees on Armed Services and Appropriations of the Senate; and

"(B) the Committees on National Security and Appropriations of the House of Representatives.

"(4) The term 'appropriate committees of Congress' means—

"(A) the congressional defense committees;

"(B) the Committee on Governmental Affairs of the Senate; and

"(C) the Committee on Government Reform and Oversight of the House of Representatives.

"(k) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy."

(2) The table of sections at the beginning of chapter 131 of such title is amended by adding at the end the following:

"2221. Defense Modernization Account."

(b) EFFECTIVE DATE.—Section 2221 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 1995, and shall apply only to funds appropriated for fiscal years beginning on or after that date.

(c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1) The authority under section 2221(b) of title 10, United States Code (as added by subsection (a)), to transfer funds into the Defense Modernization Account shall terminate on October 1, 2003.

(2) Three years after the termination of transfer authority under paragraph (1), the Defense Modernization Account shall be closed and the remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

(3)(A)

The Comptroller General of the United States shall conduct two reviews of the administration of the Defense Modernization Account. In each review, the Comptroller General shall assess the operations and benefits of the account.

(B) Not later than March 1, 2000, the Comptroller General shall—

(i) complete the first review; and

(ii) submit to the appropriate committees of Congress an initial report on the administration and benefits of the Defense Modernization Account.

(C) Not later than March 1, 2003, the Comptroller General shall—

(i) complete the second review; and

(ii) submit to the appropriate committees of Congress a final report on the administration and benefits of the Defense Modernization Account.

(D) Each report shall include any recommended legislation regarding the account that the Comptroller General considers appropriate.

(E) In this paragraph, the term "appropriate committees of Congress" has the meaning given such term in section 2221(j)(4) of title 10, United States Code, as added by subsection (a).

— U.S. SENATE,

Washington, DC, July 17, 1995.

Hon. ALICE RIVLIN,

Director, Office of Management and Budget,
Old Executive Office Building, Washington,
DC.

DEAR MS. RIVLIN: I am concerned about the efficacy and wisdom of a new Defense Modernization Account established in Section 1003 of S. 1026, the fiscal year 1996 Defense Authorization bill just reported by the Senate Armed Services Committee. Although I agree with one motive behind this effort, creating an additional incentive for the military services to generate savings from efficient program management, the method this bill establishes strikes me as precedent-setting for other agencies as well.

No other department of government is allowed to keep unobligated balances that would otherwise expire, and then use those

funds to procure items or services that Congress has not expressly authorized. And although Section 1003 is crafted to try to avoid a repeat of past abuses of the DOD "M" accounts, I believe the protections may be inadequate. The laws Congress has passed establishing new buying practices and requiring more efficient procurement should provide all the incentive needed. If programs can be completed for less money, shouldn't Congress authorize less money, or rescind unobligated balances and return funds to the treasury?

Would you please provide me with the Administration's view on Section 1003, and specifically address whether the Office of Management and Budget supports allowing the Department of Defense the new budgeting authority in S.1026?

As S.1026 could be before the full Senate within a week, I would appreciate a prompt reply.

Thank you.

Sincerely,

CARL LEVIN.

—
EXECUTIVE OFFICE
OF THE PRESIDENT,

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 3, 1995.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for bringing to our attention the establishment of a new Defense Modernization Account (DMA) in section 1003 of S.1026, the fiscal year 1996 Defense Authorization bill. Enclosed is a preliminary technical analysis of this section that was prepared by my staff.

We are in agreement with the major purpose of the proposal, which is to assist in the modernization of our military forces. Funds in the account would be used for increasing procurement quantities, increasing Research, Development, Test and Evaluation (RDT&E) accounts or modernization of an existing system being procured under an ongoing procurement program, all to support overall defense modernization.

We are concerned, however, about the erosion of the appropriations process that this provision would encourage. Although uses of funds in the DMA would ordinarily be approved through a reprogramming, and the Appropriations Committees would be able to block any use of DMA funds they disagreed with, reprogrammings are not subject to the full appropriations process involving both houses of Congress.

Also, the definitions of sources for the account appear broad. The terms "procurement" and "support of installations and facilities" would allow deposits of a wide array of funds into the DMA to be used for procurement and RDT&E rather than the original purposes for which appropriations were made.

Practical considerations may also limit the use of funds in the DMA. Use of DMA funds would increase outlays, and the DMA would not offer any relief from the scoring required by the Budget Enforcement Act. Further, transfers from source accounts would be constrained by the need to keep sufficient balances to cover such things as contract adjustments.

On balance, we think that section 1003 would provide the Department of Defense some modest additional flexibility in providing for modernization, but the flexibility would be offset by the concerns we have noted above.

Sincerely,

ALICE M. RIVLIN,
Director.

TECHNICAL STAFF ANALYSIS OF SECTION 1003 OF S. 1026

Section 2221(a) would establish a Defense Modernization Account (DMA).

Section 2221(b)(1) would authorize the Secretary of Defense to transfer, without limit, (A) funds available for "procurement" that would otherwise expire and (B) funds available for "support of installations and facilities" that would otherwise expire.

Since almost all DOD accounts are available for "procurement" and the "support of installations and facilities", funds could be transferred from many different accounts. For example, all of the O&M, Procurement, RDTE, Housing, and even parts of the Defense Health Program accounts are available to procure goods and services and/or support installations and facilities.

Section 2221(b)(2) specifies that funds may not be transferred to the DMA by the Secretary if the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred.

Section 2221(b)(3) would permanently reappropriate the amounts transferred to the DMA from fixed period (i.e., annual and multi-year) appropriations to no-year appropriations.

Section 2221(c) would "attribute" the amounts transferred to the DMA. Essentially, funds transferred in by a military department, Defense agency, or other element of DOD shall only be available for that department, agency, or element. It is not clear that the term "element" is needed. However, if it is retained, it should be clearly defined and in a manner that will not complicate DOD's accounting system.

Section 221(d) would make the funds available for a broad range of activities (1) for increasing the quantity of items and services procured under a procurement program in order to achieve more efficient production or delivery rate or (2) for research, development, test, and evaluation and procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

Section 2221(e) would prohibit the use of the funds: for a purpose for which Congress denied funds; or in excess of:

—a specific limitation provided in law on either (1) the quantity or the items or services that may be procured or (2) the obligation or expenditure obligated or expended, respectively, for the procurement program; or

—the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense.

Section 2221(f)(1) would provide permanent transfer authority up to \$500 million each year from the DMA to accounts available for the purposes described in subsection (d). This subsection and subsection (b)(3), when taken together, would establish a process that would function through reprogramming.

Section 221(f)(2) would require the Secretary to notify the Armed Services and Appropriations Committees of any proposed transfers under (f)(1).

Section 2221(g) specifies that funds in the DMA (to include balances over the \$500 million transferred under subsection (f)(1)) may be appropriated for purposes of subsection (d) to the extent provided in Acts authorizing appropriations for the Department of Defense. This appears to provide another method to make funds in the DMA available for obligation in addition to reprogramming.

Section 2221(h) would require the Secretary of Defense to exercise his authority under this section through the Undersecretary of

Defense (Comptroller). If the intent is to allow the Secretary to delegate this authority it is unnecessary. Sufficient authority already exists for such a delegation.

There is no sunset date for the DMA.

Mr. GRASSLEY. Mr. President, I join Senator GLENN in offering an amendment to Section 1003 of the bill.

Section 1003 establishes a new account at the Department of Defense [DOD].

The new account is called the "Defense Modernization Account."

When I was first told about the Defense Modernization Account, I was very concerned.

The alarm bells went off.

Right away, I thought I could see another slush fund like the infamous \$50 billion M accounts in the making.

Subsection (B)(3) is what really set me off.

This is what it says:

Amounts credited to the Defense Modernization Account shall remain available until expended.

To me that sounds like a permit to open a laundry operation to break down the integrity of appropriations.

That sounds like another honey pot where unlimited amounts of no-year money could be stashed for a rainy day.

Like the M accounts, I fear this money could be used to cover cost overruns and other unauthorized projects beyond the purview of Congress.

Clearly, this is not the intended purpose of section 1003.

But in my mind, it is a potential problem. Bureaucrats at the Pentagon might abuse the new authority.

I also think section 1003 may be inconsistent with various parts of title 31 of the United States Code and most particularly the M account reform law enacted in November 1990.

I am afraid that section 1003 might be used to undermine strict procedures for closing appropriation accounts that were established by the M account reform law.

That law set up expired accounts.

When the period of availability of an appropriation ends—as fixed by annual appropriation bills, those moneys are placed in an expired account—where they remain for 5 years.

While in the expired accounts, the fiscal year and appropriation account identity must be maintained.

At the end of 5 years, accounts must be closed and all remaining balances are canceled.

It is important to maintain the integrity of appropriation accounts.

And it is important to respect the period of availability set in the appropriations bills.

But my concerns are not incompatible with the purpose of the Defense Modernization Account.

The Defense Modernization Account is supposed to encourage the Defense Department to save money and to use savings to meet critical modernization shortfalls.

The periods of availability in expired accounts plus the availability provided in annual appropriations bills means that procurement moneys—the primary focus of section 1003—are available for 8 years or more.

That's more than enough time to identify savings and reallocate them into top priority modernization programs—with congressional approval.

Senator GLENN has crafted an amendment that addresses all of my concerns.

His amendment brings the Defense Modernization Account into line with current law.

Above all, his amendment protects the integrity of the appropriations accounts and all moneys involved.

I thank Senator GLENN for making such an important contribution to financial management at the Pentagon.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, it does not take a rocket scientist to be aware that the U.S. Constitution forbids any President to spend even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when a politician or an editor or a commentator pops off that Reagan ran up the Federal debt or that Bush ran it up, bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending.

Thus, it is the fiscal irresponsibility of Congress that has created the incredible Federal debt which stood at \$4,945,941,078,492.53 as of the close of business Friday, August 4. This outrageous debt—which will be passed on to our children and grandchildren—averages out to \$18,774.87 for every man, woman, and child in America.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator has yielded. Morning business is closed.

FAMILY SELF-SUFFICIENCY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4, the welfare reform bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 2280, of a perfecting nature.