

In this time of tragedy, we must also acknowledge that our Nation is stronger and our liberties more secure because of the willingness of these patriots to commit their talent, their leadership, and ultimately their lives to the defense of our Nation.

Colonel Beat, Major Cakerice, Major Culver, and Captain Everett were shining examples of the quality, the expertise and the talents of the men and women who put on the uniforms of our Armed Forces.

And so again, Mr. President, our prayers are with the families of these four great American airmen. We know that every day of the week others embark on similar training experiences and similar endeavors. Lives are always at risk in times of peace as well as in conflict in order to protect our liberties as Americans, including our ability in this Senate to gather, to debate, to discuss policy issues affecting our Nation.

So it is in the great effort of these airmen, and others like them in all of our branches of the military, that we owe great gratitude. All people in the State of South Dakota share the grief but also the pride of these families in the great contribution that these airmen have made to our Nation.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 18, 1997.)

Mr. BENNETT. Madam President, I am pleased to report that the House and Senate conferees reached an agreement on funding for the legislative branch for the fiscal year 1998. The agreement we reached provides for total spending of slightly under \$2.5 billion—an increase of 2 percent over the fiscal year 1997 level and a decrease of 6 percent from the President's budget.

Before we begin, I would like to state for the record that the issue of pay for Members of Congress is not in this bill.

However, there were significant differences in the amount of funding in the House and Senate bills. The House wanted to limit the growth of the legislative branch to the fiscal year 1997 level exclusive of Senate items. The Senate had made a commitment to the General Accounting Office—a commitment which was made when Senator MACK chaired this subcommittee and oversaw a 25-percent reduction in GAO. This was a 25-percent reduction in their budget and a 33-percent reduction in staff. I participated in the decision to reduce the agency, and I was also a party to the Senate's commitment to stabilize the agency once it made the reduction. Senator DORGAN shared my desire to meet that commitment.

I want to thank Senator DORGAN for his hard work, and interest in the bill. It was only with his strong support that we were able to provide adequate funding—a \$7 million increase in direct appropriations plus and increase of \$1.5 million in offsetting receipts over the fiscal year 1997 level.

The Federal Government will spend almost \$1.7 trillion next year. The legislative branch has the responsibility to oversee this budget and make sure that taxpayer funds are being spent wisely. GAO is responsible for identifying wasteful Federal spending and recommending ways in which we can save billions of dollars. This past year GAO has identified \$6 billion in measurable savings in the Federal Government. That does not include other savings which cannot be measured in dollars—such as better organization, ways in which an agency can better serve taxpayers, etc. For every \$1 appropriated to GAO, they have identified \$50 savings. This is an agency which is worth the investment.

Maintenance was another issue in this bill. I believe strongly in the need to invest in maintenance. Saving a small amount of money now on maintenance will only result in higher costs in the future.

I learned in business that if you do not properly maintain your building and equipment you will soon find yourself spending much more money to replace those items which have crumbled or can no longer function. There are a number of maintenance and security items which the Senate identified as priorities such as, repairs to the Library of Congress roof, investment in the Capitol powerplant, and Capitol security.

Funding for the Joint Committee on Taxation was also an issue. The Senate conferees agreed at the strong urging of the House conferees to split the difference between the House and Senate bills resulting in an increase of \$91,500 over the Senate bill. For many years now the Joint Committee on Taxation has operated as an extension of the Finance and Ways and Means committees. Members of Congress who are not

members of those committees have not been able to get revenue estimates for their proposals. Without the revenue estimates, it is almost impossible to go to the floor to offer an amendment to a tax bill.

We have been assured by the House that Congressman ARCHER—the current chairman of the Joint Committee on Taxation is committed to working harder to provide to Senators and Representatives revenue estimates in a timely fashion. It is our intent to ensure that the Joint Committee on Taxation assists all Members of Congress. Included in the statement of managers on page 26 of the conference report is language identifying the scope of the assistance we expect the Joint Committee to provide to Members.

During the course of the next year, I would like to hear from my colleagues if they are finding the Joint Committee to be helpful.

In reaching this agreement, the Senate came down \$37 million in budget authority and the House went up \$24 million. I am comfortable that the legislative branch will be able to meet its oversight responsibilities with the funding provided in this agreement.

Again, I would like to thank Senator DORGAN as the ranking member for his hard work on reaching this agreement. In addition, I would like to thank Senator STEVEN, Senator CRAIG and Senator BOXER for their assistance on the subcommittee as well as the following staff: Christine Ciccone, Jim English, Mary Dewald, Mary Hawkins, Chuck Turner, and Chip Yost, for their superior work.

I thank my colleagues in advance for their support of the conference report.

Mr. DORGAN. Madam President, I rise in support of the conference agreement to H.R. 2209, the fiscal year 1998 legislative branch appropriation bill. The conference agreement provides a total of \$2.25 billion for fiscal year 1998 for the Congress and other legislative branch agencies. This represents a reduction of \$144 million from the budget request.

All in all, this is a good conference agreement. I wish to take just a minute to point out the level of funding agreed to by the conferees with respect to the General Accounting Office [GAO]. As Members are aware, an agreement was reached last Congress between the GAO and appropriators to reduce the GAO's budget by a total of 25 percent over fiscal years 1996 and 1997. The GAO successfully implemented a plan for this reduction, without having to be dragged kicking and screaming. Our commitment to them, in return, was to stabilize their funding at that reduced level. Unfortunately, for fiscal year 1998, the House recommended an appropriation of only \$323.5 million for the GAO, a reduction of \$37.9 million below their budget request. The Senate bill, after thorough consideration and cooperation from the GAO itself, found that an appropriation of \$346.8 million would be sufficient to maintain GAO's level of operations.

Madam President, this was the most difficult issue in the conference. Chairman BENNETT joined me in urging the House to come up substantially from their level. Ultimately, the conferees agreed to an appropriation of \$339.5 million for fiscal year 1998, \$7 million above the fiscal year 1997 appropriation and \$16 million above the House-passed bill. While not providing GAO every last dollar that they would like to have had, this level of funding comes very close to fulfilling our commitment to the GAO.

I commend Senator BENNETT for his fairness and the leadership he showed during our conference with the House. I also compliment the House conferees, particularly the House subcommittee chairman, Congressman WALSH, and his minority counterpart, Congressman SERRANO, as well as their very capable staffs, Ed Lombard for the majority and Greg Dahlberg for the minority.

Madam President, I urge my colleagues to vote for this conference agreement.

Mr. MCCAIN. Madam President, as I said when this bill came before the Senate for consideration, this is, overall, a good bill. It contains very few of the types of earmarks and set-asides for pork-barrel spending that are included in most of the appropriations bills.

Of course, I don't believe I have ever had the pleasure of reading an appropriations bill that is completely devoid of earmarks, and this bill is no exception.

When this bill came before the Senate, I applauded the Senate's decision to eliminate or reduce funding for several projects that did not appear to be high-priority projects. The Senate cut \$50,000 for a study of electromagnetic fields in the Russell Senate Office Building, reduced funding for elevator modernization in the Hart Building by \$200,000. Unfortunately, the Senate did include \$100,000 for a new subway from the Russell Building to the Capitol.

Because of these and other reductions, the overall budget for Senate buildings was reduced by about \$2 million. This conference agreement restores the full \$52 million originally proposed for the Senate.

My staff was told by the Appropriations Subcommittee staff that this restored money will not be used for the projects noted above that the Senate explicitly cut. Instead, \$2 million will be transferred and used for maintenance and repair projects and security

improvements in the Capitol. Although I can find nothing in the conference agreement that would ensure this is the case, I trust that none of the restored funds will be used, for example, to study electromagnetic fields in the Russell Senate Office Building.

Finally, I am disappointed that the conferees chose to specifically reverse the direction in the Senate report that would require the General Accounting Office to place higher priority on Members' requests for audits, studies, and investigations. This has been a particular matter of concern to me, and I was pleased that the Senate Appropriations Committee chose to take the initiative to establish the proper priority for the GAO's work.

I am sure most of my colleagues have, at one time or another, been advised that the GAO cannot complete work we have requested in a timely fashion. But I don't know if my colleagues are aware that GAO does a great deal of work that is either self-initiated or requested informally by staff members. And often this work is placed ahead of work that is requested by Members in the GAO's assignment of staff and resources to complete the work. I don't believe most of my colleagues would think that is the proper prioritization for an agency that works for the Congress.

Frankly, I can see no good reason why the conferees took the unusual step of repudiating this very much-needed directive. Unfortunately, however, because this provision has been summarily reversed by the conferees, I will have to consider other appropriate means to ensure that GAO's prioritization of work reflects the needs of the Congress, not the GAO itself.

Madam President, these are not major problems. The total of the pork-barrel provisions in this bill is only slightly more than \$1 million. However, again, I remind my colleagues that every taxpayer dollar we waste reinforces the disdain of the American people for the Congress and our way of doing business.

I ask unanimous consent that a list of objectionable provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

OBJECTIONABLE PROVISIONS IN THE CONFERENCE REPORT ON THE FY 1998 LEGISLATIVE BRANCH APPROPRIATIONS BILL

BILL LANGUAGE

\$100,000 from the Library of Congress budget for an International Copyright Institute.

\$2,250 from the Library of Congress budget for official representational and reception expenses offer activities of the International Copyright Institute.

Earmark of unlimited amount of GAO's funds to finance an appropriate share of the expenses of: the Joint Financial Management Improvement Program, including the salary of the Executive Director and secretarial support; the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum, as determined by the respective forum, including necessary travel expenses of non-Federal participants; and the costs of the American Consortium on International Public Administration, including any expenses attributable to its membership in the International Institute of Administrative Sciences.

REPORT LANGUAGE

\$300,000 for improved lighting in the Senate Chamber.

\$100,000 to design a new subway from the Russell Building to the Capitol Building.

\$550,000 to modernize elevators in the Hart Building.

Total Objectionable Provisions: \$1.052 million.

Mr. DOMENICI. Madam President, I rise in support of the conference report on H.R. 2209, the legislative branch appropriations bill for fiscal year 1998.

The bill, as reported, provides \$2.25 billion in new budget authority and \$2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals \$2.3 billion in budget authority and outlays. The bill is under the subcommittee's 302(b) allocation by \$36 million in budget authority and \$86 million in outlays.

I want to commend the distinguished chairman and ranking member of the Legislative Branch Subcommittee for producing a bill that is substantially within their 302(b) allocation. I am pleased that this bill continues to hold the line on congressional spending.

I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of H.R. 2209, as reported by the committee of conference. I urge the Senate to support this conference report.

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

H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS, 1998 SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

|                           | Defense | Nondefense | Crime | Mandatory | Total |
|---------------------------|---------|------------|-------|-----------|-------|
| Conference Report:        |         |            |       |           |       |
| Budget authority .....    |         | 2,251      | ..... | 92        | 2,343 |
| Outlays .....             |         | 2,251      | ..... | 92        | 2,343 |
| Senate 302(b) allocation: |         |            |       |           |       |
| Budget authority .....    |         | 2,287      | ..... | 92        | 2,379 |
| Outlays .....             |         | 2,337      | ..... | 92        | 2,429 |
| President's request:      |         |            |       |           |       |
| Budget authority .....    |         | 2,386      | ..... | 92        | 2,478 |
| Outlays .....             |         | 2,352      | ..... | 92        | 2,444 |
| House-passed bill:        |         |            |       |           |       |
| Budget authority .....    |         | 2,261      | ..... | 92        | 2,353 |

## H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS, 1998 SPENDING COMPARISONS—CONFERENCE REPORT—Continued

(Fiscal year 1998, in millions of dollars)

|                                | Defense | Nondefense | Crime | Mandatory | Total |
|--------------------------------|---------|------------|-------|-----------|-------|
| Outlays .....                  |         | 2,262      |       | 92        | 2,354 |
| Senate-passed bill:            |         |            |       |           |       |
| Budget authority .....         |         | 2,286      |       | 92        | 2,378 |
| Outlays .....                  |         | 2,269      |       | 92        | 2,361 |
| CONFERENCE REPORT COMPARED TO: |         |            |       |           |       |
| Senate 302(b) allocation:      |         |            |       |           |       |
| Budget authority .....         |         | —36        |       |           | —36   |
| Outlays .....                  |         | —86        |       |           | —86   |
| President's request:           |         |            |       |           |       |
| Budget authority .....         |         | —135       |       |           | —135  |
| Outlays .....                  |         | —101       |       |           | —101  |
| House-passed bill:             |         |            |       |           |       |
| Budget authority .....         |         | —10        |       |           | —10   |
| Outlays .....                  |         | —11        |       |           | —11   |
| Senate-passed bill:            |         |            |       |           |       |
| Budget authority .....         |         | —35        |       |           | —35   |
| Outlays .....                  |         | —18        |       |           | —18   |

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

The PRESIDING OFFICER. The question now occurs on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 10, as follows:

(Rollcall Vote No. 257 Leg.)

## YEAS—90

|           |            |               |
|-----------|------------|---------------|
| Abraham   | Feingold   | Lugar         |
| Akaka     | Feinstein  | Mack          |
| Ashcroft  | Ford       | McCain        |
| Baucus    | Frist      | McConnell     |
| Bennett   | Glenn      | Mikulski      |
| Biden     | Gorton     | Moseley-Braun |
| Bingaman  | Graham     | Moynihan      |
| Bond      | Grams      | Murkowski     |
| Boxer     | Grassley   | Murray        |
| Breaux    | Gregg      | Nickles       |
| Bryan     | Hagel      | Reed          |
| Bumpers   | Harkin     | Reid          |
| Byrd      | Hatch      | Robb          |
| Campbell  | Helms      | Roberts       |
| Chafee    | Hollings   | Rockefeller   |
| Cleland   | Hutchinson | Roth          |
| Cochran   | Hutchison  | Santorum      |
| Collins   | Inouye     | Sarbanes      |
| Conrad    | Jeffords   | Sessions      |
| Coverdell | Johnson    | Smith (OR)    |
| Craig     | Kempthorne | Snowe         |
| D'Amato   | Kennedy    | Specter       |
| Daschle   | Kerrey     | Stevens       |
| DeWine    | Kerry      | Thomas        |
| Dodd      | Landrieu   | Thompson      |
| Domenici  | Lautenberg | Thurmond      |
| Dorgan    | Leahy      | Torricelli    |
| Durbin    | Levin      | Warner        |
| Enzi      | Lieberman  | Wellstone     |
| Faircloth | Lott       | Wyden         |

## NAYS—10

|           |        |            |
|-----------|--------|------------|
| Allard    | Gramm  | Shelby     |
| Brownback | Inhofe | Smith (NH) |
| Burns     | Kohl   |            |
| Coats     | Kyl    |            |

The conference report was agreed to.

Mr. BENNETT. I move to reconsider the vote and I move to lay it on the table.

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA  
APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

## AMENDMENT NO. 1250

Mr. FAIRCLOTH. Madam President, I ask unanimous consent when the Senate resumes the Wyden amendment No. 1250, there be 20 minutes equally di-

vided remaining, and following the conclusion or yielding back of time, the amendment be agreed to, and the motion to reconsider be laid upon the table, all without further action or debate.

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I do not intend to object. I have had a chance to discuss this with the majority leader who has been gracious in offering me his time on this matter.

I ask only that the further discussion of this amendment take place at a time when the majority leader could be on the floor and he and I could discuss this briefly. I believe the proposals he has made with respect to holds are constructive. This proposal goes one step further, to have public disclosure of holds.

I ask only that the majority leader, at a time convenient with his schedule, be allowed to participate in that 20-minute discussion so he and I could briefly discuss that.

With that, I have no objection.

The PRESIDING OFFICER. Is there further objection? If not, without objection, it is so ordered.

Mr. MCCAIN. Madam President, I must applaud the actions of the chairman of the D.C. Appropriations Subcommittee, Senator FAIRCLOTH, for his restraint in putting together this bill.

The bill is the first step in implementing the National Capital Revitalization and Self-Government Improvement Act that Congress passed this summer. This bill provides the funding necessary to carry out that act, and includes several provisions that will ensure fiscal responsibility and adherence to the act.

In reviewing this bill, I have found only one section in the report language that causes some concern. On page 31 of the report, the following language appears:

The Committee is aware of the need for an adult and pediatric heart transplant program at a not-for-profit academic medical center servicing this Nation's Capital. The D.C. metropolitan area is the only major metropolitan area that does not have an academic medical center with a heart transplant program. Since this not-for-profit medical cen-

ter has recently enhanced its capabilities by the additional of a nationally and internationally renowned cardiovascular surgeon and a nationally known pediatric cardiologist, the Committee strongly recommends that the State health planning and development agency approve the certificate of need application for a nonprofit academic medical center in the District of Columbia that has an approved lung transplant program.

I am sure my colleagues are aware of the likely result of this type of language in an Appropriations Committee report. Although not bound to do so, I would expect that the State health planning and development agency will feel pressured to approve the application of this academic facility. Although that may not be an inappropriate decision, I continue to believe it is inappropriate for Congress to direct these types of decisions on a case-by-case basis, rather than assessing the broader requirements for health facilities in the District of Columbia. I would hope the committee would see fit to withdraw this near-directive and allow the agency to make decisions based on the criteria it has developed for all such matters.

Again, this bill is free of the types of earmarks that we have seen in virtually every other appropriations measure to come before the Senate this year.

As the last appropriations measure to come before the Senate for debate, perhaps this is a welcome sign of things to come as we turn to the appropriations conference reports.

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

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

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT  
NO. 1249

Mr. FAIRCLOTH. Mr. President, on behalf of the leader, I ask unanimous consent that debate on amendment No. 1249 begin at 12 noon on Thursday and the time between noon and 5 p.m. be equally divided in the usual form. I further ask that at 5 p.m. the amendment