to give people, the individuals, the parents in the District of Columbia, greater freedom, greater choice, not the bureaucrats, not the educational system in general, but parents, individuals.

Is that not the best kind of freedom to give anybody? Is that not the best kind of public policy to adopt here? It is not a hard hand of government coming down on the District. It is the freedom we are going to give parents in the District of Columbia to select charter schools for their kids, the greatest opportunity we can possibly give to anyone, including the residents of the District of Columbia.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 1 minute remaining.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of the time.

Certainly, as I said before, I agree with the concept that, if there are things in this bill that are carry-overs that serve no purpose any further, then they should join the two dozen provisions that we have already taken out that have been carried year after year in this bill.

We will continue to work with the other side of the aisle and our own side to make sure that we do not carry anything that is not necessary. Of course, the other issues are policy issues such as we have talked about relating to drug needles, relating to contraceptive mandates that exclude a conscience clause. Those issues are going to be brought up in further amendments.

But as to this one, Mr. Chairman, I would like to close the debate.

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

POINT OF ORDER

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: ''Amendments to a paragraph or section are not in order until such paragraph or section has been read,'' Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from the District of Columbia desire to be heard on the point of order?

Ms. NORTON. Mr. Chairman, I understand the rules of the House. I appreciate that I have been heard on what, for us, is a vital amendment. I will continue to work with the gentleman from Oklahoma (Mr. ISTOOK) to eliminate such provisions as we can agree should be eliminated.

The CHAIRMAN. For the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Mr. ISTOOK. 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. PETRI) having assumed the chair, Mr. LAHOOD, 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. 4942) 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, 2001, and for other purposes, had come to no resolution thereon.

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LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4942 in the Committee of the Whole pursuant to House Resolution 563 no further amendment to the bill shall be in order except, one, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; two, the amendments printed in House Report 106–790; three, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and, four, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

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

There was no objection.

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DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, 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. 4942.

b 1528

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 further consideration of the bill (H.R. 4942) 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, 2001, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open from pages 41 line 1 through page 41 line 3.

Pursuant to the order of the House of today, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations, or their designees for the purpose of debate, the amendments printed in House Report 106–790, and the following additional amendments, which shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question:

One, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and

Two, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

The Clerk will read.

The Clerk read as follows:

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).

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 53 line 14 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 Oklahoma?

There was no objection.

The text of the remainder of the bill from page 41, line 24, through page 53 line 14 is as follows:

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 in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

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 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. (a) REQUIRING MAYOR TO MAINTAIN INDEX.—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in the index specific information on any severance clause in effect under any such contract.

(b) PUBLIC INSPECTION.—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) CONTRACTS EXEMPTED.—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) DISTRICT GOVERNMENT DEFINED.—In this section, the term ''District government'' means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

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, the Subcommittee on Oversight of Government Management, Restructuring 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 (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 provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

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 government.

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 (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. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (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 Home Rule Act (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. 120. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 121. 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 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof 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 rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 122. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), 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.

SEC. 123. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), 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 such Act.

SEC. 124. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 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. 125. 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 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 126. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus 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 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;

(3) 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 quarter 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;

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

(5) changes made in the last quarter 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.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2001, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 127. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 128. (a) CONDITIONS FOR GRANTING PREFERENCE IN USE OF SURPLUS SCHOOL PROPERTIES TO PUBLIC CHARTER SCHOOLS.—

(1) IN GENERAL.—Section 2209(b)(1)(A) of the District of Columbia School Reform Act of 1995 (sec. 31–2853.19(b)(1)(A), D.C. Code) is amended—

(A) by striking ''purchase or lease'' and inserting ''purchase, lease-purchase, or lease''; and

(B) by striking '', provided that'' and all that follows and inserting a period.

(2) PROPERTY SUBJECT TO PREFERENCE.—Section 2209(b)(1)(B)(iii) of such Act (sec. 31–2853.19(b)(1)(B)(iii), D.C. Code) is amended to read as follows:

''(iii) with respect to which the Authority or the Board of Education has transferred jurisdiction to the Mayor at any time prior or subsequent to the date of the enactment of this title.''.

(b) PROCEDURES FOR DISPOSITION OF PROPERTY.—Section 2209(b)(1) of such Act (sec. 31–2853.19(b)(1), D.C. Code) is amended by adding at the end the following new subparagraphs:

''(C) DISPOSITION TO PUBLIC CHARTER SCHOOLS.—

''(i) IN GENERAL.—Public charter schools shall have the priority right to lease, lease-purchase, or purchase any vacant facility or property described in subparagraph (B), and any facility or property described in subparagraph (B) which is leased or occupied as of the date of the enactment of this subparagraph by an entity other than a public charter school.

''(ii) APPRAISAL OF PROPERTY.—When a public charter school notifies the Mayor of its intention to exercise its rights under clause (i), the Mayor shall obtain within 90 days an independent fair market appraisal of the facility or property based on its current permitted use, and shall transmit a copy of the appraisal to the public charter school. The public charter school shall have 30 days from the date of receipt of the appraisal to enter into a contract for the purchase, lease-purchase, or lease of such facility or property, which time may be extended by mutual agreement. Upon execution of the contract, the public charter school shall have 180 days to complete the acquisition of the property.

''(iii) PRICES.—

''(I) PURCHASE.—The purchase price of a facility or property described in this clause and in subparagraph (B) shall be the fair market value of the facility or property, less a 25 percent discount.

''(II) LEASE.—The lease price of a facility or property described in this clause and in subparagraph (B) shall be the price charged by the District of Columbia to other nonprofit organizations leasing public facilities or, if there is no nonprofit rate, fair market value less a 25 percent discount. The price shall be reduced to take into account the value of any improvement to the public school facility or property which is preapproved by the Mayor.

''(III) LEASE-PURCHASE.—A lease-purchase price of a facility or property described in this clause and in subparagraph (B) shall reflect a 25 percent discount from fair market value, in a manner consistent with subclauses (I) and (II).

''(iv) QUARTERLY REPORT.—On January 1, April 1, July 1, and October 1 of each calendar year, the Mayor shall publish a report describing the status of each facility or property described in subparagraph (B), including the date of expiration of the lease term or right of occupancy, if any, and the date, if any, each facility or property was or will be put out for bid or transferred to a District of Columbia agency, if any. The Mayor shall deliver such report to each eligible chartering authority and shall publish it in the District of Columbia register.

''(D) DISPOSITION OF FACILITIES OR PROPERTIES AFTER EXCLUSIVE PERIOD.—

''(i) IN GENERAL.—The Mayor may put out for bid to the public or transfer to a District of Columbia agency for the use of such agency any facility or property described in this subparagraph (B) which was not acquired by a public charter school pursuant to subparagraph (C).

''(ii) NOTICE.—At least 90 days prior to putting any such facility property out for bid or transferring it to a District of Columbia agency, the Mayor shall notify each eligible chartering authority in writing of his intention to do so.

''(iii) PUBLIC CHARTER SCHOOL RIGHT TO ACQUIRE BEFORE BID OR TRANSFER.—Prior to the expiration of the 90-day notice period described in clause (ii), a public charter school may purchase, lease-purchase, or lease any facility or property described in the notice under the terms described in clause (iii) of subparagraph (C).

''(iv) PUBLIC CHARTER SCHOOL RIGHT TO MATCH BID.—With regard to any facility or property offered for bid under this subparagraph, the Mayor shall notify each eligible chartering authority in writing within 5 days of the amount of the highest acceptable bid. A public charter school may purchase, lease-purchase, or lease such facility or property by submitting a bid for the facility or property within 30 business days of receipt by each eligible chartering authority of such notice. The cost of acquisition shall be as described in clause (iii) of subparagraph (C).

''(v) FACILITIES OR PROPERTIES NOT PUT OUT FOR BID OR TRANSFERRED.—A public charter school shall have the right to purchase, lease-purchase, or lease, under the terms described in clause (iii) of subparagraph (C), any facility or property described in this paragraph that has not been put out for bid or transferred to a District of Columbia agency by the Mayor as provided for in this subparagraph.''.

(c) PREFERENCES FOR USE OF CURRENT PROPERTY.—Section 2209(b)(2) of such Act (sec. 31–2853.19(b)(2), D.C. Code) is amended—

(1) in subparagraph (B)(ii), by striking ''purposes,'' and inserting ''purposes directly related to its mission,''; and

(2) by adding at the end the following new subparagraph:

''(C) PREFERENCE DESCRIBED.—A public charter school shall have first priority to lease, or otherwise contract for the use of, any property described in subparagraph (B), at a rate which does not exceed the rate charged a private nonprofit entity for the use of a comparable property of the District of Columbia public schools and which is reduced to take into account the value of repairs or improvements made to the facility or property by the public charter school.''.

(d) EXERCISE OF PREFERENCES BY OTHER ENTITIES.—Section 2209(b) of such Act (sec. 31–2853.19(b), D.C. Code) is amended by adding at the end the following new paragraph:

''(3) EXERCISE OF PREFERENCE BY CERTAIN OTHER ENTITIES.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under this subsection.''.

AMENDMENT NO. 13 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in the CONGRESSIONAL RECORD offered by Mr. MORAN of Virginia:

Strike sections 128 and 129 (and redesignate the succeeding provisions accordingly).

Mr. ISTOOK. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason for doing this is we want to strike sections 128 and 129. The reason is that the District of Columbia is already on the leading edge of the charter school movement throughout the country. It is reforming its schools. In fact, it had an enrollment increase of over 100 percent in the last year. Mayor Williams has seen to it that the funding has increased by 300 percent to $77 million for charter schools. That is good. That is what we want.

The Center for Washington Area Studies reported that D.C. charter schools funding is among the most generous in the entire Nation in terms of per-pupil expenditures. Unfortunately, these two provisions could potentially jeopardize both that funding and the positive impact which charter schools are having because it substantially reduces the authority of local elected officials to determine the best use of surplus school properties. It was done without consultation with the Mayor or the school board or local elected officials.

So passage of these provisions is going to have a very serious effect potentially upon homeless shelters, alternative education programs, the Metropolitan Police Department, because these organizations, these services are using surplus school properties.

These amendments say any charter school can go in and buy these surplus school properties at 25 percent less than market even if they are occupied. So potentially, one could displace the Commission on Mental Health which operates a clinic at the Addison School, the Center of Hope which leases Keene School, the Commission on Mental Health which operates a children's program at the Reno School, the homeless shelters at Madison School in Old Emery, the Police Department at Petworth School.

I have got all kinds of examples here that could be displaced if any charter school wants to come in and buy these surplus properties. They can get it at 25 percent discount on all leases, sales and lease sales. That means that the District of Columbia could lose $48 million from the market value of this property. That is why the Mayor does not want this.

This does not make sense. We would not want it if we were mayor. Why would one lose that kind of money? We want to cooperate with charter schools. We are strongly in favor of charter schools. D.C. is doing a good job on charter schools. But this could really impede its efforts.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining.

Mr. MORAN of Virginia. That is exactly even, Mr. Chairman, and that is what we want.

Mr. Chairman, I yield the balance of my time to the very distinguished gentlewoman from the District of Columbia (Ms. NORTON).

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Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I am a strong supporter of charter schools. This city has more charter schools than any other jurisdiction in the United States. It has been very generous with them.

Some residents went around our mayor and came up here to get this amendment. I believe Mr. Peabody and Mr. Patten. There may be others. If they were having trouble with the District, they have now had a meeting with the District, they should have come to me or someone else. Instead, what we get is a heavy-handed amendment that this House could never, never, at least if it is a market-driven House, could never approve. It slaps a huge compelled nonmarket-driven reduction on property without knowing where the property is or what it is worth and otherwise directs how properties should be disposed of. We do not do that in a free economy. We do not do that in a market-driven economy.

The District has very scarce resources precisely because the Federal Government takes up all of the space. Mayor Williams wrote to the chairman saying, ''I am opposed to language concerning disposition of surplus school property that would hamper the District Government's ability to utilize its assets to reform our schools.''

This amendment is big-time overkill to tell the City how much it should sell property for, how much it should reduce property to. Some of it should be reduced to nothing; some of it should be reduced very little. None of us in this body knows.

I arranged a meeting when I learned of this problem. I understand that the City itself is going to deal with this and it should have it dealt with within a month. I hope that by the time we get to conference, the chairman will see fit to withdraw this, because I think the matter shall have already been taken care of.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment, as well as reserving a point of order.

What is happening with charter schools in the District of Columbia is that parents and students are flocking to them because they offer an escape from the bureaucracy that governs the District's schools, that assumes the cash, that has one of the highest per-pupil funding rates in the country; but where the cash ends up in a bureaucracy not helping out in the classroom with Johnny and Suzy.

Charter schools have now attracted over 10 percent of the student enrollment, moving toward 15 percent of the students in the public schools in the District of Columbia. Charter schools are themselves public schools but they do not get stuck with the same bureaucracy, and parents want these charter schools. They are sending their kids to them. But what is happening, Mr. Chairman, is that the bureaucracy is striking back. Not openly, not out in the open, but using their weapon of choice, red tape, and strangling the charter schools when they try to do something. Charter schools are supposed to have the same access to public resources as public schools do.

We did not create this, Mr. Chairman, but the control board had an order that they issued in 1998 saying that if a charter school wanted to match the bid price of a vacant school, and they have tons of them in the District of Columbia, if a charter school wanted to match the bid price, because they were also part of the public school system, that if the price was a million dollars or less, they would get a 25 percent discount; if the price was over a million dollars, it would be 15 percent. That is where this language providing discounts comes from. It is the standard the control board approved.

But guess what? Let me tell my colleagues a couple of things. Charter schools found when they tried to make the leases, the process was being dragged out. Let me tell my colleagues the story of the Franklin School. The Franklin School had bids solicited for this vacant property in February of 1998. There was an appraisal made so the taxpayer would be protected. The appraisal was $4.1 million, and the successful bidder was a charter school.

But then the emergency board of education trustees said, well, we want to oppose this, and the control board rejected the bid. Why? Well, the control board said they found out there was an assessment and the District claimed the building is worth more than the $4 million, that it is worth $15 million. And they hung on to that claim for months and months as a reason, until somebody finally went back to the District and checked the records, and the District had changed its own assessment, but no one bothered to ask the District about it. The District had agreed. They had changed it back in June of 1999 that the assessed value was $4.2 million, right in line with the appraisal of $4.1 million.

Despite the successful bid of the charter school, which is now, gosh, Mr. Chairman, it is a year and a half old now, the D.C. schools and their bureaucracy are dragging their feet and refusing to let the building be used for a charter school. They just drag it out. Never any overt actions; just we are waiting on this, we are waiting on that. Mr. Chairman, we have to cut through the red tape sometime.

Now, I want to work with the gentlewoman from the District; I want to work with the gentleman from Virginia, the ranking member; and I want to work with the District people and

the school people. I just want to make sure that they want to work with the charter schools. The charter schools are public schools. They have the same rights, because they represent and teach the same kids, the same source of kids, and we have to stop the bureaucracy from trying to strangle them.

The general provisions in the bill just put in common sense requirements to make sure they get equal treatment. We could delve into the details, but as I said, they could change as we work through this process. We want to protect the kids, whether they attend a regular public school or a charter school. They need protection. They need a good solid education so that they can have a future of hope and growth and opportunity.

Mr. Chairman, we certainly oppose the amendment that tries to take out these efforts at reform, but we do want to continue to work with everyone involved to make these provisions the best they can be.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time to sum up here.

Mr. Chairman, I do not object if the intent is simply to help the charter school movement. The mayor wants to do that. I think most people in D.C. want to have an alternative school system.

The problem is this amendment could potentially take $48 million out of the public school system. It could displace a number of very important organizations; the Commission on Mental Health; the D.C. Police Department is using Petworth School. Homeless shelters. So I do not think it was fully thought out.

The problem is that it was done without consultation with the mayor, D. C. Council, and the school board. That is why the amendment really should be struck. I understand the point of order, but I also know we are doing the right thing if we were to strike it.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

I appreciate the gentleman's concern, Mr. Chairman. I want to assure him this is not about displacing anyone, and certainly I do not believe the amendment does what the gentleman claims, but I understand the bona fide concern to make sure that it does not.

We have been working both directly and indirectly with the mayor's office and other entities involved and will continue to do so.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: ''Amendments to a paragraph or section are not in order until such paragraph or section has been read.'' Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 129. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31–2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

''(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

''(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding $25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

''(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter.''.

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31–2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking ''AUTHORITY'' and inserting ''ELIGIBLE CHARTERING AUTHORITY'';

(B) in clause (i), by striking ''Authority'' and inserting ''eligible chartering authority''; and

(C) by amending clause (ii) to read as follows:

''(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.''.

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31–2853.20, D.C. Code) is amended by adding at the end the following new subsection:

''(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRESCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31–2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

''(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program.''.

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31–2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31–2853.13(h)(2), D.C. Code) is amended by striking ''(17),''.

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31–2853.43, D.C. Code) is amended by adding at the end the following new subsection:

''(c) ASSIGNMENT OF PAYMENTS.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan.''.

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31–2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

''(e) PARTICIPATION IN GSA PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

''(2) PARTICIPATION BY CERTAIN ORGANIZATIONS.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under paragraph (1).''.

SEC. 130. 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.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), 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.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus 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 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;

(3) 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 District of Columbia

Public Schools; payments made in the last quarter 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;

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

(5) changes made in the last quarter to the organizational structure of the District of Columbia 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.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools 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 2000, fiscal year 2001, and thereafter on 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.

SEC. 134. (a) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, which ever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools 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 Superintendent of the District of Columbia Public Schools 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 Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities 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 Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING UNDER ''DIVISION OF EXPENSES''.—

(1) IN GENERAL.—The Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), 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 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 of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the 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 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) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly 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 quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (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.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by striking ''2000'' and inserting, ''2001''; in subsection (b), by striking ''2000'' and inserting ''2001''; in subsection (i), by striking ''2000'' and inserting, ''2001''; and in subsection (k), by striking ''2000'' and inserting, ''2001''.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (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.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. 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 District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.2(j), DC Code), as amended by section 148(a) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the financial plan or budget submitted pursuant to this Act shall contain $150,000,000, to remain available until expended, for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

''(2) CONDITIONS ON USE.—The reserve funds—

''(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority;

''(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

''(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings, management reform savings, and cafeteria plan savings.

''(3) REPORT REQUIREMENT.—The Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.

''(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the $150,000,000 balance.''.

(b) Section 202(k) of such Act (sec. 47–392.2(k), DC Code), as amended by section 148(b) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

''(k) POSITIVE FUND BALANCE.—

''(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

''(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

''(A) not more than 50 percent may be used for authorized non-recurring expenses; and

''(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.''.

(c) The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2000.

SEC. 149. Subsection 3(e) of Public Law 104–21 (D.C. Code sec. 7–134.2(e)) is amended to read as follows:

''(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1, thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31, thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next five fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.''.

SEC. 150. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 106–790 offered by Mr. SOUDER:

In section 150, strike ''Federal''.

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my amendment would prohibit the use of any funds appropriated by this bill to finance needle exchange programs in the District of Columbia.

The reasoning is simple: Needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to

keep off our streets. They send the wrong message, and it simply does not work.

This is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact same language as the amendment that passed last year with 240 votes and was signed by the President.

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

Mr. MORAN of Virginia. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Dixon), whose amendment passed in full committee and whose amendment would be negated by this amendment.

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

This amendment clearly illustrates the philosophy of this bill, and that is ''do as I say.'' Let me read to my colleagues the people that support the needle exchange program.

b 1600

The American Medical Association, the American Public Health Association, the United States Conference of Mayors.

Let me read to my colleagues what, on March of this year, the Surgeon General said. He said that ''after reviewing all of the research to date, the senior scientists of the Department and I have unanimously agreed that there is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are, in effect, public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs.''

Clearly, everyone can see that some people are opposed to it notwithstanding the facts, and that is the reason this amendment is being offered.

The American Medical Association says that it has an impact. The Surgeon General has studied this. It is a simple amendment. It is a matter of simple philosophy. They do not like it.

What funds are they using? Their own funds. Is this some novel idea? Thirty States have these programs where they use State and local funds, 133 cities. But we come to the floor because we personally do not like it and say to them that they cannot use their own funds.

I urge my colleagues to vote no on this.

Mr. SOUDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Indiana (Mr. SOUDER) for yielding me the time and commend him for his effort.

I strongly support his amendment. This is something that would make it absolutely clear that the taxpayers' dollars, no matter what taxpayers' dollars those might be, cannot be used to provide needles to drug addicts to participate in an illegal activity.

We should not tell our children do not do drugs on the one hand while giving them free needles to shoot up with on the other. We need a national drug control policy which emphasizes education, interdiction, prevention and treatment, not subsidies for addicts.

Providing free hypodermic needles to addicts so that they can continue to inject illegal drugs sends a terrible message to our children that Congress has given up on the fight to stop illegal drug use and that the Federal Government implicitly condones this illegal activity.

As lawmakers, we have a responsibility to rise up and fight against the use and spread of drugs everywhere we can. We should start by making it harder, not easier, to practice this deadly habit.

This amendment will reaffirm the Federal Government's commitment to the war on drugs by prohibiting Federal and District funds from being used to conduct needle exchange programs in the District of Columbia. These programs are harmful to communities and undermine our Nation's drug control efforts.

Drug abuse continues to ravage our communities, our schools, and our children. Heroin use is again on the rise. Thousands of children will inject hardcore drugs like heroin and cocaine. The first year, many will die.

Oppose the effort to have needle exchanges. Support the Souder amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the very distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong opposition to this amendment to prohibit the District of Columbia from using any funds, Federal or local, for a needle exchange program.

The positive effects of needle exchange are proven. In communities across the country, needle exchange programs have been established and are contributing to the reduction of HIV transmission among IV drug users.

In my hometown of Madison, Wisconsin, as well as in other Wisconsin communities, outreach workers and volunteers go into the community and provide drug users with risk-reduction education and referrals to drug counseling treatment and other medical services.

Yet Congress continues to ignore the overwhelming scientific evidence showing that needle exchange is an effective HIV prevention tool.

I want to end with a personal note on this issue. When outreach workers in my community and in other Wisconsin communities go out to drug abusers and say, I care about whether you live or die, it brings them into treatment and takes them off their dependency.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman who chairs the Subcommittee on Criminal, Justice, Drug Policy and Human Resources of the Committee on Government Reform.

Mr. MICA. Mr. Chairman, I do not ask my colleagues to support this amendment. I implore them to support this amendment.

If we want to listen to people who are making statements about needle exchange programs, take the word of our drug czar, this administration's drug czar, General Barry McCaffrey, who said, ''by handing out needles, we encourage drug use. Such a message would be inconsistent with the tenure of our national youth-oriented anti-drug campaign.''

That is our drug czar that made that statement.

If we want to look at examples where they have instituted drug and needle exchange programs and see the results, a 1997 Vancouver study reported that their needle exchange program started in 1988 with HIV prevalence in drug addicts at only 1 to 2 percent and now it is 23 percent.

The study found that 40 percent of the HIV-positive addicts had lent their used syringes in the previous 6 months.

Additionally, the study found that 39 percent of the HIV-negative addicts had borrowed a used syringe in the previous 6 months.

If we want to see what a liberal program will do to a city, just look to the sister city to the north, Baltimore. With a liberal mayor who adopted a liberal policy on needle exchange, everyone could do it.

The murder rate is a national disgrace. The addicts, and this information was given to our subcommittee by DEA, in 1996 were at 39,000.

Recently, a councilwoman, Rickie Specter, said that the statistics are not one in 10 of the city population, according to a Time Magazine report in September of 1999, but, and these are her words, ''it is more like one in eight.''

So if we want to ruin this city, adopt the policy in the bill and defeat the amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, drug czar General McCaffrey has never opposed a prohibition on local jurisdiction's efforts to implement a needle exchange program.

Mr. Chairman, I yield 1 minute to my friend, the honorable gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this amendment is an example of the misguided moralism that is so replete in this District of Columbia appropriations bill.

What is at issue here is public health. It has been clearly demonstrated that

by providing sterile syringes and needles to drug addicts, we cut back dramatically on the incidence of HIV and AIDS.

Fifty percent of the AIDS-positive people in the District of Columbia contracted that condition by using contaminated needles. Seventy-five percent of the women in the District of Columbia who are HIV-positive got that way as a result of contaminated needles. Seventy-five percent of the children who are HIV-positive in the District of Columbia got that way as a result of contaminated needles.

This is a public health issue. My colleagues ought to poke their noses out of it. Let the District run their own business. They are condemning people to contract HIV and AIDS by proposing this amendment if it passes. More people will become HIV-positive and more people will die of AIDS as a result of this amendment if it passes. It should be defeated.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of the time.

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

Mr. SOUDER. Mr. Chairman, let me make it clear. There are only two scientific long-term studies, one in Vancouver and one in Montreal. In Montreal, the number that contracted the AIDS virus more than doubled; in Vancouver, it was higher among participants in the program.

Furthermore, one prominent advocate of the needle exchange program said most needle exchange programs provide a valuable service to users. They serve as sites of informal and increasingly formal organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site, networking that might otherwise have taken half a day.

This does not help HIV people. This does not help drug addicts. The merciful thing to do, the caring thing to do is to help people get off of their addiction, not to fuel their habit by giving them free needles paid for by the taxpayers either directly or indirectly.

This idea that the money is not fungible is laughable. Either directly or indirectly, it should not come from the taxpayers of Indiana or anywhere else to fuel people's drug habits that also can lead them to the HIV virus.

Mr. Chairman, my amendment would prohibit the use of any of the funds appropriated by this bill to finance needle exchange programs in the District of Columbia. The reasoning is simple: needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to keep off our streets, send the wrong message, and simply don't work. It is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact language that passed last year with 240 votes and was signed by the President.

NEEDLE EXCHANGE PROMOTES DRUG USE

Our experience with the needle exchange programs so far has shown us that needle exchange programs can become havens not only for drug use, but also magnets for drug dealers and networking sites for addicts to learn where to find more drugs. For example, Donald Grovers, who is a prominent advocate of needle exchange programs, has said:

> Most needle exchange programs provide a valuable service to users. . . . They serve as sites of informal (and increasingly formal) organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.

It's also a basic economic law that sellers go where their customers are, and for a drug dealer there can be few targets of opportunity riper than a needle exchange location. It is almost literally bringing sheep to the wolf. The New York Times reported in 1997 that:

> When a storefront is handing out 20,000 syringes a week, suppliers are not far away. East Villagers who have been trying to rebuild a neighborhood devastated by drugs during the 1980s complain that the needle exchange has brought more dealers back to the streets and more addicts into the halls of the public housing projects at the corner.

James Curtis, a Columbia University Professor, observed in a New York Times Op Ed that tenant groups around one of New York's largest needle exchange programs told him that the center had become a magnet for dealers, and that used needles, syringes and crack vials litter their sidewalks. The police do nothing.

Needle exchange sites have become, for all practical purposes, safe havens for drug users to escape law enforcement. The office of the DC Police Chief has previously said that its policy is to ''look the other way'' when drug addicts approach the Whitman-Walker clinic's mobile van unit to receive needles, and other programs are designated ''police-free zones.'' The Office of National Drug Control Policy concluded that the highest rates of property crime in Vancouver were within two blocks of the needle exchange.

NEEDLE EXCHANGE PROGRAMS SEND THE WRONG MESSAGE

Mr. Chairman, we have already appropriated billions of dollars for next year to keep drugs off our streets through drug interdiction and law enforcement, including aid to the states and the District of Columbia. We have also appropriated substantial sums to help those who are addicted to drugs get off and stay off through prevention and treatment efforts, also including aid to the states and the District of Columbia. It makes no sense whatsoever to turn around in this bill and appropriate more funds to directly counter those efforts by passing out free needles to addicts, or to support efforts by the District of Columbia (or any state for that matter) to counter the goals of federal policy in these areas.

Finally, General McCaffrey also pointed out that:

> Needle exchange programs are almost exclusively located in disadvantaged, predominantly minority, low income neighborhoods. . . . These programs are magnets for all social ills—pulling in crime, violence, addicts, prostitution, dealers, and gangs and driving out hope and opportunity. The overwhelming likelihood is that the burdens of any expansion in needle exchange programs will continue to fall upon those already struggling to get by.

Just yesterday, we passed the Community Renewal bill, one of the most hopeful and optimistic pieces of legislation we have considered this Congress. Do we want to turn around today and go in the other direction?

NEEDLE EXCHANGE PROGRAMS DON'T WORK

Finally, even if we were to ignore all of that and adopt for the purposes of argument the fundamental premises of needle exchange advocates, the cold fact of the matter is that needle exchange programs simply don't work.

Dr. Fred Payne, medical advisor to the Children's AIDS Fund, found that ''the data from four studies . . . strongly indicate that needle exchange is ineffective in reducing HIV transmission among study participants,'' and concluded that the evidence on the whole indicated that programs were ineffective.

Mr. MORAN of Virginia. Mr. Chairman, I yield the final one minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, for many of us, this has become an issue laden with emotional content because of its life-or-death consequences so visible where we live.

HIV-AIDS has become another burden of race in our country and in this majority black and Hispanic city. Today, the disease is largely a black and brown killer because of contaminated needles. The overwhelming majority of new cases have been black and Hispanic for years now. HIV-AIDS is now a racially based public health emergency.

What Congress does on needle exchange is heavily laden with racial content. The Congress allows citizen localities everywhere else on Earth to do what is safe and what works for them.

The Congress must not condemn women, men, and children who live in the District to die because they live in the District. That is what we do if we wipe out the District needle exchange program in the city.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I urge my colleagues to allow the District to make its own decisions on how to best prevent new HIV infection.

Mr. Chairman, I rise in opposition to the Souder amendment. This amendment will prohibit the use of both federal and local funds for the City's needle exchange program to prevent new HIV infections in injection drug users and their partners.

The District of Columbia has one of the highest HIV infection rates in the country. Intravenous drug use is the District's second highest mode of transmission, accounting for over 37 percent of all new AIDS cases. For

women, where the rate of infection is growing faster than among men, it is the highest mode of transmission.

Scientific evidence supports the fact that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. The American Medical Association, the American Bar Association, the American Public Health Association, the American Academy of Pediatrics, and the United States Conference of Mayors all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. Dr. C. Everett Koop, former Surgeon General, also expressed support for clean needle exchange programs. These are his words, ''Having worked on the HIV/AIDS epidemic since its emergence in the U.S., I . . . express my strong belief that local programs of clean needle exchange can be an effective means of preventing the spread of the disease without increasing the use of illicit drugs.''

Once again, we are engaged in heated debate over policies that are best left in the hands of the scientific community. We should not be politicizing public health decisions.

The District of Columbia has had a local needle exchange program in place since 1997. By using its own funds the number of new HIV/AIDS cases due to intravenous drug uses had fallen more than 65% through 1999. This represents the most significant decline in new AIDS cases, across all transmission categories, over this time period.

Mr. Chairman, AIDS is the third leading cause of death in the District. Without a needle exchange program, HIV will spread unchecked, and more people will be at risk. Public health decisions should be made by public health officials; science should dictate such decisions, not politics. I urge my colleagues allow the District to make its own decisions on how best to prevent new HIV infections. Vote ''no'' on this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to oppose the Souder amendment and the bill for several reasons.

The bill ignores the fact that needle exchange does not increase drug use. It ignores the fact that society would have fewer individuals infected with HIV if they used clean needles. Needle exchange programs make needles available on a replacement basis only, and refer participants to drug counseling and treatment. Numerous studies concluded that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

Mr. Chairman, it has long been known that socioeconomic status impacts not only an individual's access to and use of health care but also the quality and benefits derived from health care. Impoverished communities have higher numbers of homeless individuals. Homelessness, in turn, increases risk for HIV due to associated high rates of substance abuse and prostitution.

The Federal Office of Minority Health has determined that increased economic inequality is the driving force behind the rising health disparities among Americans. Today, racial and ethnic minorities comprise approximately 27 percent of the U.S. population, but account for more than 66 percent of the Nation's new AIDS cases.

Mr. Chairman, last year I said this amendment was politically driven, rather than scientifically based and that still remains true. This bill whips on the poorest of the poor. This bill puts at risk millions of Americans who might be married or committed to someone who they may not know is an intravenous drug user. More importantly, this bill puts children at risk.

Mr. Chairman, in order to stop the spread of HIV and improve the health care of those already infected, prevention and intervention programs that are designed to address the specific needs of the population affected must be supported. The D.C. ''clean'' needle exchange program must be funded. I urge all members to vote against this thoughtless amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 563, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60–day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60–day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none for the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60–day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time to time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 158(b) of Public Law 106–113, approved November 29, 1999 (113 Stat. 1527) is amended to read as follows:

''(b) SOURCE OF FUNDS.—An amount not to exceed $5,000,000 from the National Highway

System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a).''

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against section 153 on the grounds that it is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House.

This provision makes changes to existing law by earmarking up to $5 million of the District of Columbia's Federal highway funds to complete design and environmental requirements for the construction of expanded lane capacity for the 14th Street Bridge. This would be an unprecedented earmarking of State formula highway funds by the Congress.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The gentleman from Virginia (Mr. MORAN) is recognized.

Mr. MORAN of Virginia. Mr. Chairman, put this language in. We have a desperate situation on the 14th Street Bridge that is going to be exacerbated by construction on the Woodrow Wilson Bridge and construction on I–66.

Right now, on many days we will see backups for miles both north and south on the GW Parkway. I am sure that many of the Members who do live in Virginia are acutely aware of this problem. We need to widen the 14th Street Bridge desperately. It should be taken care of by the Public Works Committee.

Now, all this is is money for planning, design, and construction to widen the 14th Street Bridge. I can see that the Public Works Committee wants to retain all of its prerogatives and this is a turf thing, and that is understandable.

What we were trying to do was to help out the District of Columbia so they did not have to take it from their own transportation money.

No good deed generally goes unpunished, and I see this good deed is going to be punished. So I understand the motion of the gentleman from Wisconsin (Mr. PETRI). There is little we can do at this point because, under the parliamentary rules, it is a point of order.

At this point I would concede the point of order.

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The CHAIRMAN. Section 153 of the bill proposes directly to amend existing law. As such, it constitutes legislation in violation of clause 2(b) of rule XXI. The point of order is sustained. Section 153 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 154. (a) CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 30-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

(b) PENALTY.—Any chief financial officer who carries out any activity in violation of any provision of this Act or any amendment made by this Act shall be subject to a civil money penalty in accordance with applicable District of Columbia law.

SEC. 155. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code 1–601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) or work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996 in order to ratify and approve the Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996.

SEC. 156. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 157. In submitting any document showing the budget for an office of the District of Columbia government (including an independent Agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 158. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also know as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 159. Notwithstanding any other provision of law, the Mayor of the District of Columbia, in consultation with the committee established under section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 8009–293, as amended by Public Law 106–113; 113 Stat. 1526), is hereby authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 160. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24–1232, DC Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:

''(f) TREATMENT AS FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

''(A) Chapter 83 (relating to retirement).

''(B) Chapter 84 (relating to the Federal Employees' Retirement System).

''(C) Chapter 87 (relating to life insurance).

''(D) Chapter 89 (relating to health insurance).

''(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

''(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

''(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

''(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

''(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

''(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 161. It is the sense of Congress that the patients of Saint Elizabeths Hospital and the taxpayers of the District of Columbia are being poorly served by the current facilities and management of the Hospital.

SEC. 162. It is the sense of Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 163. It is the sense of Congress that the District of Columbia government should take all steps necessary to ensure that officials of the District government (including officials of the District of Columbia Financial Responsibility and Management Assistance Authority, independent agencies, boards, commissions, and corporations of the government) maintain a fiduciary duty to the taxpayers of the District in the administration of funds under their control.

SEC. 164. No amounts may be made available during fiscal year 2001 to the District of Columbia Health and Hospitals Public Benefit Corporation (through reprogramming, transfers, loans, or any other mechanism) other than the amounts which are otherwise provided for the Corporation in this Act under the heading ''DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION''.

SEC. 165. (a) For each payment or group of payments made by or on behalf of the District of Columbia Health and Hospitals Public Benefit Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter

13 of title 31, United States Code, or of any provision of this Act.

(b) More than one payment may be covered by the same affidavit under subsection (a), but a single affidavit may not cover more than one week's worth of payments.

(c) It shall be unlawful for any person to order any other person to sign any affidavit required under this section, or for any person to provide any signature required under this section on such an affidavit by proxy or by machine, computer, or other facsimile device.

SEC. 166. The District of Columbia Health and Hospitals Public Benefit Corporation may not obligate or expend any amounts during fiscal year 2001 unless (at the time of the obligation or expenditure) the Corporation certifies that the obligation or expenditure is within the budget authority provided to the Corporation in this Act.

SEC. 167. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 168. (a) Notwithstanding any other provision of law, the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13–399) shall not take effect.

(b) Nothing in this section may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

AMENDMENT NO. 23 OFFERED BY MS. NORTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

In section 168, strike ''(a)'' and all that follows through ''(b)''.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

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

I rise to ask that subsection (a) of section 168 be stricken as moot. It certainly repeals a section of D.C. law soon to be vetoed locally. The Congress like every legislature or law enforcement body always prefers to have people act on their own.

This is what the mayor and the D.C. council have done to extinguish the controversy that arose concerning the council bill to provide contraception as an option in insurance sold in the District. The council, on its own, came close to adopting a conscience clause but narrowly failed. Now indisputably the council is ready, willing and able to act. A joint letter from Mayor Anthony Williams and Council Chair Linda Cropp to the chairman indicated that they, quote, ''who know the issues best and all the parties well are prepared to address the necessary clause, giving great weight to parties in the District who advocate family planning and religious liberty,'' end quote.

To make good on his letter, the mayor publicly announced, on television, that he will pocket veto the contraception bill and work with the council to produce an acceptable compromise. The mayor is using a pocket veto rather than a veto now not because of any reluctance to veto the bill but because he has taken upon himself to bring all the parties together to a solution acceptable to all.

Mayor Williams is himself Catholic, and he has met with Auxiliary Bishop William Lori. He knows his council, and his judgment is that a pocket veto is what is appropriate if the point is to reach a solution acceptable to church and state alike, rather than further polarize the parties. The letter from Council Chair Cropp and Mayor Williams to the gentleman from Oklahoma (Mr. ISTOOK) and the Mayor's public announcement that he will pocket veto the bill as well as assurances of the pocket veto received here in writing to the chairman makes subsection (a) of section 168 moot. What would remain is section 168(b).

This section relating to religious and moral concerns more than satisfies the issue that has been raised in the Congress. Not to strike section (a) comes close to an insult to the Mayor and the Council Chair who have given their word in writing and publicly. In political life, a public man or woman's word is his or her bond. What D.C. officials have written and the Mayor has publicly declared concerning a pocket veto surely closes the circle and gives all the assurances that out of respect and dignity should ever be asked.

There is more. As you know, D.C. law is not law until it lays over for 30 legislative days. That time frame means that considering the upcoming recess days, no bill could become law until sometime in March. To add to that insurance policy, the Congress can on its own, sui sponte, introduce and enact any bill or amendment concerning the District, such is your all-consuming power over the District of Columbia.

Mayor Anthony Williams and Council Chair Linda Cropp and the D.C. City Council deserve their dignity as grown-up public officials with reputations for integrity elected to govern our Nation's capital. I ask you to show them the same respect we ourselves would demand. Please strike section 168(a).

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

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

I am going to have a somewhat mixed response to the comments by the gentlewoman from the District of Columbia. What we are talking about here has not, I do not think, been fully stated, and it needs to be. I believe the date was July 11 when the Council had its meeting.

At that meeting, an ordinance came up for consideration requiring placing a mandate compelling employers in the District of Columbia to make one portion of health insurance coverage be that contraceptives would be covered, that they would be part of the benefit. Now, we could have a separate debate, we are not going to, but we could have a separate debate about what happens when you keep putting different mandates on health insurance.

No matter how common sense some particular mandate may seem to some people, it still drives up the cost. It is like every time you buy a car, they say, do you want this option or that option, or anything else that you purchase that you have got options, the more options you choose, the higher it costs. The same thing is true, of course, with health insurance.

If you require that people cannot buy health insurance unless you get it with all these options, then you find that nobody can buy plain coverage. Just like they could not buy a plain car if they had to buy the ones with all the options with it. Now, that is a separate issue because frankly it is not the core of the debate but that is where it started.

They said we want to mandate. We want to make sure if you are an employer in the District of Columbia and you are offering health care benefits, you cannot do it unless you include coverage for contraceptives. In the process of doing so, there had been a lot of work behind the scenes and a lot of debate and a lot of effort by the D.C. Council and by people within the community bringing up the issue of a conscience clause.

The Catholic Church, and entities affiliated with it, which has religious beliefs that are negative toward contraceptives, at least in the way that many other people may look at them, but the Catholic Church is a major employer in the District of Columbia. Georgetown University, the hospital services they provide, I will mention maybe as part of the laundry list later, but the point is they said, ''For us and for other people, you are asking us to be doing something that is against our beliefs. You shouldn't do that.''

We have got the first amendment protecting religion in this country. And what happened—and people saw it on TV, and they read about it—was that a little bit of a fire storm developed because rather than accommodating a good faith request for a conscience clause for people who have a religious or moral problem with providing contraceptives, the D.C. Council ran roughshod over them. Not only that, they conducted a hearing that was vitriolic toward people of faith in general and the Catholic Church in particular.

That did not sit well with this Congress. That did not sit well with a great many people in the District. That did not sit well with people in the country. So we put in the bill a simple

provision under our authority, under our obligation of article 1, section 8 of the Constitution, to have the legislative authority over the District of Columbia, saying this proposed law, that I believe ultimately was even adopted unanimously by the D.C. Council, this proposed law shall not take effect, cannot do it. And if you come back to fix things, to adopt a conscience clause, make sure that it covers religious beliefs and moral convictions, which is the law that is found in the Federal standard that we have adopted, for example, for the Federal employees health benefit plan. The Federal standard provides coverage for contraceptives but does not mandate that it has to be done so in violation of a religious belief or a moral conviction of the employer, employee and so forth. So we have got that in there.

The gentlewoman from the District of Columbia, however, makes an objection to the portion, and to her credit she is not asking that we strike the entire section, she is not asking that and nobody should think that she is. She is not asking that we strike the section that says if they come back and do something again, they must provide a conscience clause for religious belief and moral conviction. What she is requesting is that we strike the part that says this proposed law shall not go into effect.

Well, why? Because, she says, having been subjected to this fire storm, the mayor and the council have learned and they have made public statements that they intend to do this and the mayor has made a public statement, indeed he has done so to me in writing, that he intends to do a pocket veto of the bill.

Now, that legislation was passed by the D.C. Council a couple of weeks ago, and he has had an opportunity to veto this legislation. He has had the opportunity. He could just take it, write veto, and it is vetoed. And then what is left for us to do?

Instead, he said he wants to use a procedure that drags it out, that gives them, I think it is about 10 business days or so, that may ultimately result in vetoing that legislation which so many people find so offensive, but he has not done it yet. We are dealing with the here and now. We are talking about the current circumstances, which is that this provision is alive, and people want to look to us and they say, ''We don't want you to demonstrate the disregard for religious convictions and beliefs of people of faith in this country that was demonstrated by the Council in the District of Columbia.'' They want to make sure that we take action to show which side we are on on this issue.

If we do not use our opportunity to disapprove it, who are we siding with? The mayor could veto this bill, the bill that was passed by the D.C. Council. He could veto it. He has chosen not to do so. He has said he will do it with a pocket veto in the future. I believe him.

Nevertheless, right now it is a live issue. And since a live issue is before us and people in the District government knew the basic schedule of when this bill would come to the floor, they could have taken action before it got to this point. They have not chosen to do so. The D.C. Council could have gotten together and said, we rescind, we take back what we did. They have not done that. They have had time to do it. They have not done it. People want to know where we stand. I believe that we, under the situation as it exists now, should not accept this amendment, we should oppose it, but certainly we look forward to the future when the D.C. Council and the mayor will actually take action, not just say they are going to do something but will actually take action to fix this situation.

Mr. Chairman, I would like to include a letter from the National Conference of Catholic Bishops and printed excerpts from D.C. Council proceedings on this issue.

NATIONAL CONFERENCE OF CATHOLIC BISHOPS,
Washington, DC, July 25, 2000.

To Hon. ERNEST ISTOOK, JR.

DEAR MEMBER OF CONGRESS: As the House of Representatives considers the District of Columbia appropriations bill for Fiscal Year 2001, I write to explain the need for strong conscience protection in the bill's provision on mandated contraceptive coverage.

As approved by committee, the bill prevents implementation of the D.C. City Council's proposal to force all employers in the District of Columbia, to buy coverage for a broad range of contraceptives and abortifacient ''morning-after'' drugs for their employees. The bill also expresses the intent of Congress that any future D.C. legislation on this issue include a conscience clause that ''provides exceptions for religious beliefs and moral convictions.''

On the House floor there may be an effort to delete or weaken this provision, possibly by deleting conscience protection based on moral convictions. Congress should reject such a change.

We object to a government mandate for contraceptive coverage generally. At a time when tens of millions of Americans lack even the most basic health coverage, effort to mandate elective drugs and devices which raise serious moral problems and can pose their own health risks are misguided. In addition, any such mandate will cause needless injustice if it does not provide full protection to those who object for reason of conscience. This is so for several reasons:

Narrow Language Protecting only Churches Is Inadequate. City Council members who strongly favor the contraceptive mandate offered a concscience clause protecting only ''religious organizations'' when they approved their bill July 11. But they defined a ''religious organization'' so narrowly that it would exclude hospitals, universities, religiously affiliated social service agencies such as Catholic Charities, and even Catholic elementary schools. An organization could qualify for exemption only it its ''primary purpose'' is the ''inculcation of religious beliefs''—and as a Council member observed, Catholic schools teach subjects other than religion. The Council also would have assessed a fine against each religious organization claiming an exemption; the fine would defray the costs of investigations by the D.C. Insurance Commissioner to ensure that the organization is ''reglious enough.'' Council members who support genuine conscience protection rightly declined the offer of ''protection'' framed in this way. A vague requirement to protect only ''religious beliefs,'' however, may invite renewed mischief of this kind.

Moral Concerns and Abortifacient Drugs. The D.C. mandate requires coverage of all prescription drugs and devices approved by the FDA for contraception, including, what the FDA calls ''postcoital emergency contraception.'' Aside from specifically religious concerns, there is broad agreement that such drugs often work by destroying an early human embryo. This raises moral concerns about early abortion which transcend any particular religion. Congress itself bans federal funding of experiments that harm or destroy human embryos in the first two weeks of life—a sound moral decision based on no one religious belief. Congress should not deny the same right of morally based decision making to others.

Federal Precedent on Rights on Conscience. Numerous conscience clauses in federal law protect conscientious objection based on both religious and moral grounds, in contexts ranging from capital punishment to abortion and sterilization. Many state laws are similarly broad. These are based on a sound understanding that forcing someone to engage in activity that violates his or her deeply held conscientious beliefs is a violation of human rights and an abuse of government. Clearly, not all conscientious moral convictions are based on religious belief. Indeed, Congress protects medical residency programs from being forced to provide abortion training regardless of whether their opposition is morally based, because abortion is simply not the kind of practice which anyone should be forced to participate in for any reason. Current protections against forced participation in abortion and sterilization also extend to organizations as well as individuals. To retreat from this tradition now in favor of narrower and more grudging protection restricted to religious belief alone would send an ominous signal regarding the U.S. government's respect for rights of conscience.

Protecting Individuals' Conscience Rights. By mandating prescription contraceptive coverage in health plans, the government increases the pressure on individual physicians and pharmacists in these plans to violate their own consciences. Even without a government mandate, pharmacists' careers have been endangered when they refuse on moral grounds to fill prescriptions for abortifacient ''emergency contraception'' (see J. Allen, ''Morning-after pill'' battles flare: Patients, doctors, druggists in birth-control tug of war,'' Washington Times, May 27, 1997, p. A3). In light of such cases, the American Pharmaceutical Association and other organizations have urged respect for rights of ''conscientious refusal'' which they do not confine to religious grounds. Codes of medical ethics, as well, generally speak of physicians' right to refuse participation in activities they find immoral or unethical. The federal government has already enacted conscience protection based on both religious and moral convictions for health care personnel in health plans providing coverage to federal employees. It should do no less here, attending as well to employees who could be forced by government to purchase morally objectionable contraceptive coverage or forgo prescription drug coverage altogether.

We believe contraceptive mandates should not be imposed on private organizations. But if some form of mandate is adopted, effective

protection for conscientious objection on both moral and religious grounds should be ensured.

Sincerely yours,

Rev. Msgr. DENNIS M. SCHNURR,
General Secretary.

REMARKS BY DC CITY COUNCIL ON CONTRACEPTIVE COVERAGE

KATHLEEN PATTERSON (WARD 3)

''It would, in fact, put the District in the role of sanctioning workplace discrimination. . . . If we approve this amendment, we are, as a matter of policy, permitting one particular large and powerful institution to between low income District women and comprehensive health care coverage.''

SHARON AMBROSE (WARD 6)

''If some other religion, let's say some other religion that was not quite so large an employer in Ward 5 and in the city in general as is the Holy Roman Church. Let us say another religion, Mrs. Allen's Sunday Morning Worship Service over on K St., SE . . . what if decided it was going to exclude certain employees of its large church kitchen from coverage in its plan. Would that be, would that be OK?''

JIM GRAHAM (WARD 1)

''And you know, I spent years in this city fighting—and let me mention the Catholic Church by name—fighting Church dogma in terms of availability of condoms in this city which prevented, which prevented us have from having an effective program in many instances for the prevention of the transmission of HIV. Now I see on both of these amendemnts . . . the standard is religious belief, religious belief whether it be bona fide or not. I am very concerned about having religious principles impact health policy . . . what does this mean is terms of domestic partnership? . . . Are we going to say that we are going to defer to Rome in terms of our views on whether domestic partners should be covered by insurance plans that happen to be operated by religious organizations?''

DAVID CATANIA (AT-LARGE)

''I mean, so to suggest that the church is somehow unduly burdened in this society by this minor provision, I think is absurd . . . And, I want to associate myself very strongly with the comments of Mr. Graham on other issues, not only with respect to the teaching of some churches on gay and lesbian issues, but also the role of fighting against the use of contraceptives and role that it has in the spread of HIV, . . . ''

KEVIN CHAVOUS (WARD 7)

''. . . And not necessarily this feeling that we should respect the individual religious doctrine of a certain organization. . . . and urge my colleagues to act not just on this nation that we are, and this has nothing to do with the separation of church and state. I mean, we're not imposing our will on any particular religious organization. Again, the question is to what extent should we accommodate those religious organizations that seek to profit off of the public in some way.''

JIM GRAHAM (WARD 1)

''. . . we are permitting religious principles to dictate public health policy. . . . There is a difference b/n the words 'tenets' and 'beliefs,' but it is the same thing. It's the same thing. The church will now determine, a particular church will now determine, if, why, whether contraceptives and contraceptive devices will now be available. We're going to turn over the responsibility for these decisions in effect to the pope. . . . Because ROME has determined that this is against the tenets of the Catholic Church and so you're not going to have access to this of the terms of your health care plan . . . My problem of surrending decisions on public health matters to a church so that religious principles rather than sound public policy can determine whether a contraceptive device is or is not available. . . . The church is homophobic so we have to say, we respect what are homophobic points of view.''

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

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

Mr. Chairman, I have had it. I have really had it. Why do you see people go to the gallery, screaming at the top of their lungs, something I do not encourage now and did not encourage then, it has a lot to do with what we have just heard.

A mayor of the District of Columbia who has credibility with every Member of this body has indicated in writing and publicly on television that he will pocket veto a bill, and the reason he is going to pocket veto the bill is because if he just vetoed it in the face of the council, then it would be hard of him to bring the Catholic Church, and he is a Catholic, together with his council.

He has indicated publicly, this mayor, who has all the credibility in the world, that he is going to do what this chairman has asked him to do. The mayor has asked me to accept the language this chairman has written and this chairman has just gotten up and said that that is not enough. We, in the District, are damned if we do and we are damned if we try to do what we say do.

A pocket veto from a mayor who is trying to do what you say do should be all you need when he has accepted the language that we asked him to accept and when he is working with his own Catholic Church, and they have agreed to work with him and they have agreed not to come here to ask us to do another thing, we ought to declare victory and go home.

I am insulted by the fact that you would not accept my amendment by how hard my mayor and my city council have worked. You have cast aspersions on their credibility. You have indicated that the mayor had nothing to do with the debate in the council, it will never be enough for you.

You have two more bites at the apple. Supposedly he is a liar, and that is what you called him today. Supposedly he is a liar. You need to have a veto. You need to make it almost impossible for him to bring the sides together by putting a veto in his face. Supposedly he is a liar.

You still have two bites at the apple by rubbing the city's nose in it, time and time again. Patience is running out with this body. I resent what the gentleman has done, and I want you to know it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take umbrage at the passion of the gentlewoman from the District of Columbia (Ms. NORTON), but I would expect that any of us if facing the same level of frustration and unfairness would react in the same passionate manner.

She is defending, not only her constituents but a process, a democratic process, that she believes in that caused all of us to get into public service, and the fact is, she is right, Madam Chairman. The mayor of the District of Columbia said he is going to pocket veto this bill. We have to believe the mayor, I cannot believe any of us do not believe that he is going to do that. So if we believe he is going to do that, why are we doing this?

He is going to insist that there be a religious exemption clause. People that have moral objections are going to be able to raise them. So why are we doing this, putting this offensive language in this bill? Just to show that we are more powerful than them, just to show them. She is right. This is wrong.

Now, let me also say it is wrong for insurance companies to cover viagra for men and not cover contraception for women. Let us just tell it like it is. What could be more unfair? All this contraceptive equity provision says is that insurance companies ought to be fair and start respecting women, when contraception is the largest single expense, out-of-pocket expense, for women during most of their lives. It ought to be covered.

So it is the right legislation. They should have passed this legislation, and it is also true that most of these Catholic institutions are self-insured. It does not even apply to them. They are self-insured.

Let me also say something else. I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, I understand the sense of frustration and disappointment that Councilman Jim Graham expressed on the D.C. council on this matter.

He expressed disappointment with the Catholic church as an institution because of its position towards homosexuality. That is his right. So I do not blame him for that. I know he wishes he had not said that, but these are debates that belonged in the D.C. council. These are debates and issues that should be settled, should be settled by the D.C. government.

The Catholic institutions within the D.C. government have plenty of access. They are well respected, deservedly so. They contribute tremendous benefits to D.C. government and its society. They will be fully reflected in the legislation that becomes law, and that is the way it ought to be. We have no business getting involved in this issue, particularly when we have no legitimate role to play.

The gentlewoman from the District of Columbia (Ms. NORTON) is absolutely right. The mayor is going to take care of that situation. Let him take care of the situation. He will be held accountable. He should be held accountable. He

is elected. He understands it. He has a solution for it, and that is the way it should be, and what we are doing on this floor is not what should be done by this Congress. Madam Chairman, I gather we are going to continue this debate tomorrow.

Ms. NORTON. Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, although I think everyone wants to continue the debate tomorrow, I do find it necessary to take at least 30 seconds, because I think a couple of things need to be said.

I certainly would not endorse and extend the attacks on the Catholic Church or any other church, whether the gentleman from Virginia (Mr. MORAN) wishes to do so is his free speech right. I fear that he has added fuel to the fire rather than trying to suppress it.

In response to the gentlewoman from the District (Ms. NORTON), I said clearly, and I will repeat it, the mayor said in writing to me that he intends to do the pocket veto of the bill, and I believe him. That does not change the fact that it has not been vetoed; it remains a live issue where people expect this Congress to do something. It is a live issue until such time as the veto has indeed occurred.

Madam Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I rise in support of Representative NORTON's Amendment because I am concerned about several of the provisions in the ''General Provisions'' section of this bill. Specifically, I object to discriminatory riders targeting the District's lesbian and gay people, and people living with HIV/AIDS.

Approximately half of all new HIV infections are linked to injection drug use, and three-quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDs deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African-Americans aged 25–44 in the District. In spite of these statistics Republicans have singled out the District and attempted to shut down programs that the local community has established to reduce new HIV infections. This Congress should be supporting the decisions that local communities make about their health care. Giving local control back to the American people has been a major theme of the current Congress, and interfering with District self-government is contradictory to that goal.

Numerous health organizations including the American Medical Association, the American Public Health Association, and the National Alliance of State and Territorial AIDS Directors have concluded that needle exchange programs are effective. In addition, at my request the Surgeon General's office has prepared a review of all peer-reviewed, scientific studies of needle exchange programs over the past two years and they also conclusively found that needle exchange programs reduce HIV transmission and do not increase drug use.

I also object to the provision in this bill that prevents the Health Care Benefits Expansion Act from being implemented. The District passed this legislation eight years ago to allow District employees to purchase health insurance for a domestic partner, take family and medical leave to care for a partner, and visit a hospitalized partner. This legislation provides basic, fundamental health care rights that all Americans should enjoy regardless of sexual orientation.

Over 3,000 employers around the country, including hundreds of cities, municipalities, private and public college and universities, have established domestic partnership health programs. A list of these firms includes almost a hundred Fortune 500 companies, including some of the biggest, like AT&T, Citigroup, and IBM. These companies understand the benefits of offering these programs in today's competitive work environment.

Cities such as Atlanta, Chicago, Los Angeles, San Francisco, and New York all have domestic partnership benefits in place. Congress has taken no action to block any of the domestic partnership benefits provided by hundreds of municipalities throughout the nation.

Gay and Lesbian Americans in the District of Columbia and across the country make significant contributions to our society and their relationships, in the community and in the workplace, should be treated with respect. I urge my colleagues to support the Norton Amendment.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mrs. Morella, Chairman pro tempore 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. 4942) 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, 2001, and for other purposes, had come to no resolution thereon.

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MOTION TO GO TO CONFERENCE ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, by direction of the Committee on Armed Services and pursuant to clause 1 of rule XXII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPENCE moves that the House take from the Speaker's table the bill H.R. 4205, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

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

Mr. Speaker, I look forward to going to conference with the Senate and bringing back an agreement that can be supported by all of my House colleagues.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. TAYLOR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents, of the House bill.

The SPEAKER pro tempore. Pursuant to rule XXII, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from South Carolina (Mr. SPENCE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct conferees would instruct the House conferees to retain the House-passed provisions of the bill that make Medicare subvention for our Nation's military retirees permanent and nationwide.

I think in May when the House voted on this we finally took a historic step in fulfilling a promise that has been made by recruiters across our country for decades, those recruiters were wearing the uniforms of the United States of America; they were in Federal buildings. They promised young, unsuspecting 17-year-olds, 18-year-olds, and 19-year-olds that if they enlisted in our country, if they served their country honorably for 20 years, they would be given lifetime health care in a military installation.

Mr. Speaker, as a result of the Defense drawdown and as a result of shrinking Defense budgets, the Department of Defense was unfortunately left with no other choice but to start asking military retirees who have attained the age of 65 to go out and see a private sector doctor and have Medicare pay the bill.

After going to the same hospital since they were 18 years old or 19 years old, you can imagine how angry they were, because they had kept their promise to our Nation, and our Nation did not keep its promise to them.

It is said when a politician breaks his word, shame on him; but when a Nation breaks its word, shame on all of us.