

talking about overobligations and overpayments.

DOD cannot write checks and pay bills with no money in the bank.

Mr. President, this simple rule applies to most citizens in this country but not to entrenched bureaucrats in the Pentagon.

They can dip into a bottomless well that is the \$250 billion defense budget.

This bottomless well allows DOD bureaucrats to merge and comingle appropriations.

They do this to cover shortages—beyond the purview of Congress. Say a bill is submitted for payment, but the bureaucrats discover that there is insufficient money in the account to pay it.

Under the current policy—that is Mr. Hamre's policy—the bureaucrat is authorized to arbitrarily and deliberately post it to another account—the wrong account—but one fat with cash.

Mr. President, that is illegal. Yet that is exactly what CODSIA is asking DOD to keep doing. CODSIA refers to ACRN for accounting classification reference number. ACRN's identify appropriation accounts.

I quote from CODSIA's letter to DOD:

Continue the current DFAS [Defense Finance and Accounting Service] procedure of reallocating payment by ACRN when there are not enough funds in an ACRN to make the payment.

In other words, CODSIA says: Keep charging the wrong account if there isn't enough money in the right account.

Mr. President, that is a blatant violation of law.

When an ACRN contains insufficient funds to pay a bill, the account is overdrawn. It is in the red. It is time for heads to roll.

That is a violation of the Antideficiency Act—section 1341 of title 31, and that carries criminal penalties. It's a felony.

And when you arbitrarily reach into another account to get the money, as CODSIA suggests, you also violate sections 1301 and 1502 of title 31.

These laws are the sacred constitutional cornerstones of Congress' control over the purse strings.

CODSIA shows no respect for these sacred constitutional principles.

At least CODSIA is up-front about what it wants. It wants industry to get paid—even if it means breaking the law.

There is another problem—overpayments. These are bills that should not be paid.

DOD has a nasty habit of overpaying contractors and does it with great regularity.

The bad part about it is DOD doesn't know when it happens. DOD doesn't have the controls in place to detect them.

The only way DOD knows about an overpayment is when the contractor voluntarily returns the money.

Well, Mr. President, guess what is causing overpayments?

Answer: Mr. Hamre's current progress payment policy—the one he promised to terminate on October 1.

A recent GAO report—No. 97-37, page 12—says this policy is “the most frequent cause of DOD's overpayments.”

The GAO report is entitled “Fixing DOD's Payment Problem Is Imperative.”

The new policy promised—but not delivered—by Mr. Hamre should put a lid on overpayments.

Now if overpayments were stopped, who would suffer: CODSIA or the taxpayers?

Mr. President, I think CODSIA has plenty of self-serving reasons for wanting to keep the current policy.

CODSIA lost its credibility when it insisted that DOD break the law to keep the money spigot wide open.

Mr. Fuqua's letter to Acting Comptroller Alice Maroni was followed by a similar letter to Mr. Hamre.

This one was from the defense heavyweights: Boeing, Hughes, Lockheed Martin, Northrop Grumman, and Raytheon.

The message was the same.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

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

THE BOEING CO., HUGHES AIRCRAFT CO., LOCKHEED MARTIN CORP., RAYTHEON CO., NORTHROP GRUMMAN CORP.,

September 22, 1997.

Hon. JOHN HAMRE,

Deputy Secretary of Defense,
Pentagon, Washington, DC.

DEAR DR. HAMRE: We are writing to convey our concern regarding the Department's plan to implement new requirements for progress payment distributions effective October 1. We are particularly concerned that there has not been time to ascertain fully the cost of compliance or the impact on timeliness of payments. A quick cost impact estimate conducted by industry indicates a minimum impact for Fiscal Year 1998 of \$1.3 billion (see enclosed CODSIA letter dated August 27). These costs, plus those to be incurred by DOD for implementing this requirement, will have to be borne by the U.S. Government.

We understand that the DOD Inspector General and the General Accounting Office indicate the need for improvements in the DFAS accounting system. However, until DOD and its contractors can fully assess the cost and related impacts of the policy change made in your two memoranda of July 23, 1997, we are not confident that this is the least expensive means of ensuring the improvements. We should also explore legislative action for the Fiscal Year 1999 authorization cycle.

In the meantime, we request that you delay the October 1, 1997, implementation date for the proposed progress payment distribution policy change and that the change, when it does become effective, be applied only prospectively and not to any existing contracts. We respectfully request the opportunity to meet with you to discuss the grave nature of this issue and obtain your guidance on appropriate actions industry can take to mitigate the associated cost impact and delay.

We appreciate your prompt attention to this matter and look forward to your re-

sponse. We remain confident that the taxpayers' interest can be protected in a cost effective manner.

Sincerely,

Scott E. Carson, Vice President, The Boeing Co.; Marcus C. Bennett, Executive Vice President and Chief Financial Officer, Lockheed Martin Corp.; Peter R. D'Angelo, Executive Vice President and Chief Financial Officer, Raytheon Co.; Charles S. Ream, Vice President and Chief Financial Officer, Hughes Aircraft Co.; Richard B. Waugh, Corporate Vice President and Chief Financial Officer, Northrop Grumman Corp.

Mr. GRASSLEY. Mr. Hamre buckled under all the pressure from industry.

He responded with what I fear may be an open ended deferral of the new policy.

In doing that, I am afraid he is breaking his word to me and the leadership of the Armed Services Committee.

At this point, the future of the new policy is very much in doubt.

Mr. President, I will have much more to say about this issue in the near future.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for up to 30 minutes.

Mr. THOMAS. Mr. President, I probably will not use 30 minutes.

THE SENATE STANDSTILL

Mr. THOMAS. I come to the floor to express some feeling of sadness, some feeling of impatience, frankly, some feeling of irritation, that we are not doing more than we have been doing.

The last 3 weeks we have come in, we have talked about things, we have set them aside, we haven't been able to proceed with the country's business. I think that is a shame. We have many things to do. We have lots of opportunities to do some things that need to be done, and here we are sort of ground to a stop. We are being held up by people who insist on having it their own way or no way, their own way or the highway. That is not really what we ought to be doing here.

We have an opportunity to deal, for instance, with Federal funding for highways, something that ought to be done, an authorization that expired in September, and we need to move forward with it. It has been passed by the committee. It is on the floor, but because of objections we are still here and not doing a thing. ISTEPA expired in September and we need to be doing it. The stalling, of course, is basically a result of campaign finance. We voted several times not to bring McCain-Feingold to the floor. That bill did not receive a majority vote.

Many in this body, including myself, are favorable to doing something in campaign finance, but not McCain-Feingold. That is where we are. We are being held up for that, I think for a couple of reasons. One is to sort of change the image of the hearings that are taking place, to switch the hearings from the potential of the allegation of breaking the law, to changing

the law. Those are two different things. But we ought to be talking about whether or not there was realism to the idea that foreign funds were taken into campaigns. That breaks the law. We ought to be talking about the changing or shifting soft money to hard money. That is against the law. The allegations of laundering money, that is against the law. That is what we are talking about there. Then we ought to be talking over here about campaign reform, fine. But McCain-Feingold is not one this body is willing to accept.

As a result of that, we are not doing anything simply because of complaints—well, we can't go forward unless I get my way. I think the majority leader has done a great job of trying to negotiate something, trying to put campaign finance on the menu for next March—that is the thing to do—and then come up with a bill that has some support, bipartisan support, and we can do something. But that is not where we are.

Think a minute about the agenda that we might be able to pursue, the things that people really want to do. One, of course, is ISTEA, the funding of highways. Now, some say it doesn't matter, there is enough money, there is enough cash-flow, we don't need to do it until next year. And there is probably cash-flow to finish the contracts there now, to operate, but there is not the kind of money that highway departments need to plan for next year, to go ahead and let contracts and move forward as we should. We ought to be doing that.

IRS reform—most people want to do something about the IRS in two areas. One, change the way the agency works, and that can be done, to make it more friendly. There are proposals out there that most people agree with. The other is to start talking about changing the Tax Code which underlies the problem, which we need to be doing.

What are we doing? We just can't move forward with anything because you are not doing it the way you want to. Come on, that is not why we are here.

We ought to be doing something to make sure that our balanced budget agreement is ready for next year. A balanced budget means more than anything else. We need to be doing something, as I mentioned, about the Tax Code to make it simpler. Most people agree with that. We can do some things, but you can't do them unless you undertake it. You can't do it by just stalling.

We need to do something about educational IRA's to give people an opportunity to set aside money for education so they can use it not only for higher education but for elementary and secondary. Those proposals are out here and are ready to be worked on. Can't do that because you don't agree to what we want on McCain-Feingold. Give me a break. We have a lot of things we ought to be doing.

We ought to be talking about ways to have smaller Government, ways to bring the private sector into contracting those nongovernmental activities in Government that can be done to help small business—the main thing small business has talked about in the White House meetings for the last 3 years. Can't do that, though, because we don't have it our way.

States rights. We ought to be talking about the proper role of Government, individual freedom and responsibilities. Those are the things that we are here for.

Mr. President, I am disappointed that we aren't able to move forward. I am disappointed that we are not able to do some useful things while we are here. That is why we are here, why we were sent here. I have no objection to disagreement. That is part of the system. Certainly not everybody is going to agree. In the first place, we have different philosophies. That is kind of why we have two parties; we represent different philosophies on things. That is perfectly legitimate. Whenever anybody has a bill, there are reasons why others don't agree. That is why we have a system to vote to decide how they will work out. There is no problem with debate, no problem with argument, no problem with disagreement. But we need to move beyond that. We need to move beyond that and do some of the things that we were sent here to do—and there are so many. As people begin to look at next year's election, the issues begin to identify themselves, as they should, and we ought to be doing something with them. We ought to be doing something with them.

Mr. President, we will have an opportunity. I guess, this afternoon to move forward. Perhaps we can move on. At least we have six more appropriations bills to pass to keep the Government operating. We have had to extend the time twice because we haven't been able to get to them. It would be interesting at some time to have everybody in this body write down the 10 issues that they think are most important to this country and to set about to do them. Wouldn't that be interesting and useful? We can do that.

Mr. President, I hope that when we come together this afternoon to vote, we will also bring together the Interior appropriations bill and move forward on that. There will be things we don't agree with. I can tell you one I don't agree with procedurally. You will find on the appropriations bill—it was put on there—a \$400 appropriations dealing with endangered species, the jumping mouse. Well, I don't have any particular objections to jumping mice, but I do have an objection to someone putting it on the appropriations bill when it is in the conference committee, has never been talked about in either House, and they put it on there and you don't have any chance to do anything about it. That's wrong. It's the wrong procedure. We should not do that. But I am not going to try to hold

the thing up because of that. It ought to go forward. So should the other things that are before us here in this conference.

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.

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

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

DEGRADATION OF THE SALTON SEA ECOSYSTEM

Mrs. FEINSTEIN. Mr. President, I rise to bring to the attention of my colleagues in the Senate what I believe to be a building environmental crisis in southern California, and that has to do with the Salton Sea. Let me begin by telling you what the Salton Sea is. The modern day Salton Sea is often referred to as the largest manmade water body in California. It was formed in late 1905 as a result of a break in a temporary levy along the Colorado River. For a period of about 16 months after the breach, the Colorado River flowed into the below-sea-level depression then known as the "Salton sink," filling it to a depth of more than 80 feet above its lowest elevation. Since that time, the water level in the sea has been seeking a balance between desert forces that extract water as a product of evaporation and the inflows of water from surface and subsurface sources. The Salton Sea is about 350 square miles. It is 35 miles long, it has 115 miles of shoreline, and it is 15 miles wide. It is a big body of water. Today, the depth is about 51 feet, and I believe it is about 234 feet below sea level.

This lake was originally a freshwater lake. It is now dying because of a confluence of events. It is the combination of the rising salinity levels caused by the evaporation I just mentioned—and the body of water is now 25 percent saltier than the ocean—plus major disease outbreaks and other up to this point identified as unknown causes that scientists believe are linked to millions of gallons of polluted agricultural drainage as well as chemical wastes coming out of Mexicali. Now, these wastes flow from the Alamo and the New Rivers, which go from Mexico, flow north, and empty into this huge body of water. The body of water is best known as being between Palm Springs and the Mexican border. It is near the areas we considered for the Desert Protection Act, and originally it was hoped that it would be a major recreation area. As a matter of fact, it was hoped that about \$500 million a year in revenues would be produced because of recreational and job opportunities. Instead, it is now just a dreadful situation.

The two rivers I just mentioned, the New River and Alamo River, account