

in sync, the Pentagon is operating outside the law, and it doesn't reflect the fiscal discipline that we need in this town and that we would get with a constitutional amendment.

Unfortunately, the new policy in this draft language that is floating around the Pentagon does not put them back in sync. It will keep them out of sync permanently.

To understand the root cause of this problem, we need to step back in time. Bureaucrats do not like it when congressional overseers revisit history, but that is what we need to do. We need to revisit an old IG report, the inspector General's audit report dated March 31, 1992. That is number 92-064. It is on the Titan IV Missile Program.

That is where the problem was first detected and exposed, and that is the problem the bureaucrats are trying to cover up in this new policy.

The Titan IV was not an isolated case. Unfortunately, the practices uncovered on Titan IV typified common practices throughout the Department. This report showed the Defense Department regularly violates the laws that the draft language would undo. Instead of fixing the problem, this proposed language would legalize the crime.

Mr. President, the laws that were violated were designed to protect Congress' constitutional control over the purse strings. Progress payments to Martin Marietta on the Titan IV contract were made in violation of those laws. Those payments were made on a predetermined sequence of appropriations. Those are words that mean the money was drawn from available appropriation accounts using a random selection process.

What a way—random selection to justify the expenditures of the taxpayers' money. That is a blatant violation of the law. That is the inspector general talking, Mr. President, not the Senator from Iowa.

Yet, as difficult as it may be to comprehend, this unlawful procedure was sanctified by Air Force Regulation 177-120, starting February 15, 1988. In other words, that is an outlaw decree.

Congress appropriates money for specific purposes. Those purposes are specified in law, and that is how the money must be spent. That's what the law says. The Pentagon bureaucrats promise to straighten up this mess after the fact, down the road, after the money goes out the door. They try to retroactively adjust—that's their language—adjust the ledgers—to make it look like the payments and the appropriations were in sync.

That is fine and dandy, Mr. President. It makes the books look nice and neat, but the books then do not reflect the reality of how the taxpayers' money was spent or what the appropriators intended. The books do not tell you how the money was really spent. If they don't do that, then they are inaccurate, and that's what I call cooking the books.

Back in 1992, the inspector general tried to shut down the Defense Depart-

ment's unlawful payment process. Mr. President, the inspector general told the Department to get on the stick, obey the law, fix the problem.

Well, guess what? The big wheels over at the Pentagon nonconcurred with the IG. That means, take a hike, in other words. They said the payment process was working just fine; it doesn't need any fixing; don't mess with it.

We should be thankful that the IG had courage and did not back down.

This dispute came to a head, after years of talk, in March of 1993. There was a high-level powwow at that time. The financial wizards in the Pentagon got together and signed a peace treaty. They said, basically, obey the law.

They were given 120 days to do it.

The treaty was signed by: Ms. Eleanor Spector, Director of Defense Procurement; Mr. Al Tucker, Deputy Comptroller; and Mr. Bob Lieberman, assistant IG for auditing.

Mr. President, 4 years have passed since that agreement was signed. Those same officials are still in the same place. But nothing has been fixed.

Now, we have the DOD CFO telling us that nothing will be fixed. The status quo will be institutionalized and legalized. Titan IV is the model for the future.

CFO Hamre is responsible for this mess.

Why didn't Mr. Hamre enforce the March 1993 agreement? What exactly has happened in the 4 years since the agreement was signed? How did we end up where we are?

We need to know the answers to these questions. We need to understand the problem before we try to fix it.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Thank you, Mr. President. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

#### AVIATION SAFETY

Mr. FAIRCLOTH. Mr. President, the White House Commission on Aviation Safety and Security is going to present its recommendations to the President today, and I commend the commission for its work and support most of its recommendations.

Aviation safety should be a prominent feature on the list of bipartisan issues upon which we can find common ground this year. There are 22,000 commercial flights every day in the United States. The American air traffic control system served 550 million passengers last year. Mr. President, in my home State of North Carolina, 22 million people last year passed through the Charlotte airport.

The safety of literally millions of Americans hangs in the balance of our commitment to aviation modernization. I have a rather personal interest in this issue. I was in a plane crash in

1983 and wound up in a lake surrounded by fire in an airplane without wings.

I want to stress the importance of the commission's call for rapid modernization of our air traffic control system. These efforts to upgrade the system will necessitate certain costs, and no one in this city is more concerned about the taxpayers than I, but the system is decades old and on the verge of collapse.

Mr. President, one of the better-kept secrets around Washington seems to be the \$1.4 billion that we have squandered on a failed effort to upgrade the aviation computer network over the last several years. IBM worked for years to create a modern air traffic control computer system and spent more than \$1 billion of the taxpayers' money. The exact figure is unclear, but the contractors think—they think—that they will be able to salvage some of this work—some of it—as the process starts anew.

The system at O'Hare Airport in Chicago includes computers that are more than 30 years old, and, as you know, its failures leave some air traffic control personnel with blank screens. The lives of the passengers are in the hands of air traffic controllers hobbled by a system that is both inadequate and obsolete.

The Federal Government called for installation of a Doppler radar system to detect wind shear at airports around the country. However, Mr. President, the system is operative at just a few airports. This Congress maintains an obligation to the air passengers of this country. Clearly, this obligation is not yet met, and too much money has been wasted.

As a member of the Transportation Appropriations Subcommittee, I intend to keep a keen eye on the dollars as I always do, but I also want to see a cost-effective modernization of the system. We owe a safe system to the taxpayers. Their tax dollars are paying for it, and they are entitled to it, and they need it. It is incomprehensible that the computers at one the busiest airports in the world can go blank. This is a condition that boggles the mind.

I believe the hiring policies of airline companies and airports also merit serious thought. The airlines need to be certain that the people who service and maintain airplanes do not have questionable backgrounds. These security issues are critical to the safety of the American flying public.

There are other safety concerns of note. The American airplane fleet is aging. We need to ensure that inspections are thorough and frequent on these older aircraft. There is nothing wrong with an older airplane, but it needs to be inspected and updated, lest problems go undetected and new technologies go unused.

We need to take these and other steps to ensure that the American air traveler is safe. We can ensure safe skies without excessive inconvenience and delay, and, Mr. President, I am committed to just that.

I thank the Commission for its efforts. I look forward to working with my colleagues and the administration to implement some of these recommendations.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the resolution.

Mr. DORGAN. Mr. President, I wanted to come to the floor of the Senate to respond to and to discuss some items on the constitutional amendment to balance the budget.

There has been a great deal of talk about the constitutional amendment here on the floor of the Senate. There have been press conferences on both sides and a great deal of literature distributed in the Senate. I want to talk about what the issue is and what the issue is not.

The issue is not, as some would have us believe, a discussion between those who think it is meritorious to balance the Federal budget and those who think we should not balance the Federal budget. Generally speaking, most Members of the Senate believe it is important for this country's long-term economic interest to find a way to balance the Federal budget. We ought to do that. This Federal Government has spent more than it has taken in for a good long while. I would just say, that it is the irresponsibility of Democrats and Republicans that have allowed that to happen.

It is true that there is a difference in how they want to spend money, but there is not a plug nickel's worth of difference between Republicans and Democrats about how much they want to spend. One side might want to spend more for Head Start and another might want to spend more for B-2 bombers or whatever. But nevertheless, if we take a look at the aggregate appetite for spending you will not find a plug nickel's worth of difference on either side of the aisle. Priorities and choices, though would be different.

But both political parties—Presidents who are Republican, year in and year out, Presidents who are Democrat, not quite as many, I might add—both have submitted budgets to the Congress that are wildly out of balance and that have had substantial deficits. So this is not a case where one can stand on slippery sand and say, "It's your fault. You're the folks who are at fault over here." It is everybody's fault. And it ought to stop. We ought to balance the Federal budget because that will be good for this country.

The debate here is, shall we alter the Constitution of the United States? Shall we change the Constitution of the United States? I would observe that if it is done, 5 minutes from now the Federal debt and the Federal def-

icit will not have been altered by one penny. We will have altered the constitution of the United States, but we will not have changed by one penny the Federal deficit or the Federal debt.

I want to talk a bit about that because I think there are circumstances under which we should alter the Constitution. There are circumstances under which I will support a constitutional amendment to balance the budget. But I think when we do change the U.S. Constitution we ought to do it with great care and we ought to do it right, because you do not get many chances to correct a mistake.

First, I want to talk about debt. The discussion about debt is an interesting one because we have people coming to the floor of the Senate and they say, "Well, these Federal deficits that we have had, you know, everybody else has to balance their budget. Business has to balance its budget. Consumers have to balance their budgets."

We have about \$21 trillion of debt in this country, about \$21 trillion of debt. This chart shows what has happened to debt. The growth of debt in my judgment has not been very healthy for this country, not in the public sector, not in the private sector.

This shows what has happened to business debt, corporate debt, household debt, Federal Government debt. Take a look at the curve. And \$21 trillion worth of debt.

Now someone might stand up and say, "Well, everybody else has to balance their budget." That is not true. If so, what is all this debt about? In fact, we have developed a culture in this country in which it is fine for the private sector to send a dozen solicitations to college students who have no jobs and no visible means of support saying to them, "Please take our credit card. You have a \$1,000, \$2,000, or \$5,000 approved limit. Just go ahead and take our credit card. We want you to have a credit card. You don't have a job, no income. Take our credit card." That is the culture in our country. Is it good for this country? I do not think so.

I said also, the culture is walking down the street as a consumer, and the picture window of the business literally raps on your elbow and says, "Hey, you, walking in front of me here," the window says, "Come in and buy this product. It doesn't matter you can't afford it. Doesn't matter you don't need it. Buy the product. Take it home. You don't have to make a payment for 6 months. And we'll give you a rebate next week. And charge it." That is the culture. Is it right? No, it is not right.

We ought to change that. We ought to change it here in the Federal system by balancing our budgets responsibly. And we have a problem well beyond this Federal system. Take a look what is happening with credit card debt in this country. Take a look at consumer debt.

My point is, we ought to be concerned about the Federal debt and the

Federal deficit, but we ought not stand up and say that is the only place debt exists. We have a whole culture of debt that raises real significant questions about where we are headed and how we are going to get there.

The discussion today is about altering the Constitution in order to require budgets be in balance. Last evening I was privileged to see a preview of something that is going to be on public broadcasting on the life of Thomas Jefferson. It is a wonderful piece written by Ken Burns. It describes Thomas Jefferson writing the Declaration of Independence at age 33. I got a copy of that today. I can only imagine having the kind of talent that he had. I mean, he was almost unique in the history of the world in his ability to think and write and express for us the spirit of what this democracy is.

Thirty-three years old and in a boarding house he writes:

When in the Course of human events, it becomes necessary for one people to dissolve their political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

You can see Thomas Jefferson's handwriting and his corrections, the words he has crossed out, the words he has added when he wrote this marvelous, wonderful document.

The year following the writing of this document when he was 33 years old, a group of 55 white men, largely overweight, we are told, convened in a small room in Philadelphia called the Assembly Room in Constitution Hall. They said it was so hot that summer in Philadelphia that—and those folks had such ample girth—that they had to cover the windows to keep the Sun out because it got very warm and they did not have air-conditioning in those days. And those 55 men wrote for this country a constitution.

The Constitution itself is quite a wonderful document. Thomas Jefferson was in Europe at the time. He contributed to the writing of the Constitution by sending substantial writing back about the Bill of Rights. The Constitution of course is the living document that is unique in the history of this world.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.