

Section 809. Vessel and Intermodal Security Reports

Section 610 of the House bill requires the Secretary of the department in which the Coast Guard is operating to provide Congress with a report that will provide a complete breakdown of the number and types of cargo containers and vessels that enter the United States each year, and the cost incurred to conduct security inspections on those containers and vessels.

The Senate amendment does not contain a similar provision.

The Conference substitute adopts the House provision with an amendment that requires the Secretary and the Inspector General of the department in which the Coast Guard is operating to submit a number of reports, plans, evaluations, and take actions regarding the security of marine intermodal transportation, specifically the security of cargo containers.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

DON YOUNG,
HOWARD COBLE,
JOHN J. DUNCAN, JR.,
PETE HOEKSTRA,
FRANK L. BIONDO,
ROB SIMMONS,
MARIO DIAZ-BALART,
JAMES L. OBERSTAR,
BOB FILNER,
TIMOTHY BISHOP,
NICK LAMPSON.

For consideration of the House bill and Senate amendments, and modifications committed to conference:

CHRIS COX,
BENNIE G. THOMPSON.

Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
FRITZ HOLLINGS,
DANIEL K. INOUE,
JOHN BREAUX,
RON WYDEN,
JIM INHOFE,
JIM JEFFORDS.

Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight, July 20, 2004, to file a conference report on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

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

There was no objection.

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4850, and that I may include tabular material on the same.

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

There was no objection.

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DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to House Resolution 724 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4850.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4850) 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, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. Chairman, I am pleased to present the fiscal year 2005 District of Columbia appropriations bill. This bill passed out of full committee on July 14.

The bill before us totals \$560 million in Federal funds and \$8.2 billion in local funds. Within this total, the District expects to receive approximately \$1.9 billion in Federal grant funds.

The bill is the product of hard work by every member of the Subcommittee on the District of Columbia. I personally want to thank each of them for their input into the bill. I especially want to thank my ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for his advice, counsel, and support in the development of this bill. I enjoyed working with him on behalf of the city of Washington.

The subcommittee held hearings and visited many local sites, including the District of Columbia public schools and charter schools, and police and fire department facilities, to name just a few. We developed this bill with the input from members of the subcommittee, other House Members, the Mayor and city council, and interested citizens.

I believe that this bill continues Congress's commitment to our Nation's Capital. As with every piece of legislation, there are many deserving

projects that could not be accommodated within our funding allocation, but this is a balanced and equitable bill, a bill that everyone can and should support.

I am pleased to note that the District of Columbia continues to make significant progress in improving both its financial and program management. This is the seventh balanced budget the District has submitted to Congress for review; and, once again, the District received a clean audit from the city's independent auditors. The city also had a recent upgrading in its bond rating by Moody's Investors Service to an A rating, and this is the first time the city has received an A rating from all three of the major rating agencies. It should be remembered that it was not long ago that the city's credit rating was the lowest of the low. Mayor Williams and the city council should be commended for their actions.

After detailed review of the budget, the bill continues the Federal commitment began in 1997 for funding the District of Columbia courts as well as the Defender Services and the Court Services and the Defender Supervision Agency and the Public Defender Service. The bill also provides \$118.9 million for other high-priority District and congressional programs projects.

Among these: \$25.6 million for the recently authorized and very successful resident tuition support program; \$15 million for emergency planning and security costs; \$10 million for the District of Columbia Water and Sewer Authority to continue the combined sewer overflow project; \$3 million for continued work on the Anacostia Waterfront Initiative; as well as \$7 million for the capital development in the District to complete construction of a multi-agency unified communications center, which benefits police, fire, EMS, and other city agencies; \$6 million for a new public library learning center initiative; and \$5 million for foster care improvement.

At the city's request, the bill also changes the city's reserve requirement from 7 to 6 percent. This change frees up additional resources, provides the city with more flexibility in balancing its budget, and does so without impacting the city's favorable bond rating.

As I noted earlier, the District has accomplished much, but still more needs to be done. We are particularly troubled by some of the more intractable problems facing the District that seem to revolve around its children. If this bill has a theme, it is to continue to make sure to help the children of the District of Columbia. To help address this issue, this bill also includes \$5 million for the recently established foster care improvement program, additional money for family literacy, and \$6 million for the new library/learning center initiative subject to a 1-to-1 match by the District.

Over the past year, we visited many of the city's schools, and I can tell my colleagues from personal observation

there is a real need to improve student and teacher performance. In these visits, I was struck by the very poor physical condition of some of the District's schools and by the lack of resources available to students, especially in their school libraries. This is a new initiative, and it is designed to enhance and restore District of Columbia elementary school libraries as fully functioning learning centers and, in doing so, bring together local, Federal, and potentially private resources. This initiative, when implemented, will enhance our ability to provide critical educational resources the city's children deserve in order to receive a quality education.

This bill also fully funds the school improvement program authorized last year. This bill maintains the three-pronged commitment made last year to both the District schools, the District of Columbia charter schools, and \$14 million for opportunity scholarships

for students in underachieving schools. This three-pronged approach is designed to improve academic performance, while promoting school choice and more potential parent involvement.

Mr. Chairman, this bill also retains the general provisions from last year's bill, which are the same as the President's request.

Mr. Chairman, I believe it is important to move this bill through the appropriations process as quickly as possible so as to allow the District to spend its own funds to operate the programs and projects in the bill at the beginning of the fiscal year in October.

Let me personally thank the gentleman from the District of Columbia (Ms. NORTON) for her comments earlier in the day during the debate on the D.C. rule. She is an incredible leader of this city, and it has been a pleasure to work with her. I do appreciate her cooperation by not offering an amend-

ment, because I know in her heart she continues to be a principal advocate on behalf of the city, and I am grateful for her support and her action in that regard.

To summarize, Mr. Chairman, the bill we have before us is a fiscally responsible, balanced bill that deserves bipartisan support. It was not done alone. The gentleman from Pennsylvania (Mr. FATTAH) and I count on some key people. I would like to thank them for helping to put this bill together. The subcommittee led by our clerk, Joel Kaplan, Martha Foley, and Clelia Alvarado for their professional work on the bill. I also want to thank Nancy Fox from my staff and Michelle Anderson-Lee from the gentleman from Pennsylvania's (Mr. FATTAH) staff for their hard work.

At this point I will include for the RECORD a table detailing the various accounts included in the bill.

District of Columbia Appropriations Bill - FY 2005 (H.R. 4850)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
FEDERAL FUNDS					
Federal payment for Resident Tuition Support.....	16,900	17,000	25,600	+8,700	+8,600
Federal payment for Emergency Planning and Security Costs in the District of Columbia.....	10,935	15,000	15,000	+4,065	---
Federal payment to the District of Columbia Courts....	166,775	228,069	202,110	+35,335	-25,959
Defender Services in District of Columbia Courts.....	31,811	41,500	41,500	+9,689	---
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia.....	167,441	187,490	183,490	+16,049	-4,000
Federal payment to the District of Columbia Water and Sewer Authority.....	29,823	10,000	10,000	-19,823	---
Federal payment for Hospital Bioterrorism Preparedness in the District of Columbia.....	7,456	---	---	-7,456	---
Federal payment for the Anacostia Waterfront Initiative /1.....	4,971	3,000	3,000	-1,971	---
Federal payment to the Criminal Justice Coordinating Council	1,292	1,300	1,300	+8	---
Federal payment for the Unified Communications Center.	---	7,000	---	---	-7,000
Federal payment for the D.C. Fire and Emergency Medical Services Department.....	---	10,000	---	---	-10,000
Federal payment for Capital Development in the District of Columbia /2.....	8,102	---	7,000	-1,102	+7,000
Federal payment for Public School Facilities.....	4,473	---	---	-4,473	---
Federal payment for Public School Libraries.....	---	---	6,000	+6,000	+6,000
Federal payment for the Family Literacy Program.....	1,988	---	1,000	-988	+1,000
Federal payment for Transportation Assistance.....	3,479	---	---	-3,479	---
Federal payment for Foster Care Improvements in the District of Columbia.....	13,917	---	5,000	-8,917	+5,000
Federal Payment to the Office of the Chief Financial Officer of the District of Columbia.....	32,159	---	19,000	-13,159	+19,000
Federal Payment for emergency personnel cross training	497	---	---	-497	---
Federal payment for School Improvement.....	39,764	40,000	40,000	+236	---
Total, Federal funds to the District of Columbia	541,783	560,359	560,000	+18,217	-359

1/ Funds are for the Anacostia Riverwalk and Trail construction.

2/ Funds are for the Unified Communications Center construction

DISTRICT OF COLUMBIA FUNDS

Operating Expenses

Governmental direction and support.....	(284,415)	(416,069)	(416,069)	(+131,654)	---
Economic development and regulation.....	(276,647)	(334,745)	(334,745)	(+58,098)	---
Public safety and justice.....	(745,958)	(797,423)	(797,423)	(+51,465)	---
Public education system.....	(1,157,841)	(1,223,424)	(1,223,424)	(+65,583)	---
Human support services.....	(2,360,067)	(2,533,825)	(2,533,825)	(+173,758)	---
Public Works.....	(327,046)	(331,936)	(331,936)	(+4,890)	---
Reserve.....	---	---	---	---	---
Cash Reserve.....	(50,000)	(50,000)	(50,000)	---	---
Repayment of Loans and Interest.....	(311,504)	(347,700)	(347,700)	(+36,196)	---
Repayment of General Fund Recovery Debt.....	---	---	---	---	---
Payment of Interest on Short-Term Borrowing.....	(3,000)	(4,000)	(4,000)	(+1,000)	---
Certificates of Participation.....	(4,911)	(11,252)	(11,252)	(+6,341)	---
Settlements and Judgments.....	(22,522)	(20,270)	(20,270)	(-2,252)	---
Wilson Building.....	(3,704)	(3,633)	(3,633)	(-71)	---
Workforce Investments.....	(22,308)	(38,114)	(38,114)	(+15,806)	---
Non-Departmental Agency.....	(19,639)	(13,946)	(13,946)	(-5,693)	---
Equipment Lease Operating.....	---	(23,109)	(23,109)	(+23,109)	---
Pay-As-You-Go Capital.....	(11,267)	(6,531)	(6,531)	(-4,736)	---
Pay-As-You-Go Capital Contingency.....	---	(43,137)	(43,137)	(+43,137)	---
Tax Increment Financing Program.....	(1,940)	---	---	(-1,940)	---
Medicaid Disallowance.....	(57,000)	---	---	(-57,000)	---
Emergency Planning and Security Costs.....	---	---	---	---	---

District of Columbia Appropriations Bill - FY 2005 (H.R. 4850)
 (Amounts in thousands) -

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
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Total, operating expenses, general fund.....	(5,659,769)	(6,199,114)	(6,199,114)	(+539,345)	---
Enterprise and Other Funds					
Water and Sewer Authority.....	(259,095)	(275,289)	(275,289)	(+16,194)	---
Washington Aqueduct.....	(55,553)	(47,972)	(47,972)	(-7,581)	---
Stormwater Permit Compliance enterprise fund.....	(3,501)	(3,792)	(3,792)	(+291)	---
Lottery and Charitable Games enterprise fund.....	(242,755)	(247,000)	(247,000)	(+4,245)	---
Sports and Entertainment Commission.....	(13,979)	(7,322)	(7,322)	(-6,657)	---
District of Columbia Retirement Board.....	(13,895)	(15,277)	(15,277)	(+1,382)	---
Washington Convention Center enterprise fund.....	(69,742)	(77,176)	(77,176)	(+7,434)	---
National Capital Revitalization Corporation.....	(7,849)	(7,849)	(7,849)	---	---
University of the District of Columbia.....	---	(85,102)	(85,102)	(+85,102)	---
D.C. Personal Trust Fund.....	---	(953)	(953)	(+953)	---
D.C. Public Library Trust Fund.....	---	(17)	(17)	(+17)	---
Unemployment Compensation Fund.....	---	(180,000)	(180,000)	(+180,000)	---
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Total, Enterprise Funds.....	(666,369)	(947,749)	(947,749)	(+281,380)	---
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Total, operating expenses.....	(6,326,138)	(7,146,863)	(7,146,863)	(+820,725)	---
Capital Outlay					
General fund	(904,913)	(725,886)	(725,886)	(-179,027)	---
Water and Sewer Fund.....	(229,807)	(371,040)	(371,040)	(+141,233)	---
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Total, Capital Outlay.....	(1,134,720)	(1,096,926)	(1,096,926)	(-37,794)	---
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Total, District of Columbia funds.....	(7,460,858)	(8,243,789)	(8,243,789)	(+782,931)	---
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Grand total:					
Federal Funds to the District of Columbia...	541,783	560,359	560,000	+18,217	-359
District of Columbia funds.....	(7,460,858)	(8,243,789)	(8,243,789)	(+782,931)	---
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District of Columbia Appropriations Bill - FY 2005 (H.R. 4850)
 (Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Across-the-board reduction (P.L 108-199).....	---	---	---	---	---
Scorekeeping adjustments:					
TBD.....	---	---	---	---	---
Total, adjustments.....	---	---	---	---	---
Total (including adjustments).....	541,783	560,359	560,000	+18,217	-359
Amounts in this bill.....	(541,783)	(560,359)	(560,000)	(+18,217)	(-359)
Scorekeeping adjustments.....	---	---	---	---	---
Prior year outlays.....	---	---	---	---	---
RECAP BY FUNCTION					
Mandatory.....	---	---	---	---	---
General purpose discretionary.....	541,783	560,359	560,000	+18,217	-359
Prior year outlays.....	---	---	---	---	---
Total, discretionary.....	541,783	560,359	560,000	+18,217	-359
DISCRETIONARY 302(b) ALLOCATION					
General purpose discretionary.....	541,783	560,359	560,000	+18,217	-359
General purpose 302(b) allocation.....	---	560,000	560,000	+560,000	---
Over/under allocation.....	---	---	---	---	---

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

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

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

Mr. FATTAH. Mr. Chairman, I thank the chairman of the subcommittee, who has done a yeoman's job in working and providing leadership to the Congress on the critical issues facing the District. A great Nation indeed requires us to have a capital that is responsive in both substance and symbol to the Nation and to the world, and the chairman has worked long and hard with his staff on this bill. I would accept his comments as my own opening comments on the bill, because I think it puts into perspective the approach that he has taken, which is that we have worked in a bipartisan fashion; and I think we have a product that is worthy of unanimous support here in the House as we move this bill through the process.

I join with him again, although I will not name them all, in complimenting the staff who have really done a great job. This would not have been possible without the help and advice and counsel of the delegate, the person elected by the residents here in the District to represent their interests; and the gentlewoman from the District of Columbia (Ms. NORTON) has been invaluable to both the chairman and me as we have worked through this process.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the distinguished chairman of the Committee on Government Reform.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding me this time.

Over the past decade, the District of Columbia, which previously had faced a fiscal crisis of Shakespearean proportions, has embarked on an impressive road to financial recovery. With the help of the now-dormant Control Board and the 1997 Revitalization Act, the District has taken care of its financial house. It has balanced its budget for 7 consecutive years without tricks or gimmicks, and it has a cash reserve that is the envy of almost every municipality in the Nation.

The Federal assistance provided in our annual appropriation bills promotes and advances the rebirth of our Nation's Capital.

This year's bill funds a wide range of programs that will enhance the quality of life for D.C. residents and those who visit and work in the Nation's Capital. The increase in funding for emergency planning and security will help ensure that we are ready for the worst. I am pleased to see that the Child and Family Services Agency will continue to

receive adequate funding to help protect the District's most vulnerable residents and that the D.C. court will have additional funds to continue its much-needed renovation project.

I am particularly pleased the D.C. College Access Program will receive enhanced funding. The increase reflects the program's indisputable positive impact on the District. The College Access Program has been a key component of the District's revitalization efforts, and I am heartened that the gentleman from New Jersey (Chairman FRELINGHUYSEN) agrees that Congress needs to continue its partnership with the District in providing access to higher education, resources, and opportunities.

Since the inception of this legislation, the number of high school seniors in the District going on to college has increased by 28 percent. That is a remarkable achievement. The impact is undeniable. The national average over the same period, while it was 28 percent in the District of Columbia, was 5 percent nationally.

Finally, I want to thank the gentleman from New Jersey (Chairman FRELINGHUYSEN) for fully funding the D.C. School Choice initiative. The bill before us maintains the careful balance that was struck last year. Of the \$40 million for education, there is \$13 million for the District's public schools for teacher training, recruitment, and improving student achievement. These funds are in addition to the large increases already guaranteed to D.C. public schools through Federal programs. There is another \$13 million for D.C. charter schools to support and expand their capacity, and there is \$13 million for the School Choice Scholarship program, along with an additional \$1 million for administrative expenses.

The fact is, the District of Columbia is one of the most troubled public school systems in the United States; and working with the local government, working with the school system, working with the Mayor, we are trying to reverse that.

Again, I want to thank the gentleman from New Jersey (Chairman FRELINGHUYSEN) for the time and the energy he and his staff have devoted in reviewing the D.C. budget and bringing this bill to the floor. I also thank the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for his work and, of course, my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), for our continued partnership.

Mr. FATTAH. Mr. Chairman, consuming whatever time I may, just to make a few brief remarks before I yield to the delegate, the District operates unlike any other city in our country, because it has the responsibility to be the home of the Nation's Federal Government. There are no problems that exist in the District that have been solved elsewhere in the country. Whatever problems exist in this city exist other places. But the District has, in a

unique way, been able to tackle its fiscal problems far better than any other city in the country: a 7-year balanced budget, bond ratings that have been elevated by all three of the rating agencies, and a cash reserve, I say to the gentleman from Florida (Mr. YOUNG), that any city would be the envy of. The city's leaders, I would say, deserve all of the credit; that is, the Mayor, the city council, and the civic leadership here have worked so very hard.

The gentleman from Virginia (Mr. TOM DAVIS) and I and others, like our chairman, have been involved in important ways, whether it is the financial relief bill or the college access program, the chairman's initiative on libraries that he has allowed me to join with him on; but it is really his initiative to make sure that in our elementary schools here in the District that there is real access to material that will help inspire reading as a lifelong activity of the young people here.

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All of that is important, but the District has had to operate without the benefit of a State government. It has had to operate with the increased cost of being the home of the Nation's Capital, and again, its own leadership has brought it to this moment when I think we can have a bill come to the floor without controversy and move through, because it is out of respect for their hard work.

Mr. Chairman, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. FATTAH) for yielding me this time.

We are not going to tarry long this time, and that is itself an extraordinary victory and feat of leadership. Members should know that I have seen this. The smallest appropriation often take the longest period of time to get through this House, much to the consternation of Members.

I spoke during the Committee on Rules about the extraordinary leadership of the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), who have always been wonderful captains of the ship, pressing to get this appropriation out, understanding what a waste of time it would be for Members to involve themselves deeply in this matter, often going to extraordinary lengths to clear this bill. They have been just where they always were.

The gentleman from Virginia (Chairman TOM DAVIS) deserves a lot of credit for his invaluable assistance to the Committee on Appropriations and to me with this bill, and I have already given my thanks to the Committee on Rules, who gave us the cleanest bill under the circumstances.

But the real applause belongs to the gentleman from New Jersey (Chairman FRELINGHUYSEN) and the gentleman from Pennsylvania (Mr. FATTAH). I can

say to both of them that I do not believe we have gotten this bill through in as short a period of time since I have been in Congress. This is my seventh term.

I want to thank them for the exceptionally smooth and efficient way they have handled the D.C. appropriation now for 2 years. It has affected the operations of the District of Columbia, not only the efficiency of this House.

I want to thank them for their regard for self-government in the District of Columbia. I want to thank them for their respect for the efficiency of the House of Representatives itself and the processes. There are very few Members that care beans about this. That is no insult to you, Members. I don't care beans about your districts either. That is your job.

And finally, I want to thank both the chairman and the ranking member for their keen understanding of the need to move the bill to get the city's own money to the bill, and that has been what has been most important about the way in which they have handled this bill. We cannot spend a red cent of our own money until the House says so, and almost all of this bill consists of our own money.

The District has always deserved self-respect for running its own affairs. That is the way we believe in this country, but I must say, Mr. Chairman, that the city today, and most of the Members of the House agree, has really earned congressional respect. I think a real tribute is due to Mayor Tony Williams, Chair of the Council Linda Cropp and the entire D.C. Council for the way they have improved the city, I mean in every important way, from the city operations, the day-to-day operations, to its bond rating.

They have taken this city from fiscal crisis, now to more than a balanced budget, to a better financial position than our far-richer surrounding States, not because they have managed to raise significant revenue, but because of the very conservative prudence with which they have run the D.C. government.

I mean, they still have a structural deficit, which means that we have high taxes and high debt because of the structural relationship with the Federal Government, and I appreciate that this entire region and the gentleman from Pennsylvania (Mr. FATTAH) have gone on to a bill to help us correct the structural deficit.

So to be prudent, even though you are carrying a federally imposed structural deficit is to deserve high praise. In Virginia, they have just gone through a terribly long period, and they finally had to raise taxes in order to assure their financial standing and keep their bond rating. Maryland, they are still struggling with gambling, something we are not going to have in the District of Columbia in order to pull it out of crisis.

The D.C. economy is run so well that people are moving in, not moving out.

The city has become so attractive, that you cannot find a scrap of land on which to build any longer. We are building all through the inner city, the poorest wards of the city, because of the way in which the city is now being run.

Finally, to let me give you a sense of the District's financial prudence, I appreciate that the committee is going to allow the District to save for its emergency and contingency fund not 7 percent of its budget but 6 percent. Now, that is interesting, because going down from 7 percent to 6 percent is not going to affect its bond rating, because it is still the strictest conditions for an emergency and contingency fund in the United States, or pretty close to it.

The District is going to have 2 years instead of 1 year to repay any funds it happens to withdraw, does not withdraw from this bond, 2 years instead of 1 year to repay the fund, and that still makes these conditions among the strictest in the country. Forty-five States with similar emergency contingency funds have no replenishment requirement; and yet, the District must pay it back if it uses it within 2 years.

And among the six States which do require you to replenish any money you take out of the contingency fund, no State requires you to pay back as readily as our fund does.

But, Mr. Chairman, perhaps what I am most proud of is that the District has the highest rating. You have alluded to that in its history, an A rating. This is a city that 8 years ago was in virtual bankruptcy, and I would like to read what Moody's, one of the three investment houses that has given the District an A rating, has said. "The upgrade reflects the sustained improvement in the District's economy and property tax base, as well as the District's multiyear record of improved financial management, controls and results. In addition, the District's elected leadership has demonstrated a commitment to maintaining this balance," that enviable language from investment houses.

The District has done this with the assistance of Congress. It has done it with the structural deficit. It is not because it struck it rich. It is because of conservative budgeting and financial management. We have taken the lead as a city, but we have done it with a partnership, with a Congress, that is now paying off.

I am proud to represent the city. I believe that the city has made us proud of our Capital, and I am particularly grateful to the Chair and to the ranking member for their contribution to what the District has achieved.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a distinguished member of the committee, who is vice chairman of the committee and has served on the committee for 10 years.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me

this time, and I would like to thank the ranking member, the gentlewoman from the District of Columbia (Ms. NORTON) and the chairman. And sometimes my colleagues may think this is a free vote to vote "no" on. After all, it is the D.C. bill.

A lot of times, if you ask Members of Congress to serve on the Committee on Appropriations, Subcommittee on the District of Columbia, you have to pull them out from under the bed. They will not do it. But I want to tell you, if you want a rewarding job, take something like D.C. that had so many problems. I mean, instead of a sterling city like San Diego that does not need much upgrade, if you take D.C., that is where you can make the most and have the most benefit, and I think we have done that, a lot of it.

A very controversial name with the Democrats is Newt Gingrich, but Newt Gingrich set a path to upgrade this city's Capital and to move it forward for the first time in decades, and I would like to remind my people that if you are thinking about voting "no," think where we have come on this bill.

I have seen this bill take 3 or 4 hours on the House floor. We passed it in about four minutes. Does it mean everything we agreed on? No. But we came together as Republican and Democrat Representatives, and we have done a lot.

I remember when the schools could not open because the fire department had to control the schools. They were unsafe. They would not open. And that has been fixed by the folks mentioned.

Summer school, we did not have a summer school, and we opened it up for the first time. We had 12,000 children volunteer for summer school, not because they had to, because they wanted to learn. That is why this opportunity scholarship program, I think, is important; and also the program of the gentleman from Virginia (Mr. TOM DAVIS) and the chairman and ranking member put forward on college scholarships and college access.

I happen to believe as a conservative that there should be no child that qualifies for college that should not have that opportunity, because it is either pay-me-now or pay-me-a-lot-later by not giving education. And those are going to be the people that are the rich that we give tax breaks to from the other side, I think, some day because they have got a college education.

But I look at the waterfront and the Anacostia River. One of the things that is a challenge to this committee and to this body, every time it rains in Washington, D.C., the Anacostia River is flooded from the sewage system at Washington, D.C. It has the highest fecal count of any river almost in the world. The pollutants are terrible. Fish die because the bacteria is so high, it eats all the oxygen. The waterfront has been fixed. They used to give 1-year leases, and who is going to invest in a waterfront.

This waterfront is going to be like San Diego or San Francisco. It is going

to be revenue-producing for the city instead of drawing money. It is already starting to do that, and that is because of this committee and Mayor Williams.

I especially want to give attention to Mayor Williams and the job he has done.

Mr. SHAYS. Mr. Chairman, I rise today in support of H.R. 4850, the D.C. Appropriations Bill.

I am particularly pleased the legislation included \$14 million for school vouchers because I believe too many children in our Nation's Capital are not getting the education they need and deserve.

The D.C. School Choice Incentive Act provides scholarships of up to \$7,500 to students in D.C. schools identified for improvement, corrective action, or restructuring. It targets resources to students and families lacking the financial resources to take advantage of available educational options.

The scholarships cover costs of tuition, fees, and transportation expenses.

There is little doubt that D.C. public schools are in serious crisis, but it is not a crisis caused by a lack of resources. In fact, D.C. public schools spend more per pupil than surrounding school districts in Virginia and Maryland.

Clearly, alternatives to increased funding should be tested.

I oppose directly spending Federal tax dollars on private schools. But just as I support providing Pell grants to college students for use at the university of their choice, public or private, including religious schools, I also support school choice programs that provide parents with similar choices for their elementary and secondary school children.

Opponents of school choice argue such a proposal could drain public schools of money and students. These scholarships are assistance to the students, not the schools. And because all funding for the scholarship program comes from new funds, no public, private or charter school will be drained of its funding. They will just have fewer students to educate.

By promoting a competitive model, all schools are forced to improve academically, provide better quality services, and create an administrative structure that operates efficiently.

For these reasons I support this legislation, and I urge my colleagues to do so as well.

Mr. NUSSLE. Mr. Chairman, I rise today to speak on H.R. 4850, the District of Columbia Appropriations Act for Fiscal Year 2005.

Under authority granted in Article I of the United States Constitution (section 8, clause 17), this bill appropriates Federal payments to the District to fund certain activities, and also approves the District of Columbia's entire budget, including the expenditure of local funds (\$8.2 billion in local funds for fiscal year 2005). Although a vast majority of the funds discussed in this bill are local funds originating from the District of Columbia, I speak today only about the \$560 million in Federal funds appropriated in this bill.

This is the ninth bill we are considering pursuant to the 302(b) allocation adopted by the Appropriations Committee on June 9. I am pleased to report that it is consistent with the levels established the conference report to S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, which the House adopted as its fiscal blueprint on May 19.

H.R. 4850 provides \$560 million in new discretionary BA, which is equal to the 302(b) allocation to the Subcommittee on the District of Columbia; outlays are 416 million below the allocation. The bill contains no emergency-designated new budget authority, nor does it include rescissions of previously enacted appropriations.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

Nonetheless, because House-passed appropriations bills to date have exceeded their allocations by a total of \$114 million, it is possible that conference agreements on appropriations bills will cause a breach in the BA ceiling unless corrective action is taken by the Appropriations Committee.

With that reservation, I express my support for H.R. 4850.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the base bill considered today, the District of Columbia Appropriations Act for Fiscal Year 2005. I thank Chairman FRELINGHUYSEN and Ranking Member FATAH for their hard work in crafting this legislation. Furthermore, I congratulate my colleague on the House Select Committee on Homeland Security from the District of Columbia herself, Mr. NORTON on the achievements that she has made through this bill in the areas of public education, public works, and in the HIV/AIDS initiative.

With the work of Ranking Member FATAH and Ms. NORTON, an amendment was offered to use four million unused dollars from last year's vouchers bill for the District's public schools but was withdrawn without a vote. Nevertheless, the base bill will give \$14 million to fund private school vouchers.

Other educational initiatives funded in this bill include \$13 million for public schools; \$13 million for charter schools; and a 50 percent increase in funding for Ms. NORTON's D.C. College Access Act, H.R. 4012—one of her major priorities. The \$8 million increase allocated for tuition assistance, \$25.6 million up from \$17 million in 2004 not only will help the city retain taxpayers but will also continue the strength of the college Access Act in expanding college education. H.R. 4012 would reauthorize the tuition grant program for five years.

Already, over 6,500 students have benefited from the grant program, which allows District residents to attend any public college or university in the country at lower in-state tuition rates. Furthermore, this program provides \$2,500 annually for students to attend private colleges and universities in the region or private Historically Black Colleges and Universities throughout the country.

At this time, I also commend Ms. NORTON on introducing H.R. 4269, the District of Columbia Fair Federal Compensation Act of 2004. The bill outlines the unique situation of the District of Columbia as a federal city. It proposes an annual federal payment of \$800 million with provisions to adjust the amount in the future. The \$800 million would be made available to address important structural needs of the city, which the District Government cannot fully fund from its current budget: transportation and street maintenance, information technology and DCPS capital improvements. These items are essential to the running of the city.

In addition, this bill will include other funding that my colleague, Congresswoman ELEANOR HOLMES NORTON, has been working diligently on, including \$3 million for the Anacostia Waterfront Initiative and \$10 million to continue the Combined Sewer Overflow Long Term Plan. This plan will update and repair the District of Columbia's antiquated sewer system. By acting on this now, we avoid any catastrophic costs that would occur if we wait for further damage or contamination to the District's drinking water supply system. This initiative is of particular interest to elderly residents who live in older or sub-standard homes.

I join my colleague from the District in expressing disappointment in the continued placement of riders on the budget to ban the needle exchange program. We should not condition funding on the ceased participation in a program that aims to reduce the spread of HIV/AIDS and save lives.

Mr. Chairman, again, I support the base bill for the benefits that it will bring to our Nation's capital; however, I share disappointment in the prohibition on the needle exchange program contained in its provisions.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$25,600,000, to remain available until expended: *Provided,* That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further,* That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further,* That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the

Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$202,110,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,952,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$84,948,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$40,699,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$67,511,000, to remain available until September 30, 2006, for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232-18: *Provided further*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to 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.

Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$41,500,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$67,511,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$67,511,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to 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.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government

Improvement Act of 1997, \$183,490,000, of which not to exceed \$2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$115,343,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$39,314,000 shall be available to the Pretrial Services Agency; and of which \$28,833,000 shall be transferred to the Public Defender Service for the District of Columbia: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: *Provided further*, That the Public Defender Service is authorized to charge fees to cover costs of materials distributed to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$10,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, \$3,000,000, to remain available until September 30, 2006, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,300,000, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR CAPITAL DEVELOPMENT IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for capital development, \$7,000,000, to remain available until expended, for the Unified Communications Center.

FEDERAL PAYMENT FOR PUBLIC SCHOOL
LIBRARIES

For a Federal payment to the District of Columbia Public Schools, \$6,000,000, to remain available until expended, for a public school library enhancement program: *Provided*, That the District of Columbia Public Schools provides a 100 percent match for this payment: *Provided further*, That the Federal portion is for the acquisition of library resources: *Provided further*, That the matching portion is for any necessary facilities upgrades.

FEDERAL PAYMENT FOR THE FAMILY LITERACY
PROGRAM

For a Federal payment to the District of Columbia, \$1,000,000, for a Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties: *Provided*, That the District of Columbia shall provide a 100 percent match with local funds as a condition of receiving this payment.

FEDERAL PAYMENT FOR FOSTER CARE
IMPROVEMENTS IN THE DISTRICT OF COLUMBIA

For the Federal payment to the District of Columbia for foster care improvements, \$5,000,000: *Provided*, That \$3,000,000 shall be for the Child and Family Services Agency, of which \$2,000,000 shall be to continue an early intervention program to provide intensive and immediate services for foster children; of which \$1,000,000 shall be for the emergency support fund to purchase items necessary to allow children to remain in the care of an approved and licensed family member: *Provided further*, That \$1,500,000 shall be for the Department of Mental Health to provide all court-ordered or agency-required mental health screenings, assessments and treatments for children under the supervision of the Child and Family Services Agency: *Provided further*, That \$500,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care and recruitment of foster parents: *Provided further*, That these Federal funds shall supplement and not supplant local funds.

FEDERAL PAYMENT TO THE OFFICE OF THE
CHIEF FINANCIAL OFFICER OF THE DISTRICT
OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$19,000,000: *Provided*, That these funds shall be available for the projects and in the amounts specified in the Statement of the Managers on the conference report accompanying this Act: *Provided further*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate a report on the activities to be carried out with such funds no later than March 15, 2005.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For Federal payment for a school improvement program in the District of Columbia, \$40,000,000, to be allocated as follows: for the District of Columbia Public Schools, \$13,000,000 to improve public school education in the District of Columbia; for the State Education Office, \$13,000,000 to expand quality charter schools in the District of Columbia; for the Secretary of the Department of Education, \$14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C title III of the District of Columbia Appropriations Act, 2004 (Public Law 108-199, 118 Stat. 126), of which up to \$1,000,000 may

be used to administer and fund assessments for the opportunity scholarship program: *Provided*, That the District of Columbia Public Schools shall submit a plan for the use of funds provided under this heading for public school education to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Education and the Workforce and the Committee on Government Reform of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate: *Provided further*, That the funds provided under this heading for public school education shall not be made available until 30 calendar days after the submission of a spending plan by the District of Columbia Public Schools to the Committees on Appropriations of the House of Representatives and Senate.

TITLE II—DISTRICT OF COLUMBIA
FUNDS
OPERATING EXPENSES
DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2005 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,199,114,000 (of which \$4,165,485,000 shall be from local funds, \$1,687,554,000 shall be from Federal grant funds, \$332,761,000 shall be from other funds, and \$13,314,000 shall be from private funds), in addition, \$98,900,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2005, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$416,069,000 (including \$261,068,000 from local funds, \$100,256,000 from Federal grant funds, and \$54,745,000 from other funds), in addition, \$19,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Chief Financial Officer of the District of Columbia", and \$500,000 from funds previously appropriated in this Act under the heading "Federal Payment for Foster Care Improvements in the District of Columbia" shall be available to the Metropolitan Washington Council of Governments: *Provided*, That not to exceed \$9,300 for the Mayor, \$9,300 for the Chairman of the Council of the District of Columbia, \$9,300 for the City Administrator, and \$9,300 for the Office of the Chief Financial Officer shall be available from this appropriation for official re-

ception and representation expenses: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$334,745,000 (including \$55,764,000 from local funds, \$93,050,000 from Federal grant funds, \$185,806,000 from other funds, and \$125,000 from private funds), of which \$13,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That local funds in the amount of \$1,200,000 shall be appropriated for the Excel Institute.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$797,423,000 (including \$760,849,000 from local funds, \$6,599,000 from Federal grant funds, \$29,966,000 from other funds, and \$9,000 from private funds), in addition, \$1,300,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council": *Provided*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM
(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, \$1,223,424,000 (including \$1,058,709,000 from local funds, \$151,978,000 from Federal grant funds, \$8,957,000 from other funds, \$3,780,000 from private funds) in addition,

\$25,600,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support", \$6,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Public School Libraries", and \$26,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—\$888,944,000 (including \$760,494,000 from local funds, \$117,450,000 from Federal grant funds, \$7,330,000 from other funds, \$3,670,000 from private funds), in addition, \$6,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for District of Columbia Public Schools and \$13,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Public School Libraries" shall be available for District of Columbia Public Schools and \$13,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for District of Columbia Public Schools: *Provided*, That 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: *Provided further*, That this appropriation shall not be available to subsidize the education of any non-resident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2005 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2005, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2006 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2006: *Provided further*, That not to exceed \$9,300 for the Superintendent of Schools shall be available from this appropriation for official reception and representation expenses.

(2) TEACHERS' RETIREMENT FUND.—\$9,200,000 from local funds shall be available for the Teacher's Retirement Fund.

(3) STATE EDUCATION OFFICE.—\$43,104,000 (including \$10,015,000 from local funds, \$32,913,000 from Federal grant funds, and \$176,000 from other funds), in addition, \$25,600,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" shall be available for the State Education Office and \$13,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for the State Education Office: *Provided*, That of the amounts provided to the State Education Office, \$500,000 from local funds shall remain available until June 30, 2006 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(4) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—\$196,802,000 from local funds shall be available for District of Columbia public charter schools: *Provided*, That there shall be

quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(2)): *Provided further*, That of the amounts made available to District of Columbia public charter schools, \$100,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(5)): *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2005, an amount equal to 25 percent of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2006 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2006.

(5) UNIVERSITY OF THE DISTRICT OF COLUMBIA SUBSIDY.—\$49,602,000 from local funds shall be available for the University of the District of Columbia subsidy: *Provided*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2005, a tuition rate schedule that will establish the tuition rate for non-resident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2005, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2006 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2006: *Provided further*, That not to exceed \$9,300 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses.

(6) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—\$30,831,000 (including \$28,978,000 from local funds, \$1,093,000 from Federal grant funds, \$651,000 from other funds, and \$110,000 from private funds) shall be available for the District of Columbia Public Libraries: *Provided*, That not to exceed \$7,500 for the Public Librarian shall be available from this appropriation for official reception and representation expenses.

(7) COMMISSION ON THE ARTS AND HUMANITIES.—\$4,941,000 (including \$3,618,000 from local funds, \$523,000 from Federal grant funds, and \$800,000 from other funds) shall be available for the Commission on the Arts and Humanities.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, \$2,533,825,000 (including \$1,165,314,000 from local funds, \$1,331,670,000 from Federal grant funds, \$27,441,000 from other funds, \$9,400,000 from private funds), in addition, \$4,500,000 from funds previously appropriated in this Act under the heading "Federal Payment to Foster Care Improvements in the District of Columbia": *Provided*, That \$29,600,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That no less than \$8,498,720, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004), to be used exclusively for the purpose of the Choice in Drug Treatment program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3003), of which \$7,500,000 shall be provided from local funds: *Provided further*, That none of the \$8,498,720 for the Choice in Drug Treatment program shall be used by the Department of Health's Addiction Prevention and Recovery Administration to provide youth residential treatment services or youth outpatient treatment services: *Provided further*, That no less than \$2,000,000 shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth residential treatment services: *Provided further*, That no less than \$1,575,416 shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth outpatient treatment services, of which \$750,000 shall be made available exclusively to provide intensive outpatient treatment slots, outpatient treatment slots, and other program costs for youth in the care of the Youth Services Administration: *Provided further*, That no less than \$1,400,000 shall be used by the Department of Health's Addiction Prevention and Recovery Administration to fund a Child and Family Services Agency pilot project entitled Family Treatment Court: *Provided further*, That \$1,200,000 of local funds, to remain available until expended, shall be deposited in the Adoption Voucher Fund, established pursuant to section 3805(a) of the Adoption Voucher Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code, sec. 4-344(a)), to be used exclusively for the purposes set forth in section 3805(b) of the Adoption Voucher Fund Act (D.C. Official Code, sec. 4-344(b)): *Provided further*, That no less than \$300,000 shall be used by the Department of Health's Environmental Health Administration to operate the Total Maximum Daily Load program: *Provided further*, That no less than \$1,268,500 shall be used by the Department of Health's Environmental Health Administration to operate its air quality programs, of which no less than \$242,000 shall be used to fund 4 full-time air quality employees: *Provided further*, That the Department of Human Services, Youth Services Administration shall not expend any appropriated fiscal year 2005 funds until the Mayor has submitted to the Council by September 30, 2004, a plan, including time lines, to close the Oak Hill Youth Center at the earliest feasible date. All of the above proviso amounts in this heading relate back to and are a subset of the first-referenced appropriation amount of \$2,533,825,000.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor

and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$331,936,000 (including \$312,035,000 from local funds, \$4,000,000 from Federal grant funds, and \$15,901,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

CASH RESERVE

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), \$347,700,000 from local funds.

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$4,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, \$11,252,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$20,270,000 from local funds: *Provided*, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

WILSON BUILDING

For expenses associated with the John A. Wilson building, \$3,633,000 from local funds.

WORKFORCE INVESTMENTS

For workforce investments, \$38,114,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable: *Provided*, That of this amount \$3,548,000 shall remain available until expended to meet the requirements of the Compensation Agreement Between the District of Columbia Government Units 1 and 2 Approval Resolution of 2004, effective February 17, 2004 (Res. 15-459; 51 DCR 2325).

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$13,946,000 (including \$4,000,000 from local funds and \$9,946,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act: *Provided*, That \$4,000,000 from local funds shall be for anticipated costs associated with the No Child Left Behind Act.

EMERGENCY PLANNING AND SECURITY FUND

For Emergency Planning and Security Fund, \$15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia".

TAX INCREMENT FINANCING PROGRAM

For a Tax Increment Financing Program, such amounts as are necessary to meet the Tax Increment Financing requirements, not to exceed \$9,710,000 from the District's general fund balance.

EQUIPMENT LEASE OPERATING

For Equipment Lease Operating \$23,109,000 from local funds: *Provided*, That for equipment leases, the Mayor may finance \$19,453,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (Public Law 98-198, as amended; D.C. Official Code, sec. 1-204.50a), such additional amounts from the District's general fund balance as are necessary to meet the balance requirements for such funds under section 450A.

FAMILY LITERACY

From funds previously appropriated in this Act under the heading "Federal Payment for the Family Literacy Program", \$1,000,000.

PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, \$6,531,000 from local funds, to be transferred to the Capital Fund.

PAY-AS-YOU-GO CONTINGENCY

For Pay-As-You-Go Contingency Fund, \$43,137,000, subject to the Criteria for Spending Pay-As-You-Go Funding Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Title I of Bill 15-768), there are authorized to be transferred from the contingency fund to certain other headings of this Act as necessary to carry out the purposes of this Act. Expenditures from the Pay-As-You-Go Contingency Fund shall be subject to the approval of the Council by resolution.

REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY

If the Chief Financial Officer for the District of Columbia certifies through a revised revenue estimate that funds are available from local funds, such available funds shall be expended as provided in the Contingency for Recordation and Transfer Tax Reduction and the Office of Property Management and Library Expenditures Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Bill 15-768), including up to \$2,000,000 to the Office of Property Management, and up to \$1,200,000 to the District of Columbia Public Library.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$275,289,000 from other funds, of which \$15,180,402 shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, \$371,040,000, to be distributed as follows: \$181,656,000 for the Blue Plains Wastewater Treatment Plant, \$43,800,000 for the sewer program, \$9,118,000 for the stormwater program, \$122,627,000 for the water program, and \$13,839,000 for the capital equipment program; in addition, \$10,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority": *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$47,972,000 from other funds.

STORMWATER PERMIT COMPLIANCE

ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,792,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), \$247,000,000 from other funds: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board: *Provided further*, That the Lottery and Charitable Games Enterprise Fund is hereby authorized to make transfers to the general fund of the District of Columbia, in excess of this appropriation, if such funds are available for transfer.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$7,322,000 from other funds: *Provided*, That the paragraph under the heading "Sports and Entertainment Commission" in Public Law 108-199 (118 Stat. 125) is amended by striking the term "local funds" and inserting the term "other funds" in its place.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1-711), \$15,277,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$77,176,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$7,850,000 from other funds.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

For the University of the District of Columbia, \$85,102,000 (including \$49,603,000 from local funds previously appropriated in this Act under the heading "Public Education Systems", \$15,192,000 from Federal funds, \$19,434,000 from other funds, and \$873,000 from private funds): *Provided*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2005, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable

public institutions of higher education in the metropolitan area.

UNEMPLOYMENT INSURANCE TRUST FUND

For the Unemployment Insurance Trust Fund, \$180,000,000 from other funds.

OTHER POST EMPLOYEE BENEFITS TRUST FUND

For the Other Post Employee Benefits Trust Fund, \$953,000 from other funds.

DC PUBLIC LIBRARY TRUST FUND

For the DC Public Library Trust Fund, \$17,000 from other funds: *Provided*, That \$7,000 shall be for the Theodore W. Noyes Trust Fund; *Provided further*, That \$10,000 shall be for the Peabody Trust Fund.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,087,649,000, of which \$839,898,000 shall be from local funds, \$38,542,000 from Highway Trust funds, \$37,000,000 from the Rights-of-way funds, \$172,209,000 from Federal grant funds, and a rescission of \$361,763,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$725,886,000, to remain available until expended; in addition, \$7,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Capital Development in the District of Columbia" and \$3,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Anacostia Waterfront Initiative": *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That the Office of the Chief Technology Officer of the District of Columbia shall implement the following information technology projects on behalf of the District of Columbia Public Schools: Student Information System (project number T2240), Student Information System PCS (project number T2241), Enterprise Resource Planning (project number T2242), E-Rate (project number T2243), and SETS Expansion PCS (project number T2244).

TITLE III—GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for a particular purpose 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. 102. 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, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. 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 legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly provided herein.

SEC. 105. (a) Except as provided in subsection (b), 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.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 106. (a) 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 2005, 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 expenditures 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 under this 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 any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center 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 Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of \$1,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 107. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 108. 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. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 109. No later than 30 days after the end of the first quarter of fiscal year 2005, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2005 revenue estimates as of the end of such quarter. These

estimates shall be used in the budget request for fiscal year 2006. The officially revised estimates at midyear shall be used for the mid-year report.

SEC. 110. 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. Official Code, sec. 2-303.03), 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, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 111. 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. Official Code, sec. 1-123).

SEC. 112. 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. 113. None of the Federal 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. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, 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. 114. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal,

private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this Act, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) 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 section. 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 Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 115. (a) 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 in the case of—

(1) 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 or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2005, an inventory, as of September 30, 2004, 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. 116. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2005 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2-302.8); and

(2) the audit includes as a basic financial statement 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 using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 117. (a) 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.

(b) Nothing in this section 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. 118. (a) None of the 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.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 119. None of the funds contained in this Act may be used after the expiration of the 60-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 any independent agency of the District of Columbia) 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 and the officer's agency 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. The Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate 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.

SEC. 120. (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 known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 121. Nothing in this Act 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.

SEC. 122. The Mayor of the District of Columbia shall submit to 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 quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of

escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 123. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2004 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 124. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

SEC. 125. None of the Federal funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 126. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-2201.05(b)(1) and (2)). The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-2201.05(b)(3)).

SEC. 127. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. 128. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in

the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 129. The amount appropriated by this Act may be increased by no more than \$15,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2004 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

- (A) Unanticipated one-time expenditures.
- (B) Expenditures to avoid deficit spending.
- (C) Debt Reduction.
- (D) Unanticipated program needs.
- (E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may be obligated and expended only if approved by the Committees on Appropriations of the House of Representatives and Senate in advance of any obligation or expenditure.

SEC. 130. (a) Section 450A(a) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a(a)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—There is established an emergency cash reserve fund (“emergency reserve fund”) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall make a deposit in cash each fiscal year of such an amount as may be required to maintain a balance in the fund of at least 2 percent of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (a)(7).”

(2) Paragraph (2) is amended to read as follows:

“(2) OPERATING EXPENSES.—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia's Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as

the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.”

(3) Paragraph (7) is amended to read as follows:

“(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the current fiscal year and 100 percent of the amount allocated or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.”

(b) Section 450A(b) of such Act (sec. 1-204.50a(b), D.C. Official Code) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—There is established a contingency cash reserve fund (“contingency reserve fund”) as an interest-bearing account, separate from other accounts in the general fund, into which the Mayor shall make a deposit in cash each fiscal year of such amount as may be required to maintain a balance in the fund of at least 4 percent of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (b)(6).”

(2) Paragraph (2) is amended to read as follows:

“(2) OPERATING EXPENSES.—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia's Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.”

(3) Paragraph (6) is amended to read as follows:

“(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the current fiscal year and 100 percent of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.”

SEC. 131. For fiscal year 2005, the Chief Financial Officer shall re-calculate the emergency and contingency cash reserve funds amount established by section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a), as amended by this Act, and is authorized to transfer funds between the emergency and contingency cash reserve funds to reach the required percentages, and may transfer funds from the emergency and contingency cash reserve funds to the general fund of the District of Columbia to the extent that such funds are

not necessary to meet the requirements established for each fund, except that the Chief Financial Officer may not transfer funds from the emergency or the contingency reserve funds to the extent that such a transfer would lower the fiscal year 2005 total percentage below 7 percent.

SEC. 132. (a) Section 6 of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 (sec. 5-732, D.C. Official Code) is amended by striking the period at the end of the first sentence and inserting the following: “, and for the administrative costs associated with making such benefit payments.”

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 133. (a) CONTINUING AVAILABILITY OF AMOUNTS IN CHARTER SCHOOL FUND.—Section 2403(b)(1) of the District of Columbia School Reform Act of 1995 (sec. 38-1804.03(b)(1), D.C. Official Code) is amended by adding at the end the following new sentence: “Amounts in the Charter School Fund shall remain available until expended, and any amounts in the Fund remaining unobligated or unexpended at the end of a fiscal year shall not revert to the General Fund of the District of Columbia.”

(b) AVAILABILITY OF ADDITIONAL LOCAL FUNDS FOR CHARTER SCHOOL FUND.—Section 2403(b)(2)(A) of such Act (sec. 38-1804.03(b)(2)(A), D.C. Official Code) is amended by inserting after “District of Columbia,” the following: “together with any other local funds that the Chief Financial Officer of the District of Columbia certifies are necessary to carry out the purposes of the Fund during the fiscal year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 134. (a) CONTINUATION OF CERTAIN AUTHORITY OF CHIEF FINANCIAL OFFICER.—Section 2302 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 593), is amended by striking “September 30, 2004” and inserting “September 30, 2005”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Emergency Wartime Supplemental Appropriations Act, 2003.

SEC. 135. (a) Section 106(b) of the District of Columbia Public Works Act of 1954 (sec. 34-2401.25(b), D.C. Official Code) is amended by striking paragraph (5).

(b) Section 212(b) of such Act (sec. 34-2112(b), D.C. Official Code) is amended by striking paragraph (5).

(c) The amendments made by this section shall apply with respect to quarters occurring during fiscal year 2005 and each succeeding fiscal year.

SEC. 136. (a) APPROVAL OF BONDS BY JOINT COMMITTEE ON JUDICIAL ADMINISTRATION.—Section 11-1701(b), District of Columbia Official Code, is amended by striking paragraph (5).

(b) EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 11-1704, District of Columbia Official Code, is amended to read as follows:

“§ 11-1704. Oath of Executive Officer

“The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of that office.”

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11-1704 to read as follows:

“11-1704. Oath of Executive Officer.”

(c) FISCAL OFFICER.—Section 11-1723, District of Columbia Official Code, is amended—

(1) by striking “(a)(1)” and inserting “(a)”;
 (2) by striking subsection (b); and
 (3) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c).
 (d) AUDITOR-MASTER.—Section 11-1724, District of Columbia Official Code, is amended by striking the second and third sentences.

(e) REGISTER OF WILLS.—

(1) IN GENERAL.—Section 11-2102, District of Columbia Official Code, is amended—

(A) in the heading, by striking “bond”;

(B) in subsection (a)(2), by striking “give bond,” and all that follows through “seasonably to record” and inserting “seasonably record”; and

(C) by striking the third sentence of subsection (a).

(2) CLERICAL AMENDMENT.—The item relating to section 11-2102 in the table of sections for chapter 21 of title 11, District of Columbia Official Code, is amended by striking “bond.”

SEC. 137. Section 11-1728, District of Columbia Official Code, is amended to read as follows:

“§ 11-1728. Recruitment and training of personnel; travel

“(a) The Executive Officer shall be responsible for recruiting such qualified personnel as may be necessary for the District of Columbia courts and for providing in-service training for court personnel.

“(b) Travel under Federal supply schedules is authorized for the travel of court personnel on official business. The Joint Committee shall prescribe such requirements, conditions, and restrictions for such travel as it considers appropriate, and shall include policies and procedures for preventing abuses of that travel authority.”

(b) The table of sections for subchapter II of chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11-1728 to read as follows:

“11-1728. Recruitment and training of personnel; travel.”

SEC. 138. (a) Notwithstanding any other provision of this Act, the amount of local funds made available under this Act for the Office of the Inspector General shall be the amount provided in the annual estimate of the Inspector General of the expenditures and appropriations necessary for the operation of the Office for fiscal year 2005, as prepared by the Inspector General and submitted to the Mayor of the District of Columbia under section 208(a)(2)(A) of the District of Columbia Procurement Practices Act of 1985 (sec. 2-302.08(a)(2)(A), D.C. Official Code).

(b) The Chief Financial Officer of the District of Columbia shall take such steps as are necessary to carry out this section.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 65, line 5, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from New Jersey (Mr. FRELINGHUYSEN), the distinguished chairman of the Committee on Appropriations, Subcommittee on the District of Columbia, regarding a move by certain District of Columbia Council members to enact a bill that would give noncitizens the right to vote in local elections.

Mr. Chairman, passage of such a measure would eliminate one of the few remaining distinctions between noncitizens and citizens, and I firmly believe that it is not too much to ask that American citizenship be a prerequisite for voting in an American election. Therefore, I am opposed to the adoption of such a measure.

Mr. Chairman, it was my intention to offer an amendment that would prohibit implementation of such a measure. However, after receiving assurances from the gentleman from Virginia (Chairman TOM DAVIS) of the Committee on Government Reform that that measure would be overturned by Congress before it becomes law, I am satisfied that the amendment will no longer be necessary.

□ 1530

Mr. Chairman, is that your understanding of the situation?

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

Mr. TANCREDO. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Yes, it is. I wanted to thank my distinguished colleague for bringing this issue to my attention. Let me say from the onset that I am very sympathetic to the gentleman's position on the issue. It is my understanding that the Committee on Government Reform has a 30-day review period in which to approve or disapprove all legislative provisions enacted by the city council.

Mr. TANCREDO. I thank the chairman for working with me on the issue. I will not offer my amendment.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. 139. Total Federal appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$5,600,000.

Mr. HEFLEY. Mr. Chairman, I rise again to offer an amendment to cut the level of funding in this appropriations bill by 1 percent. This equals about \$5.6 million. This is not the biggest bill that we deal with. However, the increase in the bill is over 3 percent over last year. I do not mean this at all as a slap against D.C., our Nation's Capital, certainly not a slap against the committee, because as most Members are aware, I have offered a series of these amendments on the appropriations bills because I think we have to start drawing the line somewhere and some time.

The budget we have for next year is too large, and we can do something about the deficit now if we would start doing it. I would really be remiss, however, Mr. Chairman, if I did not commend the chairman and ranking mem-

ber on a very difficult job that they have had to do; and, obviously, they have done a very excellent job of it as evidenced by the fact that we are not spending half a day on the D.C. bill down here, that they have worked out the problems beforehand.

So I commend them on a tremendous job that both of them and the committee have done. And it is many times a thankless job because most of the folks back home do not care what happens in the D.C. bill, and so it does not get them any great acclaim back home for the good job they are doing. But I would like to put in the record that they have done a good job.

Still, I do not think a cut of 1 cent on a dollar is too much to ask for or is unreasonable, given our current budget situation.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Let me say, Mr. Chairman, I have watched the gentleman from Colorado (Mr. HEFLEY) stand on an appropriations bill, and I know his heart is in the right place; and, reluctantly, I do rise in opposition to his amendment.

The entire Federal portion of the bill is only \$560 million. Within this total, the committee had to make some hard funding choices. It reduced a number of things that are key priorities to the Members of Congress and to the city's leadership. An additional 1 percent reduction in this bill would, I think, seriously hinder the District's ability to effectively manage its program at a time when the District government is sincerely making major improvements to its financial and program management.

I will not go through any examples, but I do rise in opposition. I understand where his heart is.

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

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to say that I would like to commend the gentleman from Colorado (Mr. HEFLEY) for his great service to the House as chairman of the Committee on Standards of Official Conduct. I served with him for many years on the committee. I cannot find a way to support his amendment today; but if he were to offer, for instance, to reduce by even a greater percent the reconstruction dollars of 20 billion we sent to Iraq, I would be prepared to vote to cut those dollars. But here in the Nation's Capital I believe that there are too many needs to be met.

I still have great respect for my colleague. Colorado has a warm place in my heart. My wife is from Colorado; but I would oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 113, noes 309, not voting 11, as follows:

[Roll No. 398]

AYES—113

Akin	Fossella	Neugebauer
Baker	Franks (AZ)	Norwood
Barrett (SC)	Garrett (NJ)	Otter
Bartlett (MD)	Gibbons	Oxley
Barton (TX)	Gingrey	Paul
Bass	Goode	Pence
Beauprez	Goodlatte	Petri
Bilirakis	Goss	Pickering
Bishop (UT)	Graves	Pitts
Blackburn	Green (WI)	Platts
Boehler	Gutknecht	Ramstad
Boozman	Hayes	Rehberg
Bradley (NH)	Hayworth	Rogers (MI)
Brady (TX)	Hefley	Rohrabacher
Brown-Waite,	Hensarling	Royce
Ginny	Herger	Ryan (WI)
Burgess	Hoekstra	Schrock
Burns	Hostettler	Sensenbrenner
Burton (IN)	Hulshof	Sessions
Cannon	Hunter	Shadegg
Carter	Hyde	Shimkus
Chabot	Jenkins	Shuster
Chocola	Jones (NC)	Smith (WA)
Coble	Keller	Stearns
Cox	Kennedy (MN)	Stenholm
Crane	King (IA)	Strickland
Cubin	Lewis (KY)	Sullivan
Davis (TN)	Linder	Tancredo
Davis, Jo Ann	Manzullo	Tanner
Deal (GA)	McCotter	Taylor (MS)
DeMint	McHugh	Taylor (NC)
Diaz-Balart, M.	McInnis	Terry
Doggett	Mica	Thornberry
Duncan	Miller (FL)	Toomey
Everett	Miller, Gary	Upton
Feeney	Moran (KS)	Vitter
Flake	Musgrave	Wamp
Forbes	Myrick	Wilson (SC)

NOES—309

Abercrombie	Cramer	Greenwood
Ackerman	Crenshaw	Grijalva
Aderholt	Crowley	Gutierrez
Alexander	Culberson	Hall
Allen	Cummings	Harman
Andrews	Cunningham	Hart
Baca	Davis (AL)	Hastings (FL)
Bachus	Davis (CA)	Hastings (WA)
Baird	Davis (FL)	Herseth
Baldwin	Davis (IL)	Hill
Ballenger	Davis, Tom	Hinchee
Becerra	DeFazio	Hinojosa
Bell	DeGette	Hobson
Bereuter	Delahunt	Hoeffel
Berkley	DeLauro	Holden
Berman	DeLay	Holt
Berry	Deutsch	Honda
Biggert	Diaz-Balart, L.	Hooley (OR)
Bishop (GA)	Dicks	Houghton
Bishop (NY)	Dingell	Hoyer
Blumenauer	Dooley (CA)	Inslee
Blunt	Doolittle	Israel
Boehner	Doyle	Issa
Bonilla	Dreier	Istook
Bonner	Dunn	Jackson (IL)
Bono	Edwards	Jackson-Lee
Boswell	Ehlers	(TX)
Boucher	Emanuel	Jefferson
Boyd	Emerson	John
Brady (PA)	Engel	Johnson (CT)
Brown (OH)	English	Johnson (IL)
Brown (SC)	Eshoo	Johnson, E. B.
Brown, Corrine	Etheridge	Johnson, Sam
Burr	Evans	Jones (OH)
Calvert	Farr	Kanjorski
Camp	Fattah	Kaptur
Cantor	Filner	Kelly
Capito	Foley	Kennedy (RI)
Capps	Ford	Kildee
Capuano	Frank (MA)	Kilpatrick
Cardin	Frelinghuysen	Kind
Cardoza	Frost	King (NY)
Carson (OK)	Gallegly	Kingston
Case	Gephardt	Kirk
Castle	Gerlach	Kleczka
Chandler	Gilchrest	Kline
Clay	Gillmor	Knollenberg
Clyburn	Gonzalez	Kolbe
Cole	Gordon	Kucinich
Conyers	Granger	LaHood
Costello	Green (TX)	Lampson

Langevin	Oberstar	Shays
Lantos	Obey	Sherman
Larsen (WA)	Oliver	Sherwood
Larson (CT)	Ortiz	Simmons
Latham	Osborne	Simpson
LaTourette	Ose	Skelton
Leach	Owens	Slaughter
Lee	Pallone	Smith (MI)
Levin	Pascrell	Smith (NJ)
Lewis (CA)	Pastor	Smith (TX)
Lewis (GA)	Payne	Snyder
Lipinski	Pearce	Solis
LoBiondo	Pelosi	Souder
Lofgren	Peterson (MN)	Spratt
Lowey	Peterson (PA)	Stark
Lucas (KY)	Pombo	Stupak
Lucas (OK)	Pomeroy	Sweeney
Lynch	Porter	Tauscher
Maloney	Portman	Tauzin
Markey	Price (NC)	Thomas
Matsui	Pryce (OH)	Thompson (CA)
McCarthy (MO)	Putnam	Thompson (MS)
McCarthy (NY)	Radanovich	Tiahrt
McColum	Rahall	Tiberi
McCrery	Rangel	Tierney
McDermott	Regula	Towns
McGovern	Renzi	Turner (OH)
McIntyre	Reyes	Turner (TX)
McKeon	Reynolds	Udall (CO)
McNulty	Rodriguez	Udall (NM)
Meehan	Rogers (AL)	Van Hollen
Meek (FL)	Rogers (KY)	Velázquez
Meeks (NY)	Ros-Lehtinen	Visclosky
Menendez	Ross	Walden (OR)
Michaud	Rothman	Walsh
Millender-	Roybal-Allard	Walters
McDonald	Ruppersberger	Watson
Miller (MI)	Rush	Watt
Miller (NC)	Ryan (OH)	Waxman
Miller, George	Ryun (KS)	Weiner
Mollohan	Sabo	Weldon (FL)
Moore	Sánchez, Linda	Weldon (PA)
Moran (VA)	T.	Weller
Murphy	Sanchez, Loretta	Wexler
Murtha	Sanders	Whitfield
Nadler	Sandlin	Wicker
Saxton	Saxton	Wilson (NM)
Schakowsky	Neal (MA)	Wolf
Schiff	Schiff	Woolsey
Scott (GA)	Scott (GA)	Wu
Scott (VA)	Scott (VA)	Wynn
Serrano	Serrano	Young (AK)
Shaw	Shaw	Young (FL)

NOT VOTING—11

Buyer	Ferguson	Marshall
Carson (IN)	Harris	Matheson
Collins	Isakson	Quinn
Cooper	Majette	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1559

Ms. WATSON and Mr. LYNCH changed their vote from “aye” to “no.” Messrs. CHABOT, COX, BOOZMAN and BOEHLERT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HARRIS. Mr. Chairman, on rollcall No. 398, I was unavoidably detained. Had I been present, I would have voted “no.”

The CHAIRMAN. Are there any other amendments to the bill?

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

The Clerk read as follows:

This Act may be cited as the “District of Columbia Appropriations Act, 2005”.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLINE) having assumed the chair, Mr.

BASS, 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. 4850) 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, 2005, and for other purposes, pursuant to House Resolution 724, reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 54, not voting 8, as follows:

[Roll No. 399]

YEAS—371

Abercrombie	Case	Gerlach
Ackerman	Castle	Gibbons
Aderholt	Chabot	Gilchrest
Alexander	Chandler	Gillmor
Akin	Chocola	Gingrey
Alexander	Clay	Gonzalez
Allen	Clyburn	Gordon
Andrews	Cole	Granger
Baca	Conyers	Green (TX)
Baird	Cooper	Green (WI)
Bachus	Costello	Greenwood
Baldwin	Cox	Grijalva
Ballenger	Cramer	Gutierrez
Barrett (SC)	Crane	Hall
Barton (TX)	Crenshaw	Harman
Bass	Crowley	Harris
Beauprez	Culberson	Hart
Becerra	Cummings	Hastings (FL)
Bell	Cunningham	Hastings (WA)
Bereuter	Davis (AL)	Hayes
Berkley	Davis (CA)	Herseth
Berman	Davis (FL)	Hill
Bilirakis	Davis (IL)	Hinchee
Bishop (GA)	Davis (TN)	Hinojosa
Bishop (NY)	Davis, Tom	Hobson
Bishop (UT)	DeFazio	Hoeffel
Blackburn	DeGette	Hoekstra
Blumenauer	Delahunt	Holden
Blunt	DeLauro	Holt
Boehner	DeLay	Honda
Bonilla	DeMint	Hooley (OR)
Bonner	Diaz-Balart, L.	Houghton
Bono	Diaz-Balart, M.	Hoyer
Boozman	Dicks	Hulshof
Boucher	Dingell	Hunter
Boyd	Doggett	Hyde
Bradley (NH)	Dooley (CA)	Inslee
Brady (PA)	Doolittle	Israel
Brady (TX)	Doyle	Issa
Brown (OH)	Dreier	Istook
Brown (SC)	Edwards	Jackson (IL)
Brown, Corrine	Ehlers	Jackson-Lee
Brown-Waite,	Emanuel	(TX)
Ginny	Emerson	Jefferson
Burgess	Engel	Jenkins
Burns	English	John
Burr	Eshoo	Johnson (CT)
Burton (IN)	Farr	Johnson (IL)
Buyer	Fattah	Johnson, E. B.
Calvert	Feeney	Johnson, Sam
Camp	Filner	Jones (OH)
Cannon	Foley	Kanjorski
Cantor	Forbes	Kaptur
Capito	Ford	Keller
Capps	Frank (MA)	Kelly
Capuano	Frelinghuysen	Kennedy (MN)
Cardin	Frost	Kennedy (RI)
Cardoza	Gallegly	Kildee
Carson (OK)	Garrett (NJ)	Kilpatrick
Carter	Gephardt	Kind

King (NY)	Nethercutt	Sessions
Kingston	Ney	Shadegg
Kirk	Northup	Shaw
Kleczka	Nunes	Shays
Kline	Nussle	Sherman
Knollenberg	Oberstar	Sherwood
Kolbe	Obey	Shimkus
Kucinich	Oliver	Shuster
LaHood	Ortiz	Simpson
Lampson	Osborne	Skelton
Langevin	Ose	Slaughter
Lantos	Owens	Smith (NJ)
Larsen (WA)	Oxley	Smith (TX)
Larson (CT)	Pallone	Smith (WA)
Latham	Pascarell	Snyder
LaTourette	Pastor	Solis
Leach	Payne	Souder
Lee	Pearce	Spratt
Levin	Pelosi	Stark
Lewis (CA)	Pence	Strickland
Lewis (GA)	Peterson (PA)	Stupak
Lewis (KY)	Pickering	Sullivan
Linder	Pitts	Sweeney
Lipinski	Platts	Tancredo
LoBiondo	Pombo	Tanner
Lofgren	Pomeroy	Tauscher
Lowey	Porter	Tauzin
Lucas (KY)	Portman	Terry
Lucas (OK)	Price (NC)	Thomas
Lynch	Pryce (OH)	Thompson (CA)
Maloney	Putnam	Thompson (MS)
Markey	Radanovich	Thornberry
Marshall	Rangel	Tiahrt
Matsui	Regula	Tiberi
McCarthy (MO)	Rehberg	Towns
McCarthy (NY)	Renzi	Turner (OH)
McCollum	Reyes	Turner (TX)
McCotter	Reynolds	Udall (CO)
McCrery	Rodriguez	Udall (NM)
McGovern	Rogers (AL)	Upton
McInnis	Rogers (KY)	Van Hollen
McIntyre	Rogers (MI)	Velázquez
McKeon	Rohrabacher	Visclosky
McNulty	Ros-Lehtinen	Vitter
Meehan	Ross	Walden (OR)
Meek (FL)	Rothman	Walsh
Meeks (NY)	Roybal-Allard	Wamp
Menendez	Ruppersberger	Waters
Mica	Rush	Watson
Millender-	Ryan (OH)	Watt
McDonald	Ryan (WI)	Waxman
Miller (MI)	Ryun (KS)	Weiner
Miller (NC)	Sabo	Weldon (FL)
Miller, Gary	Sánchez, Linda	Weldon (PA)
Mollohan	T.	Weller
Moore	Sanchez, Loretta	Whitfield
Moran (KS)	Sanders	Wicker
Moran (VA)	Sandinin	Wilson (NM)
Murphy	Saxton	Wilson (SC)
Murtha	Schakowsky	Wolf
Musgrave	Schiff	Woolsey
Myrick	Schrock	Wu
Nadler	Scott (GA)	Wynn
Napolitano	Scott (VA)	Young (AK)
Neal (MA)	Serrano	Young (FL)

□ 1618

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 857 AND H.R. 1078

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 857 and H.R. 1078.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

RECOGNIZING 35TH ANNIVERSARY OF APOLLO 11 LUNAR LANDING

Mr. HALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 723) recognizing the 35th anniversary of the *Apollo 11* lunar landing, and for other purposes.

The Clerk read as follows:

H. RES. 723

Whereas President John F. Kennedy set a goal of landing Americans on the moon and returning them safely to Earth;

Whereas the National Aeronautics and Space Administration (NASA) created the Apollo space program to fulfill the goal set by President Kennedy;

Whereas on July 16, 1969, the Apollo 11 mission launched into space to attempt the first manned lunar landing;

Whereas on July 20, 1969, at 10:56 p.m. eastern daylight time, astronaut Neil A. Armstrong ushered in a new era in space exploration when he stepped onto the lunar surface and declared, "That's one small step for man, one giant leap for mankind.";

Whereas Neil Armstrong, the mission commander, and fellow astronauts Michael Collins, the command module pilot, and Edwin E. "Buzz" Aldrin, Jr., the lunar module pilot, exemplified bravery and determination in successfully completing the mission;

Whereas the Apollo 11 mission demonstrated the technological abilities of the United States and established the United States as a leader in space exploration;

Whereas the Apollo 11 mission inspired further exploration of the universe and led to more than three decades of continued voyage and discovery; and

Whereas the Apollo 11 mission continues to inspire exploration as NASA envisions returning to the moon and eventually landing a person on Mars: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 35th anniversary of the Apollo 11 lunar landing;

(2) commends the astronauts and other men and women of the National Aeronautics and Space Administration (NASA) whose efforts assured the success of the Apollo 11 mission; and

(3) supports the continued leadership of the United States in the exploration of space.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HALL) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. HALL).

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

Mr. Speaker, on this day 35 years ago, two Americans stepped onto the surface of the Moon and ushered in a new era in space exploration. The astronauts of *Apollo 11*, Neil Armstrong, Buzz Aldrin, and Michael Collins, not only made history, they also fulfilled an American dream. Their successful Moon landing was the culmination of years of preparation by hundreds of thousands of people in government, in industry, and universities. And they became heroes to all Americans in the process.

In 1961, President John F. Kennedy laid out a goal of landing an American on the Moon and returning him safely to Earth. On July 16, 1969, NASA launched the *Apollo 11* spacecraft into orbit to fulfill this quest. The successful mission demonstrated the United States' technological and economic power, and it established our Nation as the leader in space exploration from that moment to the present.

During their walk on the Moon, Neil Armstrong and Buzz Aldrin took pictures, planted an American flag, and gathered rocks, tangible items to take back to Earth for posterity. They also gave the world a sense of wonder and awe and an enthusiasm about future space travel. Astronaut Neil Armstrong's first step on the lunar surface was indeed a "giant leap for mankind," but it was also a first step toward a new era of discovery and innovation.

The next three decades witnessed enormous strides in space exploration and research. Experiments conducted on the Space Shuttle and International Space Station expanded health research into our most threatening diseases. Microgravity experiments helped scientists fight infections, produce medicines to treat patients who have suffered from strokes, and combat osteoporosis. From the development of MRI technology to microchips, the scientific partnerships between NASA and American universities and companies continue to ensure our Nation's viability, increase our Nation's competitiveness, and help drive our economy.

As Buzz Aldrin said before Congress, the footprints on the Moon "belong to the American people, and since we came in peace for all mankind, those footprints belong also to all people of the world." Michael Collins told Congress, "Man has always gone where he has been able to go. It is that simple. He will continue pushing back his frontier, no matter how far it may carry

NAYS—54

Bartlett (MD)	Goodlatte	Norwood
Berry	Goss	Otter
Biggert	Graves	Paul
Boehler	Gutknecht	Peterson (MN)
Boswell	Hayworth	Petri
Coble	Hefley	Rahall
Cubin	Hensarling	Ramstad
Davis, Jo Ann	Herger	Royce
Deal (GA)	Hostettler	Sensenbrenner
Deutsch	Jones (NC)	Simmons
Duncan	King (IA)	Smith (MI)
Etheridge	Manzullo	Stearns
Evans	McDermott	Stenholm
Everett	McHugh	Taylor (MS)
Flake	Michaud	Taylor (NC)
Fossella	Miller (FL)	Tierney
Franks (AZ)	Miller, George	Toomey
Goode	Neugebauer	Wexler

NOT VOTING—8

Carson (IN)	Ferguson	Matheson
Collins	Isakson	Quinn
Dunn	Majette	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.