will charge the National Agriculture Statistics Service with continuing to carry out an agricultural census every 5 years. The Ag Statistics Service within USDA is well suited to take over the responsibilities for carrying out the census activities, as they already maintain a network in every state that allows them to put out State by State reports weekly and major reports throughout the year. These reports are utilized by all segments of the agricultural sector in this country and every by our foreign competitors.

I am pleased that Secretary Glickman took the initiative in forging this compromise with the Department of Commerce as well as the Office of Management and Budget to ensure the viability of the ag census for future years. I would also like to thank our colleagues on the Committee on Government Reform and Oversight for their cooperation in ensuring the passage of H.R. 3665 and urge my colleagues to support the passage of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman from Texas [Mr. STENHOLM] and I thank the gentleman from Texas [Mr. COMBEST]. This is truly a great Texas piece of legislation, but it is very, very important for West Virginia. Let me just say that I appreciate also the full committee chair of both the Committee on Agriculture and the Committee on Government Reform and Oversight for their efforts as well.

Mr. Speaker, this is a very important bill, particularly for rural States, rural areas, and particularly for States that have farming of the type that West Virginia does.

□ 1345

If this piece of legislation did not go through, West Virginia will be the most seriously affected State of any State in the Nation in terms of losing its definition of family farm and losing a lot of farms that presently benefit from that definition. West Virginia presently has over 17,000 farms that are defined as farms by the Department of Census, that is, they have sales in excess of $1,000. Raising that to $10,000 would cause 78 percent of our farms in the State to lose that definition.

What that means then is that we would be greatly impacted, farmers would not be able to receive certain tax, favorable tax treatment, the distribution of research funds for farms would be altered and also for college agricultural programs as well as the allocation of soil conservation efforts. So clearly this is a very, very significant piece of legislation for much of rural West Virginia and much of rural America.

Simply, what it does is to move the census functions from the Bureau of Census to the United States Department of Agriculture. That is important because the USDA obviously has clear experience with working with farms and farm definitions, not so the Bureau of Census.

Also, the Bureau of Census has seen its budget cut in this particular area 31 percent. That means they are not going to be spending as much time focusing on what it is that makes up farming and what is important to farmers. I believe that this consolidation moving to USDA will also integrate the agriculture statistic programs of the two departments and eliminate duplication and promote efficiency. The Bureau of Census, I am happy to say supports this move as well.

The USDA has indicated that at least in the foreseeable future, the near future, they do not foresee changing the threshold definition of farming, that is changing the threshold definition from the present $1,000. That means that there would not be an immediate increase to 5- or, even as had been proposed in the Bureau of Census, to $10,000. If that threshold level is raised to $10,000, 78 percent of West Virginia farms will no longer be defined as a farm and therefore not be eligible for favorable tax treatments in certain instances nor will they count towards the formula monies for various agriculture programs, including Soil Conservation Service and agricultural research efforts.

I think this is an extremely important piece of legislation. I just want the chairman to know, and the ranking member, that just as recently as this weekend at various functions people were coming up to me and saying what is being done about the farm threshold. Am I going to be a farmer or not? I was happy to tell them that it is on the floor Monday afternoon and that it should be voted on.

Now, of course this bill will go to the Senate, so it is important that the Senate as well, the other body, take this piece of legislation up. There is no controversy that I can see. It seems to be widely supported. The Bureau of Census supports it. The United States Department of Agriculture supports it. We have got the Agriculture Committees, the Government Reform Committees supporting it. So, clearly it ought to be able to move quickly and get to the President and we can end this anxiety that presently a lot of farmers in my State and many other States are undergoing as they wonder whether or not they are going to see their farm continue with the farm status which entitled them to certain preferential tax treatments as well as figuring into the formula monies for agricultural functions such as soil conservation and ag research.

So I thank once again those who made this possible. Let me just say of the 17,020 family farms in West Virginia, 13,274, or 78 percent, are very, very grateful to us for moving this bill to the floor so quickly.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in conclusion, I might point out that this is an excellent example of cooperation between various agencies, cooperation between various committees that will now allow us to do the most efficient census possible with the least amount of taxpayer resources and the best utilization of all of the talents available in agriculture already there in order to do the job that needs doing for American agriculture.

Mr. Speaker, I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I conclude and say I appreciate the cooperation of my colleague, the gentleman from Texas [Mr. STENHOLM], the comments of the gentleman from West Virginia [Mr. WISE], and would urge our colleagues to support this legislation under the suspension.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Texas [Mr. COMBEST] that the House suspend the rules and pass the bill, H.R. 3665, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 365, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until approximately 3 p.m.

Accordingly (at 1 o'clock and 50 minutes p.m.), the House stood in recess until approximately 3 p.m.)

□ 1503

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COBLE) at 3 o'clock and 3 minutes p.m.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to the order of the House on Thursday, July 18, 1996 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3845.

□ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 18, 1996, the bill is considered as having been read the first time.

The gentleman from New York [Mr. WALSH] and the gentleman from California [Mr. DIXON] will each control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

(Mr. WALSH. asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Chairman, I am pleased this afternoon to present to the House for its consideration the District of Columbia appropriations bill for fiscal year 1997. Our many months of public hearings, meetings, and negotiations have produced a strong bipartisan agreement that takes the next step toward reduced deficits, reduced borrowing, and a balanced budget.

This is the second budget for the District of Columbia government that I have presented. I am happy to report that the District government, with the help of the Financial Control Board, is making progress, perhaps not as quickly as some of us would like, but progress.

In addition to the Control Board, the independent Chief Financial Officer has been in place now for several months and seems to be getting a handle on the District's finances. In last year's bill, we included language that gave him control over all accounting, budget, and financial management personnel. I believe he is doing an outstanding job. He is bringing accountability to the District's finances. He, of course, works closely with the Control Board so that what he does is within the parameters set by the board.

Mr. Chairman, we have approved over 99 percent of the consensus budget submitted jointly by the Mayor, the City Council, and the Control Board. This bill will provide the District government with a total budget of $5.155 billion for fiscal year 1997. That amount includes $5.108 billion in operating expenses and $47 million in capital outlay.

In the operating expenses category, the bill includes an additional $44 million for police and fire protection over last year's appropriation. We also recommend the requested $8.5 million for increased training of current District employees to improve productivity and management skills.

Public school reform was an important part of our bill last year. One of the major items carried in that reform legislation was the authorization of public charter schools. This bill includes $2.8 million to fund 5 charter schools in fiscal year 1997 that will enroll 450 to 600 students.

We recommend a total of $718 million in Federal funds consisting of a Federal payment of $660 million which is the same as last year, the regular annual Federal contribution to the police, fire, teachers, and judges retirement funds of $52 million, and $5.7 million to cover the expenses incurred by the District in connection with the Presidential inaugural activities.

The bill is within our 602(b) allocation of $718 million in budget authority and outlays.

Mr. Chairman, in order to show continuous progress toward balancing the District's budget, we have included language in section 141 starting on page 45 of the bill that holds the deficit down to $40 million rather than the $99 million that was proposed by city officials and the Control Board. I have met separately with the Mayor and the Control Board chairman and I believe this reduction of $59 million in the deficit projection is eminently achievable without affecting basic city services.

Some concern has been expressed that we are cutting too much in this budget. Some clarification is required as to what is meant by cutting. What we are cutting, Mr. Chairman, is the increase in spending. We are not cutting below last year's spending level. In fact, the budget reflects increases of $114 million above last year's level. What we are saying to the District in this bill is that it can spend the increase of $114 million if it has the revenues. The message to the District is do not finish fiscal year 1997 with a deficit of more than $40 million.

In the financial crisis that the city finds itself in, I believe this is a reasonable approach that will keep the city from going even deeper into debt. This 1-percent reduction pales in comparison to the action taken by the New York City Financial Control Board in its first year. According to testimony we received earlier this month from General Accounting Office officials, New York City's control board in its first year of operation implemented a work force reduction of 13 percent from the previous year's level and it froze the wages of the remaining city employees for 3 years. Philadelphia's control board in its first year renegotiated all labor agreements which led to a 33-month wage freeze and extensively restructured health benefits, paid holidays, and sick leave.

I wanted to make that point clear. The reduction we are recommending is from the increase requested, not from last year's appropriation or their base.

One of the serious problems with the District's financial management is that it spends up to the appropriated amount regardless of what its revenues are. By doing that, it goes further and further into debt. I do not believe the city can spend itself into prosperity. It must eliminate its deficit spending which amounts to only 1 or 2 percent of the total operating budget.

A major concern of several of our committee members is the city's proposal to finance the operating deficits. By saying that, what we are talking about is further borrowing, both long and short-term. This will divert scarce operating revenues from education, from social programs, from public safety and street repair to interest costs paid to the bondholders. The District is considering submitting a proposal to borrow $500 million over 15 years to pay off the accumulated debt and finance future deficits. It would require repayments of $935 million in addition to the $480 million payback on the fiscal year 1991 deficit borrowing. These paybacks shift over $600 million from city programs to interest payments for bondholders. This proposal is not good news for current and future District taxpayers and must be restudied with the objective of spending tax dollars on city programs and not on interest costs. Just as the city cannot spend itself into prosperity, it cannot borrow itself into prosperity. Hard decisions must be made.

Mention was made several times last year that our fiscal 1996 bill was a bad bill because we reduced the budget and in effect were telling the District that it could not spend all the revenues it generates. The problem with that criticism is the District's revenue projections were overly optimistic by at least $116 million and possibly by $150 million. Had we not made spending reductions and instead had accepted the city's budget, the fiscal 1996 deficit would now be $270 million rather than the $116 million projected. So we made the right decision last year by reducing the expenditure level because the revenue collections are nowhere near what they had projected. Had we accepted the Control Board's numbers, the deficit would have been $245 million. With the spending we agreed to in conference last year, the deficit was estimated at $20 million, four-tenths of one percent, an amount we thought the city and the Control Board would work with and hopefully eliminate. As we found out since, the deficit will be higher because of the overly optimistic revenue projections.

Mr. Chairman, it is imperative that the major structural problems facing the city be dealt with in an aggressive and bold manner. The Federal Government, the District government, and our regional partners all share responsibility for our Nation's Capital. We must address in a comprehensive and coordinated manner the city's delivery of services such as health care, corrections, and other State and county functions. I noticed in the press that the City Council is having some difficulty

in doing what has to be done regarding a new retirement system for police officers, firefighters, and teachers. I understand that that has been revisited and some progress has been made but it is only temporary and it must be made permanent. We were promised last October that necessary action would be taken last December. This is an issue that must be resolved in a way that does not bankrupt the city. We have confidence in the Mayor, the Chief Financial Officer, the City Council, and the Control Board to accomplish these difficult but absolutely necessary tasks.

In closing, I want to thank all the members of our subcommittee for their assistance in bringing this bill to the House floor—the gentleman from Texas [Mr. BONILLA]; the gentleman from Georgia [Mr. KINGSTON]; the gentleman from New Jersey [Mr. FRELINGHUYSEN]; the gentleman from Wisconsin [Mr. NEUMANN]; the gentleman from Mississippi [Mr. PARKER]; the gentleman from California [Mr. DIXON], the ranking member of our subcommittee who preceded me as chairman; the gentleman from New York [Mr. SERRANO]; and the gentlewoman from Ohio [Ms. KAPTUR]. I especially want to thank the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations; and the gentleman from Wisconsin [Mr. OBEY], our ranking minority member, for their assistance in allowing this bill to come to the floor today.

□ 1515

Also, Mr. Chairman, I want to thank the staff for a job well done: John Simmons of my staff; Mike Fischetti, who is on detail from the GAO; Mary Porter, who is extraordinary in her technical expertise, she is on detail from the District Government; and Migo Miconi, the subcommittee clerk. They make a great team, and I appreciate all the work they do.

Mr. Chairman, I believe the bill we bring to the committee this afternoon is a good bill, one that is fair not only to the city government but also to District taxpayers. I strongly recommend this bill to my colleagues and urge an ''aye'' vote.

Mr. Chairman, I reserve the balance of my time.

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3844. Let me say this year that the gentleman from New York [Mr. WALSH], the chairman of the committee, should be congratulated for reaching out in a bipartisan way in an effort to keep extraneous material and legislative issues off of the District of Columbia appropriation bill.

Let me also commend the chairman of the committee, along with the fine staff that he has, Migo Miconi, John Simmons, Mike Fischetti, and Mary Porter, and take a special time to say that in the minority we do not have the large staff that the majority has. Cheryl Smith, who is an assistant to me, a staff assistant to me on the Subcommittee on the District of Columbia, operates on three other committees and in fact does an excellent job. I appreciate the time and the effort that she gives me.

I think, Mr. Chairman, that this marks a significant turn in the D.C. appropriations bill but also the finances of the District. I would have to point out that the District, under the supervision of the Control Board, is now making arrangements to borrow short term from Wall Street, which I think is an encouraging sign that Wall Street thinks that they are moving in the right direction.

This bill comes to us without controversy for the first time. The District of Columbia, the city council, the Mayor, the Control Board, and we here in Congress, at least our subcommittee, agrees as to what the figures should be, and there is no controversy surrounding that.

I would like to take time to point out two or three issues. The first one is the unfunded liability of the pension plan. As the chairman of the committee indicated, we are providing $52 million. The President had sent up $102 million to try to relieve the unfunded liability that the District has in its pension plan. I do not excuse the fact that, since the District took over the pension plan, they have continued the twice-a-year COLA's. As the chairman pointed out, they have been slow to move on the issue of reforming their pension plan.

I must point out that at the time the District took over the pension plan, there was a $2.7 billion deficit. We move $2.7 billion of liability from the Federal Government to the District Government. Also, I must point out that it has about doubled. But the point that I would like to make is, no, it is true that the District cannot spend its way out of this financial crisis nor can it entirely cut its way out of this financial crisis.

This body must recognize that we have responsibilities, particularly to that pension plan to come up with a revised program to make it financially sound. I would also like to point out, Mr. Chairman, two measures, although I do support the bill, that I disagree with. One is the prohibition against any funds for abortion, either Federal or District funds except to save the life of the mother, rape or incest.

It seems to me that we allow all 50 States to make those decisions. The Supreme Court has said that States can promulgate reasonable rules on abortion. I think that we should allow the District to do the same that we do in our independent States.

The second one is the Domestic Partners Act. Some years ago, I think 4, the District of Columbia passed a Domestic Partners Act which basically allowed for insurance programs to carry domestic partners on the District side and on the private side offered a tax incentive to private business to do so. This bill, as usual, carries a prohibition against the implementation of that.

Once again, I think it is certainly appropriate that the District be allowed, as States do, to make up their own decisions on these matters. As many people have pointed out, we have not been elected to be members of the City Council. Certainly, although Members of this House may disagree with a particular rule or regulation of our own city council, we do not have the responsibilities to curtail that; but here, because of the financing situation, we certainly do.

In all, Mr. Chairman, this is a very fine bill. I also would like to thank the gentleman from Virginia [Mr. DAVIS], the chairman of the authorizing committee, and the gentlewoman from the District of Columbia [Ms. NORTON], his ranking member, for their outstanding work. In my view, the next big text for the District is the strategic plan that is developed by the Financial Control Board.

I think that we have to wake up every day and remind ourselves that the Financial Control Board has really stepped in to do a job for Congress, that it is a noncompensated board, it has five District residents who are distinguished Americans in their own right and that they are doing an excellent job. But the next 10 months is going to be a very difficult time for the District, and I think this bill is a step in the right direction.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia [Mr. DAVIS], the chairman of the subcommittee.

Mr. DAVIS. Mr. Chairman, I thank my friend for yielding me the time. I want to compliment him and the ranking member, the gentleman from California [Mr. DIXON], for their yoeman's work on behalf of the District of Columbia in trying to work through what has been a very, very difficult financial crisis.

As we look at the situation today and compare it to even a year ago, we have really made progress. That is sometimes lost sight of in light of the headlines that come out every day with the continuing problems that the city has. But if we go back a year, we have reduced the number of employees in the city by several thousand over what it was a year ago, and that is total reduction. That is not just moving them off budget into enterprise funds and the like. We find that there is a certain level of stability now to city spending, and we are trying to bring some accountability to the managers in the city in terms of what they spend with the advent of the Control Board and the CFO, both of which I think are doing yoeman's work, as well.

We have brought honest answers to the process, something we have not

seen for many years here on Capitol Hill in terms of having some level of confidence in the financial numbers that are offered to the Congress by the District of Columbia. I think this has been borne out by the fact that the city is now able to go out to the private financial markets, at least on short-term borrowing. I think we still have a ways to go over the long term, but we have made this in a year trying to work together on a bipartisan basis.

We have had our disagreements along the way, but I think the bill this year represents a very good effort toward bringing some structure and financial stability to the city and I rise in support of it. As the gentleman from New York [Mr. WALSH] says, we cannot spend our way to prosperity. As the gentleman from California [Mr. DIXON] has said, we cannot cut ourselves out of the financial situation.

I think the current issue that remains before this body as it works its way through conference is, the larger the debt, of course, the more that will have to be financed in the off years. I think that has been the intention of the committee, to try to bring down that annual deficit so it would not have to be financed and paid for in later years when the city will be scarce on money.

I also want to just share my concern that we do this in an appropriate fashion so that needed services are not cut. As we work our way through the process, I know we have the assurances of both the chairman and ranking members that this will be done in a constructive manner to continue to work with the Control Board, continuing to work with the chief financial officer of the city to make sure this is done appropriately.

Having said that, this bill adds some money in some critical places. Public safety money is fully funded. We are including $2.8 million for public charter schools which were part of the public school reform legislation that passed the Congress last year. We are restoring salary and overtime pay rollbacks for the police and fire departments, something that is long overdue.

We are spending more on the health of the indigent by increasing the subsidy to District General Hospital. This helps lower the burden across the region, not just in the District of Columbia in terms of the health care costs. Congress has stepped up in the budget this year, I think to try to make sure that we are caring for that in an appropriate manner.

This is important to the region, both Maryland and Virginia, and District residents. We are providing for the repayment to the water and sewer fund of $91 million borrowed by the general fund to pay for their past operating expenditures. These were in the past paid for in a very general sense by the ratepayers, many of them in the suburbs. It would be paid for, instead of being invested in Blue Plains, were spent for some of the city operating budget deficit. So that is in this as well.

We have reached a regional agreement on the authorizing side to make sure this has happened, and that has already passed this body. So we made progress in this region as well. There is one piece of legislation in this that I have, after extensive discussions with the chairman and ranking member who also support it, and that is extending the powers given to the chief financial officer. That was put in originally last year to hire and fire the executive branch of the accounting, budget and financial management personnel during the control period.

We recognize that personnel changes are going to have to be made, and we know where the buck is stopping. We want to give the chief financial officer and the Control Board the appropriate level of responsibility in doing that. With that responsibility comes the authority in some of these cases to make these changes.

In all, I just want to compliment the chairman and ranking member. I think we have all learned a lot over the last year and a half trying to work together toward a very, very difficult problem for this city, this region, and this country. We are making headway. I am hopeful that this bill will be passed through the House and go on to the Senate.

Mr. DIXON. Mr. Chairman, I yield 9 minutes to the distinguished Delegate from the District of Columbia, [Ms. NORTON.]

Ms. NORTON. Mr. Chairman, I thank the ranking member for yielding me the time. I want to thank him and the chairman of the committee for their very hard work and for quickly disposing of this appropriation.

I thank the chairman as well for meeting with the Mayor and the Chairman of the Control Board before his bill came to committee finally. I thank both Members even as I indicate, as they have not, that I am greatly disappointed in this bill. I am left and the District is left with no alternative, however.

A year ago, Congress established a Financial Authority or control board to help the District move out of insolvency. The Authority here is like the control boards in Philadelphia and New York. By this time, however, those cities have made significantly more progress than D.C. has made. The difference almost entirely is the strategy being used to resuscitate the city's economy. The only strategy the Congress has allowed for D.C. is the downsizing of its government.

New York and Philadelphia returned to solvency through the use of more comprehensive approaches that rebuilt those cities even as they were being downsized. These included new sources of revenue and takeover of functions by their States.

Look now at the first year of the District working with its control board. This first year will be remembered for second-guessing of the board, even after its exhaustive scrubbing of the budget, including deep cuts; a government shutdown of the District requiring the District to pay a full week's salary for locked-out employees; and 7 months delay in receipt of the full Federal payment, driving the District deeper into insolvency.

In these and other actions, the Congress must accept a heavy share of the responsibility for the alarming deterioration of city services and the hastening of taxpayer flight. The District has lost more residents in the first half of the 1990's than it lost in the 1980's with no State to help it out and a Congress that refuses to meet any of its obligations. The city is stranded and it is sinking.

Although this is the Capital of the United States and this body bears constitutional responsibility for this city, Congress has done nothing to help D.C. get back on its feet since the Financial Authority bill was enacted in April 1995. There has been no action whatsoever, even on those matters for which there is 100-percent congressional responsibility. Costs that are the most responsible for bringing the city down, ironically, are not found in the city's dysfunctional bureaucracy but in congressionally mandated State costs. Without action on these congressional responsibilities, the Capital of the United States cannot revive and will not survive.

□ 1530

These include the $2.7 billion in unfunded pension liability, now more than doubled at $5 billion, largely because of interest on the original $2.5 billion. This liability that was incurred exclusively on Congress' watch before home rule.

The District, on the other hand, has been meeting its pension obligations by fully funding these pensions since they were handed to the District in 1980. Over $300 million, or 10 percent, of tax raised revenue goes to pay pensions left unfunded by this body. The administration asked for a small additional sum of $52 million to add to the small $52 million congressional contribution for the District in this year's budget. Even this nominal amount was removed by the Committee on Appropriations.

Is there to be no end to unfairness to the city? Nor has this House responded any better to what should be done for State responsibilities that no city in the United States has ever carried or could possibly carry today. The District has the lowest contribution for Medicaid and is the only city that must pay for the State and county share while one in four residents are on Medicaid.

Such expenses will doom the city to permanent insolvency. More than two-thirds of the States, 37 of them get a higher Federal contribution to Medicaid than the District of Columbia. Even the GAO in recent testimony questioned the wisdom of leaving these costs off the table while trying to revive the District.

My friends, this body is pretending. The cost of the pretense amounts to a sacrifice of the Capital of the United States.

As if to add insult to multiple injuries, this year's appropriation takes a budget already cut over $100 million by the control board and the city and cuts it an additional $60 million.

The cut comes disguised as a $40 million deficit cap that is tied to the city's declining revenues. The cut ignores budget savings of $141 million that the city will realize through layoffs, contracting out of services, reductions in Medicaid spending, welfare reform and procurement reform, just to name a few of the structural initiatives contained in the city's consensus budget.

The monolithic downsizing strategy this body has adopted amounts to no strategy at all. In the appropriation process we are abandoning the central strategy we adopted when we authorized the Financial Authority. For very good reason, this Congress gave the city 4 years to return to solvency. Downsizing needs to be planned and precise or it will take down services with it. We are cutting the budget as we must, but in the process we are slaughtering the city.

Residents who remained in the city through years of management problems are giving up and leaving as services dissolve before they can be fixed because of a speedup in downsizing. This appropriation accelerates the downsizing far faster than the Financial Authority recommended in its objective findings.

As the city moved toward insolvency, I never asked this body to spare it downsizing or cuts. They were clearly necessary. I was the first to step forward to indicate that a control board was necessary. All I have asked is that downsizing be done in a way that is fair to the innocent bystanders. They are my constituents, not the D.C. Government. They are my constituents, our residents, who are second per capita in Federal income taxes. They deserve far better from the city and the Congress than the appropriation before us allows.

Yet I have no choice but to ask Members to approve this appropriation. An appropriation that does harm will do more harm if it is delayed, as it was last year.

However, I take this opportunity to ask my colleagues to make this the last year that the city stands alone, with a Congress that insists, as it should, that the city meet its obligation, while the same Congress ignores its unique responsibilities and the weight of its own heavy hand in keeping the city down. A city left twisting in the wind long enough will fall. If the Capital of the United States falls, the sound will be heard around the world.

Mr. WALSH. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time and the right to close.

Mr. DIXON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume. I will be brief in closing.

Mr. Chairman, I would like to thank everyone involved for their support in this process and I certainly want to thank the efforts of the authorizing committee and the subcommittee chair, the gentleman from Virginia [Mr. DAVIS], and the ranking member, the gentlewoman from the District of Columbia [Ms. NORTON]. While they may not agree totally with what we have proposed, they are urging support of the bill, and I thank them for that.

There has been some progress, Mr. Chairman. It is difficult to see at times, but I think we need to stop and look and see how far we have come. The financial control board has begun to put some muscle into new management in the District, especially in the chief financial officer position. The CFO is beginning to make his mark in terms of strengthening the discipline of the financial management of the District of Columbia.

We have much better numbers now. For the first time in a long time we are getting into a range where we can count on the numbers that we are getting from the city. The city is moving toward restructuring some of its nonessential services. The control board is proposing a strategic plan which we all await with great anticipation, because that truly will be the path that we follow to take this city out of its crisis.

The deficits are going down. The receiver of the city housing department reports progress. Blue Plains is becoming a regional facility. Spending is under control. High government payrolls are being reduced.

Have we been tough, Mr. Chairman? Yes, we have. But sometimes tough love is required to get the proper outcome. No doubt that we all love this city greatly, all of us. All of us come at it from a different point of view, but this is our Nation's Capital. It is a marvelous place. It is the seat of democracy. It is the envy of the world. We cannot do any less than be tough to get it back on its road to recovery.

I urge my colleagues to support this bill.

Mr. Chairman, I thank my colleagues for their indulgence, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, July 18, 1996, the bill shall be considered for amendment under the 5-minute rule.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if ordered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read.

The Clerk read as follows:

H.R. 3845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1997, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1997, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, Sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,070,000.

PRESIDENTIAL INAUGURATION

For payment to the District of Columbia in lieu of reimbursement for expenses incurred in connection with Presidential inauguration activities, $5,702,000, as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 1–1803), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $115,663,000 and 1,440 full-time equivalent positions (including $98,691,000 and 1,371 full-time equivalent positions from local funds, $12,192,000 and 8 full-time equivalent positions from Federal funds, and $4,780,000 and 61 full-time equivalent positions from other funds): *Provided,* That funds expended for the Executive Office of the Mayor are not to exceed $1,753,000: *Provided further,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of

Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $135,704,000 and 1,501 full-time equivalent positions (including $67,196,000 and 720 full-time equivalent positions from local funds, $45,708,000 and 524 full-time equivalent positions from Federal funds, and $22,800,000 and 257 full-time equivalent positions from other funds): *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $1,041,281,000 and 11,842 full-time equivalent positions (including $1,012,112,000 and 11,726 full-time equivalent positions from local funds, $19,310,000 and 112 full-time equivalent positions from Federal funds, and $9,859,000 and 4 full-time equivalent positions from other funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1997, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1997, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1997, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1997, in relation to the Lorton prison complex: *Provided further,* That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $758,815,000 and 11,276 full-time equivalent positions (including $632,379,000 and 10,045 full-time equivalent positions from local funds, $98,479,000 and 1,009 full-time equivalent positions from Federal funds, and $27,957,000 and 222 full-time equivalent positions from other funds), to be allocated as follows: $573,430,000 and 9,935 full-time equivalent positions (including $479,679,000 and 9,063 full-time equivalent positions from local funds, $85,823,000 and 840 full-time equivalent positions from Federal funds, and $7,928,000 and 32 full-time equivalent positions from other funds), for the public schools of the District of Columbia; $2,835,000 from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 1, 1997, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104–134); $88,100,000 from local funds for the District of Columbia Teachers' Retirement Fund; $69,801,000 and 917 full-time equivalent positions (including $38,479,000 and 572 full-time equivalent positions from local funds, $11,747,000 and 156 full-time equivalent positions from Federal funds, and $19,575,000 and 189 full-time equivalent positions from other funds) for the University of the District of Columbia; $22,429,000 and 415 full-time equivalent positions (including $21,529,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, and $454,000 and 1 full-time equivalent position from other funds) for the Public Library; $2,220,000 and 9 full-time equivalent positions (including $1,757,000 and 2 full-time equivalent positions from local funds and $463,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further,* That not less than $9,200,000 shall be available from this appropriation for school repairs in a restricted line item: *Provided further,* That not less than $1,200,000 shall be available for local school allotments in a restricted line item: *Provided further,* That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further,* That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further,* That not less than $1,788,000 shall be available in a restricted line item for school counselors: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1997, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,685,707,000 and 6,344 full-time equivalent positions (including $961,399,000 and 3,814 full-time equivalent positions from local funds, $676,665,000 and 2,444 full-time equivalent positions from Federal funds, and $47,643,000 and 86 full-time equivalent positions from other funds): *Provided,* That $24,793,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in

section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $247,967,000 and 1,252 full-time equivalent positions (including $234,391,000 and 1,149 full-time equivalent positions from local funds, $3,047,000 and 32 full-time equivalent positions from Federal funds, and $10,529,000 and 71 full-time equivalent positions from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $333,710,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,314,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $34,461,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), $5,702,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,926,000.

HUMAN RESOURCES DEVELOPMENT

For Human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $12,257,000.

COST REDUCTION INITIATIVES

The Chief Financial Officer of the District of Columbia shall, on behalf of the Mayor and under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority, make reductions of $47,411,000 and 2,411 full-time equivalent positions as follows: $4,488,000 in real estate initiatives, $6,317,000 in management information systems, $2,271,000 in energy cost initiatives, $12,960,000 in purchasing and procurement initiatives, and workforce reductions of 2,411 full-time positions and $21,375,000.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $46,923,000 (including an increase of $34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of $120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional $133,419,000 in Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $221,362,000 from other funds of which $41,833,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $247,900,000 and 100 full-time equivalent positions (including $7,850,000 and 100 full-time equivalent positions for administrative expenses and $240,050,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,511,000 and 8 full-time equivalent positions (including $2,179,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds).

STARPLEX FUND

For the Starplex Fund, $8,717,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $112,419,000 of which $59,735,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $16,667,000 and 13 full-time equivalent positions from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds

in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,052,000 and 50 full-time equivalent positions from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $47,996,000 of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,400,000.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill, through page 21, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided,* That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): *Provided,* That for the fiscal year ending September 30, 1997 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided,* That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1996 shall be deemed to be the rate of pay payable for that position for September 30, 1996.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to

the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1997, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1997 revenue estimates as of the end of the first quarter of fiscal year 1997. These estimates shall be used in the budget request for the fiscal year ending September 30, 1998. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1996, of the required reorganization plans.

SEC. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1997 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 128. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill, through page 32, line 5, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 129. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

The CHAIRMAN. Are there any amendments to this portion of the bill?

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON: On page 32, line 7, after ''the'' insert ''Federal''.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 40 minutes and that that time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DIXON. Mr. Chairman, reserving the right to object, I do not know that we will need 40 minutes on this.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, as I understand it, the Delegate had suggested, very graciously, that she would be willing to limit debate to 40 minutes; that was the number arrived at. We do not need that much time, but I am not sure how much time she will need on that side.

Mr. DIXON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 20 minutes.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, several people asked to speak. I may not need the full 20 minutes if they, in fact, do not appear.

My amendment would return us to the policy of this body on abortion that was used throughout President Reagan's administration. During each year of his administration, President Reagan signed a bill that prohibited the use of Federal funds in the District of Columbia for abortion services to low-income women except for risk of the life of the mother, rape, and incest.

This put the District in the same boat with every jurisdiction in the country, ''Use your funds, not ours,'' Congress said.

Only in 1988, at the onset of the Bush administration, did the policy change. Even local funds they could not be used until the 103d Congress, when the President signed a bill exactly like the Reagan bill during all his 8 years.

In 1988, leave aside that our residents in the District were not treated as full and equal American citizens in democratic home rule, in representation in the Congress, and in taxation. Now added was the sensitive and abidingly local issue of choice. Here too inequality with all other Americans was to be the order of the day.

□ 1545

Allowing the District the right of all other local jurisdictions leaves in place the Hyde amendment. It will apply to the District as Hyde applies now and as Hyde applies to every other jurisdiction that flies the American flag.

What a small step this would be. In its financial condition, the District is, after all, unlikely to use little, if any, money on abortions for poor women. It needs the option in the rare case where it might decide that it is in the best interest of the woman and of the District to pay for such an abortion. The District has many women who have AIDS, are on drugs or are in deep distress. With the flight of middle-income taxpayers, this group of low-income women grows ever larger.

There is absolutely no reason to deny the District this right, is the rare case, if it so chooses, where it would feel compelled to spend its own money in this way. It is wrong to single out the District in a way that we do not single out San Diego or Bloomington or Syracuse. It is wrong to find yet another way to say to my constituents—you will not be treated as other Americans.

Choice is the law of the land. Choice is the law equally across the entire land, except here where the Congress sits, and except for poor women when an abortion must be paid for because there is no personal fund available to do so.

Mr. Chairman, I ask this body to bring democracy home in this instance. The time has finally come in 1996, when it is highly unlikely that the right would be exercised, to give the District, at least in law, the right that every other jurisdiction has: to afford funds for women to make the choice that only they have the right to make.

Mr. Chairman, I reserve the balance of my time.

(Mr. WALSH asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the gentlewoman's amendment. This bill is different from the other 12 regular appropriations bills in that our bill appropriates all funds for the operations of the District government; all funds, not just Federal funds. That is the way the bill is designed. That is why the abortion language in section 129 of our bill restricts the use of all funds for abortions, except to save the mother's life or in cases of rape or incest. I think that is consistent with our appropriations policies. We are appropriating all funds for this bill.

The abortion language in our bill this year is identical to the language in last year's bill which was signed by the President. It is also identical to the language in the continuing resolutions that the President signed last year.

It is identical to the language in Public Law 104–69 that the President signed on December 22, 1995; to legislation that he signed on January 4, 1996; to legislation that he also signed on January 6, 1996, and to legislation he signed less than 3 months ago on April 26.

While I appreciate the gentlewoman's feelings about home rule, the language in our bill does allow the use of funds for abortions in those cases where the life of the mother is endangered or in the case of rape or incest. I believe it is broad enough to give District officials the discretion they need so that the procedure is not misused.

Mr. Chairman, as I mentioned just a moment ago, the President, less than 3 months ago, signed a bill with language identical to that found in section 129 of this bill. There is no reason for the President to not approve this language which, again, is identical to language he recently approved.

I urge my colleagues to vote ''no'' on the amendment offered by the gentlewoman from the District of Columbia.

Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DIXON], ranking member.

Mr. DIXON. Mr. Chairman, I thank the gentlewoman for yielding me the time.

This issue of abortion in our society is probably one of the most controversial ones that we have faced in many, many years. There are people who believe in being pro-choice, who personally are opposed to abortion. There are the pro-life people that do not believe in abortion under any circumstances. The case of Roe versus Wade made very clear that abortion was appropriate in the first trimester. A lot of people did not like that. In fact, another case came to the Supreme Court where, generally speaking, pro-life people had prevailed on a State legislative body to restrict that right.

The Supreme Court said, you are absolutely right. States have a right to restrict abortion as long as we deem it to be reasonable restrictions.

Now, most pro-life people applauded that decision. Here we have the District of Columbia, who had initiated their own abortion procedures. But because they allow abortion by their local statutes, Congress is doing what they cannot do to any other State. That is, abortion procedures in the first trimester are appropriate and legal and States, and in this case I would say the District, have a reasonable right to promulgate regulations.

The chairman of this committee points out that, in fact, the President did sign continuing resolutions, and I believe an appropriation bill. But he signed it with great reservation. This is a clear issue of Congress trying to dictate to the citizens of the District on a very personal and controversial matter which the court, the Supreme Court, has said that States, and in this case the District, have a right to promulgate. But merely because the vehicle that is used to fund the District comes through Congress, we want to restrict that right greater than we have the ability to do with any State.

It is on that basis I would ask my colleagues to reject the amendment.

Mr. WALSH. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I want to thank Mr. WALSH for his moral courage and leadership in putting this important language in the underlying bill—the D.C. appropriations bill. The Norton amendment, the pending amendment, would nullify Mr. WALSH's lifesaving legislation and should be defeated.

Let me make it very clear that the only way to ensure Hyde-type protections for the taxpayers is to reject this pro-abortion amendment. The net consequence, the absolutely predictable consequence, if this amendment prevails, is that we will pay for abortions on demand in the District of Columbia.

We have, as a Congress, jurisdiction over the Federal and the congressionally authorized funds and in many parts of this bill that are not being contested we have taken action to limit how certain funds will be spent. So this is hardly a precedent. Home rule isn't absolute.

A moment or two ago, Mr. DIXON said that the Supreme Court's Roe versus Wade permits first trimester abortions in the District of Columbia. That's only part of the tragic holding in Roe. Roe versus Wade did not just allow first trimester abortion on demand. It also allows the slaughter of unborn babies in the second trimester and in many cases in the third trimester as well.

The bottom line, Mr. Chairman, is that we are talking about children at various stages of their development in the District of Columbia whose death, whose killing would be paid for and subsidized by the taxpayer.

Let me remind Members that the Norton amendment wants to subsidize a deed—the act of aborting a baby. Some will try to sanitize this issue and package it as a freedom or liberty. It is not. Abortion is child abuse. And the so-called right to abortion was forced on us by the Supreme Court of the United States. Some day that gross injustice will be reversed. Because all babies, these unborn children, boys, girls, black, white, Hispanic, and Asian, right now are very precious but today they are construed to be persona non grata. It seems to me that we ought to, as a Congress, if we care, if we believe their lives to be precious, do all that is humanly possible to mitigate the possibility of their death. And it seems to me that if we take away the subsidy that actually buys and administers the chemical poison, the salt solutions and the other kinds of lethal drugs that are used to kill the babies, if we take away the subsidy that kills the baby by way of dismemberment of arms and legs and even sections of the child's fragile body are cut and the baby is removed, this is the reality of the deed that the gentlewoman's amendment would seek to have us give authorization to pay for. If you really take the time to think about what abortion does to the baby, this amendment becomes more repulsive and wrong.

It seems to me that where we can step in and save the life of even one baby, we ought to do it. I take a back seat to no one in this Chamber when it comes to maternal health care and other kinds of assistance for mothers both domestically and internationally. But when it comes to killing unborn babies, we ought to say ''no.'' This amendment would authorize the killing of unborn babies by way of subsidy.

When we used to pay for abortions on demand in the District of Columbia we paid for over 3,000 child killings per year. In 1988, for example, the number of kids destroyed was 3,139.

Vote down this antichild amendment.

Ms. NORTON. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I inadvertently said that I was opposed to the Norton amendment. I meant to say that I supported the gentlewoman's amendment.

I also point out to my good friend, the gentleman from New Jersey [Mr. SMITH], that the issue of abortion is one that will not be resolved by adopting this amendment. But the issue of allowing the taxpayers of this district to spend their own money should lie in favor of allowing them to do so.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume. I want to close now, seeing none of those who asked for time are here.

Mr. Chairman, there is very little to get excited about when we discuss a choice amendment on the District of Columbia appropriation. No one believes that in the state of its finances, what we are going to see is an epidemic of abortions in the District.

This amendment has largely symbolic importance. It says to the District, you are full Americans, you are full citizens, you can spend your money as you like. You can vote for this bill, even if you oppose abortion, because this bill is almost surely not likely to yield abortions because there is no money for abortions in the District. There is little money even for frontline services in the District.

Yet I would think we would use this opportunity to say to the residents of the District, hey, you are full Americans, it is your money, use it the way we use our money in our cities and counties.

I just want to say that the recitation of the bills the President signed last year, including our own, which contained language like this, ought to be understood in light of the President's statement on this bill. In that statement he has said that he is strongly opposed to this language.

The chairman indicates, and I must say that I appreciate, that the language here is like the language in other bills inasmuch as it incorporates life of the mother, rape, and incest. If that is to be the case and if the chairman is to take note of it, there is no reason not to go the rest of the way and make the language the way the language is for the rest of America. What you do with your money is your business, and especially in this year when you are almost guaranteed not to use your money for abortions for poor women.

The people I represent pay the highest taxes in the United States of America. When you combine their State taxes with their Federal taxes, they are No. 1. Put yourself in the position of the people I represent. Put yourself in the position of people who pay the same taxes and, in almost every case, more taxes than the people you represent and imagine how you would feel if a national body tried to tell you how to spend your local funds.

□ 1600

I guarantee my colleagues that if they put themselves to that test, they will vote for my amendment.

I ask that this body approve my amendment and approve the bill as the chairman has brought it to the floor.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

We have no further requests for time on this amendment, and I would close by saying, as I said earlier, that this is an unusual bill in that we appropriate all the funds, both Federal and local, for the District of Columbia. We did not set it up that way, the Constitution did. Therefore, I think in order to be consistent with the government-stated policy on funding abortions, we should stick to the language in section 189 of the bill that says no funds can be used for abortions except to save the mother's life or in cases of rape or incest. So I would strongly urge defeat of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. MORELLA. Mr. Chairman, I rise in support of the Norton amendment.

This amendment would simply allow the District to decide whether to use its own locally raised revenues to pay for Medicaid abortions—while still retaining the ban on the use of Federal funds for abortions, except in cases of rape, incest, or to save the life of the mother.

The amendment would properly restore the right of the District of Columbia to decide how its own revenues should be used, as is the case for the States. The concept of home rule is meaningless if Congress can dictate the allocation of local revenues.

To restrict the use of local District revenues for abortions violates the right of the District Government to make its own public health policy. In doing so, Congress is denying District residents the right of self-determination, a right belonging to every other resident of this country.

I urge my colleagues to support the Dixon amendment.

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to H.R. 3845.

I do so not because of the funding amounts specified in the appropriations, although they present difficult questions about the extent to which this Congress is honoring its constitutional and commonsense responsibilities to the District. Rather, my opposition is based on two overreaching and unwarranted interferences by this Congress in the lives of the people of the District. Those are the provisions of sections 129 and 130, which prohibit the use of Federal and local funds for abortion and for domestic partner benefits.

It is time for this Congress to end its unnecessary interference with the District government's arrangements with its employees relating to health and other benefits. H.R. 3845 continues the shortsighted and narrow-minded prohibition on using any funds—even those raised within the District through local taxation—to extend health benefits to the domestic partners of District employees.

The District should be free to pursue, through negotiations with its represented employees or otherwise, the same policies that many other municipal governments and businesses have successfully implemented. Extending the same benefits to domestic partners of employees as are enjoyed by the spouses of employees can be a cost-effective way to retain capable workers.

In my district, the city of Portland, Multnomah County and Portland Public Schools have all negotiated domestic partner benefits packages with their employees. About 2 percent of the work force have enrolled their unmarried domestic partners as beneficiaries under this program, and the modest additional cost was offset by other benefit plan changes. As a result, these public employers, at no cost to the public, have been able to retain highly valued and productive employees to do the public's business.

Gay and lesbian workers know discrimination and bias when they see it. If they are capable, motivated workers, they will look for a workplace that values them for the work they do, rather than penalizing them. Mr. Speaker, if we are operating on the premise that the District needs the best and the brightest to turn this city around, then let us not tie the District government's hands with this regressive, counterproductive and mean-spirited restriction.

To my second point: There is also no sound reason for this Congress to interfere with the fundamental reproductive rights of women. Nonetheless, Congress has interfered prohibiting the use of Federal funds for most categories of abortion. In this measure, this body continues the even more outrageous practice of prohibiting the District government from using its own, locally raised funds to provide medical services that the Supreme Court of the United States has held are constitutionally protected.

The amendment offered by the gentlewoman from the District would have restored at least some of the ability of the District government to fund necessary abortions for poor women. Its rejection makes the prohibition in this measure an unacceptable limitation upon the reproductive rights of those women. I regret that I must therefore vote to reject the measure as a whole.

I yield back the balance of my time.

Mr. HOYER. First, Mr. Chairman, I rise today in support of the District of Columbia appropriations bill. I want to commend the chairman and Congressman DIXON for working in a bipartisan fashion to craft a good bill. I am pleased that at my request, the bill contains language dealing with two important issues which affect the District and the greater Washington Metropolitan area.

The bill contains report language which expresses Congress' strong intent for the District of Columbia to repay over $80 million diverted from Blue Plains to other District programs. This substantial loss of funds has led to serious maintenance and plant operations problems at the facility. Moreover, there remains a threat to the sewage ratepayers and residents of the Metropolitan area for having untreated sewage flowing down the Potomac River. There is also a serious threat to the fragile environmental conditions of the waterways. In order to prevent danger to life or environment, return of the funds is necessary so that the Blue Plains facility can return to safe and efficient operation.

My top priority continues to be protection of human health and ensuring proper clean up and preservation of the waterways and wildlife in the Chesapeake Bay Basin including the Potomac, Anacosta, and Patuxent Rivers. Having sufficient funding for Blue Plains will allow the plant to operate safely and efficiently

and eliminate threats to life and the environment. Therefore, the return of the funds is critical.

I believe, as do others, that one of the best ways to resolve the operational and management problems at Blue Plains is to restore the funds taken from the Blue Plains account and prohibit the further transfer of any additional funds. Therefore, at my request, the committee included report language in the fiscal year 1996 District of Columbia appropriations bill which asked the financial responsibility and management assistance authority to address how the District planned to restore funds taken from the Blue Plains budget and the timing for that restoration.

In its fiscal year 1997 budget and financial plan, the District has agreed to pay back $21.5 million over the next 4 years in order to replenish funds diverted from Blue Plains. This agreement is reflected in the bill and it is our expectation that this agreement will be honored.

Second, I am pleased with the funding for the D.C. fire department in this bill. This funding level consistent with the request of the D.C. City Council and the control board, is sufficient to end the practice of rotated closings of companies which have placed areas throughout the city at risk every day.

This bill will also provide $4 million for firefighting apparatus which will be used to begin the process of modernizing the firefighting fleet in order to provide a sufficient arsenal to protect the residents, workers, and visitors of the District of Columbia.

Mr. Chairman, an issue which continues to plague the fire department is the understaffing of firefighters. I want to commend Chairman WALSH for adding language to this bill, at my request, instructing the District to fill the 87 vacancies that currently exist in the fire department. The city currently ranks last among the 25 largest cities in the United States in on-duty fire suppression, and second in total fire and rescue alarms per 100,000 people.

The understaffing of the department and the rotated closings of up to eight companies a day poses a public safety threat to those who work and reside in the District and is financially irresponsible. This bill is an important step forward in making the District's fire department one of the finest in the Nation and I commend the committee for its efforts.

Again, I want to thank Chairman WALSH and Congressman DIXON for their work and support. I urge my colleagues to support this bill.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 3845, the Fiscal Year 1997 Appropriations Act for the District of Columbia.

Let me begin by complimenting my subcommittee chairman, Congressman WALSH, on his excellent work on this bill, as well as the ranking member, Mr. DIXON, for all of his work. Many months of hearings, meetings, and negotiations, have resulted in the strong, bipartisan bill before the House today.

H.R. 3845 appropriates $717.8 million for the Federal payment to the District of Columbia. The bill's funding levels are identical to last year's appropriation, except for an additional $5.7 million that the committee provided to reimburse the city for the upcoming 1997 Presidential inauguration.

I do believe that the approach the Appropriations Committee has taken in this bill will move the city toward financial stability. This bill caps the city's fiscal 1997 budget deficit at $40 million. This represents an amount that is $60 million less than what the city and the control board forecast. I believe that this deficit cap represents great progress in the District's path toward stability, allowing for responsible spending to meet the needs of city residents without affecting essential services.

H.R. 3845 also approves a budget blueprint for the city that was reached by the Financial Control Board, the D.C. Mayor and City Council and seems like a responsible attempt to control spending. I am pleased that the budget blueprint that H.R. 3845 approves earmarks the full budget request of $1 billion for local law enforcement, fire, and emergency services personnel along with the judicial and corrections system. While the District needs to control spending, I firmly believe that reductions should not be taken from an already understanding public safety force.

Overall, the priorities reflected in the blueprint promote education, public safety, public works, and economic development. I would urge the control board to continue its close scrutiny of District financial matters to assure that the District adheres to the sound fiscal policy that this bill promotes.

While I strongly support this bill today, I continue to have concerns in two areas not addressed by this appropriations bill. First, I have strong reservations about the control board's recommendation for Congress to authorize long-term deficit borrowing for the District. The city has proposed borrowing $500 million over 15 years to pay off the accumulated debt and finance future deficits. I continue to be concerned that deficit borrowing would cost current and future taxpayers over $750 million in interest costs alone.

Second, although a great deal of progress has been made, the 4-year financial control plan has not been approved by the committee. I would urge the completion of this long-term plan so that Congress, city leaders, and control board members may begin review and negotiations for essential structural changes in the city's management that must be made in order to reach long-term stability.

Again, I rise in support of H.R. 3845 and I would urge all of my colleagues to support this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, this past March, Mayor Marion Barry appeared at a hearing held by the D.C. Subcommittee and testified that, because of the failure of Congress to enact the District's fiscal year 1996 budget until seven months into that fiscal year, the District was in worse financial shape than in March 1995, when the Congress established the D.C. Financial Control Board to bring about the District's financial recovery.

I found the Mayor's remarks to be distressing news—particularly in light of the fact that the District had, as the Congress directed, successfully cut its spending and achieved significant workforce reductions. The fiscal year 1995 appropriations bill mandated that the District's spending be cut by $140 million and that 2,000 positions be eliminated from its workforce. A subsequent audit established that both of these requirements had not only been met but had been exceeded. In fact, the District cut a total of 5,600 positions, and reduced spending by $477 million.

Today, 4 months since the Mayor's bleak assessment, the situation is still very bad, but it appears there is now some prospect for improvement. Even though the District government remains burdened with an accumulated budget deficit of almost $500 million, and its fiscal year 1996 revenues are $116 million below what had been expected, last week there was an encouraging development.

District officials traveled to Wall Street where they were able to secure a $220 million short-term loan from an investment firm to help meet the immediate cash needs. This is significant because it was the decline of the District's credit rating to junk bond status which triggered the need for the Financial Control Board. This loan signals recognition that the District of Columbia has begun to take the steps needed to restore its solvency and that it may soon be able to access the market for debt restructuring and the financing of much needed capital projects.

Further, the bill before us, which incorporates the District's fiscal year 1997 budget and elements of its multi-year financial plan also signals administrative progress which enabled the work on this package to proceed in a more timely and a less contentious manner than last year.

The Mayor, city council, and the Financial Control Board worked closely and cooperatively together until they achieved a consensus package which sets forth a series of revenue initiatives and spending reductions designed to produce a balanced budget by fiscal year 1999. I commend them for their efforts and encourage them to continue tackling the tough problems which lie ahead in this same manner.

Mr. Chairman, it is unfortunate that the good work done by these local officials was not accepted by the chairman of the D.C. Appropriations Subcommittee. Instead, he chose to require an additional $40 million in cuts, which will unquestionably have a negative impact on city services should it be retained. I sincerely hope that the Senate will support the locally developed consensus budget and that a higher spending mark will be agreed to in conference.

This one reservation notwithstanding, I urge the approval of this appropriations measure because I believe that, overall, it will aid the revitalization of our Nation's Capitol.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 18, 1996, further proceedings on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] will be postponed.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read.

The Clerk read as follows:

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 130. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such

benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

COMPENSATION OF MEMBERS OF JUDICIAL NOMINATION COMMISSION

SEC. 131. (a) IN GENERAL.—Effective as if included in the enactment of the District of Columbia Appropriations Act, 1996, section 434(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

''(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.''.

(b) CONFORMING AMENDMENT.—Section 133(b) of the District of Columbia Appropriations Act, 1996 is hereby repealed, and the provision of law amended by such section is hereby restored as if such section had not been enacted into law.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 132. The Board of Education shall submit to the Congress, the Mayor, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENTS UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 133. The University of the District of Columbia shall submit to the Congress, the Mayor, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

ANNUAL REPORTING REQUIREMENTS

SEC. 134. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1996, fiscal year 1997, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 135. (a) No later than October 1, 1996, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1997, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

EDUCATIONAL BUDGET APPROVAL

SEC. 136. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 137. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

SEC. 138. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Code, sec. 1–601.1 et seq.), is amended—

(1) in section 301 (D.C. Code, sec. 1–603.1)—

(A) by inserting after paragraph (13), the following new paragraph:

''(13A) The term 'nonschool-based personnel' means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students.''; and

(B) by inserting after paragraph (15), the following new paragraph:

''(15A) The term 'school administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools.'';

(2) in section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)(L))—

(A) by striking ''(L) reduction-in-force'' and inserting ''(L)(i) reduction-in-force''; and

(B) by inserting after subparagraph (L)(i), the following new clause:

''(ii) notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;''; and

(3) in section 2402 (D.C. Code, sec. 1–625.2), by adding at the end the following new subsection:

''(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.''.

SEC. 139. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 140. (a) Section 2401 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–625.1 et seq.) is amended by amending the third sentence to read as follows: ''A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.''.

(b) The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 149 of the District of Columbia Appropriations Act, 1996 (Public Law 104–134), is amended by adding at the end the following new section:

''SEC. 2407. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1997.

''(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1997, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

''(b) Prior to February 1, 1997, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

''(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

''(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

''(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the United States Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

''(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

''(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

''(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2–38; D.C. Code, sec. 1–2543); and

''(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

''(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

''(1) four years for an employee who qualified for veterans preference under this Act, and

''(2) three years for an employee who qualified for residency preference under this Act.

''(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

''(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1997, or upon the delivery of termination notices to individual employees.

''(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

''(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1997, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section''.

CEILING ON EXPENSES AND DEFICIT

SEC. 141. (a) CEILING ON TOTAL OPERATING EXPENSES AND DEFICIT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1997 under the caption ''DIVISION OF EXPENSES'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year and $40,000,000; or

(B) $5,108,913,000 (of which $134,528,000 shall be from intra-District funds).

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1997.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104–8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

CHIEF FINANCIAL OFFICER POWERS DURING CONTROL PERIODS

SEC. 142. Notwithstanding any other provision of law, during any control period in effect under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 the following shall apply:

(a) the heads and all personnel of the following offices, together with all other District of Columbia executive branch accounting, budget, and financial management personnel, shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer:

The Office of the Treasurer.

The Controller of the District of Columbia.

The Office of the Budget.

The Office of Financial Information Services.

The Department of Finance and Revenue.

The District of Columbia Financial Responsibility and Management Assistance Authority established pursuant to Public Law 104–8, approved April 17, 1995, may remove such individuals from office for cause, after consultation with the Mayor and the Chief Financial Officer.

(b) The Chief Financial Officer shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 774; Public Law 93–198), as amended, for each fiscal year occurring during a control period in effect under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Chief Financial Officer for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, approved December 24, 1973, without revision but subject to recommendations. Notwithstanding any other provisions of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, approved December 24, 1973, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 143. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members with less than 20 years of departmental service who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1997 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, approved November 17, 1979; D.C. Code, secs. 1–722(d) and 1–724(d).

(c) This section shall not go into effect until 15 days after the Mayor transmits the actuarial report required by section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, approved November 17, 1979) to the District of Columbia Retirement Board, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

SEC. 144. (a) Section 451(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 803; D.C. Code, sec. 1–1130(c)(3)), is amended by striking the word ''section'' and inserting the word ''subsection'' in its place.

DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 145. Section 2204(c)(2) of the District of Columbia School Reform Act of 1995 (Public Law 104–134) is amended to read as follows:

''(2) TUITION, FEES, AND PAYMENTS.—

''(A) PROHIBITION.—A public charter school may not, with respect to any student other than a nonresident student, charge tuition, impose fees, or otherwise require payment for participation in any program, educational offering, or activity that—

''(i) enrolls students in any grade from kindergarten through grade 12; or

''(ii) is funded in whole or part through an annual local appropriation.

''(B) EXCEPTION.—A public charter school may impose fees or otherwise require payment, at rates established by the Board of Trustees of the school, for any program, educational offering, or activity not described in clause (i) or (ii) of subparagraph (A), including adult education programs, or for field trips or similar activities.''.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 52, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 52, after line 23, insert the following new section:

SEC. 146. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Speaker, this is an amendment that has been offered to all the appropriation bills, and I am going to thank all the appropriators for, over the years, including this language into the bills. I think it encourages people to whenever possible in utilizing the scarce procurement dollars of the U.S. Government, to attempt to buy wherever possible American-made products.

In addition, anybody who would, in fact, place a false, fraudulent made-in-America label on any product that is sold to our Government through any of these contracted agreements would be prohibited from bidding on further contracts.

So I appreciate the fact the appropriators have included this language. It is that standard language that has been on other appropriation bills.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding. We have examined the amendment, Mr. Chairman, find it to be in perfectly good order, find it to be consistent with the wishes of the subcommittee, and have no objections to the gentleman's amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the support of the subcommittee Chair.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California, the distinguished ranking member.

Mr. DIXON. Mr. Chairman, the minority has no objection to this amendment. It is a good amendment.

Mr. TRAFICANT. Mr. Chairman, with that I hope wherever possible when we expend U.S. taxpayer dollars it is on American-made products from American workers who pay our taxes.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the District of Columbia Appropriations Act, 1997.

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WALSH) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3845), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GUTKNECHT] at 5 o'clock and 31 minutes p.m.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 18, 1996, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3845.