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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. LATOURETTE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 9, 1997.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Whatever our need, O God, whatever our concern, whatever our hopes and dreams, we pray this day that You would breathe into us the spirit of understanding and peace. Pervade our hearts with Your spirit of goodness and mercy and cause us to hear Your still small voice, calling us to repentance for when we have missed the mark and endowing us with all the wonderful gifts of life. As we look to this new day of grace, give our minds a vision of justice, give our hands opportunities to do good work, and give our hearts a full measure of Your abiding love. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will postpone 1 minute recognition until the end of the business day.

PROVIDING FOR CONSIDERATION OF H.R. 2607, DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 264 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 264

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2607) 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, 1998, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. No further amendment shall be in order except those printed in part 2 of the report of the Committee on Rules. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee

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shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Dallas, TX [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. DREIER. Mr. Speaker, this is a modified closed rule providing for consideration of H.R. 2607, the District of Columbia appropriations bill for fiscal year 1998. The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations, waives all points of order against consideration of the bill, and provides that the amendment printed in part 1 of the Committee on Rules report shall be considered as adopted.

The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 and clause 6 of rule XXI regarding unauthorized appropriations, legislative provisions, and reappropriations in appropriations bills.

The rule provides for consideration of only those amendments printed in part 2 of the Committee on Rules report, by the Member designated, shall be considered as read, shall be debatable for the time specified, shall not be subject to amendment except as specified in the report, and shall not be subject to a division of the question. All points of order against the amendments are waived.

The rule also grants the authority to the chairman of the Committee of the Whole to postpone recorded votes on amendments and to reduce the voting time on amendments to 5 minutes provided that the first vote in a series is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, earlier this year the Congress passed the National Capital Revitalization Act which transferred certain State functions to the Federal Government and eliminated the traditional Federal payment. The committee's bill reflects those actions, providing for a total of $828 million in Federal funds, including funds to provide pay raises to police officers, firefighters, and teachers.

Mr. Speaker, of all the troubles and problems facing our Nation's Capital, I believe the most sad and distressing is in the school system. The district's children, especially those at the lower end of the economic spectrum, are having their futures stolen from them by a failed education system that eats up over half a billion dollars and spends more per student than schools offering a far better education. In the D.C. school system, money is not the problem.

Education is first, last and always, Mr. Speaker, about children. Children are the future of the Nation. That is why we must do whatever it takes to improve the education system here. While I believe that parents and local communities can best solve our education problems, this is our Nation's Capital. This Congress has the obligation to step in and do what is right.

Every child in America has the right to a safe, drug-free environment in which to learn. That is all too often an unrealized dream for children in this city. We must put parents at the head of the line when it comes to making decisions about education, not government bureaucrats or union bosses. Most important, every child, regardless of income, should receive a quality education. Not one should be left behind because of where she or he lives or because her parents' financial situation is not that strong.

Mr. Speaker, this bill is first and foremost prochild because it supports education. Opposition to the education section of this bill cannot be about money. The committee bill spends more on the D.C. public school system than actually was requested by the city. Instead, the opposition to the parental choice provisions in the bill are driven by politics and ideology.

It is sad that there are special interests that will do anything to block parental choice. Where we should expect overwhelming support for bold experiments to empower parents to give their children the best education possible, we get extremism in defense of a failed bureaucracy. Well, I believe that we owe it to children starting in this city to give them a better opportunity for a brighter future.

Mr. Speaker, I urge Members on both sides of the aisle to look beyond the blinders of special interest ideology and support both the rule and the committee bill.

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

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

Mr. Speaker, this rule gives the Members of this House an opportunity to do the right thing for the residents of the District of Columbia. The rule provides Members the opportunity to vote for a fair deal for the District and its citizens and to reject the unfair bill reported from the committee. The Moran substitute deserves the support of the House, and because the majority has made this substitute in order, I will support the rule. But Mr. Speaker, I cannot support the bill unless it is amended by the Moran substitute.

Because of the deplorable financial condition this city was in 2 years ago, the Congress and the President have sought through tough measures to bring about drastic change. But in doing so, I fear that the residents of the District of Columbia have been denied democratic representation. The Mayor, the council, and the school board have been effectively removed as voices in or for the city. I am not a defender of the old order, but at the same time I cannot support what the Republican majority has proposed as a remedy.

Mr. Speaker, if the Republican majority wants to revoke home rule for the District, then the Republican majority ought to deal straight with the residents of this city instead of micromanaging every aspect of the city's government. Using the city as a Petri dish for experimentation in Republican social engineering is unacceptable. I urge every Member to reject the committee bill and support the Moran substitute.

There are many reasons why Members should oppose the committee bill, not the least of which is inclusion of $7 million for a school voucher program. The state of affairs in the schools of this city is sorry. We have all read the papers and know what is going on. But, Mr. Speaker, taking $7 million away from the public schools to provide scholarships for poor students to attend parochial and private schools will not repair the roofs and buy the books for the hundreds of students who will be left in the classrooms of the public schools.

Mr. Speaker, if the Republican majority is determined to implement school vouchers as an educational alternative to public schools in this country, I call upon them and the supporters of vouchers to bring out a bill and let us debate it fair and square. Do not use the kids in the District to further their social agenda and provide them with photo ops.

This bill seeks to completely revamp the medical malpractice system in the District of Columbia and to cap damages for injury at $250,000. Mr. Speaker, the medical malpractice system in the District is not in any way related to providing the funding for the operations of the government and services of this city in fiscal year 1998. How the Republican majority thinks the inclusion of this 16-page title will make this government work more effectively for the benefit of the citizens of this city is beyond my understanding. This provision is clearly irrelevant to the appropriations process and deserves to be stricken from the bill. However, I should point out to my colleagues that the only opportunity Members will have to strike this provision is by voting for the Moran substitute.

Mr. Speaker, this rule also makes in order an important amendment which will be offered by the gentleman from Minnesota [Mr. SABO]. The Republican majority has included in the bill a provision which waives the Davis-Bacon

prevailing wage standards for school construction projects. The Sabo amendment seeks to strike that provision and deserves the support of the House.

Mr. Speaker, this is a bad bill which, if the House supports the Moran substitute and the Sabo amendment, can be made acceptable. The people of the District do not deserve the bill reported by the Committee on Appropriations. They want their city to work for the benefit of its residents and the many millions of visitors it receives each year. I think the Congress should help the city recover, not use it to further the Republican social agenda.

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

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM], my very good friend and fellow Californian.

□ 0945

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of the D.C. appropriations bill, and first of all I would like to commend the chairman, the gentleman from North Carolina [Mr. TAYLOR]. The gentleman underwent a stroke, and he fought through a very difficult situation, and he is back to 100 percent now, but during that time he persevered.

I would like to go through a couple of things. My colleague on the other side said this is a bad bill. The reason that the Democrats do not like this bill is because it is the unions that support their particular issues. The unions, with the voucher system, and the unions with Davis-Bacon, both hurt, and both are opposed by the National School Board Association and the majority of the residents in every category.

Now, the District of Columbia only has about 14 percent Republicans, yet over 60 percent of the parents with school age children in the District support removing Davis-Bacon, which inflates the cost of construction between 20 and 30 percent. Now, if they really care about children, like the other side purports all the time, they will do this for the children, waive Davis-Bacon, because it saves over 20 percent.

The average age of a school in Washington, DC is 86 years. They had trouble even getting the roofs repaired so that the children could go to school this year. There are safety hazards. We need the dollars to be infused after generations of neglect in the D.C. school system. That is why the residents of Washington, DC, want to waive the Davis-Bacon Act.

The bill gives D.C. schools the authority to waive the act. It does not do anything with Davis-Bacon. It just gives Washington the right to waive the act themselves. Congress does not do that. But it reduces the inflationary cost if they do that and they have chosen that exact thing. The National School Boards Association supports this provision.

The study by Dr. Thiebolt found that States with Davis-Bacon laws pay 13 percent more for their classrooms than the 20 States without them. Yet I say to my colleague that just spoke, who is working with the DNC, the unions have, time after time, and time again, infused illegal money into the campaigns of Democrats. That is under investigation right now. Of course, they do not want this. This is their power base, both in construction and with the teachers unions. They do not want it.

My wife is an elementary school principal with a doctorate degree. The last thing we want to do is hurt public education, but this program is needed. Of the over 20 Members of Congress that live in the D.C. area, not a single one have their students in public schools. They put them in private schools. Why? There are good teachers in Washington, DC, and there are some good schoolhouses as well, but the great majority are failing and the teachers are not credentialed. I would not put my children here. I do not think many of my colleagues would either.

All we are asking for is an opportunity for these parents to have their children go into a school that is free of drugs, that is free of crime, where they have a shot at the 21st century. That is not the case now, Mr. Speaker. That is why the gentleman from North Carolina, in this bill, has done everything he can to help the schools.

Now, if the other side really wants to help the children instead of their union bosses and support the DNC and their fundraising, then they will support this. They say this is a terrible bill. What they mean to say is it is terrible against the unions, their big supporters.

I would say that time and time again we have our groups that are like a domino effect. We feel that if something passes, that it will domino the rest of the issues that we support. And I am sure that that is what it is with the unions and Davis-Bacon, but this is an emergency situation, Mr. Speaker, an emergency situation with schoolhouses that are over 86 years old.

The schoolchildren have almost zero chance at the American dream. This is a chance where we can help them instead of helping the unions for once. And, again, it does not waive Davis-Bacon, it just gives the city the right to waive it because it saves between 20 and 30 percent in construction costs. That is not asking too much, I do not think. Yet that is why my colleague says this is a terrible bill.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

The gentleman on the other side seems to be a little confused, and I can understand that because it is difficult to follow all these things, but I am not affiliated with the DNC. I am chairman of the Democratic Congressional Campaign Committee.

Also, I would point out to my friend on the other side that there has been one conviction of a sitting Member of Congress during this session for campaign violations. It was a Republican Member, who pleaded guilty to accepting over $200,000 in illegal corporate contributions.

Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, today we will have before us an appropriation bill that is at odds with our core beliefs. It takes the tough, fiscally responsible work of a district that is not our own, presided over by a no-nonsense control board, and tears it up.

No amount of rhetoric about the constitutional obligation to run, or is it run over, the Nation's capital will work this time, not when the control board and the city have submitted a budget that uses almost all its small surplus for deficit reduction. No righteous rhetoric will explain some 60 instances of legislating on an appropriation in fine detail, some of it quickly altered to appropriation language, but just as devastating to the work of the control board and the city.

No amount of crocodile tears for the District's children, from Members with a long history of not supporting these children or District bills for these children will make credible the ideological baggage, especially vouchers, they have stuffed into this bill.

Here are five questions we should ask ourselves as we hear today's debate.

One. Ask yourselves: ''If my District had voted 89 percent against vouchers in a referendum, would I then vote for vouchers on the basis of manipulative polls that ask poor people and ministers not whether they desire vouchers for public money but whether they would like some free money for scholarships.'' It is a scam on poor people and I resent it.

If my colleagues are from one of the many States that have turned down vouchers, they must vote for the substitute. They should know who they are: New York, Michigan, Nebraska, Oregon, Idaho, Maryland, Washington State, Missouri, Alaska, California, Massachusetts, Utah, Colorado.

The so-called free ''scholarships'' or vouchers come from the District's own meager surplus funds. The District's public schools desperately need every cent of public money. Every child in the District could have a place in an after school program with the $7 million that would go to private and religious schools in the District, Maryland, and Virginia. Think of what that money would do for our kids' education and for elimination of juvenile crime in this city.

Two. Will it help or hurt the District if we prevent a contract for a state-of-the-art financial management system to be awarded on a competitive basis after years of delay?

Should the Congress override all of the experts who advise that the upgrade of the present nonfunctional system is unworkable and wasteful? Is

this body prepared to take responsibility for the serious delay in the congressionally mandated management and financial reforms that will result from preventing the contract?

Three. Should Congress cancel a contract for the annual audit now in progress that was won through a competitive bid about which no question whatsoever has been raised?

Four. Will it help or hurt the District's fragile recovery to cancel the city's authority to eliminate its accumulated deficit using exactly the same approach that was necessary to bring New York and Philadelphia out of insolvency? Why would we want to retract this authority when we just gave it to the control board in the Balanced Budget Act?

Five. Does Congress want to keep the control board from using self-generated interest to do studies, such as those that are the basis for wholesale reform of the police department and the school system now in progress?

I believe my colleagues will be puzzled by these provisions. They reveal only the tip of a volcano of an appropriation that is dangerously capricious.

I do not believe that a substitute for an entire appropriation bill has ever been offered in 23 years of home rule. When the substitute is copied from the fiscally conservative bill of a conservative North Carolina Senator that even has my support, Members perhaps get a sense of how radically damaging to my constituents, how arbitrary the bill before us is.

I ask my colleagues to reject this bill and to vote for the rule so we can vote for the Moran substitute that rejects this bill.

Mr. DREIER. Mr. Speaker, I yield myself 1½ minutes to respond to my friend, and let me say that I have the highest regard for the gentlewoman from the District of Columbia. She and I have worked together on a wide range of issues.

I do not seek to stand here and speak as the greatest authority on the District of Columbia. I do happen to reside here when I am in Washington, DC. But I think that it is important for us to look at a couple of facts.

First of all, District voters have never actually voted on a voucher or scholarship referendum. In 1981, which is over a decade and a half ago, voters rejected a referendum that would have permitted tax credits for educational expenses, but this is not actually a tax credit, because a tax credit would primarily help those who pay taxes and are generally not poor. In contrast, the scholarship legislation is targeted at children from low-income families.

In addition, I think it is important for us to recognize that an awful lot has changed since 1981, including public opinion on a wide range of issues. Polls show that parental choice enjoys strong support in the District of Columbia, especially among African-Americans. There was a recent poll that was conducted of District residents showing that 44 percent favor scholarships while only 31 percent oppose them, and among African-Americans support outweighs opposition by a margin of 48 to 29.

A poll conducted by the Joint Center for Political and Economic Studies, an African-American think tank that opposes school choice, found that 57 percent of African-Americans actually support parental choice.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, in the last session of Congress our friends on the Republican side of the aisle made clear that they were willing to shut down all of Government in order to get what they wanted on certain ideological issues. This year it appears that they have more modest goals and are simply talking about shutting down or severely crippling only portions of Government if they do not get their way.

For instance, many of them would like to hold hostage the Labor, Health, and Education appropriation bill unless they get their way on school testing. A number of them have said publicly they are willing to shut down the foreign operations appropriation bill unless they get their way on Mexico City policy and abortion. A number of others have indicated they would just as soon shut down the Interior appropriation bill unless they get their way so they can continue to see Yellowstone polluted and continue to see redwoods cut in California. And now we see that a significant number indicate to the press that they are willing to hold hostage the District of Columbia bill for the next year unless they get their way on vouchers.

□ 1000

I would simply suggest that the time for that is past. We are now 1 week into the new fiscal year. We ought to be resolving differences, not continuing to exacerbate them. That is why I support this rule, because it gives us an opportunity to deal with this bill in the fastest way possible.

I would hope that after the rule passes, that we pass the Moran amendment, which corrects a wide variety of gross overreaches by this Congress.

The Moran amendment would, essentially, simply have the House adopt the House version of the D.C. appropriations bill, which is brought to the House by Senator FAIRCLOTH. He is not, as my colleagues know, exactly a left wing liberal. I think conservatives are safe with him. And it just seems to me that that is the best way to approach this issue if we want to do our duty by the District and if we want to get all of our business done across the board.

I would invite my colleagues' attention to the Washington Post editorial this morning, which says as follows:

> The House of Representatives should not dishonor itself today by adopting the long list of wide-ranging riders tacked onto the D.C. appropriations bill by the subcommittee.

I agree with that editorial. I think that the proper course is to support this rule and then to support the Moran amendment so that we can overcome Congress's efforts to try to use Washington, DC, as a social experiment for pet ideas of right wing think tanks around the country.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, besides thanking the chairman, the gentleman from North Carolina [Mr. TAYLOR], there is another gentleman that should be thanked, and that is General Becton. General Becton has taken on an enormous job in saving the schools in Washington, DC. He did so where he came before.

But I would say that, speaking to the bill itself, who supports removing Davis-Bacon? Sixty-five percent support allowing D.C. officials to repair the D.C. schools without mandating higher Federal wages, 53 percent of union households support it, 60 percent of the Democrats in the District agree, 68 percent agree it is more important to remove Davis-Bacon, and 56 percent give D.C. schools a D or an F. It is time, and it is an emergency.

Here is what ''20/20'' said: ''That's the argument: We need Davis-Bacon to guarantee good wages to make sure Government buildings are well-built. Sounds logical, 'til you realize that most buildings in America are not Government-built buildings. In fact, three-fourths of construction is private work. Are these buildings lower quality than Government buildings? Of course not. They may be better built. In most American life, we do quite well without Government setting wages and prices.'' That is John Stossel and ''20/20.''

We would also say that, who supports it? The National School Board Association, for vouchers and for both removing Davis-Bacon, the U.S. Chamber of Commerce, the Associated Builders and Contractors.

D.C. Board chairman Dr. Andrew Brimmer told the Committee on Education and the Workforce that, ''Waiving the Davis-Bacon Act would be helpful in our ability to attract donated services.'' And 65 percent of D.C. residents support this provision.

Florida eliminated its State Davis-Bacon law in 1974 for schools. They saved 15 percent. Kentucky, likewise, they reinstated it and increased their construction cost by $35 million. Ohio is saving millions.

We ask for the support of the opportunity scholarships and removal of Davis-Bacon and support the rule.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding me the time.

I rise in support of this rule. The Committee on Rules yesterday considered a number of amendments to the District of Columbia Appropriations

Act. There was an amendment offered by the gentleman from California [Mr. DIXON], who had been the chair of this D.C. Appropriations Act that would have struck the vouchers provision. He made an eloquent argument in the full Committee on Appropriations against that provision.

There was an amendment offered by the gentleman from California [Mr. HORN] that limited the application of the bill's voucher provision to only schools located within the District of Columbia.

There was an amendment offered by the gentlewoman from Florida [Mrs. MEEK] to correct the provisions that condition funding for the University of the District of Columbia School of Law. And they are receiving accreditation next year by the American Bar Association.

There was an amendment offered by the gentleman from Maryland [Mr. HOYER] to strike the provisions in the bill that reopen Pennsylvania Avenue. There was an amendment that I sought to offer that would have struck a number of provisions through which the Committee on Appropriations was attempting to micromanage the District of Columbia government, and particularly micromanaging its financial management system, which is essential to getting the D.C. government back on its feet. But none of these amendments were made in order.

Yet, this is a fair rule because it has made in order a substitute amendment that we will offer. This substitute amendment will strike all of the provisions included in the House version of the D.C. Appropriations Act except the provisions that grant a pay raise to public safety employees.

In its place, my amendment will substitute the version of the D.C. Appropriations Act that was drafted by the, may I say, conservative Republican Senator from North Carolina, and it was approved by a nearly unanimous Senate Committee on Appropriations and passed out of the other body last night.

That is what we want to do. It incorporates the consensus budget from the Control Board, the Mayor, D.C. City Council. We think that is the way to go. It leaves these kinds of legislative decisions to the legislative committee. This is a fair rule because this substitute amendment incorporates all the amendments that Democrats and Republicans sought to offer in the Committee on Rules.

The substitute will strike provisions in the bill that give a sole-source contract for the District's financial management system to a vendor that has not even bid for it. The vendor does not want it, and yet it would insist that they take it and take it away from a vendor that, in fact, was approved and has the capability and qualifications to carry out the financial management system that the city desperately needs.

It will strike the provisions of the bill that prohibit private companies from operating helicopter tours over the Nation's Capitol. Maybe this is a good idea, but it is not up to us to make those kinds of decisions.

It will ensure that no vouchers are made for the schools outside of the District of Columbia. In fact, it will ensure that no voucher provision is enacted, because this is a poison pill, it is a killer amendment. If it is included, the bill will be vetoed.

My substitute amendment will ensure that the budget submitted by the District's governing bodies, the governing bodies that Congress set up in terms of the Financial Control Board, a budget that is balanced 1 year earlier than required, just exactly what we asked them to do, a budget that reduces the District's operating deficit by two-thirds, and it cuts spending from last year.

That bill deserves to be signed into law. If this substitute amendment is approved, that bill will be signed into law. This is a modified closed rule that does limit debate and it limits our freedom to offer amendments, yet it is a fair rule. It allows Members to make a fundamental choice as to whether they are going to allow the District's government and the congressionally created budget process to work or whether they are going to continue to try to micromanage the District of Columbia and make this, the smallest of the 13 appropriations bills, one of the most controversial and contentious.

I support the rule, and I support the substitute that I will be offering pursuant to it. I hope every Member will join me in supporting this rule and in supporting my substitute amendment and, in fact, reaffirming the very concept that the other side has been urging, devolution: Give power back to the people at the local level. Let them make the decisions that they are entitled to make under a democratic process. I urge my colleagues very strongly not only to support this rule, but to support the amendment.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Virginia [Mr. MORAN] also for his very strong support of this bipartisan rule, which I am happy to say that we have been able to work out.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. DAVIS], chairman of the District of Columbia Subcommittee on Government Reform and Oversight and my very dear friend.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time.

Mr. Speaker, I rise in support of the rule as well. It is not perfect, but with a bill like this within so many different agendas, it is difficult to frame them.

I am in a bit of a bind because, on the one hand, I certainly have supported the scholarship program, support and spoke for it the last time, support the Davis-Bacon repeal, and yet there are other pieces of this bill that I find really contrary to what we have been trying to do at our committee level. But we will sort this out as it moves, and there are a number of amendments that we will have a chance to address.

I think the legislative process, though, has to move along. It has many steps along the way, and at each one of these steps changes can be made. But if he were to terminate this process, defeat this rule, defeat this bill in whatever form today, and send it back, we are playing a very dangerous game.

Brinkmanship like this in the past has resulted in the Government closing down, the District of Columbia government closing down, through no fault of their own, because of Congress' inability to act. It is unnecessary, because instead of playing beat-the-clock, with one continuing resolution after another, it is far more prudent to move the process along after making whatever changes are possible at this time.

With the District of Columbia appropriations bill, there are other reasons as well for advancing to the next stage of the legislative process. We all know the D.C. Revitalization Act, which passed the Congress as part of the Balanced Budget Act of 1997. Medicaid changes and tax incentives were included as well in that enactment and in the equally historic Tax Reform Act of 1997.

To have enacted such significant reforms, and these were the most significant reforms enacted in the District of Columbia in the last 25 years, and to see them signed by the President is a legislative accomplishment we can all take pride in helping to achieve.

With patience and perseverance, the reforms that we have enacted for the District of Columbia have begun to have their intended effect. In fact, the President's proposals, which we used as the starting point for our Revitalization Act, were made possible by the previous effective measures which Congress had taken in establishing the District of Columbia Control Board.

We now have a rare opportunity, sanctioned by both Congress and the White House, to restructure and improve the complex relationship between the Federal Government and the Nation's Capital. But time is of the essence, and we are at a moment of truth.

Many of the issues addressed in the D.C. Revitalization Act are particularly urgent and time sensitive. To take just one example, a trustee must be up and running to help establish reforms in the District's prison system. Just last week, the court-appointed monitor said of the medium-security security facility at Lorton, ''It has deteriorated to a level of depravity that is unparalleled in its troubled history.''

Many of the changes this Congress enacted for the Nation's Capital simply cannot be implemented within the limited framework of a continuing resolution. They can only be achieved within the framework of a duly enacted budget.

I must respectfully remind my colleagues that we are talking about an

actual living and breathing city. It is tragic enough when Congress reaches an impasse in consideration of a budget for one of our executive departments, but if we are unable to enact a budget for the Nation's Capital, that real city which exists just beyond the monuments is placed at a grave risk of immediate harm. And when you consider most of the District's budget consists of self-generated funds, it makes the spectacle of congressional delay even more difficult to explain.

Some of us have differences with various sections of the bill before us. Many have reservations which I share. But I appeal to all of my colleagues, as chairman of the authorizing subcommittee for the District, to join me in voting for this bill in its final form, whatever it may take today, letting it pass to the next phase of the legislative process. There really is no alternative to that.

If I can take another minute to talk about the procurement in terms of the management reforms and the District's financial management system, there has been a duly authorized procurement. It has been competed widely and openly. It was won fairly. Most of the work is under a fixed-cost arrangement. A very small portion of the work is under an hourly billing arrangement. But the total hours are capped.

A company previously in a previous version, I think we will be taking care of the manager's version today, that was going to be earmarked, is not interested in the business and does not want the business. I think the manager's amendment on this is absolutely essential if we are to move ahead.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding me this time.

Mr. Speaker, I stand to support the rule. And, hopefully, the Moran amendment will be passed following this rule.

This rule has several things in it with which I do not agree. But it has a lot of good things in it, this particular rule does. With the Moran amendment passing, it certainly will clear up, in my mind and for the people I represent, the District of Columbia's dilemma. But I cannot take my seat unless I say a word or two about this process, which at many times is not a good one.

I had an amendment before the Committee on Rules yesterday concerning the University of the District of Columbia's Law School. I was given permission to bring that rule to the floor. I was given permission to have 10 minutes for debate. And through some kind of chicanery, it did not reach here this morning.

I want this Congress to understand that I shoot from the hip and will always shoot from the hip, I deal straightforward, and some of the kinds of intramural kinds of gymnastics I see here I do not appreciate.

□ 1015

But I can say to my colleagues that I hope that this rule will pass and that the Moran amendment will follow, in spite of some of the arcane kinds of methodologies that some of my colleagues use to fight what they do not want to see. Now, that applies to both parties, both Democrat and Republican. Do not try that with CARRIE MEEK.

Mr. DREIER. Mr. Speaker, I yield 3½ minutes to my very good friend, the gentleman from Kansas [Mr. TIAHRT], a hard-working member of the Subcommittee on the District of Columbia of the Committee on Appropriations.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California and a former Kansas native. We miss the gentleman up there in the State of Kansas, by the way.

Mr. Speaker, I think this is a very fair rule. It does limit the number of amendments, but we do have, I think, an opportunity to deal with the issues that are contentious in this legislation.

Frankly, the District of Columbia is in need of some change. If we look at the bureaucracy, it seems very heavy. It is laden with inefficiency. If we look at some of the political motivations that have been behind the programs that have been experimented with, they seem to be liberal to most of America.

One of the problems that is very common here is the welfare benefits inside the District of Columbia are much higher than any welfare benefits in the surrounding area. There needs to be some adjustment down.

In the area of safety, many of the people feel unsafe in Washington, D.C. It has often been referred to as the murder capital of America, rather than the Capital of the United States, and that is sad. So we do need to have some changes to the police. We found out recently that 90 percent of the arrests are made by 10 percent of the police force. So there need to be some changes in the police department, some incentives for them to be on the street, in the communities, in the neighborhoods. This incentive is in the D.C. appropriations bill.

We also have a way of dealing with the degenerating schools in the District of Columbia by allowing a limited voucher program to take the most difficult situations in education, the children that are having the least hope, that are getting the worst grades, and in a poverty level, and allow them the opportunity with this voucher to have the same ability to go to a private school like the Vice President and the President have. They can take these vouchers and try to increase their ability to compete in the employment market in the future. So it deals with education.

This bill also deals with abortion. A majority of Americans do not want to have their tax dollars coming to Washington, D.C. to fund someone else's abortion. The bill that we have here will prohibit that. It will also prohibit funding of domestic relationships.

There are a myriad of other changes that are necessary, I believe, for us to attempt for the District of Columbia to try to move this into the shining city that we would like to see sitting here on the Hill.

I think what we have is an opportunity for the proponents of these new ideas to come up and defend the status quo, to strike down these new ideas. Through an amendment, they could repeal a lot of initiatives that we have to change the way life is going here in the District of Columbia, to try to reclaim areas of this city, to try to make tax incentives to bring businesses and new people into the area.

So I would urge my colleagues to support the rule and support the D.C. appropriations bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, if I could quote from today's Washington Post editorial: This bill shows the House at its worst. The bill has been loaded down with heavy ideological and political baggage that ultimately may doom the city's $4.2 billion budget if it reaches the White House. There is a good chance that the school voucher add-on to the appropriations bill will invite a Presidential veto. The House of Representatives need not do this to the Nation's Capital or to itself.

Mr. Speaker, Democrats have made education a top priority this Congress, and our emphasis has been on improving public schools, including raising educational standards and addressing infrastructure needs. My concern is that the Republican leadership, after trying to make the deepest education cuts in history last year, are now emphasizing vouchers to pay for private schools as a way to reform our education system.

In my opinion, vouchers will not help public schools; just the opposite. They will drain away resources that could be used to improve public school standards and rebuild crumbling or overcrowded schools.

The Republican leadership's latest experiment with vouchers will be considered today as part of this bill. As much as $45 million in Federal funds will be made available for pay for private education for only 3 percent of the District of Columbia students. This GOP voucher plan provides a select few D.C. public school students, about 2,000, with vouchers, while providing no answers for the 76,000 students left behind in the D.C. public schools. The D.C. public schools, like all of America's schools, need to be improved, not abandoned. The GOP voucher plan is nothing but a strategy of failure, of giving up on the Nation's public schools here and throughout this Nation.

Mr. Speaker, I would urge my colleagues to oppose this bill and support the Moran substitute. Let us take out

the voucher program and all of the other ideological and political baggage that hurts the District of Columbia and will delay passage of this appropriation bill that is so vital to the city of Washington's future.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise to oppose this bill. The headline in the Washington Post editorial page this morning reads, and I quote: ''The House at Its Worst on D.C.'' ''Republican and Democratic Members ought to be embarrassed even to consider such a small-minded measure on the House floor.''

It certainly is the truth. For after proposing the biggest cuts in education in this Nation's history, after attempting to shut down the Department of Education, the Republican majority is now trying to end public education in this country.

Education is the single-most important issue that faces us today. It is education that opens the doors for opportunity in our society. It is education that levels the playing field, provides every single American child with the opportunity to make the most of his or her God-given talents. Mr. Speaker, 89 percent of American students attend public schools, and our schools need fixing. They have serious problems, and we all know that.

But the Republican voucher plan, an experimental plan, would do nothing to improve the D.C. schools. It would drain precious taxpayer funds from these schools and put money into private schools, money that could be used to repair leaky roofs, buy new computers and books.

We need to spend our time focused on improving public schools for all of our children, not providing an out for a select few which will further degrade educational equality for those who remain in the system. Mr. Speaker, 2,000 kids. What about the 76,000 other children?

Proponents of vouchers argue that they will enable poor families to have the same choice of school as wealthy ones. This is a false promise. Not only do vouchers weaken the public schools by siphoning off funds, they typically do not even cover the high cost of tuition at private schools.

Example: The bill would provide a D.C. student with $3,200 toward tuition at a private school, yet this does not come close to paying for tuition at the District's most prestigious schools, Georgetown Day School, Sidwell Friends cost $11,000. Vouchers will not solve the problems in our public schools; they will create new ones.

Speaker GINGRICH wants to test this program on children who live here in the Nation's Capital. It is an experiment, an experiment that they want to try to foist on this entire country. I have a message for the Speaker. Our children are not guinea pigs and the American public understands that. They do not want to see taxpayer dollars put into private education, and that is a poll number by 54 to 39 percent. The American public says no to taking taxpayers' dollars and putting them into private education. Democrats are not going to allow the experiment to go forward; neither will be American public.

I urge my colleagues to vote against this bill. Let us work to find ways in which we can rebuild America's schools, not to destroy them.

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

My very good friend from Connecticut just quoted the town crier of liberalism, the Washington Post, and I would like to actually share a little bit of a Post editorial that was carried about 10 days ago in which they said:

> A modest voucher experiment might help energize the public schools. It won't replace them. People who think of vouchers as a way somehow of evading the responsibility for public education are blowing smoke. And such a program, we believe, will not do harm to the system or by implication suggest that it is a permanent loser. As we say, the schools in this city do not present one solid, bleak picture such as the political critics somehow paint. The point, the hope, would be that such an experiment could be one small part of the effort being undertaken with vigor and optimism by the new school team to bring the District system to a higher, more even standard of achievement, one that reflects the quality of our best schools, which are the models.

Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentlewoman from Connecticut [Ms. DELAURO], states her own opinion as fact, and I would say that the gentlewoman is factually challenged in the fact that it does not go just to private schools, the opportunity scholarship. If a parent in the D.C. school system finds that there is an unsafe school where it does not offer a fair education, then that parent, like anyone that would want their child to get a good education.

Second, the gentlewoman says Republicans cut education. Mr. Speaker, $10 billion we saved. We cut the President's direct lending program out of bureaucracy, $10 billion, because it inflated $5 billion capped at 10 percent, but yet we increase scholarships by 50 percent, we put money into the IDEA program for special education, we increased the Pell grant to the highest level ever, we increased Eisenhower grants for teacher training. What we cut is the liberals' precious bureaucracy. That is the same thing that they are trying to do here, is fight for the unions. We are trying to fight for the children.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding.

I have been listening to the debate on TV and I was reminded that H.I. Hayakawa is no longer in the Chamber, but seemed to be in language and thought and action, all the snarl and pearl words that were being thrown back and forth here.

I noticed with interest my friend from California cited the Washington Post about this great experiment. What the Washington Post says and fails to say is that if 2,000 children get vouchers, what happens to the other 76,000?

There is no doubt that there are good public education schools. There is no doubt that there are good schools in our country, and in fact, we are going to talk about some that are good in Washington, DC. And there is no doubt that there are private schools in this country and in Washington DC, that are good. But the issue is, What happens to these kids that are left behind?

Mr. Speaker, 2,000 out of 76,000 is a noble experiment, but what does it prove? We already know that there are problems in public education. We already know that there are some success stories both in the private and public sector.

I would note to my friend from California [Mr. DREIER], that he cited a poll. That poll, he said, said that 60 percent of the people here in the District supported the voucher system. That is not correct. It is a joint center poll. I think the figure is 57.8 percent. However, it is a sampling of 800 and some odd people.

Now, we have had a great debate on this floor about sampling, and the gentleman from California now has extracted that for all of the people in the District. So what is good for the goose is good for the gander.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

□ 1030

Ms. DELAURO. Mr. Speaker, my colleague who pointed out that I was factually incorrect in fact is factually incorrect. I would like to make a clarification with regard to the bill.

It says directly in the bill with regard to the District that tuition scholarships may be used at private schools in the District. It is right here in the language of the bill.

Mr. CUNNINGHAM. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from California.

Mr. CUNNINGHAM. I did not say it was not used, I said it was not restricted to private use; that you can choose to go to another public school if you desire.

Ms. DELAURO. It says private schools in the District. The gentleman is incorrect.

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

Mr. Speaker, I would respond to my good friend, the gentleman from Los Angeles, who I should say has spent a good deal of time working on behalf of

the issues of concern here in the District of Columbia.

I would simply point to the fact that under our proposal that exists here, the amount spent for public schools is literally twice that that would be expended under the voucher program. In fact, for those 76,000 students, we propose spending $570 million, which is twice as much per student than those who would actually receive the parental choice scholarships.

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

Mr. DREIER. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, I say to the gentleman from California [Mr. DREIER], my point is, what is this all about? Let us concede that 2,000 children will get a better education. I am not sure of that, but let us concede that. Then what? Is the suggestion that in the District of Columbia we will turn all the schools over to private? What is the point? We have been through this exercise.

Mr. DREIER. Reclaiming my time, Mr. Speaker, the point is to try and encourage competition, to try to improve education, to try to get a system into place which can be successful, rather than the one that we have seen which virtually everyone has acknowledged is a failure.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I would say to my friend, the issue is not private versus public schools. It is trying to bring a school system that is in an emergency up to a level to help.

Sure, we would like more money than for just the 2,000, but if we take a look, and I would like to submit, it is a civil right, fighting for school choice, per Dr. King. Here, school choice finds satisfaction, parents are pleased and pupils improve scores.

If we look at national scores, the African-American community supports school choice. Bishop McKinney in my own city takes at-risk children, and 97 percent of them end up going to school.

Mr. DIXON. Mr. Speaker, If the gentleman will continue to yield, this debate is not about whether private or public schools are good or bad.

Mr. CUNNINGHAM. I have not yielded.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California [Mr. DREIER] controls the time at the moment.

Mr. DREIER. I continue to yield to my friend, the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, we are saying that the school system, especially in Washington, DC, is in an emergency situation, that we would like to take a look at that, that it has succeeded in other places in the country.

Yes, there are good teachers here. I have met some of them. General Becton is trying to change things. But we are saying that yes, there are only 2,000 students, but we would like to help the system as we can, and in the future bring up the public schools to the same level.

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

This is all, Mr. Speaker, about giving parents some choice and control over these decisions that are made here. If the Washington Post can advocate pursuing this sort of experiment, I think that we responsibly can do that.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I would say to the gentleman from southern California that the issue is not whether private schools do good work or whether public schools do good work, and some are in trouble. I would suggest that there are a lot of schools in our society that do good work.

The issue is not whether Martin Luther King said some statement that you are now using to support this, or the bishop in San Diego. The issue here is what the District should do in their school system.

The gentleman has been a big supporter of the general that has been appointed superintendent. That was a bold step. We need to give him an opportunity, and if we are to do anything at the Federal level, it is to support his bold efforts, not to take off 2,000 kids, to prove what? That is my point.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Falls Church, VA [Mr. DAVIS], the chairman of the Subcommittee of the District of Columbia of the Committee on Government Reform and Oversight.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman for yielding me the time.

Just to correct some misunderstandings, this 2,000-student system where they will get the scholarships, I think that is a good idea. I will tell the gentleman why. I generally do not support vouchers. I am a strong supporter of the public schools, where I have three kids.

But the city's public schools today, as the gentleman knows, are in a state of disarray. There is a dropout rate of about 40 percent. The most difficult thing is we cannot even certify to some of the parents that the schools are safe.

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

Mr. DAVIS of Virginia. I yield to the gentleman from California.

Mr. DIXON. What is the inference of what the gentleman is saying?

Mr. DAVIS of Virginia. The inference of what we are saying is while we are fixing the public schools, while we are putting more resources into public schools with this bill, that some of these kids that are there now and will be there next year, they will only be in third grade once. You do not take that year away from them. Let us give them the same kinds of opportunities that our children have.

Not one Member of Congress, not the President, not the Vice President, sends their kids to the District of Columbia public schools. What it means is we would like to give some of these parents, the poorest of the poor, some of the opportunities that the rest of us have while we are trying to fix the system and make it work better.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my good friend and congressional classmate, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of the scholarship program. I have had five kids. All have attended public schools in Fairfax County.

To verify what the gentleman from Virginia [Mr. DAVIS] said, I would just tell the gentleman from California [Mr. DIXON], my daughter taught for a year in the D.C. schools. If all of us had children in the D.C. schools, we would be up in arms trying to change it.

I know of a family that took a young boy out of the District of Columbia and put him in, and he was not doing very well in school, put him in the Fairfax County schools, where he is now excelling and getting a B, and doing very, very well.

We have an obligation. We have an obligation. None of us in this body, and there may be one or two, and if I am wrong, I apologize, but I do not believe there are more than two in this body that send their children to the D.C. schools. If they did, they would be up in arms.

I strongly support the scholarship program. I commend the gentleman from Texas [Mr. ARMEY], the majority leader. I think the gentleman from Virginia [Mr. DAVIS] has it exactly right. We have an obligation. If we were a mom or dad and we had a youngster in that school, we would be revolutionaries, trying to change that school system. Here is an opportunity trying to help at least 2,000.

As Mother Teresa said when she went into Calcutta to help one, she could not help everybody in Calcutta, but she could help one. If we can help 1 or 10 or 2,000, we ought to do it. I strongly support it, and hope we get a majority on our side, but also a majority from this side.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Palm Bay, FL [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I encourage all my colleagues on both sides of the aisle to support this school choice experiment for the District of Columbia. Twenty percent of Americans have school choice. They are the wealthy, they are the upper middle class. The people who do not are the poor and needy. I believe we have a responsibility to try to do something to try to make a change.

It has been demonstrated that just pouring more money into the system is not working. By looking at this and studying this, we can see firsthand if it is going to work. Frankly, I think it is irrational for anybody to be opposed to such a small school choice study right here in the capital city of the United States. For the life of me, I do not understand why anybody would oppose something this small, just to see if it works. If it fails, they will have their day. They can all rise up and say, ''It has been a disaster.''

But if it works, we have set a new model, a new standard for communities all over the country.

Mr. DIXON. Mr. Speaker, if the gentleman will yield, we know some private schools work.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] is recognized for 2½ minutes.

Mr. HOYER. Mr. Speaker, I came late to the floor. I understand that my colleagues are for this rule because the Moran amendment is made in order. I understand that rationale and I am for the Moran amendment.

I do not believe the majority has the intent of supporting the Moran amendment. I do not know that. Some will vote for it, I hope, on the other side. If not, this process is a sham, it is an ideological quest that will ultimately clearly and unequivocally fail. It will be the closing down of Government of November 1995. Everybody knows if the Moran amendment is not adopted, this bill is deader than a doornail. They are wasting our time and America's time with this ideological quest they are about.

Why do we waste time pretending that we are going to make policy when everybody knows, America knows and we all know, that this bill will be deader than a doornail if the Moran amendment is not adopted?

I rise, in addition to that, to say that I lament the failure of the Committee on Rules to be responsible on this legislation, and precluded me from making an amendment to strike a provision which puts at risk the President of the United States, his family's safety, the staff of the White House's safety, and the visitors to the White House's safety.

After a bipartisan group, of which Bill Webster, the former head of the FBI and the CIA, was a member, former General Jones, chairman of the Joint Chiefs was a member, unanimously recommended the closing of Pennsylvania Avenue, and I know that is controversial, but to change that policy in the twinkling of an eye denies the reality of the bombing in New York, denies the reality of the deaths of 168 people in Oklahoma City, denies the reality of the deaths of over 100 military personnel in Saudi Arabia.

It is irresponsible, I say to my colleagues, to not give this House the opportunity to strike the provision which puts at risk the symbol of executive leadership, not just of America but of the world, knowing full well that we have terrorists throughout this country who would use that as a symbol for some demented objective. I urge the rejection of this rule.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

I should say, Mr. Speaker, I have a very brief one minute remaining, so I do not plan to yield, even to my friend, the gentleman from Los Angeles, CA [Mr. DIXON].

Mr. Speaker, let me say that what we have come down to here, Mr. Speaker, is a very important question. My friend, the gentleman from Maryland [Mr. HOYER] just talked about partisanship and ideology. The fact of the matter is we should get beyond those things. I agree with that. What we should do is look at why it is that we are here dealing with this very important question.

What is it? We want to empower parents to have some choice to do what? Help their children, improve their plight. Everyone acknowledges that the education system here in the District of Columbia is in very serious trouble. The Washington Post has said we should try this experiment of parental choice, and when we do that, with this experiment we will be spending half as much as is being expended on a per student basis today here in the District of Columbia.

So let us put this issue of partisanship and ties to these special interests to the side, and at least try some creativity, an innovative way to deal with this very serious question.

I urge support of this bipartisan rule. I said on WAMU this morning, in response to Mark Plotkin, we have a bipartisan agreement on the rule. Let us pass the rule, and then move ahead with what obviously will be a very interesting debate.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until later today.

The point no quorum is considered withdrawn.

□ 1045

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 263 waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, in brief, the transportation appropriations bill for fiscal year 1998 provides vital transportation resources that will ensure a strong infrastructure for the United States and contains significant safety and security protections for American families across the Nation.

The conferees have provided $9.07 billion for the Federal Aviation Administration and assured the necessary funding to ensure aviation safety and security, enhance the capacity of the aviation system, improve weather forecasting systems, and provide automatic alerting systems to prevent runway collisions. These are provisions that are vital to provide the effective services and protection that the American public deserves.

Mr. Speaker, the conference report also provides $333.5 million to reduce fatalities on the Nation's roadways, $3.9 billion for the Coast Guard, and $354.1 million for the Coast Guard's drug interdiction program, $1.7 billion for the airport improvement program, and highway spending that is consistent with levels assumed in the bipartisan budget agreement.

Mr. Speaker, I also want to compliment the gentleman from Virginia [Mr. WOLF], the subcommittee chairman, for providing no special highway

demonstration projects and for cutting unnecessary administrative expenses that will help ensure that America's transportation and safety needs are met as we enter the 21st century.

In closing, I commend the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO], the ranking member, for their productive work in crafting this conference report. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of the bill.

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

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

Mr. Speaker, I congratulate the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] for their very, very hard work on this bill. They and the conferees have come up with a very good bill that funds Amtrak, the Coast Guard, and the Federal Aviation Administration.

Mr. Speaker, we in the Northeast do not have many tornadoes, we do not have many floods, not many of us need crop insurance or disaster relief, but one thing we do need more than just about any other part of the country is improvements to our infrastructure.

Mr. Speaker, when a Member represents cities and towns that were established in the 1630's, they realize that we need to do much more than the rest of the country to be sure that our infrastructure is sound. We need to shore up our roads, our bridges, our bus lines, our highways, which are obviously some of the oldest in this country. And we rely particularly heavily on passenger rail.

The Northeast corridor, which stretches from Boston to Washington, is the most traveled rail route in the entire country. It carries over 100 million passengers a year. Unfortunately, the U.S. rail system is also one of the most outdated in the world, and before the conferees fixed this bill, Amtrak's operating costs were seriously cut to the point that our national passenger rail system would probably have stopped ''dead in its tracks,'' so to speak.

But luckily for all Americans who use passenger rail, the conferees reversed the decision to cut Amtrak and provided $344 million for operating subsidies. The conferees also provided $250 million for the Northeast corridor which will allow many, many much-needed improvements.

This conference report, Mr. Speaker, does not stop at trains and automobiles. It also provides $2.7 billion for the Coast Guard, which is an increase over last year's funding.

Finally, Mr. Speaker, this conference report provides over $9 billion for the Federal Aviation Administration. This money will enable the FAA to improve its safety measures, which should reduce the dangers of acts of terrorism on American airplanes and in American airports.

Mr. Speaker, this rule is a good rule. The conference report is a good conference report. I urge my colleagues to support the rule.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, I reluctantly rise in opposition to the rule and to the underlying Transportation appropriations bill.

My opposition to this bill is reluctant because of my deep respect and admiration for the gentleman from Virginia [Mr. WOLF], our committee chairman, and my regard for the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full Committee on Appropriations.

Mr. Speaker, the gentleman from Virginia runs his committee with the utmost thoughtfulness and respect for every Member of this body. He works hard to make sure that our Nation's roads, airplanes, and infrastructure will meet our 21st century needs, and the gentleman conducts himself personally and professionally with candor, class, and character.

Nevertheless, Mr. Speaker, I oppose this bill because it contains changes to the Wright amendment that are wrong on both policy and process grounds.

The Wright amendment was enacted almost 20 years ago at the behest of the cities of Fort Worth and Dallas in order to permit the safe development and operation of Dallas/Fort Worth International Airport while still permitting limited flights from Dallas Love Field. This legislation protects safety, safeguards taxpayers' investments in Dallas/Fort Worth Airport, and ensures local control by respecting the desires of the local communities.

The changes to the Wright amendment contained in this bill are bad policy because they will injure Dallas/Fort Worth International Airport, risk the hard-earned taxpayer dollars that have developed this airport, and trample on the desires of the local communities. And as so often happens, this bad policy was forced upon this House by the other body in a complete disregard for regular order or process.

Mr. Speaker, this changes almost 20 years of aviation law and was inserted without a single hearing or public forum, no discussion, no debate, no consideration, just a decision, Mr. Speaker, a decision made over the opposition of both Texas Senators, most of the local Members of Congress, the mayors of Fort Worth and Dallas, the city councils of Fort Worth and Dallas, the chambers of commerce of Fort Worth and Dallas, and the North Texas Commission.

As a strong supporter of local control, as a fiscal conservative who believes in the prudent use of taxpayers' dollars, and as a believer in regular order, I must oppose this rule and this conference report.

Mr. WOLF. Mr. Speaker, will the gentlewoman yield?

Ms. GRANGER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I just wanted to thank the gentlewoman from Texas for her effectiveness and for the commitment that she had on this issue with regard to safety.

Mr. Speaker, had it not been for the efforts of the gentlewoman and the effort of a couple of other Members, and I would like to put myself in that category, there would not have been the provision with regard to safety.

As the gentlewoman knows, this was going to be much broader. There was initially going to be a complete repeal of the Wright amendment, which I did not support. They also had other areas.

Mr. Speaker, I just want to thank the gentlewoman and let the body know, because a lot of the meetings were private, and let the gentlewoman's constituents know and the country know that she is an advocate and a champion and, I respect very much her vote against this rule. And, Mr. Speaker, if I were the gentlewoman, I would vote against this rule, too, and I would try to get as many people to vote against the rule.

But, Mr. Speaker, I thank the gentlewoman for her effectiveness and her staying in to the very end in a very, very difficult process.

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

Mr. Speaker, before I yield time, I want to congratulate the gentleman from Virginia [Mr. WOLF], who is now here, for a wonderful job. He was not here when I spoke. But between the gentleman from Virginia and the gentleman from Minnesota [Mr. SABO], they did an outstanding job on this conference report.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. FROST], a diligent, very hard-working member of the Committee on Rules who has got a very, very germane point which Members should listen to.

Mr. FROST. Mr. Speaker, I rise in opposition to this rule and in opposition to this conference report.

Mr. Speaker, yesterday when the Committee on Rules met to consider this rule, I offered an amendment to the rule which would have, in essence, stricken section 337 from the conference report. I offered this amendment to the rule since this section of the conference report has an immediate and negative impact on my congressional district, as well as the entire Dallas area.

Section 337 alters a longstanding agreement between the Federal Government and the cities of Fort Worth and Dallas relating to air service out of Dallas Love Field. However, the committee majority did not see fit to agree to my amendment, and for that reason I will oppose this rule.

Mr. Speaker, I do support the content of the conference report, except for this provision in section 337, and I would like to take a few minutes to explain the importance of this matter to the

Dallas area and as has previously been indicated by the gentlewoman from Texas [Ms. GRANGER], who spoke just a moment ago.

Mr. Speaker, in the early 1960's, the cities of Dallas and Fort Worth each wanted to have their own airport and the competition between the cities resulted in intense disagreements and fragmented air service. The old Civil Aeronautics Board, frustrated with this rivalry, forced the cities to coordinate their efforts and resources. This coordination resulted in the construction of a regional airport now known as Dallas/Fort Worth International Airport, the second busiest airport in the United States.

Before construction began, however, Dallas and Fort Worth executed concurrent bond ordinances to finance the airport and agreed under contract to phase out commercial traffic from each city's local airport in order to protect both cities' substantial investment in the new airport.

To further facilitate this agreement, in 1979 Congress enacted the Love Field amendment, popularly known as the Wright amendment. The Wright amendment expanded allowable service from Love Field by permitting flights to Texas and its four contiguous States, Oklahoma, Louisiana, Arkansas, and New Mexico. Exempted altogether from the provisions of the Wright amendment were commuter airlines operating aircraft with passenger capacity of 56 passengers or less.

The Wright amendment has served the communities of Dallas and Fort Worth well in the 18 years it has been in place. It protected neighborhoods surrounding Love Field, which is, after all, right in the middle of the city, from the noise and other hazards of a full-fledged commercial airport. And it has preserved relations between the two cities on an issue which many consider to be the most important to the economic development of the entire north Texas region.

This conference report does grave injustice to my district as well as to the cities of Dallas and Fort Worth. The Chairman of the Senate Appropriations Subcommittee on Transportation has seen fit to insert language in the Senate-passed bill and this conference report, which expands the area of service as well as the type of service allowed from Dallas Love Field.

He has done this in spite of the fact that the city councils of the affected cities, the mayors of the two cities, as well as myself, the gentlewoman from Texas, Ms. GRANGER, the former mayor of Fort Worth, and the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, in whose district Love Field lies, as well as the two Senators from Texas, are opposed to this change in the Wright amendment.

Mr. Speaker, this is a local matter, and it is one that should be settled locally, not by an appropriations conference report, and this body should not allow itself to be bullied by one U.S. Senator who does not represent the area affected.

Mr. Speaker, I urge the rejection of this rule and the rejection of this conference report.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I want to say that what we just heard about the Wright amendment ought to be discussed a little bit, because it has been in place 18 years. The Wright amendment was put in place to protect Dallas/Fort Worth International Airport, which is now the second busiest airport in the world.

Mr. Speaker, they are working on their eighth runway. Dallas/Forth Worth Airport houses the largest airline in the United States, American Airlines and it has a virtual monopoly on travel in and out of the Dallas/Fort Worth area.

What this change to the Wright amendment does is allow traffic in and out of Love Field, which adds a little competition to American Airlines. Well, that lack of competition has had an effect on the surrounding area. According to the U.S. Department of Transportation, travelers going in and out of Dallas have had to spend, in 1992, an additional $183 million in higher fares. Much of that is burdened by Kansas travelers who are trying to get in and out of the Dallas/Fort Worth area, just because of lack of competition.

Well, this provision allows that competition to happen. This is America. This is free enterprise. This is the strength of our country.

□ 1100

It is not bullying by one Senator. It is a whole nation that believes we ought to have competition, who thinks this Wright amendment is a virtual monopoly that has created a very high profit for one airline and allow growth to the Dallas/Fort Worth International Airport.

So it is time for change. It is time for a little competition. This minor change to the Wright amendment does not strike it down, although that would have been my preference. Thanks to the hard work of a freshman Congresswoman, the gentlewoman from Texas [Ms. GRANGER] on the House side, it was not completely stricken down. I still believe it should be, but we are making minor changes to allow competition, particularly in the Kansas area, which will allow Kansas to have lower airfares, and to break the virtual monopoly that American Airlines has held.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I appreciate my friend from Georgia yielding me this time. I rise in strong support of this fair and customary rule.

One critical component of our war on drugs is the Coast Guard drug interdiction program. By providing full funding for this initiative in this bill, we are sending a clear message to drug runners that drug trafficking in our waters will not be tolerated and will be punished. We are willing to commit the resources necessary to win the war on drugs. I emphasize that, to win the war on drugs, not to settle for stalemate or not to go backward, as we are in some areas now.

I am also pleased that the committee has once again held the line on highway demonstration projects. These are projects that infuriate Americans because it is not wise expenditure of their tax dollars. Once again this year, the gentleman from Virginia [Mr. WOLF] has resisted these projects, and he should be commended for sticking with what is sometimes a difficult position in this Chamber.

I urge adoption of this noncontroversial rule, as well as the underlying bill.

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

The previous question was ordered.

The SPEAKER pro tempore [Mr. LATOURETTE]. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 413, nays 4, not voting 16, as follows:

[Roll No. 507]

YEAS—413

Ackerman	Bonior	Coburn
Aderholt	Bono	Collins
Allen	Borski	Combest
Andrews	Boswell	Condit
Archer	Boucher	Conyers
Armey	Boyd	Cook
Bachus	Brady	Cooksey
Baesler	Brown (CA)	Costello
Baker	Brown (OH)	Cox
Baldacci	Bryant	Coyne
Ballenger	Bunning	Cramer
Barr	Burr	Crane
Barrett (NE)	Burton	Crapo
Barrett (WI)	Buyer	Cubin
Bartlett	Callahan	Cummings
Bass	Calvert	Cunningham
Bateman	Camp	Danner
Becerra	Campbell	Davis (FL)
Bentsen	Canady	Davis (IL)
Bereuter	Cannon	Davis (VA)
Berman	Capps	Deal
Berry	Cardin	DeFazio
Bilbray	Carson	DeGette
Bilirakis	Castle	Delahunt
Bishop	Chabot	DeLauro
Blagojevich	Chenoweth	DeLay
Bliley	Christensen	Dellums
Blumenauer	Clay	Deutsch
Blunt	Clayton	Diaz-Balart
Boehlert	Clement	Dickey
Boehner	Clyburn	Dicks
Bonilla	Coble	Dixon

Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—4

Barcia
Frost
Granger
Oberstar

NOT VOTING—16

Abercrombie
Barton
Brown (FL)
Chambliss
Dingell
Foglietta
Gonzalez
Hilliard
Lewis (KY)
Miller (CA)
Murtha
Oxley
Saxton
Schiff
Tanner
Young (AK)

□ 1121

Mr. COBURN changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on rollcall No. 507, I was unavoidably detained. Had I been present, I would have voted ''yea.''

PROVIDING FOR CONSIDERATION OF H.R. 2607, DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question de novo on agreeing to House Resolution 264.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 370, nays 50, not voting 13, as follows:

[Roll No. 508]

YEAS—370

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry

Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—50

Andrews
Baesler
Bentsen
Bonior
Clayton
Conyers
DeGette
Delahunt
Deutsch
Dixon
Fazio
Filner
Ford
Frank (MA)
Gephardt
Goode
Green
Hastings (FL)
Hinchey
Horn
Hoyer
Jackson-Lee (TX)
Jefferson
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kucinich
Lewis (GA)
Markey
McGovern
McKinney
Meehan
Meek
Mink
Olver
Owens
Payne
Rangel
Rivers
Rothman
Scott
Sherman
Slaughter
Stark
Stokes
Taylor (MS)
Tierney
Vento
Waters
Wexler

NOT VOTING—13

Abercrombie
Brown (FL)
Chambliss
Dingell
Gonzalez
Hilliard
Lewis (KY)
Miller (CA)
Murtha
Saxton
Schiff
Tanner
Young (AK)

☐ 1141

Mrs. MINK of Hawaii, Mrs. CLAYTON, and Messrs. KENNEDY of Massachusetts, DELAHUNT, GREEN, PAYNE, DEUTSCH, HOYER, BAESLER, and ROTHMAN changed their vote from ''yea'' to ''nay.''

Mr. DAVIS of Illinois changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SAXTON. Mr. Speaker, this morning I attended the signing of the National Wildlife Refuge bill by President Clinton at the White House. As a consequence, I was unable to vote on rollcall Nos. 507 and 508. Had I been present, I would have voted ''aye'' on both rollcalls: For the rule waiving points of order against the consideration of the conference report to accompany H.R. 2169, Transportation appropriations for fiscal 1998, and for the rule providing for the consideration of H.R. 2607, District of Columbia appropriations for fiscal 1998.

THE JOURNAL

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PAPPAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 58, not voting 23, as follows:

[Roll No. 509]

AYES—352

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Ewing
Farr
Fattah
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—58

Becerra
Borski
Brown (CA)
Clay
Clyburn
Costello
DeFazio
Deutsch
English
Ensign
Evans
Everett
Fazio
Filner
Foglietta
Fox
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill
Hilleary
Hinchey
Hulshof
Kilpatrick
Kucinich
Lewis (GA)
LoBiondo
McDermott
McGovern
McNulty
Meek
Menendez
Oberstar
Pallone
Pascrell
Pastor
Payne
Pickett
Pombo
Poshard
Ramstad
Rangel
Sabo
Salmon
Schaffer, Bob
Scott
Sessions
Stokes
Stupak
Taylor (MS)
Thompson
Towns
Visclosky
Weller
Wexler
Wicker

NOT VOTING—23

Abercrombie
Bonior
Brown (FL)
Burr
Chambliss
Dingell
Fawell
Gephardt
Gonzalez
Hilliard
Hunter
Lewis (KY)
Manzullo
McKeon
Miller (CA)
Murtha
Saxton
Schiff
Tanner
Tiahrt
Waters
Watt (NC)
Young (AK)

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So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. 105–317), on the resolution (H. Res. 265) providing for consideration of the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 263, I call up the conference report on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 263, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 7, 1997, at page H8587.)

The SPEAKER pro tempore. The gentleman from Virginia, [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] each will control 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2169, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, H.R. 2169, the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act, represents the eighth conference report from the Committee on Appropriations. As my colleagues are aware, only 3 legislative days remain to complete action on the five remaining individual appropriation bills before October 23 when the continuing resolution expires.

The conference agreement represents a compromise between the House and the Senate bills, and with any compromise there are elements in this agreement that were difficult for the House and the Senate to accept. But in the end, and all things considered, this conference agreement is a good bill and one that I believe the President has indicated he will sign, and Secretary Slater called to say that he agreed with the bill. The agreement reflects this Congress's desire to spend additional funding on the Nation's infrastructure and to protect the safety of the traveling public.

In total, the conference agreement provides $12.4 billion in new discretionary budget authority in fiscal year 1998. When accounting for a rescission of contract authority enacted last year, funding contained in this bill represents an increase of $240 million in discretionary budget authority over the last year. In addition, trust fund expenditures, namely, from the highway trust fund and the aviation and airway trust, are up $3.5 billion, indicating this Congress's resolve in approving the transportation infrastructure.

Allow me, Mr. Speaker, to highlight a number of items in the conference. One, Federal-aid highways is funded at $21.5 billion, the same as the House-passed level and $3.5 billion over last year.

Also, there are no highway demonstration projects in this bill. I know this has created some heartburn. There have been people on both sides of the aisle that quite frankly have been mad at me, good people, decent people that just have not agreed. But we felt the fairest way was to reallocate the money back to the States with a formula whereby everyone in this body, whether they be Republican or Democrat or wherever they may come from, would be treated fairly.

I would just say, if anybody on my side is listening in the leadership, I would hope and I would pray that during this consideration, as long as I have the privileged to serve as chairman of this Subcommittee on Transportation of the Committee on Appropriations, that the leadership on both sides of the aisle, but particularly as a Republican Member for my side, that they would support my efforts, whether they completely like it or dislike it, whereby we will treat everybody fair, and there will be no highway demonstration projects in this legislation. Because what we would basically do, Mr. Speaker, is we would be taking general fund money out which could go to the Coast Guard and go to many other things, and I think that should be done in another bill.

Second, $2.5 billion of the transit formula grants, the same level as last year, or an increase of 16 percent. The conference agreement also includes $2 billion for transit discretionary grants and $150 million for transit operating assistance.

I want to particularly thank the gentleman from Minnesota [Mr. SABO] and the gentleman from Wisconsin [Mr. OBEY] for their support on this effort. There was a motion to instruct the conferees on this. We have been faithful to that instruction, and in many respects with the support of both of the gentlemen, we have also been able to change the definitions which will mean actually more for buses.

Mr. Speaker, $9.1 billion for the Federal Aviation Administration, an increase of $785 million over last year, which includes $1.7 billion for the airport improvement program. The administration only requested $1 billion, and we are at $1.7 billion as a commitment with regard to aviation.

I might add parenthetically that Secretary Slater called and expressed some interest with regard to explosive device research. I would tell the Secretary that with the increase of $1.7 billion, $700 million over what the administration actually requested, he does have the authority, and I think both sides of this aisle have been very faithful with regard to aviation safety, to take some of this money and use it for explosive devices and what he hoped to be able to do.

Mr. Speaker, $3.9 billion for the Coast Guard, an increase of $440 million over the 1997 enacted level. The bill fully funds the Coast Guard's drug interdiction activities at $354 million.

Mr. Speaker, $333 million for the highway safety activities of the National Highway Traffic Safety Administration, and $543 million for Amtrak, together with an additional $250 million for the Northeast corridor improvement program.

There were a number of difficult issues before the conference and I would like to briefly share with the Members of the House just a few of them.

Certain Members of the Texas Delegation had expressed an objection to the Senate language on the Wright amendment. Working with the gentlewoman from Texas [Ms. GRANGER] and the majority leader, the gentleman from Texas [Mr. ARMEY], in the conference, we attempted to reach a compromise which was significantly less than what the Senate wanted. I believe the conference accomplished that and, in the end, I believe that the House obtained considerable concessions from the Senate in the spirit of compromise.

And for those on both sides who were interested in the issue of safety, there is very difficult, very tough language with regard to safety. The conference report provides that the FAA administrator shall take whatever, whatever, whatever actions are needed to protect the public safety, even if it means restricting air traffic. So I would direct Members' attention to that language printed in the conference report on page 25, and the conference agreement does protect safety. I also plan on meeting with the FAA administrator on this issue to make sure, and there was a consensus agreement on both sides of the aisle and also on the Senate side with regard to that.

Bus allocations. The conference agreement allocates some $400 million in bus funds. While the Senate indicated that it preferred to allocate bus funding on a case-by-case basis, the House insisted that a formula approach be employed such that no member, Republican or Democrat, was advantaged by his or her position on the committee, tenure in Congress, or position of leadership. The House prevailed in conference and all bus funding was apportioned by a rational, fair and defensible formula.

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I might say to Members, if anyone is listening back in their offices, next year as we begin to get into this issue, I would urge Members to meet with their Senators from their States, call them up, go over and visit them, talk to them, and tell them that based on the formula it is important not only for the great job that the House Members have done with regard to representing their areas but also it is important that the Senate do the same. I think that would be helpful to remove any disagreements.

Third, funding for the Appalachian Development Highway System. The conference report provides $300 million for the Appalachian Development Highway System construction, the same level as provided by the Senate bill. The House bill, I might state, contains

no appropriation. Agreeing to the $300 million was a concession to the Senate in the spirit of compromise.

Funding for the ADHS benefits 13 States which comprise the Appalachian Regional Commission. This money is provided from the general fund, which I find somewhat disturbing, because that money could be used for other things with regard to aviation safety. I believe it would be more appropriate to expend the money from the highway trust fund for these roads and bridges, which would be subject to the annual limitation on obligations.

I would also note, if anyone from the administration or from the Office of Management and Budget is listening, to crystallize a certain issue and note that $300 million exceeds the President's request by $100 million. With that $100 million, it could be put into the explosive devices, or do some of those other things.

This was not something easy to swallow, but I personally, nor did Members on our side, did not want to do anything to hold up the Nation's entire transportation budget over this issue. In the end, all things considered, it is a good bill. The President has indicated he will sign it, Secretary Slater called us and said he agrees with it. I urge my colleagues to support the conference agreement.

In closing, I want to acknowledge the assistance and support of the gentleman from Minnesota [Mr. SABO], the ranking member of the subcommittee. We never had a difference. I do not believe there was ever a partisan difference in the whole process. The bill passed 403 to 5, or something like that. I just want to thank the gentleman from Minnesota [Mr. SABO] publicly and the gentleman from Wisconsin [Mr. OBEY] for their cooperation.

I also want to thank all the Republican members, who were very, very helpful and worked together in a good team effort.

If I may also, Mr. Speaker, I would like to thank the staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, Cheryl Smith, and also the associate staff, who have done a tremendous job. I do not want murder their names but out of a courtesy to them I would like to mention them: David Whitestone, Monica Vegas Kladakis, Connie Veillette, Steve Carey, Eric Mondero, Todd Rich, Joe Cramer, Mark Zelden, Paul Cambon, Marjorie Duske, Barbara Zylinski-Mizrahi, Albert Jacquez, Nancy Alcalde, David Oliveira, Blake Blake Gable and Paul Carver. I apologize if I did not say all those words appropriately, but I hope for the RECORD's sake they will be there.

Last, Mr. Speaker, I urge my colleagues to support the conference bill. I include for the RECORD the following information:

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	52,966,000	56,136,000	60,009,000	66,703,000	61,000,000	+8,034,000
Office of civil rights	5,574,000	5,574,000	5,574,000	5,574,000	5,574,000	.....
Transportation planning, research, and development	3,000,000	6,008,000	4,400,000	4,400,000	4,400,000	+1,400,000
Transportation Administrative Service Center	(124,812,000)	.....	(121,800,000)	.....	(121,800,000)	(-3,012,000)
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
(Limitation on obligations)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
Rescission of contract authorization	(-12,700,000)	(-38,600,000)	.....	(-38,600,000)	(-38,600,000)	(-25,900,000)
Rescission	(-1,133,000)	.....	.....	.....	.....	(+1,133,000)
Rental payments	127,447,000	10,567,000	.....	.....	.....	-127,447,000
Minority business resource center program	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000	.....
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	.....
Minority business outreach	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	.....
Total, Office of the Secretary	193,787,000	83,085,000	74,783,000	81,477,000	75,774,000	-118,013,000
(Limitations on obligations)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
Total budgetary resources	(219,687,000)	(83,085,000)	(74,783,000)	(81,477,000)	(75,774,000)	(-143,913,000)
Coast Guard						
Operating expenses	2,319,725,000	2,440,000,000	2,408,000,000	2,435,400,000	2,415,400,000	+95,675,000
Defense function (050)	.....	300,000,000	300,000,000	.....	300,000,000	+300,000,000
(Transfer from DOD)	(300,000,000)	.....	.....	(300,000,000)	.....	(-300,000,000)
Supplemental (P.L. 105-18)	1,600,000	.....	.....	.....	.....	-1,600,000
Acquisition, construction, and improvements:						
Offsetting collections	.....	-9,000,000	-9,000,000	-9,000,000	-9,000,000	-9,000,000
Vessels	216,500,000	186,900,000	191,650,000	214,700,000	212,100,000	-4,400,000
Aircraft	18,040,000	26,400,000	33,900,000	26,400,000	25,800,000	+7,760,000
Other equipment	41,700,000	49,700,000	47,050,000	51,200,000	44,650,000	+2,950,000
Shore facilities and aids to navigation facilities	52,350,000	69,000,000	59,400,000	73,000,000	68,300,000	+15,950,000
Personnel and related support	46,250,000	47,000,000	47,000,000	47,000,000	47,000,000	+750,000
Subtotal, A C & I appropriations	374,840,000	370,000,000	370,000,000	403,300,000	388,850,000	+14,010,000
Environmental compliance and restoration	22,000,000	21,000,000	21,000,000	21,000,000	21,000,000	-1,000,000
Port Safety Development	5,000,000	.....	.....	.....	.....	-5,000,000
Alteration of bridges	16,000,000	.....	16,000,000	26,000,000	17,000,000	+1,000,000
Retired pay	608,084,000	645,696,000	645,696,000	653,196,000	653,196,000	+45,112,000
Supplemental (P.L. 105-18)	9,200,000	.....	.....	.....	.....	-9,200,000
Reserve training	65,890,000	65,000,000	67,000,000	65,535,000	67,000,000	+1,110,000
Research, development, test, and evaluation	19,200,000	19,000,000	19,000,000	20,000,000	19,000,000	-200,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000	50,000,000	35,000,000	35,000,000	35,000,000	.....
Total, Coast Guard	3,476,539,000	3,910,696,000	3,881,696,000	3,659,431,000	3,916,446,000	+439,907,000
Federal Aviation Administration						
Operations	4,925,500,000	5,036,100,000	5,300,000,000	5,325,900,000	5,301,934,000	+376,434,000
Appropriation of user fees	.....	300,000,000	.....	.....	.....	.....
Offsetting Collections	-75,000,000	.....	.....	.....	.....	+75,000,000
Emergency appropriations	(32,400,000)	.....	.....	.....	.....	(-32,400,000)
Facilities and equipment (Airport and Airway Trust Fund)	1,793,500,000	1,875,000,000	1,875,000,000	1,889,004,883	1,875,477,000	+81,977,000
Emergency appropriations	(144,200,000)	.....	.....	.....	.....	(-144,200,000)
Research, engineering, and development (Airport and Airway Trust Fund)	187,412,000	200,000,000	185,000,000	214,250,000	199,183,000	+11,771,000
Emergency appropriations	(21,000,000)	.....	.....	.....	.....	(-21,000,000)
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	(+100,000,000)
(Limitation on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+240,000,000)
Rescission of contract authorization	(-800,000,000)	.....	.....	(-190,000,000)	(-412,000,000)	(+388,000,000)
Total, Federal Aviation Administration	6,831,412,000	7,411,100,000	7,360,000,000	7,429,154,883	7,376,594,000	+545,182,000
(Limitations on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+240,000,000)
Total budgetary resources	(8,291,412,000)	(8,411,100,000)	(9,060,000,000)	(9,129,154,883)	(9,076,594,000)	(+785,182,000)
Federal Highway Administration						
Limitation on general operating expenses	(521,114,000)	(494,376,000)	(510,313,000)	(558,440,000)	(552,266,000)	(+31,152,000)
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(2,049,000)	(4,000,000)	.....	(4,000,000)	.....	(-2,049,000)
Rescission of contract authority	(-9,100,000)	.....	.....	.....	.....	(+9,100,000)
Appalachian Development Highway system	.....	.....	.....	300,000,000	300,000,000	+300,000,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(18,000,000,000)	(20,170,000,000)	(21,500,000,000)	(21,800,000,000)	(21,500,000,000)	(+3,500,000,000)
Supplemental obligation authority (P.L. 105-18)	(694,810,534)	.....	.....	.....	.....	(-694,810,534)
(Exempt obligations) (sec. 310 a-d)	(1,783,237,000)	(1,510,571,000)	(1,390,570,000)	(1,390,600,000)	(1,390,570,000)	(-392,667,000)
(Bonus program) (sec. 310 e)	(241,173,000)	.....	(269,656,000)	.....	.....	(-241,173,000)
(Liquidation of contract authorization)	(19,800,000,000)	(19,800,000,000)	(20,800,000,000)	(20,850,000,000)	(20,800,000,000)	(+1,000,000,000)
Emergency appropriations	(82,000,000)	.....	.....	.....	.....	(-82,000,000)
Emergency relief program (P.L. 105-18)	(650,000,000)	.....	.....	.....	.....	(-650,000,000)
Right-of-way revolving fund	.....	.....	.....	8,000,000	.....	.....

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(74,000,000)	(90,000,000)	(85,000,000)	(85,000,000)	(85,000,000)	(+11,000,000)
(Limitation on obligations)	(78,225,000)	(100,000,000)	(85,325,000)	(84,300,000)	(84,825,000)	(+6,600,000)
Rescission of contract authorization	(-12,300,000)					(+12,300,000)
State infrastructure banks	150,000,000					-150,000,000
State infrastructure banks (Highway Trust Fund)		150,000,000				
Transportation infrastructure credit program (Highway Trust Fund)		100,000,000				
Total, Federal Highway Administration	150,000,000	250,000,000		308,000,000	300,000,000	+150,000,000
(Limitations on obligations)	(18,773,035,534)	(20,270,000,000)	(21,585,325,000)	(21,884,300,000)	(21,584,825,000)	(+2,811,789,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Total budgetary resources	(20,947,445,534)	(22,030,571,000)	(23,245,551,000)	(23,582,900,000)	(23,275,395,000)	(+2,327,949,466)
National Highway Traffic Safety Administration						
Operations and research	80,900,000		74,492,000	74,760,000	74,901,000	-5,999,000
Operations and research (Highway Trust Fund)	51,712,000	147,500,000	72,415,000	71,740,000	72,061,000	+20,349,000
Subtotal, Operations and research	132,612,000	147,500,000	146,907,000	146,500,000	146,962,000	+14,350,000
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(168,100,000)	(185,000,000)	(186,000,000)	(186,000,000)	(186,000,000)	(+17,900,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(128,700,000)	(140,200,000)	(140,200,000)	(150,700,000)	(149,700,000)	(+21,000,000)
National Driver Register (Sec. 402) (limitation on obligations)	(2,400,000)	(2,300,000)	(2,300,000)	(2,300,000)	(2,300,000)	(-100,000)
Contract authorization (P.L. 105-18)	2,500,000					-2,500,000
Highway safety grants (Sec. 1003(a)(7)) (limitation on obligations)	(11,500,000)					(-11,500,000)
Occupant protection incentive grants (limitation on obligations)		(9,000,000)	(9,000,000)			
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,500,000)	(34,000,000)	(35,000,000)	(34,000,000)	(34,500,000)	(+9,000,000)
Contract authorization (P.L. 105-18)	500,000					-500,000
Rescission of contract authorization	(-24,800,000)					(+24,800,000)
Total, National Highway Traffic Safety Administration	135,612,000	147,500,000	146,907,000	146,500,000	146,962,000	+11,350,000
(Limitations on obligations)	(168,100,000)	(185,500,000)	(186,500,000)	(187,000,000)	(186,500,000)	(+18,400,000)
Total budgetary resources	(303,712,000)	(333,000,000)	(333,407,000)	(333,500,000)	(333,462,000)	(+29,750,000)
Federal Railroad Administration						
Office of the Administrator	16,739,000	20,559,000	19,434,000	19,800,000	20,290,000	+3,551,000
Railroad safety	51,407,000	57,067,000	56,967,000	57,067,000	57,067,000	+5,660,000
Railroad research and development	20,100,000	21,638,000	21,038,000	24,906,000	20,758,000	+658,000
Northeast corridor improvement program	175,000,000		250,000,000	273,450,000	250,000,000	+75,000,000
High-speed rail trainsets and facilities	80,000,000					-80,000,000
Next generation high-speed rail	24,757,000	19,595,000	18,395,000	26,000,000	20,395,000	-4,362,000
Trust fund share of next generation high-speed rail (Highway Trust Fund): (Liquidation of contract authorization)	(2,855,000)					(-2,855,000)
Alaska Railroad rehabilitation	10,000,000			17,000,000	15,280,000	+5,280,000
Rhode Island Rail Development	7,000,000	10,000,000	10,000,000	10,000,000	10,000,000	+3,000,000
Direct loan financing program	58,680,000					-58,680,000
Direct loan financing program limitation	(400,000,000)					(-400,000,000)
Grants to the National Railroad Passenger Corporation:						
Operations	364,500,000		283,000,000	344,000,000	344,000,000	-20,500,000
Capital	223,450,000		260,000,000		199,000,000	-24,450,000
Subtotal, Grants to Amtrak	587,950,000		543,000,000	344,000,000	543,000,000	-44,950,000
Capital grants to the National Railroad Passenger Corporation (Highway Trust Fund)		445,450,000				
(Northeast corridor improvements)		(200,000,000)				
(Pennsylvania Station Redevelopment Project)		(23,450,000)				
Operating grants to the National Railroad Passenger Corporation (Highway Trust Fund)		344,000,000				
Emergency railroad rehabilitation and repair:						
Emergency funding (P.L. 105-18)	(18,900,000)					(-18,900,000)
Total, Federal Railroad Administration	1,031,633,000	918,309,000	918,834,000	772,223,000	936,790,000	-94,843,000
Federal Transit Administration						
Administrative expenses	41,497,000		45,738,000	41,497,000	45,738,000	+4,241,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)		47,018,000				
Formula grants	490,000,000		290,000,000	190,000,000	240,000,000	-250,000,000
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(1,659,185,000)		(2,210,000,000)	(2,210,000,000)	(2,260,000,000)	(+600,815,000)
Operating assistance grants	(400,000,000)		(200,000,000)		(150,000,000)	(-250,000,000)
Subtotal, Formula grants	(2,149,185,000)		(2,500,000,000)	(2,400,000,000)	(2,500,000,000)	(+350,815,000)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Formula programs (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)		(3,498,500,000)				
(Liquidation of contract authorization)		(1,500,000,000)				
University transportation centers	6,000,000		6,000,000	6,000,000	6,000,000	
Transit planning and research	85,500,000		86,000,000	77,250,000	92,000,000	+6,500,000
Metropolitan planning	(39,500,000)		(39,500,000)	(39,500,000)	(39,500,000)	
Rural transit assistance	(4,500,000)		(4,500,000)	(4,500,000)	(4,500,000)	
Transit cooperative research	(8,250,000)		(8,250,000)			(-8,250,000)
National planning and research	(22,000,000)		(22,500,000)	(22,000,000)	(36,750,000)	(+14,750,000)
State planning and research	(8,250,000)		(8,250,000)	(8,250,000)	(8,250,000)	
National transit institute	(3,000,000)		(3,000,000)	(3,000,000)	(3,000,000)	
Subtotal, Transit planning and research	(85,500,000)		(86,000,000)	(77,250,000)	(92,000,000)	(+6,500,000)
Transit planning and research (Highway Trust Fund, Mass Transit Account)		91,800,000				
Metropolitan planning		(39,500,000)				
Transit cooperative research		(8,250,000)				
Statewide planning		(8,250,000)				
National planning and research		(16,800,000)				
National mass transportation institute		(3,000,000)				
University transportation centers		(6,000,000)				
Advanced Technology Transit Bus		(10,000,000)				
Subtotal, Transit planning and research		(91,800,000)				
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,920,000,000)		(2,210,000,000)	(2,210,000,000)	(2,210,000,000)	(+290,000,000)
Rescission of contract authorization	(-271,000,000)					(+271,000,000)
Discretionary grants (Highway Trust Fund) (limitation on obligations):						
Fixed guideway modernization	(760,000,000)		(800,000,000)	(780,000,000)	(800,000,000)	(+40,000,000)
Bus and bus-related facilities	(380,000,000)		(400,000,000)	(440,000,000)	(400,000,000)	(+20,000,000)
New starts	(760,000,000)		(800,000,000)	(788,000,000)	(800,000,000)	(+40,000,000)
Subtotal, Discretionary grants	(1,900,000,000)		(2,000,000,000)	(2,008,000,000)	(2,000,000,000)	(+100,000,000)
Rescission of contract authorization	(-588,000,000)					(+588,000,000)
Major capital investments (Highway Trust Fund, Mass Transit Account) (limitation on obligations)		(650,000,000)				
Mass capital investments (Highway Trust Fund, Mass Transit Account) (liquidation of contract authority)		(2,350,000,000)				
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,300,000,000)		(2,350,000,000)	(2,350,000,000)	(2,350,000,000)	(+50,000,000)
Washington Metropolitan Area Transit Authority	200,000,000		200,000,000	160,000,000	200,000,000	
Washington Metropolitan Area Transit Authority (Highway Trust Fund, Mass Transit Account)		200,000,000				
Total, Federal Transit Administration	822,997,000	338,818,000	627,738,000	474,747,000	583,738,000	-239,259,000
(Limitations on obligations)	(3,559,185,000)	(4,148,500,000)	(4,210,000,000)	(4,218,000,000)	(4,260,000,000)	(+700,815,000)
Total budgetary resources	(4,382,182,000)	(4,487,318,000)	(4,837,738,000)	(4,692,747,000)	(4,843,738,000)	(+461,556,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,337,000		11,200,000		11,200,000	+863,000
Research and Special Programs Administration						
Research and special programs	26,886,000	30,102,000	27,934,000	28,450,000	28,450,000	+1,564,000
Hazardous materials safety	(15,472,000)		(15,024,000)	(15,492,000)	(15,342,000)	(-130,000)
Emergency transportation	(993,000)		(993,000)	(1,443,000)	(1,443,000)	(+450,000)
Research and technology	(3,580,000)		(3,596,000)	(3,296,000)	(3,446,000)	(-134,000)
Program and administrative support	(6,841,000)		(8,321,000)	(8,219,000)	(8,219,000)	(+1,378,000)
Subtotal, research and special programs	(26,886,000)		(27,934,000)	(28,450,000)	(28,450,000)	(+1,564,000)
Emergency appropriations	(3,000,000)					(-3,000,000)
Pipeline safety (Pipeline Safety Fund)	28,460,000	30,660,000	28,186,000	28,000,000	28,000,000	-460,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,528,000	2,328,000	3,300,000	3,000,000	3,300,000	+772,000
Subtotal, Pipeline safety	30,988,000	32,988,000	31,486,000	31,000,000	31,300,000	+312,000
Emergency preparedness grants: Emergency preparedness fund	200,000	200,000	200,000	200,000	200,000	
Total, Research and Special Programs Administration	58,074,000	63,290,000	59,620,000	59,650,000	59,950,000	+1,876,000
Office of Inspector General						
Salaries and expenses	37,900,000	40,889,000	42,000,000	38,900,000	42,000,000	+4,100,000
Surface Transportation Board						
Salaries and expenses	12,344,000	14,300,000	15,853,000	12,300,000	13,853,000	+1,509,000
Offsetting collections		-14,300,000	-2,000,000			

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
General Provisions						
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(25,000,000)	(31,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	.....
Transportation Administrative Service Center reduction	-10,000,000	.....	-25,000,000	.....	-3,000,000	+7,000,000
Railroad safety offsetting collections	.....	-60,000,000	.....	.....	.....	.....
Net total, title I, Department of Transportation	11,983,102,000	13,065,087,000	13,111,631,000	12,753,782,883	13,009,707,000	+1,026,605,000
Appropriations	(12,750,635,000)	(13,103,687,000)	(13,111,631,000)	(12,982,382,883)	(13,460,307,000)	(+709,672,000)
Rescissions	(-1,719,033,000)	(-38,600,000)	.....	(-228,600,000)	(-450,600,000)	(+1,268,433,000)
Emergency appropriations	(951,500,000)	.....	.....	.....	.....	(-951,500,000)
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(27,989,300,000)	(27,731,325,000)	(+3,745,104,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Net total budgetary resources	(37,993,732,534)	(40,179,658,000)	(42,453,682,000)	(42,133,682,883)	(42,131,602,000)	(+4,137,869,466)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,540,000	3,640,000	3,640,000	3,640,000	3,640,000	+100,000
National Transportation Safety Board						
Salaries and expenses	42,407,000	40,000,000	46,000,000	49,700,000	48,371,000	+5,964,000
Appropriation of user fees	.....	6,000,000	.....	.....	.....	.....
Emergency appropriations	(6,000,000)	.....	.....	.....	.....	(-6,000,000)
Emergency funding (P.L. 105-18)	(29,859,000)	.....	.....	.....	.....	(-29,859,000)
Emergency fund	.....	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Emergency fund (emergency appropriations)	(1,000,000)	.....	.....	.....	.....	(-1,000,000)
Total, National Transportation Safety Board	42,407,000	47,000,000	47,000,000	50,700,000	49,371,000	+6,964,000
Total, title II, Related Agencies	82,806,000	50,640,000	50,640,000	54,340,000	53,011,000	-29,795,000
Appropriations	(45,947,000)	(50,640,000)	(50,640,000)	(54,340,000)	(53,011,000)	(+7,064,000)
Emergency appropriations	(36,859,000)	.....	.....	.....	.....	(-36,859,000)
TITLE III - GENERAL PROVISIONS						
National Civil Aviation Review Commission	2,400,000	.....	.....	.....	.....	-2,400,000
Net total appropriations	12,068,308,000	13,115,727,000	13,162,271,000	12,808,122,883	13,062,718,000	+994,410,000
Scorekeeping adjustments:						
Emergency appropriations	-289,600,000	.....	.....	.....	.....	+289,600,000
Emergency funding (P.L. 105-18)	-698,759,000	.....	.....	.....	.....	+698,759,000
General provision: Bonuses & awards	-513,604	.....	.....	.....	.....	+513,604
Pipeline safety	1,000,000	.....	1,000,000	2,000,000	1,000,000	.....
Railroad Safety	-3,000,000	.....	.....	.....	.....	+3,000,000
Total, adjustments	-990,872,604	.....	1,000,000	2,000,000	1,000,000	+991,872,604
Net grand total	11,077,435,396	13,115,727,000	13,163,271,000	12,810,122,883	13,063,718,000	+1,986,282,604
Appropriations	(12,796,468,396)	(13,154,327,000)	(13,163,271,000)	(13,038,722,883)	(13,514,318,000)	(+717,849,604)
Rescissions	(-1,719,033,000)	(-38,600,000)	.....	(-228,600,000)	(-450,600,000)	(+1,268,433,000)
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(27,989,300,000)	(27,731,325,000)	(+3,745,104,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Net grand total budgetary resources	(37,088,065,930)	(40,230,298,000)	(42,505,322,000)	(42,190,022,883)	(42,185,613,000)	(+5,097,547,070)
RECAP						
Total mandatory and discretionary	11,077,435,396	13,115,727,000	13,163,271,000	12,810,122,883	13,063,718,000	+1,986,282,604
Mandatory	617,284,000	645,696,000	645,696,000	653,196,000	653,196,000	+35,912,000
Discretionary:						
Defense (050)	.....	300,000,000	300,000,000	.....	300,000,000	+300,000,000
Nondefense	10,460,151,396	12,170,031,000	12,217,575,000	12,156,926,883	12,110,522,000	+1,650,370,604
Total, Discretionary	10,460,151,396	12,470,031,000	12,517,575,000	12,156,926,883	12,410,522,000	+1,950,370,604

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that remarks should be directed at the Chair or other Members in the Chamber.

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER] for the purpose of a colloquy.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Minnesota [Mr. SABO], the ranking member on the subcommittee, for yielding time to me.

I rise to say, Mr. Speaker, that I will support this conference report. I know the work of both sides has been very hard. Obviously, compromises have been made. But I rise to talk about something that is not in the conference report that greatly concerns me.

Over the last 6 or 7 years, the Congress, prior to 1995, was about the business of fixing up one of the roads it owns. It was the Baltimore-Washington Parkway. The first 19 miles of that road are Federal property. We have appropriated substantial sums to rehabilitate that road, which was some 40 years of age and needed to be fixed or it was not going to be usable. It is a major artery along the Atlantic Coast and a major artery between two of America's great cities, Washington and Baltimore.

It is, I might add, the direct route to Camden Yards, the home of the Baltimore Orioles, which ought to give it added impetus. I would ask the attention of the gentleman from Virginia [Mr. WOLF], who did not hear my comments.

Mr. WOLF. Mr. Speaker, if the gentleman will yield, I apologize, I did not.

Mr. HOYER. I know the gentleman did not. I want to repeat it, because this is the major artery to get to Camden Yards, the home of the Baltimore Orioles. I know the gentleman from Virginia, Mr. TOM DAVIS, is a big fan of the Orioles, and I hope the gentleman from Virginia, Mr. WOLF, is as well.

Mr. WOLF. Yes, I am. The gentleman from Virginia [Mr. DAVIS] is a bigger fan.

Mr. HOYER. That is serious.

But on a transportation note, as the chairman and I have been discussing, it is vital that we complete this project. We are now $18½ million short of completion of rehabilitation and restoration of the federally owned road.

Mr. Speaker, I would ask the chairman, he knows my concern, the concern I have had that we have not been able to fund this over the last 3 years. We are now coming to the end of the funding stream. If we do not get the balance, this project will be in abeyance. I would like to ask, if the chairman could, to give me his comments on that, so we could determine where we are.

Mr. WOLF. Mr. Speaker, if the gentleman will yield, I completely agree with the gentleman. I hope we can do something. I would say there is a discretionary set-aside of $440 million out of the Federal lands program that the administration does have the ability to use. After this is over, I will do a letter to Secretary Babbitt.

Second, I will also ask Senator WARNER from my State to look at this. I think there ought to be a category in the ISTEA bill to deal with the BWI Parkway, and also the unmet needs in a lot of the national parks. I think the gentleman is exactly right. I will attempt to do everything I can to help. I completely agree with the gentleman.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments, and I would thank him for his help in seeing that we could complete this project.

I want to thank my good friend, the gentleman from Minnesota [Mr. SABO], the ranking member, who I know has been trying to help with this as well. I look forward to working with both of them so we can see the completion of this project, which is essentially 90 percent funded and just needs this balance to be completed.

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

Mr. Speaker, let me begin by thanking the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee, for his good work. This is a good bill. He has done an outstanding job chairing this subcommittee. He has been fair and worked hard at it. It is a product that we should pass by a huge margin today.

Let me also acknowledge all of the staff mentioned by the gentleman from Virginia [Mr. WOLF], both majority and minority, who worked very hard on this bill. It is an outstanding staff, and they do outstanding work.

Let me particularly mention Cheryl SMITH and the minority staff and Marge Duske on my personal staff who have worked on this bill, along with all the majority staff members and associate staff as doing outstanding work. We deeply appreciate it.

Mr. Speaker, let me just highlight a couple of issues. When this bill passed the House I expressed concern that we were underfunding the operating account for Amtrak. The conference report that is back today funds Amtrak at the level requested by the administration. I think that was a good change from what the House passed and represents a significant improvement in this bill.

Second, at the point this bill went to conference we moved to instruct the conferees to stay with the House position of $200 million for operating costs of transit agencies in this country. The House had $200 million in its original bill. The conference report maintains $150 million, which is 75 percent of that amount, and, in addition, it has a provision allowing transit agencies to use some of the capital money for maintenance costs, which previously they have had to use operating dollars for. So in essence, this bill complies with the instructions given by the House at the point that we went to conference.

It is a good bill, and I urge Members to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in opposition to the language in the bill drafted by the Senate dealing with Dallas' Love Field. I will include a statement expressing my concern about the safety implications of that position.

Mr. SABO. Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I rise to participate in a colloquy with the gentleman from Virginia [Mr. WOLF], the chairman.

Mr. Speaker, it has come to my attention that language in the conference report pertaining to technical automation contains two typographical errors. In the first line of the language it should read ''DDM 2800 series monitors'' rather than ''DDM 2300 monitor series,'' as is printed in the report.

The last line of this language should also read ''The conferees direct the FAA to report to the House and Senate Committees on Appropriations by December 15, 1997, explaining how the agency will locate the resources necessary to continue monitor production during fiscal year 1998.''

The report reads ''to continue to monitor production.'' The second ''to'' was added by the Government Printing Office and should be omitted. I just want to make sure that this is clarified and that this is the intent of the conferees.

I would ask, is this the chairman's understanding?

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, the gentleman is correct. That change was made I think by an English major at GPO who felt a mistake had been made and wanted to save the Congress an embarrassment, and they were thinking of monitor not as the monitor, but to monitor. And the gentleman is exactly right, although we do thank the GPO for the great job they do to edit some of the things we say. The agreement does relate to the 2800 series of monitor and the second ''to'' was a printing error. I agree with the gentleman.

Mr. PACKARD. I want to thank the gentleman, and I certainly support the conference report.

Mr. SABO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I rise in support of this conference report, which supports the Westside-Hillsboro light rail project.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 2169, Fiscal year 1998 Transportation Appropriations. I want to thank Mr. WOLF, Mr. SABO, and every member of the conference committee for their hard work in crafting an excellent conference report.

I believe the conference report before the House is a good bill in many respects, but particularly because it promotes livable communities. For example, the conference report supports the Westside-Hillsboro Light Rail Project, one of the Nation's leading examples of sustainable development. The Westside Project, which receives the full $63.4 million in this conference report, has already begun operating and will be complete to downtown Hillsboro by September of 1998. Light rail in the Portland area works in conjunction with Oregon's unique land-use laws, and is critical to the future vitality and livability of our region. Oregonians are anxious to reap the benefits of this public investment: reduced congestion, improved air quality, sustainable economic development, and maintaining the quality of life that we treasure in the Pacific Northwest.

We can make a difference in our communities by planning for growth in an effective and environmentally friendly fashion, and this conference report helps achieve this goal. I want to thank Mr. WOLF and Mr. SABO, as well as appropriations staff members John Blazey and Cheryl Smith, for their long-time support of the Westside Project.

We only have 1 year left of funding to complete the Westside Project, Mr. Speaker. I urge my colleagues to support the conference report.

Mr. SABO. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. FORD] for the purposes of a colloquy.

Mr. FORD. Mr. Speaker, I rise to engage the gentleman from Virginia [Mr. WOLF], the chairman of the Subcommittee on Transportation of the Committee on Appropriations, for a colloquy regarding the Memphis International Airport.

Mr. Speaker, the Senate report accompanying S. 1048, the Senate version of the fiscal year 1998 Transportation appropriations bill, included a recommendation that the FAA issue a letter of intent to the Memphis International Airport for reconstruction and extension of runway 18C/36C, a project vitally important to my region's capacity to remain a force in tomorrow's competitive marketplace.

However, my understanding is that this recommendation was not included in the conference report, based on erroneous information that may have been conveyed to staff by the Department of Transportation.

Is that the gentleman's understanding?

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Virginia.

Mr. WOLF. The gentleman is correct, Mr. Speaker. The conferees believed that the FAA already had issued a letter of intent to the Memphis International Airport when in fact it had not occurred. I agree that the Memphis International Airport should have been included on the list of airports for which the conferees encouraged the FAA to consider signing letters of intent, and the FAA should treat the list of airports identified in the statement of managers as if it included Memphis International Airport. I regret and apologize for this inadvertent error that was made.

Mr. FORD. Mr. Speaker, I thank the gentleman for his leadership, and certainly his willingness to address this problem, and for his clarification that indeed Memphis International Airport should receive the same consideration for a letter of intent as the six other airports listed in the statement of managers on H.R. 2169.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

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

Mr. CALLAHAN. Mr. Speaker, this is a great institution, and the national media always focuses on the sensationalism of what is happening in Washington. They want to talk about campaign reform, and they want to talk about who had coffee with whom at the White House and how much money was raised, or anything negative.

But meanwhile, we in Congress have a responsibility. One of the greatest responsibilities we have, if not the chief responsibility, is to distribute the tax dollars that the American people sends to us.

□ 1215

While the spotlights are focusing on all the glamorous Members of the Senate and the chairmen of committees about the sensationalism type of media events, there are some in this House who are doing responsible work.

During the last 6 or 7 months, the gentleman from Virginia [Mr. WOLF], chairman of this subcommittee, and the gentleman from Minnesota [Mr. SABO], the ranking Democrat, have been working with a great degree of sensationalism, not publicized sensationalism but responsible, dedicated service, trying to distribute the moneys that have been allocated towards transportation in this country.

It is important. We are talking about highways. We are talking about Amtrak. We are talking about buses. We are talking about the U.S. Coast Guard. We are talking about a myriad of responsible activities that have been taking place under the leadership of the gentleman from Virginia and the gentleman from Minnesota.

So, Mr. Speaker, while I recognize that this is not a perfect bill, because a perfect bill would include a little bit more for the Coast Guard and a little bit more for the State of Alabama, even though admittedly Alabama does pretty doggone well, I just rise and ask my colleagues to reward these gentlemen for the work that they have done for the last 6 or 7 months in bringing to this body, finally, a bill that will provide the necessary moneys for the transportation needs of this country during the next fiscal year.

Mr. Speaker, I urge my colleagues to reward the gentleman from Virginia and the gentleman from Minnesota by voting ''yes'' in favor of this conference report.

Mr. SABO. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Minnesota has 23 minutes remaining.

Mr. SABO. Mr. Speaker, Members come and go. Somebody who has served here for many years now and did an outstanding job is the gentleman from Colorado [Mr. SKAGGS], my friend. The gentleman flirted for a while with the notion of running for an institution where speech is unlimited and speeches go on forever. In the House, we are disciplined.

Mr. Speaker, being that the gentleman decided not to run for that institution with endless speeches, and the fact that I have 23 minutes left and I need to reserve 2 minutes for the ranking member of the full committee, I yield 21 minutes to the gentleman from Colorado [Mr. SKAGGS], and we are going to test to see what kind of discipline the gentleman has to not use it all.

Mr. SKAGGS. Mr. Speaker, I think that I appreciate the kindness of the gentleman from Minnesota [Mr. SABO], yielding me most of his remaining time, which I will not consume, but I thank the gentleman very much. It has been a delight working with him on the Committee on Appropriations.

Mr. Speaker, I want to thank the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee, for the predictably good work that the gentleman and his members and staff have done in bringing a bill to the floor that I intend to support.

I have a little bit of a good news and not so good news set of comments I would like to make, which will not take long. But in particular, Mr. Speaker, I wish to recognize and express the thanks of the people that I represent in Colorado for the inclusion of several very important provisions in this bill:

Mr. Speaker, funding for the light rail southwest corridor being constructed by the Regional Transportation District in the Greater Denver Metropolitan area; funding for a very important mass transit project along the Roaring Fork Valley in western Colorado. There is an impossibly congested situation along the routes leading into Aspen, which is renowned for its spectacular homes and perhaps its well-to-do, but there are an awful lot of

working people that need to get to work in that community that will be well served by this inventive effort to bring rail back to the Roaring Fork Valley.

Bus money for Colorado; and, finally, a healthy amount for aviation weather research, extremely important for the national aviation system and an important provision in this funding bill.

Mr. Speaker, there are a couple of points that I do want to raise a question of concern about. For some reason, Mr. Speaker, they seem to have to do with things emanating from the Denver International Airport, a project that has enjoyed the special affection of the chairman of the subcommittee over the years.

I wanted to say both thanks for the provision in section 323 that permits some of the noise studies to move forward that are very important in determining the advisability or not of the construction of a sixth runway at DIA, as well as expressing some regret that there remains a unique provision in the bill prohibiting funds for such construction. But I know the gentleman from Virginia will keep an open mind if it turns out that for safety, noise, and general good management of the airport, it may be advised to proceed with such a sixth runway.

The second point I just wanted to note was the very creative linkage that seems to have been included in the report accompanying the conference report between the southwest rail corridor moneys and the possible acquisition by the city and county of Denver of rights-of-way having to do with a rail line from downtown Denver out to the airport.

Mr. Speaker, I am not quite sure what to make of this report language. It would seem to suggest that if Denver proceeds with right-of-way acquisition, that somehow the light rail project run by an entirely different legal and political entity could be put at risk. I do not suppose that that is really what the committee intends here, but the report language is somewhat fuzzy in this respect.

Obviously, what Denver may do with regard to the airport as one legal entity, one political entity, really should not have much of an impact on what an entirely separate political jurisdiction is doing in trying to solve the needs of the Denver metropolitan area for a rail alternative.

Again, I intend to support the conference report. I appreciate very much the time yielded to me by the gentleman from Minnesota.

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

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I have enjoyed sitting on the Subcommittee on Transportation and working with the gentleman from Minnesota as well as the gentleman from Virginia.

Mr. Speaker, I wanted to talk about one of the provisions in this conference report and why I am such an active supporter of it, and that provision deals with the merger of the Union Pacific and Southern Pacific railroads. This merger has created a significant potential safety and environmental problem which this legislation addresses.

Currently, there is a mitigation study being conducted by the Surface Transportation Board, and this study is based on certain data and criteria, that establish how many trains will be coming through Wichita and what the environmental and safety impact, that it will have on the community.

In this legislation we have report language that provides a safeguard that will deal with future safety and environmental problems, and I would like to quote just a part of it. It says, ''After the Board has approved the final environmental measures for Wichita, if the Union Pacific Corp. or any of its divisions or subsidiaries materially changes or is unable to achieve the assumptions on which the Board based its final environmental mitigation measures, then the Board should reopen Finance Docket 32760 if requested by interested parties, and prescribe additional mitigation properly reflecting these changes if shown to be appropriate.''

This is the safeguard that I referred to, Mr. Speaker, and it allows us to change this study or reconvene a second study if the circumstances demand it so.

Mr. Speaker, the second provision that is in here that is significant for the Fourth District of Kansas as well as the greater south central United States is changes that we have in the Wright amendment. The changes are going to significantly weaken the Wright amendment, which is one of the few remaining monopolies that exist in air travel here in America today.

This was a provision put in place by former Speaker Jim Wright about 18 years ago, and the purpose was to develop the Dallas/Fort Worth International Airport. I have to tell my colleagues that this provision was a success. That airport now is the second largest airport in the world in terms of flight activity. It houses the largest American air carrier, American Airlines. But that success has come at a high cost.

Mr. Speaker, in 1992, the U.S. Department of Transportation did a study and they found that the Wright amendment costs air travelers each year an additional $183 million per year because of the lack of competition. Well, if we take 1992 dollars and escalate them to 1997 dollars, that would be closer to $250 million a year, a quarter of a billion dollars that are paid by air travelers in the form of higher airfares, which go directly in the profit line of those air carriers which benefit from the Wright amendment.

The changes to the Wright amendment are in basically two areas. One, we are changing the description of the 56-seat aircraft exemption. Now, airlines can fly an aircraft out of Love Field that can hold 56 passengers and room for cargo. This change will open up some opportunities for air carriers in the future.

Second, we are changing the definition of ''contiguous States'' to add three States to it. One of those three States is the State of Kansas. Now, Kansans can fly directly to Love Field. As a result of the Wright amendment, my constituents have had limited travel between Dallas and Wichita, and as a result we have lost some of our corporate headquarters. Pizza Hut's world headquarters transferred to Dallas because of the higher airline cost. Recently, Brite Voice transferred because of higher airline costs.

So these changes in this conference report will be good for the economy not only in south central Kansas, but the economy of the south central United States of America.

Mr. Speaker, I support the provisions in this transportation conference report, and I would like to urge all of my colleagues to vote for this conference report.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would simply note that I certainly do not agree with everything in this bill. In fact, there are items that I have fairly strong disagreement with. But it is a reasonable approach to transportation problems in this country, and I think because of that, it deserves our support.

I simply want to congratulate the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] for the job they did in producing this bill. In politics, we often have two kinds of people: we have the show horses and the workhorses. In these two gentlemen, I think we have workhorses and the House is the better for it.

Mr. Speaker, I would also make the point that I think this demonstrates that if these issues are left to the Committee on Appropriations to try to work out in as bipartisan a manner as possible, they can usually be worked out.

We have some other bills which at this point are stuck, even though we are well into the new fiscal year, because other outside considerations have intruded and, as a result, the committee is not being allowed to work out its differences the way it would normally work them out.

If left to their own devices, I think on all four of those remaining bills the Committee on Appropriations could reach an agreement that could satisfy the country in a week. But even though at this point we have not been fortunate enough to have those bills unleashed, this one is, and it is in no small measure due to the fact that we

have persons with the attitude represented by the gentleman from Virginia and the gentleman from Minnesota, and I for one appreciate their working style, and I thank them on behalf of our Members for the work they have done on behalf of the House.

Mr. SABO. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for his kind comments.

I have no further requests for time.

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

Mr. WOLF. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for his comments, and I thank all the Members on both sides and urge an ''aye'' vote for the conference report.

Mr. OBERSTAR. Mr. Speaker, I would like at this time to raise one aspect of the Transportation appropriations bill that gives me concern. I believe modifying the Wright amendment without a careful and serious debate about the safety issues involved is premature. At the outset, I want to make it clear that I am not against competition in the airline industry. In fact, I have worked many years as chairman of the Aviation Subcommittee and now as the ranking Democratic member on the Transportation and Infrastructure Committee to ensure that competition is alive and well and that consumers are protected. My concerns focus entirely on the safety of permitting greatly expanded traffic growth at Love Field in Dallas, which might complicate the air traffic patterns in the Dallas-Fort Worth area.

Let me begin by saying that the Wright amendment was a carefully crafted compromise which resolved a heated and long standing dispute between the cities of Dallas and Fort Worth. Today, Dallas Fort Worth is a vibrant international airport and Love Field is very successful and the home of Southwest Airlines. I will not go into the history of the Wright amendment except to say that it has served the Nation well.

Dallas Fort Worth and Love Field airports are only 8 miles apart. Only 2 nautical miles separate the approach patterns between DFW and Love Field. The runways at Love Field point into Dallas Fort Worth's most heavily used arrival routes. Over the years, FAA has developed air traffic control procedures to prevent planes from coming too close to one another. The approach procedures into Love Field are more circuitous in order to facilitate a more direct approach into Dallas Fort Worth. These procedures work well with the Wright amendment in place. Safety is assured. Congestion is controlled.

With the modification of the Wright amendment, I am concerned about the potential safety impacts from the anticipated growth at two airports in such close proximity. The Federal Aviation Administration's data shows that Dallas Forth Worth totaled almost 900,000 operations in 1995, making it the second most active U.S. airport. Analysts at the Federal Aviation Administration Believe that this will increase to over 1.2 million operations per year by 2010, an increase of almost 40 percent. Love Field, on the other hand, experienced about 208,700 operations in 1995 and is expected to grow by about 5.9 percent by 2010. But that was before any thought was given to modifying the Wright amendment. If airlines move into Love Field, the airport will quickly reach capacity and significant delays may become commonplace. The safety impacts of these developments in such confined airspace, particularly in poor weather, are uncertain at best.

In September 1991, the House Aviation Subcommittee held exhaustive hearings on this issue and explored the competitive and safety impacts of repealing or modifying the Wright amendment. At that time, we heard from experts in the aviation community, local and State leaders, and many others. The subcommittee explored the safety and competitive issues in great depth. Najeeb Halaby, a former FAA Administrator cautioned against repealing the Wright amendment on safety grounds and told us that the margin of safety would be compromised. Again, we need to examine the facts, analyze the safety issues, an get a full understanding of all the complexities of traffic flow and air traffic control before such a major change is even considered.

Mr. Speaker, let me say in closing that the burden now falls on the Federal Aviation Administration to make sure that both Dallas Forth and Love Field can operate safely and can handle growth. The conferees to this bill expressed similar concerns and have directed the Federal Aviation Administration to report on the additional equipment or air traffic control support necessary to enhance traffic flow, airspace management, and safety in the Dallas-Fort Worth metropolitan area. Also, FAA is to review the implications of increased traffic levels on the area and recommend the appropriate steps. We should have had the answers to these questions before we voted on this provision.

Ms. STABENOW. Mr. Speaker, today I am voting against the conference agreement on Transportation Appropriations for Fiscal Year 1998. Although the House approved a level of $15 billion for my State of Michigan for the coming fiscal year, a questionable deal was cut in the conference committee. Inexplicably the levels in those two bills were cut to just $7.5 million. This is a perfect example of the need for funding equity in our transportation programs, and a reworking of the formulas for transit which have continuously resulted in Michigan's citizens getting the short end of the transit funding stick.

Transportation funding is one of the most critical commitments that our government makes each year. Therefore, I support the base bill. However, I cannot continue to stand by, Mr. Speaker, while the transit customers of Michigan are given no guarantee of a return of Michigan's gas tax dollars.

Therefore, today I voted with the majority of the Michigan delegation against this conference agreement, despite the fact that it included a provision that I strongly support—a provision that bars Members of Congress from exercising the option of switching from the Civil Service Retirement System to the Federal Employees Retirement System.

At the very least, Mr. Speaker, we must find some way to assure that each State receives a minimum allocation from the Transit account of our highway trust fund. Today, Mr. Speaker, I vote against this bill to protest its perpetuation.

Mr. KILPATRICK, Mr. Speaker, I rise today in opposition to the conference report accompanying H.R. 2169, the Transportation Appropriations bill for fiscal year 1998. In this bill, the State of Michigan was allotted $15 million in the House bill, and $14 million in the Senate bill. What does the conference report contain? Not $15 million for the State of Michigan, nor does it contain $14 million for the State of Michigan. It contains only $7.5 million for the federally funded roads, bridges, and highways for the next fiscal year for the State of Michigan. While I support the basic tenets of this bill, this level of funding is simply ludicrous and does a disservice to the hard-working taxpayers of my State and of the 15th Congressional District of Michigan, and I will vote against final passage of this conference report.

Once again, Michigan taxpayers are donating our dollars to the rest of the Nation. I refuse to stand idly by while our constituents get fiscally abused. Paraphrasing a country song, while the donee States get the gold mine, the donor States get the shaft. The funding formula for the donor States must be corrected, and I will continue to fight for full and fair equity in transportation funding for the State of Michigan and the 15th Congressional District. Our taxpayers and our constituents deserve no less than our full and devoted effort to this end.

Mr. ADERHOLT. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2169, the Transportation and Related Agencies Appropriation Act for Fiscal Year 1998. Chairman FRANK WOLF and Senate Chairman RICHARD SHELBY have worked hard to ensure the transportation infrastructure needs of the country are adequately funded. Funding for surface transportation in this bill has been increased by 20 percent and includes $300 million for the Appalachian Development Highway System [ADHS].

Funding for the ADHS will help expedite completion of corridor X and corridor V which run through the Fourth Congressional District, that I am privileged to represent.

Corridor X is the proposed four-lane superhighway that will connect the cities of Memphis, TN and Birmingham, AL. It is an unthinkable omission from our National Highway System that there is no four-lane route between these two important cities in the Southeast.

Corridor V is the proposed highway that begins east of Tupelo, MS, and runs through northern Alabama to Chattanooga, TN. Once completed, this highway will increase economic activity in northern Alabama and provide an important link with corridor X.

Traditionally, the entire ADHS has been without a stable and significant funding source and this has resulted in the completion of only 78 percent of the corridors. By contrast, the Interstate Highway System is 99 percent completed. The $300 million provided in H.R. 2169 is a giant step in the right direction for ADHS, corridor X and corridor V.

In addition, President Clinton and the Congress have both submitted legislation to reauthorize the Intermodel Surface Transportation Efficiency Act [ISTEA] that include a specific funding category for the ADHS. While there are numerous disputes over funding formulas and overall funding levels in that debate, I am hopeful that whatever version to reauthorize ISTEA becomes law includes a specific category for ADHS. With a steady, stable source of funding, we can ensure that the transportation infrastructure of the Appalachian region is ready to meet the challenges of the twenty-first century.

Once again, I commend Chairman WOLF and Chairman SHELBY for their hard work and

look forward to working with them next year to build on this year's success.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 21, not voting 11, as follows:

[Roll No. 510]

YEAS—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—21

Camp
Campbell
Coburn
Conyers
Dingell
Ehlers
Frost
Granger
Hoekstra
Hostettler
Johnson, E. B.
Kilpatrick
Levin
Paul
Sanford
Scarborough
Smith (MI)
Stabenow
Stupak
Upton
Wexler

NOT VOTING—11

Bonior
Brown (FL)
Chambliss
Gonzalez
Hilliard
Kennedy (RI)
Largent
Lewis (KY)
Murtha
Schiff
Waxman

□ 1250

Messrs. CAMP, SMITH of Michigan, and LEVIN changed their vote from ''yea'' to ''nay.''

Mr. GUTIERREZ changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

The SPEAKER. Pursuant to House Resolution 264 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2607.

□ 1252

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. 2607) 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, 1998, and for other purposes, with Mr. CAMP 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 North Carolina [Mr. TAYLOR] and the gentleman from Virginia [Mr. MORAN] each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Chairman, I apologize for my speech at the moment, but considering where it was 6 or 8 weeks ago, it is much better and I appreciate the comments from my fellow colleagues about my health.

I want to also thank the members of my subcommittee, the gentleman from Wisconsin [Mr. NEUMANN], the gentleman from California [Mr. CUNNINGHAM], the gentleman from Kansas [Mr. TIAHRT], the gentlewoman from Kentucky [Mrs. NORTHUP], the gentleman from Alabama [Mr. ADERHOLT], the gentleman from Virginia [Mr. MORAN], the gentleman from Minnesota [Mr. SABO], and the gentleman from California [Mr. DIXON] for all their hard work on this bill.

The gentleman from Virginia [Mr. MORAN], the ranking member and I have disagreed on many parts of the bill, but he has always been very supportive in his efforts, with polite debate and working with us in those areas where we could agree.

It is often a thankless job, but a necessary one, for we frequently hear about the residents of the District, but we have a responsibility to the 260 million Americans to whom this city is very special.

H.R. 2607, the District of Columbia appropriations bill, fully funds the District of Columbia at $4.8 billion. It pays down $200 million of the District's short-term debt and provides $100 million additional if savings are provided. It provides $269 million for needed capital improvements, school and street repairs. It reforms medical malpractice. It provides scholarship choice for Washington, DC students.

With the enactment of the Balanced Budget Act early this summer, the

Congress relieved the District of some $700 million in spending responsibilities and provided the District with some $235 million in net savings. Now, this was not saved by the District, but it was able to be used toward reducing the District's debt. Our bill uses these savings to pay down debt and to fix the crumbling schools and streets which have been disregarded in many cases in the Nation's Capital.

The bill provides that additional management savings the District promised in its fiscal year 1999 budget be moved to fiscal year 1998, with any savings realized devoted to further deficit reduction.

Finally, District revenues over estimates will be placed in a D.C. taxpayer's relief fund. That fund will perhaps provide somewhere between $75 million and $100 million in much needed taxpayer relief.

With over 100,000 taxpayers having left the District in the past few years, our bill tries to reach the twin goals of making the city government more effective and keeping in place a tax base. It really does not matter how efficient we make D.C., because if we continue driving taxpayers out of the District then all we may be doing is just processing welfare payments.

Our bill also includes groundbreaking provisions to provide educational scholarships for the District's children and places noneconomic damage limits on medical malpractice awards up to $250,000, and permits the schools to waive Davis-Bacon so that needed school repairs can get done in a timely, cost effective manner.

The House passed education scholarships as part of the fiscal year 1996 bill, and the medical malpractice reform in this bill is based on the House passed medical malpractice provisions of this year's budget bill.

Our bill also removed the tax exemption for the National Education Association and devotes their property tax payment to charter schools.

Our bill also funds the University of the District of Columbia Law School. However, if it does not receive full and unconditional accreditation, the funds appropriated will be used for those students currently enrolled to gain an education elsewhere.

We provide District of Columbia police officers and fire fighters with a needed pay raise based on merit—and performance, for officers on the street, not behind a desk. And we make sure that school teachers have valid credentials before they can receive a raise.

And, finally, our bill contains a number of important provisions to strengthen the independence of the D.C. inspector general and the chief financial officer, and to provide the D.C. Control Board with congressional direction and priorities.

Our manager's amendment, drafted with the full support of the gentleman from Virginia [Mr. MORAN], my ranking minority member, and incorporated into the rule just passed, resolves several thorny issues, including making sure that the control board selects an independent vendor qualified by the Office of Management and Budget to update the District's current financial management system.

Our bill also recognizes the policing activity made by the U.S. Park Police by providing, for the first time, funds to reimburse the Park Police for their major contributions to public safety.

Regarding Federal funds, the bill provides a total $827 million, including: $180 million in Federal contribution to the District, $169 million to corrections for operations, $302 million to corrections for facilities, $123 million for courts, $23 million for pre-trial services, $5.4 million for police merit raise, $2.6 million for firefighters payraise, $12.5 million for Park Police, $7 million for Parental Choice Educational Scholarships, $1 million for District Educational Learning Technology Advancement Council [DELTA Council], and $2 million for the DC Inspector General.

The windfall of $235,000,000 realized from the Revitalization Act is allocated as follows: $200 million in deficit reduction, $30 million in PAYGo street and school repairs, and $5 million in management performance fund.

In the bill we establish a D.C. taxpayer relief fund and require that any District revenue in excess of estimates be deposited into the fund. It is estimated that perhaps $75 will be deposited. Tax cuts will be enacted by the District City Council based on the recommendations of the D.C. Tax Revision Commission and the Business Regulatory Reform Commission. The bill also moves up to $100 million in fiscal year 1999 management savings initiatives to fiscal year 1998, savings realized devoted to deficit reduction.

In addition the bill includes several other provisions.

Law School: Fully funds UDC School of Law contingent upon receive full and unconditional accreditation. If accreditation is not received by February 28, 1998, school closes and remaining funds re for D.C. resident student scholarships at area law schools.

Davis-Bacon waiver, Permits D.C. public schools to waive Davis-Bacon requirements for school construction and repairs, saving the District up to 20 percent. Similar waiver have been granted for natural disaster like Hurricane Hugo, the D.C. school situation is a man made disaster but a disaster nevertheless.

Pennsylvania Avenue reopening: At the recommendation of a District City Council Member, the bill re-opens that section of Pennsylvania Avenue in front of the White House to traffic. The closure has disrupted the flow of traffic and impeded citizen access to the White House.

Welfare Cap: Places District Council enacted welfare caps—holding payments to the higher of surrounding jurisdictions—into that portion of the D.C. Code which is unamendable by the District Council. This provision ensures that the District will not again become a welfare payment magnet.

Medical Malpractice Reform: District physicians continue to pay medical malpractice premiums as much as two times greater than in neighboring States, reducing the number of physicians willing to practice in the city and limiting access to health care. The bill's $250,000 cap on noneconomic damages, and joint and several liability reform could reduce such premium by 20 percent. Five of the District's thirteen hospitals operated at a loss last year, and the cash strapped city government paid $15 million in tort recoveries last year.

The District of Columbia is the only jurisdiction in the country with no limits on malpractice awards.

Repeal of National Education Association Tax Exemption: The bill eliminate the property tax exemption for the National Education Association. Currently, some 34 organizations are congressionally chartered and exempt from paying District of Columbia property taxes. Only one, the National Education is a labor union. The NEA has announced that it agrees, it principal to pay it's one million, one hundred thousand dollar tax bill.

There are many changes in this legislation that are very much needed, and many of the provisions are not in the Senate bill.

□ 1300

The Senate bill does not restrict pay raises to those teachers who have valid teaching credentials. The House bill does. The House bill also on a bipartisan basis strengthens the independence of the District's inspector general and chief financial officer so they can carry out their duties without interference. The Senate does not.

The House bill also tightens up the use of detailees and requires the user office to pay for the detailees. This is very much needed based on recent reports showing certain city offices with more employees than they admit to. The Senate bill does not address this issue.

The House bill also caps the outrageous tort awards which are driving medical providers out of the District and making medical care more difficult and more expensive to get. The Senate bill does not.

The House bill also cuts the size of the Mayor's security in half, from 30 members to 15, and puts those highly trained police officers on the street to go after criminals. The Senate bill allows the mayor to keep the largest security detail in the Nation.

The House bill gives the city important tools to improve its finances by allowing for the recovery of fees and costs for bad checks and by clarifying the city's authority over unclaimed property. These are tools that are essential if the city is to improve its finances. The Senate bill is silent on those issues.

The Senate bill does not provide the District with the authority to make direct deposits for all payments. The House bill does. The House bill makes sure that the congressionally created Control Board is audited and that the funds it earns as interest are appropriated by this body. The Senate bill does not.

The House bill caps the District's welfare payments at the higher of the surrounding jurisdictions. The Senate bill permits the District to raise welfare payments to as high as 50 percent above the surrounding jurisdictions, once more making Washington the welfare capital of America.

The House bill includes language restoring fairness in the application of the local property tax among labor organizations in the District. This provision will generate an additional $1.3 million in local tax revenues. The Senate bill does not address this issue at all.

Those are just a few of the differences between the House and the Senate bills. The work that we provide in this bill is certainly commendable. We urge Members' support for this legislation.

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

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

Mr. Chairman, I would like to begin by taking this opportunity to express my appreciation for the gentleman from North Carolina [Mr. TAYLOR] and the work that he has put into this appropriations bill.

He and I do disagree on many of the provisions in this bill and, in fact, on many of the issues considered by this Congress. We come from different parts of the country and very different congressional districts. We have very different ideologies, philosophies, and influences that govern our decisions. Despite all of this and despite our disagreements, the gentleman from North Carolina [Mr. TAYLOR] and his staff have been honest, forthright, and fair throughout consideration of this bill.

I am also deeply impressed with the way that the gentleman from North Carolina [Mr. TAYLOR] has been able to bounce back from his stroke last summer. Such an ailment would challenge any of us as we try to continue to resume a normal life. Through it all, he has not only worked to resume his responsibilities as a Member of the House but has also carried forth his responsibilities as chairman of the District of Columbia Appropriations Subcommittee.

I say to the gentleman from North Carolina [Mr. TAYLOR], he has remained a gentleman from the day he took over as chairman of this subcommittee, and I appreciate the opportunity to have worked with him.

Mr. Chairman, the District of Columbia Appropriations Act is never an easy bill to pass. The Congress has the responsibility to ensure that Federal funds appropriated to the District of Columbia are spent wisely. We have the responsibility to ensure that congressionally created entities operate properly. We have the statutory responsibility to approve the local expenditure of locally raised revenues.

Yet, some Members are willing to abdicate that responsibility and vote against the District of Columbia Appropriations Act unless, they can interject national and ideological issues into this debate. The District of Columbia Appropriations Act is the smallest appropriations bill, yet it becomes a magnet for controversial and extraneous riders.

Congress has never been able to resist the opportunity to play city council for a day and impose its will on this city. In fact, when I first ran for Congress in 1990, my opponent boasted of how he attached a rider to the D.C. bill that prohibited the University of the District of Columbia from spending money to buy a controversial painting. My colleagues may remember that issue. He probably does. That was 6 years ago.

Every Member, well, not every Member, but a number of Members attempt to advance their own political careers at the expense of the District of Columbia.

Since then, I have seen amendment after amendment being offered to the D.C. appropriations bill that addressed national or ideologic concerns. Prohibitions on the use of funds for abortion, prohibitions on the use of funds to allow individuals to include domestic partners in their health insurance policies have been perennial amendments.

In fact, they have become so common that the District of Columbia's city council is unwilling to fight them anymore and already included these riders in their own budget submission. So all those issues that have been given that they have accepted them, they are already in the D.C. Council's budget.

Recently, there have been amendments on vouchers, on charter schools, on Davis-Bacon. In the Senate, there have been amendments changing the Senate procedures on the use of holds. Now, what does that have to do with the District of Columbia changing an arcane procedure within the District's own rules? That is not even relevant to the House, never mind the Nation or the District of Columbia. But it was an amendment that was attempted to be attached to this bill.

The House bill is more of the same. The actual appropriations language in the bill ends on page 27. The next 102 pages is dedicated to general provisions. Think of that. The appropriations process is concluded after 27 pages, and then we have got 102 pages trying to do what is properly under the purview of the authorizing committee and does not belong in an appropriations bill.

Some of the provisions are good. I would like to see some of these things enacted. Some of them are clearly wrong. Almost all of them go beyond the city's request, and they interject ancillary issues into this debate.

Now, in defense of the gentleman from North Carolina [Mr. TAYLOR], I have to say that the bill we are dealing with today is much better than the bill that was considered by the subcommittee. Of course, that is faint praise, since the gentleman from North Carolina [Mr. TAYLOR] put those provisions in the subcommittee. But we have been able to work closely together and we have struck those provisions that cut the local budget by $300 million. It would have reduced the city employment by more than 2,000 positions and imposed a residency requirement on city employees.

Those issues were struck. Those are not part of this bill, and that is very fortunate. But the manager's amendment that we will offer today still is necessary, because that further does improve this bill, stakes out more things that we both now agree ought not to be in the bill. It strikes a number of provisions that have unintended consequences, things that we never intended to do, that would have adverse consequences on the District or are simply not appropriate for inclusion in the bill.

But there remains, Mr. Chairman, much more to be done. And that is why I will be offering a substitute amendment that will not only remove the remaining problems in this bill but will also ensure that we can actually pass the bill and have it enacted into law before the continuing resolution expires.

We owe that to this country, to the responsibility we assume as national representatives in this Congress, and we certainly owe it to the District of Columbia residents to give the District of Columbia its spending bill, not to force them into a continuing resolution situation where the Control Board cannot even issue any long-term contracts it is going to cost them much more money to operate. It is not right to force them into a continuing resolution situation.

The only way to avoid that is to agree to the amendment that brings us back to the Senate version. We have 3 more working days before the existing congressional continuing resolution expires. Let us pass my substitute amendment and get this bill signed into law during those 3 days.

After that has passed, we will have plenty of time to debate school vouchers, Davis-Bacon, medical malpractice, welfare caps, prohibiting helicopter flights, restricting the use of automobiles under 26 miles per gallon, new financial management system contracts, charter school leases, cutting school administrators, closing Pennsylvania Avenue, repealing the NEA's tax exemption, restricting the ability to fire the chief financial officer and the Inspector General, and every other ancillary provision that have been added to this appropriations bill.

Nobody wants me to repeat that long, long list again. But it makes a point. Those are all issues that do not belong in this bill. I support many of these provisions, though. I mean, I would like to see them done. Get them done by the authorizing committee.

I would also support, though, the District's Control Board. We set it up. It is doing a good job. The District's authorizing committee knew what they were doing. They have a responsibility. Let them fulfill their responsibility. Let local governments, this is a basic fundamental Republican premise, let local governments plan their own affairs. Let them raise their own revenue, and let them spend their own money. Let them best determine how to serve their citizens. It is their responsibility under our democratic form of government. Let them fulfill their responsibility. Let us fulfill our responsibility.

Support my amendment that will let us go back to the Senate version, which is the consensus budget. Get the bill enacted. Do the right thing.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of course taking the suggestion of the gentleman from Virginia [Mr. MORAN], we could just abolish the House and just let the Senate make our determinations and we could all go home. But many of us think we have additional ideas that we would like to put forth.

There is some hypocrisy, Mr. Chairman, about the items that we have inserted here. First of all, the Constitution lays at the steps of the Congress, the management of the District of Columbia. It is our full responsibility. And we can certainly work with the city council and the administration, but we bear the responsibility for legislation for the Nations Capital.

Second, many times it serves the minority's interests well when they do not go with the city, and sometimes they want to go with the city. For instance, the administration, without any consultation with Congress, without any consultation with the city council, closed a section of Pennsylvania Avenue, at great inconvenience to the people of this city.

Now, without getting into the debate, I have put language in our bill to reopen, that closed section because we have no evidence that that was closed with good reason.

□ 1315

We think that the city council, which has asked us to insert the reopening provision is acting within their powers and that they should be consulted since this being a city street rather than just the administration making the decision.

Also, Congress enacted a few years ago on a bill that moved the city's residency requirement for its 30,000 employees to live within the city. The District wanted to keep that residency requirement. It was the Congress that removed that, as it was pandering to the unions, and that has worked a severe hardship upon the city.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I think the diligence of the chairman, the gentleman from North Carolina [Mr. TAYLOR], is extraordinary, especially in the case of his medical problem, and he has fought back, and I want to thank the chairman.

I would also like to thank the ranking minority member, the gentleman from Virginia [Mr. MORAN]. As he knows, I just gave Mary a box of candy from California and there is another one where that comes from, I would say to the gentleman, to sweeten him up.

I would also like to thank the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee. I have never voted for a D.C. bill in the 6 years I have been here, because it has been general practice to just have business as normal. The gentleman from Louisiana [Mr. LIVINGSTON] says, ''Well, Duke, you complain about it. If you think it is broke, fix it.'' So I get my pittance on the D.C. appropriations bill, but I want to tell my colleagues something that is rewarding: The gentleman from California [Mr. DIXON] has been wonderful, and I even thank the gentleman from Wisconsin [Mr. OBEY] for his mellowing in his later years.

Mr. Chairman, I have spoken to Members, and I realize that on the political side of this, it is difficult. It is difficult in some cases for our Republican Members to go against the special interests of the unions. I understand it is difficult for Members on the other side at the same time, and I have talked to them about it. The actual issues, they wish they could support, but they cannot.

Mr. Chairman, when we talk about campaign finance reform, we talk about the essence of it is taking out special interests so that we can actually help. I would also like to thank the gentlewoman that represents the District [Ms. NORTON]. Although we may disagree on issues, she was there, she participated with her city. She had hearings, she was present, she is not on the subcommittee, but yet she took the time to show up and do that.

I think it is just a shame, though, that in the case of special interests that we cannot pass legislation, or we may have difficulty passing legislation that will actually help the city, will help children, will help parents, and I think that the gentleman from North Carolina [Mr. TAYLOR], the chairman of the subcommittee, has done a good job.

But what have we tried to do? I want to assure my friends on the other side, although we may talk about ideology, and there may be some portions in this, I want to tell my colleagues that my motives are pure. I want to get the most amount of dollars down to a school system to where the school, the average is 86 years old, and they have to replace school roofs. A lot of the schools, the fire department has had to take over because they are dangerous. And if we can get the maximum amount of dollars into those schools, and it has been proven time and time again in many, many States by waiving Davis-Bacon for school construction that we save a lot of dollars, and that is the intent. This is an emergency situation. It is not ideological to me. To look at charter schools, in which many cases the unions blasted charter schools, but I think the sweeping, overwhelming good that they do and allowing the District of Columbia to go into those, I think it is a benefit.

There is an union group that is exempt from taxes. It will get $1.3 million a year into the school system. That is good. It gets more money to upgrade the computers, because when we have schools that age, I guarantee my colleagues that the technology and the science equipment, the math, and we have large amounts of students that do not even finish and graduate from those schools, we have to do something to help that and to get the most amount of dollars to do that.

We recognize the Jime Escolonti type of teachers by increasing the funding for those teachers that are credentialed. There are many, and I have met them because I live in the District of Columbia, and there are many good teachers in Washington, DC, but yet they are plagued by teachers that are not, like in many of our innermost cities, and we want to recognize those that do a good job and reward them for that.

But I think most of all that there is an area in which parents feel like they are hopeless. Children do not have a chance, and I would like to read this. It is from Dr. King. He said,

> In this spirit, House Majority Leader Dick Armey of Texas and Representative Floyd Flake, a Democrat from New York, and several other Congressmen have proposed the District of Columbia Student Opportunity Scholarship Act.

Low-income, low-income parents that feel denied will have a chance, for the first time, to offer their children a chance at a good education.

Mr. MORAN of Virginia. Mr. Chairman, I yield 4½ minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, my first assignment in this House was the District of Columbia appropriations subcommittee after I went on the Committee on Appropriations, and I have seen the Congress for many years treat the District of Columbia almost as its private plantation.

The very first fight I ever had in this House was when the Congress tried to hold up money for construction of the D.C. subway until they could reach agreement that the District of Columbia would proceed to build more highways and another bridge into Georgetown. I thought that kind of leverage

was improper then, and I think it is improper now.

We have a problem when Congress tries to impose its own judgment on how the city ought to run. We are providing governance without representation, because when we make decisions that affect the lives of people in the District of Columbia, they have no remedy if we make the wrong decision because they cannot vote us out of office. That is why it is essential for the Congress to exercise restraint in its oversight of the District of Columbia.

Now, I have seen a lot of efforts through the years to have this Congress micromanage the District. This bill, in my view, is the worst effort that I have ever seen on the part of the Congress in all of the years I have been here, going back to the time when this Congress held up for 2 years needed money to build the subway until the subway became more expensive because of the delay. I do not believe that it is in the public interest of the District or our taxpayers for us to get in the way of the ability of the fiscal control board to try to bring order to District of Columbia affairs. This bill guts their ability to do that.

It imposes Congress's judgment on vouchers. It requires vouchers be provided in order to send children in some cases to private schools. Now, maybe they ought to make that judgment, but the Congress should not make that judgment when they have no recourse if they disagree with that judgment. The Congress has overstepped its bounds, in my view, in a good many areas which the gentleman from Virginia [Mr. MORAN] has already described.

The issue here in my view is not whether some of these policy judgments should have been arrived at; the issue is who should arrive at those judgments. It is not the Congress; it is the fiscal control board which was appointed to do the job.

So what the Moran amendment is going to do, instead of unilaterally imposing actions on the District, the Moran amendment is going to simply ask the House to take the approach already adopted by Senator FAIRCLOTH, hardly a raving left-wing radical; it takes the approach which he has suggested and would substitute that for the approach taken by the subcommittee.

Under ordinary circumstances, I do not like to do that, because I do not like to adopt Senate judgments without further consideration. But given the gross committee overreaching in this case, by dictating to the District on what it ought to do on airplane flights, what it ought to do on the District of Columbia Law School, what it ought to do on other financial arrangements, it gives us no choice but to look for a more responsible way, and that more responsible way has been pointed out by Senator FAIRCLOTH. So in my view, we ought to adopt the Moran amendment.

In addition to being the right thing to do, it is the one thing that will produce a real bill. We will not produce a real bill by having the Congress dictate to the District of Columbia. We will produce a real bill, which demonstrates that Congress also knows how to exercise restraint, because that will enable us to get a bill with a presidential signature on it and that the President shall not veto.

We are now 1 week into the fiscal year. We should not be continuing to push our ideological preferences, we should be looking for practical solutions. The Moran amendment is that practical solution, and I would urge support for it when the time comes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Chairman, I appreciate the chairman yielding me this time, and I thank him for one of the most thankless tasks in Congress, and that is chairing the Subcommittee on the District of Columbia of the Committee on Appropriations; and also the gentleman from Virginia [Mr. MORAN], my friend from my neighboring district.

I actually share a lot of concerns that my friend from Virginia has expressed in terms of this bill over-authorizing and in some areas going contrary to where these authorizers have gone. We want to strengthen the control board. They have cut over $100 million from the city budget over the last 2 years, I think very constructive financial abilities, and there have been some misrepresentations to the contrary.

There have been some comments made that we could not get the streets plowed during the snowstorm and the big blizzard and the control board could have paid the bills directly. This legislation would not allow that, because they would have to come back to Congress to reprogram under contracts. Of course at the time of the big blizzard, the control board was not even up and operating.

Nevertheless, there are some very good things in this bill that the chairman has put in. He has attempted to work and try to bring us closer together on issues on which we have disagreed, and I want to thank him and express my appreciation for that.

Two years ago, consistent with my sponsorship of the law creating the control board for the District of Columbia, I supported what was then known as the Gunderson amendment. This was sponsored by our former colleague, Steve Gunderson, and it sought to enact educational reforms in the District.

Along with the education commission of the States, I believed then and I believe now that low-income scholarships are a good vehicle for providing poor students with choices and opportunities more financially advantaged children enjoy, thus promoting equity. While many of the Gunderson reforms were enacted, this one was not, and at that time a Senate filibuster eventually killed the proposal.

Today, the opponents of opportunity scholarships in the District of Columbia find themselves in an ever-shrinking minority of public opinion. Opponents are increasingly hard-pressed to justify their obstruction to change. Though many opponents of reform send their own children to private schools, they persist in standing in the schoolhouse door when it comes to poor children in the District of Columbia.

I stand with those who want to open the schoolhouse door. I stand with my colleagues in this House, like the gentleman from New York [Mr. FLAKE], and colleagues in the Senate like JOE LIEBERMAN, MARY LANDRIEU, and PAT MOYNIHAN. I stand with advocates like Alveda King,, the niece of Martin Luther King, who supports scholarships of this type as fulfilling the dreams of her uncle.

Only the ostrich who sticks his head in the sand would deny that our public schools in our urban centers are in crisis. In the District, eighth grade test scores are 79-percent below the national average for math and 29-percent below the national average for reading. That is why the control board created an emergency board of trustees last year. They are continuing to struggle with crises as diverse as violence, leaky roofs, and poor attendance, and for the fourth straight year schools were not able to open on time in the District of Columbia.

The reforms contained in the D.C. appropriations bill would provide $7 million for student opportunity scholarships, and some 2,000 poor kids would benefit.

□ 1330

Parents would have to apply for the money. Nobody is making them apply for the money, but it gives them the opportunity that the rest of us have. I dare say not one Member of Congress sends their kids to public schools. We would like to extend these opportunities to some of the poorest in our urban centers.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank the gentleman for his very hard work for the District of Columbia. I thank the gentleman from North Carolina [Mr. TAYLOR] for his hard work as well, and I want to say that what I will say today is in no way meant to detract from the hard work and good faith that both the chairman and the ranking member have shown as they have worked for this budget.

I do hold up the statement of policy of the administration to tell Members why there are at least a half-a-dozen reasons why this bill will be vetoed. When we are talking about the Capital of the United States, which is on its

knees, we ought to be after a bill that will be passed swiftly.

On behalf of the people of the District of Columbia, I rise to ask for Members' support for the Moran substitute. I do so because the bill before us violates basic democratic principles, will cripple the District's recovery, and will undermine the difficult job we ourselves have given to the Control Board, whose efforts have the respect and confidence of the majority of this body.

The substitute we offer is not a Democratic substitute. The substitute is the work of North Carolina Senator LAUCH FAIRCLOTH, who has been described as the most conservative Member of the U.S. Senate. I can tell Members all about that. In negotiations on the D.C. rescue package just before the balanced budget bill, I was unable to keep the Senator from taking down much of home rule and putting the Control Board in charge of the city.

The Senator's bill largely respects home rule, but not because he cares about that. Rather, it is because the Control Board and the District submitted a consensus budget that is itself so conservative a document that even the North Carolina Senator found no reason to substantially alter it.

While Members here are lining up for ways to spend a predicted surplus, the Senate supported the District appropriation because the District uses its surplus largely to pay down debt. The Senate bill supported the District's decision to come into balance a year early. It is the prudent, even conservative, fiscal policy that is at the core of the Moran substitute that has recommended it across party lines. It was reported out of the Senate Committee on Appropriations 26 to 1.

Vouchers, of course, is the House bill's high profile controversial provision, but the people from Members' districts already know what to do when that issue is put to them: 20 referenda, 20 defeats. I have already called the roll on that during the rule.

For 30 years residents from States in the north and south, east and west, have rejected vouchers. Even when the voucher advocates lose, however, they double back and lose again, always by more than they lost the first time. In California they lost first by 61 percent, and then by 70 percent; in Washington State, first by 61 percent and then by 65 percent; in Massachusetts, first by 62 percent, and then they lost by 70 percent. They cannot win for losing, Mr. Chairman.

Here in the District the vote against vouchers was the largest of all, an almost unanimous 89 percent. Unable to trump that, the majority asked that we substitute a Republican-worded poll for the votes of the people I represent.

I respectfully disagree with the gentleman from California [Mr. DREIER], who suggested during debate on the rule that the vote in D.C. was not a voucher vote. It was exactly that. D.C. residents rejected a tax credit for parents who would send their children to private or religious schools, money that otherwise would have gone to the District's general fund. A voucher by any other name is still a voucher, and until D.C. residents vote again on this issue, this body cannot impose vouchers without wiping away each and every claim they have to American principles of democracy.

Mr. Chairman, this bill represents a compendium of provisions the majority has been unable to pass despite their control of both Houses: vouchers, medical liability, Davis-Bacon. The strategy is simple: find a jurisdiction that cannot fight back and simply impose their will, like any old dictatorship; find a jurisdiction whose delegate votes you seized and work your will. They call themselves a devolution Congress? Shame on them. If they pass this bill, they will be unable to make any claim to devolution or democracy. I say to the Members, if you want these ideologically charged measures, do them on your own dime with your open bill for your own majority, not on the backs of the taxpaying residents that I represent.

The ideological baggage may be the most apparent, but it is not the most appalling. After all, the majority often cannot resist ideological targets but it has refrained from targeting the five distinguished citizens who sit on the Control Board. Not content to go after city officials, this bill unwinds much of the most painstaking and vital work of the Control Board. The bill does reckless damage, to name only some of the most irrational provisions.

Mr. Chairman, I include for the RECORD the following Statement of Administration Policy:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 9, 1997.

STATEMENT OF ADMINISTRATION POLICY—H.R. 2607—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1998

This Statement of Administration Policy provides the Administration's views on H.R. 2607, the District of Columbia Appropriations Bill, FY 1998, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Administration strongly opposes section 342 of the Committee bill, which would provide for the use of $7 million in Federal taxpayer funds for private school vouchers. Instead of investing additional resources in public schools, vouchers would allow a few selected students to attend private schools, and would draw attention away from the hard work of reforming public schools that serve the overwhelming majority of D.C. students. Establishing a private school voucher system in the Nation's Capital would set a dangerous precedent for using Federal taxpayer funds for schools that are not accountable to the public. If this language were included in the bill presented to the President, the President's senior advisers would recommend that the President veto the bill.

While the Administration appreciates the support of the Committee in developing a bill that provides sufficient Federal funding to implement the National Capital Revitalization and Self-Government Improvement Act of 1977 (the Revitalization Act), we strongly oppose a number of the provisions of the Committee bill, as described below. Even if the provision concerning school vouchers were to be stricken, the Committee bill would remain unacceptable. Unless the Administration's concerns are satisfactorily resolved, the President's senior advisers would recommend that the President veto the bill. The Administration urges the House to approve the Moran substitute amendment, which would address a number of the concerns detailed below.

PENNSYLVANIA AVENUE

The Administration strongly opposes section 159 of the bill, which would require that Pennsylvania Avenue in front of the White House be opened on January 1, 1998. On May 20, 1995, the Department of the Treasury implemented the security action to prohibit vehicular traffic on Pennsylvania Avenue between 15th and 17th Streets. A White House Security Review concluded that there was no alternative to prohibiting vehicular traffic on Pennsylvania Avenue that would ensure the protection of the President of the United States, the first family, and those working in or visiting the White House Complex from explosive devices carried in vehicles near the perimeter. The Committee's action would jeopardize the safety of those inside the White House Complex.

PUBLIC ASSISTANCE PAYMENTS

The Administration opposes section 149 of the bill, which would prohibit the District from increasing public assistance payments under the Temporary Assistance for Needy Families Program beyond the level provided under the District of Columbia Public Assistance Act of 1982. This restriction is inconsistent with the broad flexibility provided under Federal welfare reform and could hinder the District's efforts to invest resources in areas necessary to move individuals off welfare and into work.

DAVIS-BACON ACT

The Administration strongly opposes section 363 of the Committee bill. As drafted, this provision would permit waiver of the application of the Davis-Bacon Act to construction and repair work for the District of Columbia schools. Waiving these protections would deny payment of locally prevailing wages to workers on Federally funded construction sites. The Administration supports the Sabo amendment to strike this provision.

ABORTION

The Administration strongly opposes the abortion language of the Committee bill, which would prohibit the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations involving rape or incest. Further, the Department of Justice has advised that the language would be unconstitutional regarding funds provided to the District of Columbia Corrections Trustee, to the extent the language places an undue burden on a woman's right to obtain an abortion. The Administration continues to view the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District and would support an amendment, if offered, to strike this prohibition.

MICROMANAGEMENT

The Administration opposes the provisions of the Committee bill, that would further restrict or otherwise condition management of the District government and expenditure of funds, thereby undercutting the Financial Responsibility and Management Assistance Authority's (the Authority's) oversight role and responsibility for the District's annual budget.

Specifically, the Administration opposes provisions of the bill that would require the District to direct surplus FY 1998 revenues to a taxpayer relief fund and earmark $200 million in local funds for deficit reduction. These provisions do not reflect the consensus agreement reached by the Authority, the Council, and the Executive Branch on the FY 1998 budget for the District. Moreover, Congress has given to the Authority the responsibility for guiding the District toward long-term financial health, and that role should not be undercut by unnecessary micromanagement.

The Administration also opposes a provision that would amend the District's tort laws and impose a cap on punitive damages at an arbitrary level. The Administration believes that these limits undermine the very purpose of punitive damages, which is to punish and deter misconduct. Furthermore, the Administration strongly opposes any differentiation between so-called ''economic'' and ''non-economic'' damages. ''Non-economic'' damages are just as real as economic damages, and limiting them imposes a hardship on the most vulnerable members of our society.

In addition, we oppose House language that would restrict the District's authority to improve its financial management systems. The District has been told by Congress, by the General Accounting Office, and by the Administration for some time that it needs to improve its financial management systems. The DC Chief Financial Officer and the Authority have taken steps to implement the necessary improvements. The Congress should not use this appropriations bill to block those efforts.

TREASURY BORROWING AUTHORITY

The Committee bill includes language that would prohibit the District from borrowing to finance its accumulated general fund deficit. It is not uncommon for cities recovering from severe cash flow problems to finance accumulated deficits through long-term borrowing. The Revitalization Act allows the District to borrow up to $300 million from Treasury for deficit financing if the District can show that it does not have private market access. The District needs the flexibility to use the treasury window for long-term borrowing in case the private markets are not accessible.

D.C. COURTS AND OFFENDER SERVICES FUNDING

The Administration strongly opposes language in the Committee bill that provides for funding the District of Columbia Courts and Offender Services through the Office of Management and Budget. The Administration urges the Committee to consider passing funding through stand alone accounts. The Administration's original proposal called for funding to be passed through the State Justice Institute.

Additionally, the Administration would recommend that the House include language that would make available funds collected by the District of Columbia Courts for necessary expenses, including the funding of pension costs.

The Administration is committed to working with the House to produce a bill that will assist the District in its continued efforts toward financial recovery.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded not to characterize individual Members of the U.S. Senate.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of our full committee.

Mr. LIVINGSTON. Mr. Chairman, the gentlewoman who just spoke cares deeply about the lives of the constituents that she represents and about the welfare of this great city. I think to charge the majority with the label of being ideologically motivated, though, is unfair. I heard it from the gentleman from Wisconsin as well.

The fact is I do not think it is ideological to say to the NEA that is housed in a great big facility here in the city, that they ought to pay taxes like everybody else. I do not think it is ideological to try to tell the parents of a youngster who is bound to go to a school that has proven itself inferior and incapable of delivering a decent education. It is in these schools where the youngster is effectively sentenced to try to survive in that school, which in turn yields a high probability that he may ultimately be sentenced to prison, if he survives. I do not think it is ideological to say that he should have another opportunity to go to another school.

I do not think it is ideological to say that we should come up with a system that makes it cheaper to build new schools, or repair older schools so they can be habitable for youngsters, rather than being bound and hogtied by ideological Davis-Bacon laws that say that you have to pay higher wages and thus have less money to repair the facilities.

I do not think it is ideological to say that a law school ought to quit conning its students, giving them diplomas that they cannot use, and simply get itself accredited, so it gives the people that participate in the enrollment in that school an opportunity for a quality legal education. Those are not ideological propositions. They are simply common sense.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would make it clear that the National Education Association has agreed to pay all of its property taxes, and in fact, in this bill, it would do so.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DIXON].

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

First, Mr. Chairman, let me say to the ranking member that I can clearly understand the most difficult job that he has in this bill.

To the chairman of the subcommittee, I have great respect for him. I just think that he is entirely wrong on this issue, and I admire the way and the courage the gentleman has shown in coming back and improving his own health.

Let me say that this is a very, very sorry hour for the House of Representatives. I am reminded of the song that ''It Cuts Both Ways,'' because men and women on this floor have tried to cut it both ways. When they wanted something, they stuck it in the bill, whether it was on my right or on my left.

We had a concept of home rule, and I will take my fair share of the blame for not moving faster. But I worshipped at the altar of home rule. We decided that we wanted to place an intermediary between us and Congress, and we put a Financial Control Board in place. This bill has taken us from home rule back to the plantation for 600,000 people.

If Members listen to what our chairman said, the things in this bill stem from City Council actions. There will be a time today that we will have a chance to speak on the voucher system and have a healthy discussion. The gentleman from San Diego, CA [Mr. CUNNINGHAM], I appreciate that he is operating in good will.

Mr. Chairman, the gentleman from North Carolina [Mr. TAYLOR] has attacked the Control Board in a Dear Colleague letter that he sent out, the instrument that Congress set up. Why? Because he does not like a lot of the things that it has done.

Just for one second, let me contrast that with part of the voucher system. The Control Board is selected by the President. All the D.C. residents receive no money. They work at this for nothing. It is a labor of love. These are people who have good backgrounds from diverse areas and do not need this.

In the voucher system, we compensate them for reviewing and giving out 2,000 vouchers no more than $5,000 a year. Instead of letting the District appoint these people, the Speaker and the majority leader in the Senate give a list to the President of the United States to decide on who should get 2,000 vouchers. What are we kidding ourselves about here? We are not interested in improving the quality of the public or private schools; we are interested in beating our own political horse here.

If Members listen to the rhetoric of my good friend, the gentleman from southern California, as I said before, it was loaded with purr and snarl words: ''The labor bosses;'' he even called the gentleman carrying the rule, the chairman of the DNC.

Let us get serious about what we are doing here. If we want to take back home rule, let us do it cleanly, but let us not do it in this very obscure way.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I thank the gentleman for yielding time to me for the purposes of having a colloquy.

Mr. Chairman, I would like to state that he is to be commended for the work that he has done, the outstanding efforts and hard work in bringing this bill to the floor, and during that time, for being such a shock absorber for the media criticism that he has received. The same goes for the gentleman from Virginia [Mr. MORAN].

I have brought to the attention of the chairman and to the D.C. appropriations a bill that would prevent two

individuals who are unmarried from adopting a child. This amendment has been included in the House version of the D.C. appropriations bill in the past. I feel that the responsible adoption amendment should be included in the fiscal year 1998 bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's concerns, and I will make every effort to accommodate the gentleman's request in conference.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 seconds to myself.

Mr. Chairman, I would say that I will make every effort to ensure that provision is not accommodated in conference, for what it is worth.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I appreciate the opportunity to speak on a subject that, while it affects the District of Columbia, it affects the entire country.

Mr. Chairman, those of us in Michigan care very deeply about the children of the District of Columbia and this city. I want to first congratulate the very effective voice of the gentlewoman from the District of Columbia [Ms. ELEANOR HOLMES NORTON], the Delegate, for her advocacy on behalf of her constituency. This in particular to me is a philosophical debate, an ideological debate around the issue of education. This is the provision I wish to speak to today in strong opposition in this bill.

We saw this year children starting school 3 weeks late, some later, because the roof was falling in in some D.C. schools.

□ 1345

The Republican ideology says the response is to send 3 percent of the children to private schools with vouchers. The Democratic response is, fix the roof. Fix the roof. Support public education. Care about all of the children, not just 3 percent that would be given the opportunity to go to private schools through the vouchers in this bill.

We have today in USA Today a headline, ''Schools struggle to utilize technology.'' Only a fraction of America's schools are integrating technology to benefit their students, says an alliance of prominent business and education leaders, the CEO Forum.

I mention this because the $7 million in this bill that goes to 3 percent of the children for vouchers would rewire 65 public schools in the District of Columbia for children. This is about a commitment for all children in the District of Columbia to be successful and compete in that world economy that they will face.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I am an educator. I have spent 30 years of my life in education, and I have long opposed vouchers generally, but I have favored vouchers to build competition within public schools. Mr. Chairman, we are in such a crisis in this city that I will vote today to support vouchers.

In the 1960's, I lived in the District. My two children went to desegregated public schools. They received a first rate education. But since the 1960's, we have had a failure in management, a failure in discipline, a failure in overcoming dilapidated quarters, and that is part of our problem.

Mr. Chairman, we simply cannot let another generation of African-American students get out of school improperly educated so they do not have any opportunities in this society. I think it has come to the point where we have to face reality, and reality is to give a shock to that system and get the job done and get back to education.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman from Virginia [Mr. MORAN] for allowing me to speak and also for his hard work. I also would like to recognize the work of the gentleman from North Carolina [Mr. TAYLOR].

Mr. Chairman, although I disagree with much in the bill, I do agree that we do need to give a raise to our local police officers in the District of Columbia, and that is included in the bill. For that, I am appreciative.

On the other hand, I do take great exception to this notion of vouchers that is included in the bill. We should make no mistake; when we hear the Republicans say they are providing scholarships, which sounds like a great idea, they are not; they are providing vouchers, which takes taxpayers' money out of public schools and puts that taxpayers' money into private schools. I think that is wrong.

Mr. Chairman, the District of Columbia government is not without its shortcomings. I represent Prince George's and Montgomery Counties. I am their neighbor, and I know. But they have also made tremendous progress. The fact of the matter is, the District of Columbia is not a plantation to accommodate the whims of certain Members of Congress, nor is it a laboratory in which we can experiment on the people of the District of Columbia. It is an elected democratic government, and it deserves respect, and it deserves the right to make its own decisions.

Government does have a role. We in Congress do have a role. We exercise that role by putting in place the Control Board to assist in the management of the District of Columbia. But now this bill would supersede the role of the Control Board and try to micromanage government. It does so particularly in the area of vouchers.

Mr. Chairman, this bill takes $45 million over 5 years out of the District of Columbia and it gives it to 2,000 students. That leaves behind 76,000 students who need their roof repaired in their schools, that need new books, that need technological improvements, that need teachers with better pay, that need better overall facilities.

They say, ''We are doing this to help the poorest of the poor. We are doing this to help the people who are really needy.'' The problem is, it leaves behind the middle class, the working class, the people who pay the taxes in the District of Columbia. Their children do not get the benefit of this latest experiment, and, again, I think that that is wrong.

Mr. Chairman, I urge that this body adopt the Moran substitute. It is a balanced, fair approach, and it respects the sovereignty and dignity of the citizens of the District of Columbia.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I would like to inquire how much time we have remaining on both sides.

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] has 4¼ minutes remaining, and the gentleman from North Carolina [Mr. TAYLOR] has 5½ minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK].

Ms. KILPATRICK. Mr. Chairman, I offer thanks to the gentleman from Virginia [Mr. MORAN], our ranking member, for giving me the opportunity to come before this body today, as well as to the gentleman from California [Mr. DIXON], who has shown his leadership as we discuss the life of over 600,000 people in this city of ours, our Capital City, who have no representation who can vote in this Congress.

Mr. Chairman, 600,000 people, more than 4 States' population, and yet they have no vote here in this Congress. And if they did, I do not think we would be debating as we are today how they would run their schools.

I stand here opposed to this legislation for many reasons. First of all, it repeals the Davis-Bacon provision that says that prevailing wages and safety regulations will be had for the workers who work on construction and repair projects here in the District of Columbia district with over 600,000 people.

It also closes the UDC Law School. It is not a time to close our law school. It is an opportunity for people to go to law school who would otherwise not have it. I think it is a tragedy.

Mr. Chairman, this bill talks about school vouchers. Over 90 percent of children in America go to public schools. I am a parent and former high school teacher and a graduate of all-public universities. I have two children who graduated from public school. One is now a lawyer; the other owns her own business. Many of us in this Congress are products of public education.

Why then are we putting our will on over 600,000 people in the District of

Columbia who have said over and over again, and in a vote of over 60 percent, that they do not want vouchers?

Mr. Chairman, I say to the gentlewoman from the District of Columbia [Ms. NORTON], Madam D.C. Congresswoman, for your efforts we praise you.

Mr. Chairman, to all of my colleagues who want to run the District of Columbia I say, leave them alone. Give them D.C. statehood. That is what they want, 600,000 people, more than the population of four States. I think it is unfortunate, and I urge my colleagues to vote against this legislation.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, let me just say very quickly that I do not think that the debate today is a matter of who cares more about children. I think both sides care deeply and passionately about children, and that is something to celebrate.

But I have come to the conclusion that it is not possible for the public schools to reform internally without the pressure that is put on them from the outside through the concept of competition. I think we all need to think about it. The purpose of competition is not to destroy the public school, the purpose of competition is to improve the public school so that the public school can be a viable institution and a critical part of the culture of America.

But I really believe that without the competition that puts the pressure on those within the public school to have to begin to stand up, which many are now beginning to do, and bring about the essential reforms that are necessary to give our children a chance to become successful in life, it is not going to work.

Mr. Chairman, this is the beginning of a very important debate, and ultimately the public will be set free, both private schools will be effective and public schools will be improved.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this bill for several important reasons, and I want to congratulate the gentleman from Virginia [Mr. MORAN], the ranking member of this committee, on his substitute.

First, the bill contains a very harmful private school voucher provision. I am very concerned that private schools that receive Federal funding would not be held accountable to the taxpayers. I am also very concerned that funding private religious schools with public money is a clear violation of the constitutional principle of state-church separation.

As we all know by now, the funding for the bill would provide vouchers for approximately 3 percent of all D.C. students. Mr. Chairman, I ask my colleagues, what about the other 97 percent who do not win this educational sweepstakes? What kind of message does a random lottery send to our youth? It tells them that their future is based on the luck of the draw, not their effort and ambition and not equal opportunity for all.

Mr. Chairman, in my judgment, the answer is not a limited voucher program, it is tougher academic standards, safer school buildings, smaller classes, more teacher training.

This bill also repeals the Davis-Bacon law for D.C. school construction projects. This repeal will not improve the District's crumbling schools but will discriminate against the District's construction workers. These workers deserve to earn a decent wage. A recent study, in fact, comparing school construction costs in five States with State prevailing wage laws and four States without such laws found that costs were actually lower in those States governed by State prevailing wages.

If those on the other side really care about the District's crumbling schools, they should support H.R. 1104, the Partnership to Rebuild America's Schools, which would provide the District with $15 million to rebuild its schools and $5 billion nationwide.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I do not have a lot of time to reserve.

The CHAIRMAN. The gentleman from Virginia has 15 seconds remaining.

Mr. MORAN of Virginia. Mr. Chairman, with that amount of time I really ought to reserve for rebuttal, would be my preference. Perhaps the gentleman from North Carolina would like to conclude or at least to use up a little more of his.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have one remaining speaker to close. We have the right to close, I believe, do we not?

The CHAIRMAN. The gentleman from North Carolina has the right to close. The gentleman from Virginia, Mr. Moran, has used approximately 15 seconds to announce that he would like to say something else. The gentleman has 4 seconds remaining.

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

Mr. Chairman, I would urge my colleagues to support the substitute amendment which gives us the Senate bill. The Senate bill means that we will have an enacted bill, we will do the right thing by the citizens of the District of Columbia and, in my opinion, the right thing by the Congress of the United States.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. WALSH], the former chairman of the subcommittee.

Mr. WALSH. Mr. Chairman, I thank the distinguished gentleman from North Carolina [Mr. TAYLOR], chairman of the Subcommittee on the District of Columbia, and the gentleman from Virginia [Mr. MORAN], the ranking member, for their hard work.

Mr. Chairman, when the gentleman from North Carolina took over this responsibility, I urged him to be bold, and he has been bold. This city needs dramatic attention, and this bill provides attention and it provides solutions to many of the problems.

Mr. Chairman, I would like to dedicate my time at the podium to talk about this D.C. Opportunity Scholarships Program. Whether we call them scholarships or we call them vouchers, they are a lifeline to the poor kids in this city and their families.

Mr. Chairman, I would like to tell my colleagues a little bit about my hometown in Syracuse, where I was first married and raised my kids in a strong middle-class neighborhood in Syracuse. There were two schools, a private school, a parochial school, and public school.

Mr. Chairman, these two schools competed with each other for the kids. The PTO's from each school would go up and down the street knocking on doors, encouraging young parents to send their kids to their schools. Both schools taught kids, rich and poor and middle-class.

The public school had eminently better facilities. They had better bonding. They had better gyms. They had better science labs and all kinds of better facilities. The Catholic school provided more nurturing and discipline. Kids in trouble in one school could leave that school and go to the other, and vice versa. All of the kids were served. It was great for the kids.

Mr. Chairman, I am convinced, I am absolutely convinced, that we cannot have good public schools if we do not have good private schools.

□ 1400

We cannot have good private schools if we do not have good public schools. In that middle class neighborhood, that worked. In the poor neighborhoods, the choice was not there because the poor people could not afford the private schools. This will give them that opportunity in this city.

This is not a union vote or an anti-union vote. We have the highest respect for teachers. They are a national treasure. They take all of society's ills upon their shoulders and try to help these kids to get through what otherwise would be a difficult, difficult existence. This is not anti-teacher. This is pro-teacher. The teachers need help. Go to the inner city schools, go to the public schools, ask the teachers, they are stressed out. They are burned out. This will help them. This will make their schools better. It will make the entire educational system of this country better.

Specifically, though, we are talking about the District of Columbia. The

teachers want better schools as much as the parents do, if not more so, and they are fighting a losing battle. Poor families should have choices like moderate income and wealthy families do.

In Syracuse, our public school superintendent sends his child to a private school; so do some of the Members of the school board. They do it for the right reasons; that is a good decision. Why? Because they could get the education that they want at those schools. In Washington, DC, the President of the United States made a decision to send his daughter to a private school. Why? I do not care why. That is his decision. But he has the resources to do that.

Why should not poor families have that choice? There is no ideological or philosophical argument. There is no argument. To argue to the contrary is hypocrisy. There is no solid, firm standing to argue for public schools, against vouchers, when they are sending their kids to private schools.

Let us do this for the children. Forget about ideology, forget about union or nonunion. This is not that issue. This is about breaking the cycle of poverty and violence for the kids in our cities, especially this city, this city which we have so much love for and respect for and compassion for.

I do not understand it, Mr. Chairman. I do not understand how anyone could argue against this simple program to help some kids in this great city.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the amendment printed in part I of House report 105–315 is adopted and the bill is considered read for the amendment under the 5-minute rule.

The text of H.R. 2607, as amended by part I of House Report 105–315, is as follows:

H.R. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia towards the costs of the operation of the government of the District of Columbia, $180,000,000; as authorized by section 11601 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

OFFICE OF THE INSPECTOR GENERAL

For the Office of the Inspector General, $2,000,000, to prevent and detect fraud, waste, and abuse in the programs and operations of all functions, activities, and entities within the government of the District of Columbia.

METROPOLITAN POLICE DEPARTMENT

For the Metropolitan Police Department, $5,400,000, for a 5 percent pay increase for sworn officers who perform primarily nonadministrative public safety services and are certified by the Chief of Police as having met certain minimum standards referred to in section 148 of this Act.

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For the Fire and Emergency Medical Services Department, $2,600,000, for a 5 percent pay increase for uniformed fire fighters.

FEDERAL CONTRIBUTION TO PUBLIC SCHOOLS

For the public schools of the District of Columbia, $1,000,000, which shall be paid to the District Education and Learning Technologies Advancement (DELTA) Council established by section 2604 of the District of Columbia School Reform Act of 1995, Public Law 104–134, within 10 days of the effective date of the appointment of a majority of the Council's members.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee for the administration and operation of correctional facilities, $169,000,000, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997; and $7,100,000 shall be for security improvements and repairs at the Lorton Correctional Complex.

EXECUTIVE OFFICE OF THE PRESIDENT

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Pursuant to the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33) $146,000,000 for the Office of Management and Budget, of which: (1) not to exceed $121,000,000 shall be transferred to the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts; (2) not to exceed $2,000,000 shall be transferred to the District of Columbia Truth in Sentencing Commission to implement section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997; (3) not to exceed $22,200,000 shall be transferred to the Pretrial Services, Defense Services, Parole, Adult Probation, and Offender Supervision Trustee for expenses relating to pretrial services, defense services, parole, adult probation and offender supervision in the District of Columbia, and for operating expenses of the Trustee; and (4) not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

UNITED STATES PARK POLICE

For payment to the United States Park Police for policing services performed within the District of Columbia, $12,500,000.

FEDERAL CONTRIBUTION TO THE DISTRICT OF COLUMBIA SCHOLARSHIP FUND

For the District of Columbia Scholarship Fund, $7,000,000, as authorized by section 342 of this Act for scholarships to students of low-income families in the District of Columbia to enable them to have educational choice.

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.

DISTRICT OF COLUMBIA TAXPAYERS RELIEF FUND

For the District of Columbia Taxpayers Relief Fund, an amount equal to the difference between the amount of District of Columbia local revenues provided under this Act and the actual amount of District of Columbia local revenues generated during fiscal year 1998 (as determined and certified by the Chief Financial Officer of the District of Columbia): *Provided,* That such amount shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, in amounts and in a manner consistent with the requirements of this Act: *Provided further,* That these funds shall only be used to offset reductions in District of Columbia local revenues as a result of reductions in District of Columbia taxes or fees enacted by the Council of the District of Columbia (based upon the recommendations of the District of Columbia Tax Revision Commission and the Business Regulatory Reform Commission) and effective no later than October 1, 1998.

DISTRICT OF COLUMBIA DEFICIT REDUCTION FUND

For the District of Columbia Deficit Reduction Fund, $200,000,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: *Provided,* That an additional amount shall be deposited into the Fund each month equal to the amount saved by the District of Columbia during the previous month as a result of cost-saving initiatives of the Mayor of the District of Columbia (described in the fiscal year 1998 budget submission of June 1997), as determined and certified by the Chief Financial Officer of the District of Columbia: *Provided further,* That the District government shall make every effort to implement such cost-saving initiatives so that the total amount saved by the District of Columbia during all months of fiscal year 1998 as a result of such initiatives is equal to or greater than $100,000,000: *Provided further,* That the Chief Financial Officer shall submit a report to Congress not later than January 1, 1998, on a timetable for the implementation of such initiatives under which all such initiatives shall be implemented by not later than September 30, 1998: *Provided further,* That amounts in the Fund shall only be used for reduction of the accumulated general fund deficit existing as of September 30, 1997.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $119,177,000 and 1,479 full-time equivalent positions (including $98,316,000, and 1,400 full-time equivalent positions from local funds, $14,013,000 and 9 full-time equivalent positions from Federal funds, and $6,848,000 and 70 full-time equivalent positions from other funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be

available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That $240,000 shall be available for citywide special elections: *Provided further,* That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 and 1,283 full-time equivalent positions (including $40,377,000 and 561 full-time equivalent positions from local funds, $42,065,000 and 526 full-time equivalent positions from Federal funds, and $25,630,000 and 196 full-time equivalent positions from other funds and $12,000,000 collected in the form of Business Improvement Districts tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.) and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $502,970,000 and 9,719 full-time equivalent positions (including $483,557,000 and 9,642 full-time equivalent positions from local funds, $13,519,000 and 73 full-time equivalent positions from Federal funds, and $5,894,000 and 4 full-time equivalent positions from other funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That the District of Columbia Fire Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the District of Columbia Fire Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the District of Columbia Fire Department to submit to any other procurement review or contract approval process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That 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*: Provided further,* That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further,* That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further,* That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further,* That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings are achieved through actions within the appropriated budget: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, Sec. 16–2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $673,444,000 and 11,314 full-time equivalent positions (including $531,197,000 and 9,595 full-time equivalent positions from local funds, $112,806,000 and 1,424 full-time equivalent positions from Federal funds, and $29,441,000 and 295 full-time equivalent positions from other funds), to be allocated as follows: $560,114,000 and 9,979 full-time equivalent positions (including $456,128,000 and 8,623 full-time equivalent positions from local funds, $98,491,000 and 1,251 full-time equivalent positions from Federal funds, and $5,495,000 and 105 full-time equivalent positions from other funds), for the public schools of the District of Columbia; $5,250,000 (including $300,000 for the Public Charter School Board) from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 15, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104–134); $8,900,000 from local funds for the District of Columbia Teachers' Retirement Fund; $1,000,000 from local funds for the District Education and Learning Technologies Advancement (DELTA) Council to be paid to the Council within 10 days of the effective date of the appointment of a majority of the Council's members; $70,687,000 and 872 full-time equivalent positions (including $37,126,000 and 562 full-time equivalent positions from local funds, $12,804,000 and 156 full-time equivalent positions from Federal funds, and $20,757,000 and 154 full-time equivalent positions from other funds) for the University of the District of Columbia (excluding the U.D.C. School of Law); $3,400,000 and 45 full-time equivalent positions (including $665,000 and 10 full-time equivalent positions from local funds and $2,735,000 and 35 full-time equivalent positions from other funds) for the U.D.C. School of Law; $22,036,000 and 409 full-time equivalent positions (including $20,424,000 and 398 full-time equivalent positions from local funds, $1,158,000 and 10 full-time equivalent positions from Federal funds, and $454,000 and 1 full-time equivalent position from other funds) for the Public Library; $2,057,000 and 9 full-time equivalent positions (including $1,704,000 and 2 full-time equivalent positions from local funds and $353,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further,* That not less than $1,200,000 shall be available for local school allotments in a restricted line item: *Provided further,* That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further,* That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further,* That not less than $1,788,000 shall be available in a restricted line item for school counselors: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, 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: *Provided further,* That not less than

$584,000 shall be available to support high school dropout prevention programs: *Provided further,* That not less than $295,000 shall be available for youth leadership and conflict resolution programs: *Provided further,* That not less than $10,000,000 shall be available to support a pay raise for principals and assistant principals and for teachers of the schools of the District of Columbia Public Schools with valid teaching credentials who are primarily engaged in classroom instruction during the SY 1997–1998: *Provided further,* That not less than $250,000 shall be available to support Truancy Prevention Programs: *Provided further,* That by the end of fiscal year 1998, the District of Columbia Schools shall designate at least 2 or more District of Columbia Public School buildings as ''Community Hubs'' which, in addition to serving as educational facilities, shall serve as multi-purpose centers that provide opportunities to integrate support services and enable inter-generational users to meet the lifelong learning needs of community residents, and may support the following activities: before and after school care; counseling; tutoring; vocational and career training; art and sports programs; housing assistance; family literacy; health and nutrition programs; parent education; employment assistance; adult education; and access to state-of-the art technology.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 and 6,096 full-time equivalent positions (including $789,350,000 and 3,583 full-time equivalent positions from local funds, $886,702,000 and 2,444 full-time equivalent positions from Federal funds, and $42,887,000 and 69 full-time equivalent positions from other funds): *Provided,* That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That a Peer Review Committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles $241,934,000 and 1,292 full-time equivalent positions (including $227,983,000 and 1,162 full-time equivalent positions from local funds, $3,350,000 and 51 full-time equivalent positions from Federal funds, and $10,601,000 and 79 full-time equivalent positions from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business*: Provided further,* That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepings, one flusher truck, 5 packer trucks, one front-end loader, and various public litter containers: *Provided further,* That $2,400,000 shall be available for recycling activities.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

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

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $366,976,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $12,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000.

HUMAN RESOURCES DEVELOPMENT

For Human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000.

MANAGEMENT REFORM AND PRODUCTIVITY FUND

For the Management Reform and Productivity Fund, $5,000,000, to improve management and service delivery in the District of Columbia.

CRITICAL IMPROVEMENTS AND REPAIRS TO SCHOOL FACILITIES AND STREETS

For expenditures for immediate, one-time critical improvements and repairs to school facilities (including roof, boiler, and chiller renovation or replacement) and for neighborhood and other street repairs, to be completed not later than August 1, 1998, $30,000,000, to be derived from current local general fund operating revenues, to be expended on a pay-as-you-go basis.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,220,000.

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000 and 100 full-time equivalent positions (including $7,850,000 and 100 full-time equivalent positions for administrative expenses and $205,650,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 and 8 full-time equivalent positions (including $2,135,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds).

PUBLIC SERVICE COMMISSION

For the Public Service Commission, $4,547,000 (including $4,250,000 from local funds, $117,000 from Federal funds, and $180,000 for other funds).

OFFICE OF THE PEOPLE'S COUNSEL

For the Office of the People's Counsel, $2,428,000 from local funds.

DEPARTMENT OF INSURANCE AND SECURITIES REGULATION

For the Department of Insurance and Securities Regulation, $5,683,000 and 89 full-time equivalent positions from other funds.

OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

For the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds).

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order

No. 57 of the Board of Commissioners, effective August 15, 1953, $103,934,000 of which $44,335,000 shall be derived by transfer from the general fund and $59,599,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $4,898,000 and 8 full-time equivalent positions from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an 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.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 and 50 full-time equivalent positions from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000 of which $5,400,000 shall be derived by transfer from the general fund.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $105,485,000 from local funds, $31,100,000 from the highway trust fund, and $132,745,000 in Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse: *Provided further,* That the District has approved projects to finance capital related items, such as vehicles and heavy equipment, through a master lease purchase program. The District will finance $13,052,000 of its equipment needs up to a 5 year-period. The fiscal year 1998 operating budget includes a total of $3,741,000 for the debt associated with the lease purchase.

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): *Provided,* That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

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

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection

Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

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

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

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

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

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

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

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

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

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

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

SEC. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

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

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

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

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

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

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

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

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

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 130. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis as such benefits are extended to legally married couples.

MONTHLY REPORTING REQUIREMENTS—PUBLIC SCHOOLS

SEC. 131. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

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

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

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

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

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

MONTHLY REPORTING REQUIREMENTS

UNIVERSITY OF THE DISTRICT OF COLUMBIA

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

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

(2) a list of each account for which spending is frozen and the amount of funds frozen,

broken out by control center, responsibility center, detailed object, and for all funding sources;

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

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

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

ANNUAL REPORTING REQUIREMENTS

SEC. 133. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

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

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

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

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 134. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

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

EDUCATIONAL BUDGET APPROVAL

SEC. 135. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 136. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 137. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

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

(3) subject to all Board of Education rules.

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

MISCELLANEOUS PROVISIONS RELATING TO DISTRICT OF COLUMBIA EMPLOYEES

SEC. 138. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) 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 a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, 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.

(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended by adding at the end the following new section:

''SEC. 2408. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1998.

''(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1998, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

''(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

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

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

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

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

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

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

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

''(h) An employee separated pursuant to this section shall be entitled to severance

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

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

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

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

''(j) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

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

''(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.

''(m) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency's management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.''.

(d) RESTRICTING PROVIDERS FROM WHOM EMPLOYEES MAY RECEIVE DISABILITY COMPENSATION SERVICES.—

(1) IN GENERAL.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

''(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.''.

(2) SERVICES FURNISHED.—Section 2303 of such Act (D.C. Code, sec. 1–624.3) is amended by adding at the end the following new subsection:

''(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

''(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees' Compensation Fund.

''(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323.''.

(3) REPEAL PENALTY FOR DELAYED PAYMENT OF COMPENSATION.—Section 2324 of such Act (D.C. Code, sec. 1–624.24) is amended by striking subsection (c).

(4) DEFINITIONS.—Section 2301 of such Act (D.C. Code, sec. 1–624.1) is amended—

(A) in the first sentence of subsection (c), by inserting ''and as designated by the Mayor to provide services to injured employees'' after ''State law''; and

(B) by adding at the end the following new subsection:

''(r)(1) The term 'managed care organization' means an organization of physicians and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees which is designated by the Mayor to provide such care and treatment under this title.

''(2) The term 'allied health professional' means a medical care provider (including a nurse, physical therapist, laboratory technician, X-ray technician, social worker, or other provider who provides such care within the scope of practice under applicable law) who is employed by or affiliated with a managed care organization.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services, supplies, or appliances furnished under title XXIII of the District of Columbia Merit Personnel Act of 1978 on or after the date of the enactment of this Act.

(e) APPLICATION OF BINDING ARBITRATION PROCEDURES UNDER NEW PERSONNEL RULES.—

(1) IN GENERAL.—Section 11105(b)(3) of the Balanced Budget Act of 1997 is amended in the matter preceding subparagraph (A) by striking ''pursuant'' and inserting ''in accordance with binding arbitration procedures in effect under a collective bargaining agreement, or pursuant''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

CEILING ON OPERATING EXPENSES AND DEFICIT

SEC. 139. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption ''DIVISION OF EXPENSES'' may not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year less $192,741,000; or

(B) $4,493,375,000 (excluding intra-District funds of $118,269,000) of which $2,655,232,000 is from local funds; $1,072,572,000 is from Federal grants; and $765,571,000 in private and other funds.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as the ''Authority'') shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning or reprogramming by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998, 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.

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

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

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

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

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

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

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

(c) PROHIBITING USE OF NON-APPROPRIATED FUNDS BY CERTAIN ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia Financial Responsibility and Management Assistance Authority and the District of Columbia Water and Sewer Authority may not obligate or expend any funds during fiscal year 1998 or any succeeding fiscal year without approval by Act of Congress.

(2) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than November 15, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority at any time prior to October 1, 1997. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(3) EFFECT OF EXPENDITURE OF NON-APPROPRIATED FUNDS.—Any obligation of funds by any officer or employee of the District of Columbia government (including any member, officer or employee of the District of Columbia Financial Responsibility and Management Assistance Authority) in violation of the fourth sentence of section 446 of the District of Columbia Home Rule Act shall have no legal effect, and the officer or employee involved shall be removed from office and personally liable for any amounts owed as a result of such obligation.

POWERS AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 140. (a) CLARIFICATION OF AUTHORITY OVER FINANCIAL PERSONNEL.—

(1) IN GENERAL.—Section 424(a) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.1) is amended—

(A) in paragraph (2), by striking '', who shall be appointed'' and all that follows through ''direction and control''; and

(B) by striking paragraph (4) and inserting the following:

''(4) AUTHORITY OVER FINANCIAL PERSONNEL.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any

collective bargaining agreement), the heads and all personnel of the offices described in subparagraph (B), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of independent agencies but not including personnel of the legislative or judicial branches of the District government) shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer, and shall be considered at-will employees not covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

''(B) OFFICES DESCRIBED.—The offices referred to in this subparagraph are as follows:

''(i) The Office of the Treasurer (or any successor office).

''(ii) The Controller of the District of Columbia (or any successor office).

''(iii) The Office of the Budget (or any successor office).

''(iv) The Office of Financial Information Services (or any successor office).

''(v) The Department of Finance and Revenue (or any successor office).

''(vi) During a control year, the District of Columbia Lottery and Charitable Games Control Board (or any successor office).

''(C) REMOVAL OF PERSONNEL BY AUTHORITY.—In addition to the power of the Chief Financial Officer to remove any of the personnel covered under this paragraph, the Authority may remove any such personnel for cause, after written consultation with the Mayor and the Chief Financial Officer.''.

(2) CONFORMING AMENDMENTS.—(A) Section 152(a) of the District of Columbia Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321-102) is hereby repealed.

(B) Section 142(a) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194; 110 Stat. 2375) is hereby repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 1996, except that the amendment made by paragraph (2)(B) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 1997.

(b) PERSONNEL AUTHORITY UNDER MANAGEMENT REFORM PLANS.—

(1) IN GENERAL.—Section 11105(b) of the Balanced Budget Act of 1997 is amended—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''; and

(B) by adding at the end the following new paragraph:

''(4) EXCEPTION FOR PERSONNEL UNDER DIRECTION AND CONTROL OF CHIEF FINANCIAL OFFICER.—This subsection shall not apply with respect to any personnel who are appointed by, serve at the pleasure of, and act under the direction and control of the Chief Financial Officer of the District of Columbia pursuant to section 424(a)(4) of the District of Columbia Home Rule Act.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 11105(b) of the Balanced Budget Act of 1997.

(c) MONTHLY REPORTS ON REVENUES AND EXPENDITURES; INCLUSION OF INFORMATION ON ALL ENTITIES OF DISTRICT GOVERNMENT.—Section 424(d) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.4) is amended by adding at the end the following new paragraphs:

''(8) Preparing monthly reports containing the following information (and submitting such reports to Congress, the Council, the Mayor, and the Authority not later than the 21st day of the month following the month covered by the report):

''(A) The cash flow of the District government, including a statement of funds received and disbursed for all standard categories of revenues and expenses.

''(B) The revenues and expenditures of the District government, including a comparison of the amounts projected for such revenues and expenditures in the annual budget for the fiscal year involved with actual revenues and expenditures during the month.

''(C) The obligations of funds made by or on behalf of the District government, together with a statement of accounts payable and the disbursements paid towards such accounts during the month and during the fiscal year involved.

''(9) Ensuring that any regular report on the status of the funds of the District government prepared by the Chief Financial Officer includes information on the funds of all entities within the District government (including funds in any accounts of the Authority and interest earned on such accounts).''.

(d) CLARIFICATION OF GROUNDS FOR REMOVAL FROM OFFICE.—Section 424(b)(2) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.2(2)) is amended by adding at the end the following new subparagraph:

''(C) CONSULTATION WITH CONGRESS.—The Authority or the Mayor (whichever is applicable) may not remove the Chief Financial Officer under this paragraph unless the Authority or the Mayor (as the case may be) has consulted with Congress prior to the removal. Such consultation shall include at a minimum the submission of a written statement to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, explaining the factual circumstances involved.''.

POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 141. (a) DETERMINATIONS OF DISABILITY STATUS.—Notwithstanding any other provisions of the District of Columbia Retirement Reform Act or any other law, rule, or regulation, for purposes of any retirement program of the District of Columbia for teachers, members of the Metropolitan Police Department, or members of the Fire Department, no individual may have disability status unless the determination of the individual's disability status is made by a single entity designated by the District to make such determinations (or, if the determination is made by any other person, if such entity approves the determination).

(b) ANALYSIS BY ENROLLED ACTUARY OF IMPACT OF DISABILITY RETIREMENTS.—Not later than January 1, 1998, and every 6 months thereafter, the Mayor of the District of Columbia shall engage an enrolled actuary (to be paid by the District of Columbia Retirement Board) to provide an analysis of the actuarial impact of disability retirements occurring during the previous 6-month period on the police and fire fighter retirement programs of the District of Columbia.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

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

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

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

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

BUDGETS OF DEPARTMENTS OR AGENCIES SUBJECT TO COURT-APPOINTED ADMINISTRATOR

SEC. 143. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1998 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

''SPECIAL MASTERS' BUDGETS

''SEC. 445B. All Special Masters appointed by the District of Columbia Superior Court or the United States District Court for the District of Columbia to any agency of the District of Columbia government shall prepare and annually submit to the District of Columbia Financial Responsibility and Management Assistance Authority, for inclusion in the annual budget, annual estimates of expenditures and appropriations. Such annual estimates shall be approved by the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia pursuant to section 202 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart 1 of part D of title IV of the District of Columbia Home Rule Act is amended by inserting after the item relating to section 445A the following new item:

''Sec. 445B. Special masters' budgets.''.

COMMENCING OF ADVERSE ACTIONS FOR POLICE

SEC. 144. Section 1601(b–1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–617.1(b–1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase ''Except as provided in paragraph (2)'' and inserting the phrase ''Except as provided in paragraphs (2) and (3)'' in its place.

(b) A new paragraph (3) is added to read as follows:

''(3) Except as provided in paragraph (2) of this subsection, for members of the Metropolitan Police Department, no corrective or adverse action shall be commenced pursuant to this section more than 120 days, not including Saturdays, Sundays, or legal holidays, after the date that the agency knew or should have known of the act or occurrence allegedly constituting cause, as that term is defined in subsection (d) of this section.''.

NOTICE TO POLICE OFFICERS FOR OUT-OF-SERVICE ASSIGNMENTS

SEC. 145. (a) Notwithstanding any other provision of law or collective bargaining agreement, the Metropolitan Police Department shall change the advance notice that is required to be given to officers for out-of-schedule assignments from 28 days to 14 days.

(b) No officer shall be entitled to overtime for out-of-regular schedule assignments if the Metropolitan Police Department provides the officer with notice of the change in assignment at least 14 days in advance.

SEC. 146. Except as provided in this Act under the heading ''DISTRICT OF COLUMBIA TAXPAYERS RELIEF FUND'', any unused surplus as of the end of the fiscal year shall be used to reduce the District's outstanding accumulated deficit.

RETIREMENT PROGRAMS

SEC. 147. (a) CAP ON STIPENDS OF RETIREMENT BOARD MEMBERS.—Section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking the period at the end and inserting the following: '', and the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000.''.

(b) RESUMPTION OF CERTAIN TERMINATED ANNUITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS.—

(1) IN GENERAL.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(e)) is amended by adding at the end the following new subparagraph:

''(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

PREMIUM PAY FOR CERTAIN POLICE OFFICERS

SEC. 148. Effective for the first full pay period following the date of the enactment of this Act, the salary of any sworn officer of the Metropolitan Police Department shall be increased by 5 percent if—

(1) the officer performs primarily nonadministrative public safety services; and

(2) the officer is certified by the Chief of the Department as having met the minimum ''Basic Certificate'' standards transmitted by the District of Columbia Financial Responsibility and Management Assistance Authority to Congress by letter dated May 19, 1997, or (if applicable) the minimum standards under any physical fitness and performance standards developed by the Department in consultation with the Authority.

PROHIBITING INCREASE IN WELFARE PAYMENTS

SEC. 149. (a) IN GENERAL.—The Council of the District of Columbia shall have no authority to enact any act, resolution, or rule during a fiscal year which increases the amount of payment which may be for any individual under the Temporary Assistance for Needy Families Program to an amount greater than the amount provided under such program under the District of Columbia Public Assistance Act of 1982, as in effect on the day after the effective date of the Public Assistance Temporary Amendment Act of 1997.

(b) EFFECTIVE DATE.—Subsection shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

SEC. 150. Effective as if included in the enactment of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking ''October 1, 1991'' and inserting ''the date of the enactment of this Act''.

LIENS OF WATER AND SEWER AUTHORITY

SEC. 151. (a) REQUIRING IMPOSITION OF LIEN FOR UNPAID BILLS.—The District of Columbia Water and Sewer Authority shall take action to impose a lien against each commercial property with respect to which any payment owed to the Authority is past due in an aggregate amount equal to or greater than $3,000, but only if the payment is past due for 120 or more consecutive days.

(b) DISPOSITION OF LIENS THROUGH PRIVATE SOURCES.—Beginning January 31, 1998, the District of Columbia Water and Sewer Authority shall dispose of all pending liens imposed for the collection of amounts owned to the Authority by assigning the right to collect under such liens to a private entity in exchange for a cash payment, or by issuing securities secured by such liens.

DEEMED APPROVAL OF CONTRACTS BY AUTHORITY

SEC. 152. Section 203(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Code, sec. 47–392.3(b)), as amended by section 5203(d) of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–1456), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) DEEMED APPROVAL.—

''(A) IN GENERAL.—If the Authority does not notify the Mayor (or the appropriate officer or agent of the District government) that it has determined that a contract or lease submitted under this subsection is consistent with the financial plan and budget or is not consistent with the financial plan and budget during the 30-day period (or, if the Authority meets the requirements of subparagraph (B), such alternative period as the Authority may elect, not to exceed 60 days) which begins on the first day after the Authority receives the contract or lease, the Authority shall be deemed to have determined that the contract or lease is consistent with the financial plan and budget.

''(B) ELECTION OF LONGER PERIOD BY AUTHORITY.—The Authority meets the requirements of this subparagraph if, prior to the expiration of the 30-day period described in subparagraph (A), the Authority provides a notice to the Mayor (or the appropriate officer or agent of the District government) and Congress which describes the period elected by the Authority, together with an explanation of the Authority's decision to elect an alternative period.''.

FINANCIAL MANAGEMENT SYSTEM

SEC. 153. (a) IN GENERAL.—The Chief Financial Officer of the District of Columbia shall enter into a contract with a private entity under which the entity shall carry out the following activities (by contract or otherwise) on behalf of the District of Columbia:

(1) In accordance with the requirements of subsection (b), the establishment and operation of an update of the present financial management system for the government of the District of Columbia by not later than June 30, 1998, to provide for the complete, accurate, and timely input and processing of financial data and the generation of reliable output reports for financial management purposes.

(2) To execute a process in accordance with ''best practice'' procedures of the information technology industry to determine the need, if any, of further improving the updated financial management system in subsection (a).

(b) SPECIFICATIONS FOR SHORT-TERM FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS.—For purposes of subsection (a)(1), the requirements of this subsection are as follows:

(1) A qualified vendor, in accordance with Office of Management and Budget standards, shall update the District of Columbia government's financial management system in use as of October 1, 1996.

(2) An information technology vendor shall operate the financial data center environment of the District government to ensure that its equipment and operations are compatible with the updated financial management system.

(3) A financial consulting vendor shall carry out an assessment of the District government employees who work with the financial management system, provide training in the operation of the updated system for those who are capable of effectively using the system, and provide recommendations to the Chief Financial Officer regarding those who are not capable of effectively using the system, including recommendations for reassignment or for separation from District government employment.

(c) CERTIFICATION OF POLICIES AND PROCEDURES FOR ACQUISITION OF LONG-TERM FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS.—

(1) IN GENERAL.—The Chief Financial Officer of the District of Columbia shall enter into a contract with a private entity under which the entity shall conduct an independent assessment to certify whether the District government (including the District of Columbia Financial Responsibility and Management Assistance Authority) has established and implemented policies and procedures that will result in a disciplined approach to the acquisition of a financial management system for the District government, including policies and procedures with respect to such items as—

(A) software acquisition planning,

(B) solicitation,

(C) requirements, development, and management,

(D) project office management,

(E) contract tracking and oversight,

(F) evaluation of products and services provided by the contractor, and

(G) the method that will be used to carry out a successful transition to the delivered system by its users.

(2) MODEL FOR ASSESSMENT.—The independent assessment shall be performed based on the Software Acquisition Capability Maturity Model developed by the Software Engineering Institute or a comparable methodology.

(3) REVIEW OF ASSESSMENT.—A copy of the independent assessment shall be provided to the Comptroller General, the Director of the Office of Management and Budget, and the Inspector General of the District of Columbia, who shall review and prepare a report on the assessment.

(d) RESTRICTIONS ON SPENDING FOR OTHER FINANCIAL MANAGEMENT SYSTEM PROCUREMENT AND DEVELOPMENT.—

(1) IN GENERAL.—None of the funds made available under this or any other Act may be used to improve or replace the financial management system of the government of the District of Columbia (including the procuring of hardware and installation of new software, conversion, testing, and training) until the expiration of the 30-day period which begins on the date the Comptroller General, Director of the Office of Management and Budget, and Inspector General of the District of Columbia submit a report under subsection (c)(3) to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Governmental Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, which certifies that the District government has established and implemented the policies and procedures described in subsection (c)(1).

(2) EXCEPTIONS.—Paragraph (1) shall not apply to funds used to carry out subsection (a) or to carry out the contract described in subsection (c).

POWERS AND DUTIES OF INSPECTOR GENERAL

SEC. 154. (a) CLARIFICATION OF AUTHORITY TO CONDUCT AUDITS.—

(1) EXCLUSIVE AUTHORITY TO CONTRACT FOR INDEPENDENT ANNUAL AUDIT.—None of the funds made available under this Act or any other Act may be used to carry out any contract to conduct the annual audit of the complete financial statement and report of the activities of the District government for fiscal year 1997 or any succeeding fiscal year unless the contract is entered into by the Inspector General of the District of Columbia.

(2) SCOPE OF AUDITS.—Section 208(a) the District of Columbia Procurement Practices Act of 1985 (sec. 1–1182.8(a), D.C. Code) is amended by adding at the end the following new paragraph:

''(5) The Inspector General may include in any audits conducted pursuant to this subsection (by contract or otherwise) of the activities of the District government such audits of the activities of the Authority as the Inspector General considers appropriate.''.

(6) CLARIFICATION OF GROUNDS FOR REMOVAL FROM OFFICE.—Section 208(a)(1) of such Act (sec. 1–1182.8(a)(1), D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subparagraph:

''(G) The Authority or the Mayor (whichever is applicable) may not remove the Inspector General under this paragraph unless the Authority or the Mayor (as the case may be) has consulted with Congress prior to the removal. Such consultation shall include at a minimum the submission of a written statement to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, explaining the factual circumstances involved.''.

(c) REQUIRING PLACEMENT OF INSPECTOR GENERAL HOTLINE ON PERMIT AND LICENSE APPLICATION FORMS.—

(1) IN GENERAL.—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

(2) QUARTERLY REPORTS ON USE OF NUMBER.—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.

REQUIRING USE OF DIRECT DEPOSIT OR MAIL FOR ALL PAYMENTS

SEC. 155. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person's place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

REVISION OF CERTAIN AUDITING REQUIREMENTS

SEC. 156. (a) INFORMATION INCLUDED IN INDEPENDENT ANNUAL AUDIT.—Effective with respect to fiscal year 1997 and each succeeding fiscal year, the independent annual audit of the government of the District of Columbia conducted for a fiscal year pursuant to section 4(a) of Public Law 94–399 (D.C. Code, sec. 47–119(a)) shall include the following information in the Comprehensive Annual Financial Report:

(1) An audited budgetary statement comparing actual revenues and expenditures during the fiscal year with the amounts appropriated in the annual appropriations act for the entire District government and for each fund of the District government (and each appropriation account with each such fund as a supplemental schedule) for the fiscal year, together with the revenue projections on which the appropriations are based, to determine the surplus or deficit thereof.

(2) An unaudited statement of monthly cash flows (on a fund-by-fund basis) showing projected and actual receipts and disbursements (with variances) by category.

(3) A discussion and analysis of the financial condition and results of operations of the District government prepared by the independent auditor.

(b) AUDIT OF FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—

(1) IN GENERAL.—Section 106 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Code, sec. 47–304.1), as amended by section 11711(a) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subsection:

''(e) ANNUAL FINANCIAL AUDIT.—

''(1) IN GENERAL.—For each fiscal year (beginning with fiscal year 1997), the Authority shall enter into a contract, using annual appropriations to the Authority, with an auditor who is a certified public accountant licensed in the District of Columbia to conduct an audit of the Authority's financial statements for the fiscal year, in accordance with generally accepted government auditing standards, and the financial statements shall be prepared in accordance with generally accepted accounting principles.

''(2) CONTENTS.—The auditor shall include in the audit conducted under this subsection the following information:

''(A) An audited budgetary statement comparing gross actual revenues and expenditures of the Authority during the fiscal year with amounts appropriated, together with the revenue projections on which the appropriations are based, to determine the surplus or deficit thereof.

''(B) An unaudited statement of monthly cash flows, showing projected and actual receipts and disbursements by category (with variances).

''(C) A discussion and analysis of the financial condition and results of operations of the Authority prepared by the independent auditor.

''(3) SUBMISSION.—The Authority shall submit the audit reports and financial statements conducted under this subsection to Congress, the President, the Comptroller General, the Council, and the Mayor.''.

(2) RESPONSIBILITIES OF AUTHORITY.—The District of Columbia Financial Responsibility and Management Assistance Authority shall—

(A) with respect to the annual budget of the Authority for fiscal year 1999 and each succeeding fiscal year, provide the Mayor of the District of Columbia (prior to the transmission of the budget by the Mayor to the President and Congress under section 446 of the District of Columbia Home Rule Act) with an item-by-item accounting of the planned uses of appropriated and non-appropriated funds (including all projected revenues) of the Authority under the budget for such fiscal year; and

(B) with respect to the annual budget of the Authority for fiscal year 1997 and each succeeding fiscal year, provide the person conducting the independent annual audit of the government of the District of Columbia pursuant to section 4(a) of Public Law 94-399 (D.C. Code, sec. 47–119(a)) (prior to the completion of the audit) with the actual uses of all appropriated and non-appropriated funds of the Authority under the budget for such fiscal year.

(3) INCLUSION IN INDEPENDENT ANNUAL AUDIT.—For purposes of the independent annual audit of the government of the District of Columbia conducted pursuant to section 4(a) of Public Law 94-399 (D.C. Code, sec. 47–119(a)) for fiscal year 1997 and each succeeding fiscal year, the District of Columbia Financial Responsibility and Management Assistance Authority shall be considered to be an entity within the government of the District of Columbia accountable for appropriated funds in the District of Columbia annual budget, and included as such in the District of Columbia government's Comprehensive Annual Financial Report.

TREATMENT OF UNCLAIMED PROPERTY

SEC. 157. (a) DEFINITIONS OF CERTAIN TERMS.—Section 102 of the Uniform Disposition of Unclaimed Property Act of 1980 (D.C. Code, sec. 42–202) is amended—

(1) by amending paragraph (4) to read as follows:

''(4) 'Business association' means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability, business trust, trust company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit.''; and

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

''(18) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

''(19) 'Property' means a fixed and certain interest in or right in property that is held, issued, or owed in the course of a holder's business, or by a government or governmental entity, and all income or increments therefrom, including an interest referred to as or evidenced by any of the following:

''(A) Money, check, draft, deposit, interest, dividend, and income.

''(B) Credit balance, customer overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused airline ticket, unused ticket, mineral proceed, and unidentified remittance and electronic fund transfer.

''(C) Stock or other evidence of ownership of an interest in a business association.

''(D) Bond, debenture, note, or other evidence of indebtedness.

''(E) Money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions.

''(F) An amount due and payable under the terms of an insurance policy, including policies providing life insurance, property and casualty insurance, workers compensation insurance, or health and disability benefits insurance.

''(G) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.''.

(b) SHORTENING PERIOD FOR PRESUMPTION OF ABANDONMENT.—

(1) IN GENERAL.—Section 103(a) of such Act (D.C. Code, sec. 42–203(a)) is amended by striking ''5 years'' and inserting ''3 years''.

(2) BANK DEPOSITS AND FUNDS IN FINANCIAL ORGANIZATIONS.—Section 106 of such Act (D.C. Code, sec. 42–206) is amended by striking ''5 years'' each place it appears in subsections (a) and (d) and inserting ''3 years''.

(3) FUNDS HELD BY LIFE INSURANCE COMPANIES.—Section 107 of such Act (D.C. Code, sec. 42–207) is amended by striking ''5 years'' each place it appears in subsections (a) and (c)(2)(C) and inserting ''3 years''.

(4) DEPOSITS AND REFUNDS HELD BY UTILITIES.—Section 108 of such Act (D.C. Code, sec. 42–208) is amended by striking ''5 years'' each place it appears and inserting ''1 year''.

(5) STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS.—Section 109 of such Act (D.C. Code, sec. 42–209) is amended—

(A) by striking ''5 years'' each place it appears in subsections (a) and (b)(1) and inserting ''3 years''; and

(B) in subsection (b)(2), by striking ''5-year'' and inserting ''3-year''.

(6) PROPERTY HELD BY FIDUCIARIES.—Section 111(a) of such Act (D.C. Code, sec. 42–211(a)) is amended by striking ''5 years'' and inserting ''3 years''.

(7) PROPERTY HELD BY PUBLIC OFFICERS AND AGENCIES.—Section 112 of such Act (D.C. Code, sec. 42–212) is amended by striking ''2 years'' and inserting ''1 year''.

(8) EMPLOYEE BENEFIT TRUST DISTRIBUTIONS.—Section 113 of such Act (D.C. Code, sec. 42–213) is amended by striking ''5 years'' and inserting ''3 years''.

(9) CONTENTS OF SAFE DEPOSIT BOX.—Section 115 of such Act (D.C. Code, sec. 42–215) is amended by striking ''5 years'' and inserting ''3 years''.

(c) CRITERIA FOR PRESUMPTION OF ABANDONMENT.—

(1) IN GENERAL.—Section 103 of such Act (D.C. Code, sec. 42–203) is amended by adding at the end the following new subsection:

''(d) A record of the issuance of a check, draft, or similar instrument by a holder is prima facie evidence of property held or owed to a person other than the holder. In claiming property from a holder who is also the issuer, the Mayor's burden of proof as to the existence and amount of the property and its abandonment is satisfied by showing issuance of the instrument and passage of the requisite period of abandonment. Defenses of payment, satisfaction, discharge, and want of consideration are affirmative defenses that may be established by the holder.''.

(2) SPECIAL RULES REGARDING STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS.—Section 109 of such Act (D.C. Code, sec. 42–209) is amended by adding at the end the following new subsections:

''(d) For purposes of subsection (b), the return of official shareholder notifications or communications by the postal service as undeliverable shall be evidence that the association does not know the location of the owner.

''(e) In the case of property consisting of stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distribution, or other sums payable as a result of the interest, the property may not be presumed to be abandoned under this section unless either of the following applies:

''(1) The records available to the administrator of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within 3 years communicated in any manner described in subsection (a).

''(2) 3 years have elapsed since the location of the owner became unknown to the association, as evidenced by the return of official shareholder notifications or by the postal service as undeliverable, and the owner has not within those 3 years communicated in any manner described in subsection (a). The 3-year period from the return of official shareholder notifications or communications shall commence from the earlier of the return of the second such mailing or the time the holder discontinues mailings to the shareholder.''.

(3) SPECIAL RULE REGARDING PROPERTY DISTRIBUTED THROUGH LITIGATION OR SETTLEMENT OF DISPUTE.—Section 110 of such Act (D.C. Code, sec. 42–210) is amended—

(A) by striking ''All intangible'' and inserting ''(a) All intangible''; and

(B) by adding at the end the following new subsection:

''(b) All intangible property payable or distributable to a member or participant in a class action suit, either one allowed by the court to be maintained as such or one essentially handled as a class action suit and remaining for more than one year after the time for the final payment or distribution is presumed abandoned, unless within the preceding one year, there has been a communication between the member or participant and the holder concerning the property. Intangible property payable or distributable as the result of litigation or settlement of a dispute before a judicial or administrative body and remaining unclaimed for more than one year after the time for the final distribution is presumed abandoned.''.

(d) REQUIREMENTS FOR PERSONS HOLDING PROPERTY PRESUMED ABANDONED.—

(1) DEADLINE FOR FILING REPORT WITH MAYOR.—Section 117(d) of such Act (D.C. Code, sec. 42–217(d)) is amended to read as follows:

''(d)(1) The report as of the prior June 30th must be filed before November 1st of each year, but a report with respect to a life insurance company must be filed before May 1st of each year as of the prior December 31. The Mayor may postpone the reporting date upon written request by any person required to file a report.

''(2) In calendar year 1998, a report concerning all property presumed to be abandoned as of October 31, 1997, must be filed no later than January 2, 1998.''.

(2) NOTIFICATION OF OWNER.—Section 117(e) of such Act (D.C. Code, sec. 42–217(e)) is amended to read as follows:

''(e) Not earlier than 120 days prior to filing the report required under this section (and not later than 60 days prior to filing such report), the holder of property presumed abandoned shall send written notice to the apparent owner of the property stating that the holder is in possession of property subject to this Act, but only if—

''(1) the holder has in its records an address for the apparent owner, unless the holder's records indicate that such address is not accurate; and

''(2) the value of the property is at least $50.''.

(3) PAYMENT OR DELIVERY OF PROPERTY TO MAYOR.—Section 119 of such Act (D.C. Code, sec. 42–219) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) Upon the filing of the report required under section 117 with respect to property presumed abandoned, the holder of the property shall pay or deliver (or cause to be paid or delivered) to the Mayor the property described in the report as abandoned, except that—

''(1) in the case of property consisting of an automatically renewable deposit for which a penalty or forfeiture in the payment of interest would result if payment were made to the Mayor at such time, the holder may delay the payment or delivery of the property to the Mayor until such time as the penalty or forfeiture will not occur; and

''(2) in the case of tangible property held in a safe deposit box or other safekeeping depository, the holder shall pay or deliver (or cause to be paid or delivered) the property to the Mayor upon the expiration of the 120-day period which begins on the date the holder files the report required under section 117.

''(b) If the Mayor postpones the reporting date with respect to the property under section 117(d), the holder, upon receipt of the extension, may make an interim payment under this section on the amount the holder estimates will ultimately be due.''.

(4) CLARIFICATION OF USE OF ESTIMATED PAYMENTS AND REPORTS.—Section 130(d) of such Act (D.C. Code, sec. 42–230(d)) is amended to read as follows:

''(d) If a holder fails to maintain the records required by section 132 and the records of the holder available for the periods for which this Act applies to the property involved are insufficient to permit the preparation of a report and delivery of the property, the holder shall be required to report and pay such amounts as may reasonably be estimated from any available records.''.

(5) RETENTION OF RECORDS.—Section 132(a) of such Act (D.C. Code, sec. 42–232(a)) is amended to read as follows:

''(a) Except as provided in subsection (b) and unless the Mayor provides otherwise by rule, every holder required to file a report under section 117 shall retain all books, records, and documents necessary to establish the accuracy of such report and the compliance of the report with the requirements of this Act for 10 years after the property becomes reportable, together with a record of the name and address of the owner of the property in the case of any property for which the holder has obtained the last known address of the owner.''.

(e) DUTIES AND POWERS OF MAYOR.—

(1) INFORMATION INCLUDED IN PUBLISHED NOTICE OF ABANDONED PROPERTY.—Section 118(b)(3) of such Act (D.C. Code, sec. 42–218(b)(3)) is amended to read as follows:

''(3) A statement that property of the owner is presumed to be abandoned and has been taken into the protective custody of the Mayor, except in the case of property described in section 119(a)(1) which is not paid or delivered to the Mayor pursuant to such section.''.

(2) INFORMATION INCLUDED IN MAILED NOTICE.—Section 118(e)(3) of such Act (D.C.

Code, sec. 42–218(e)(3)) is amended to read as follows:

''(3) A statement explaining that property of the owner is presumed to be abandoned, the property has been taken into the protective custody of the Mayor (other than property described in section 119(a)(1) which is not paid or delivered to the Mayor pursuant to such section), and information about the property and its return to the owner is available to a person having a legal or beneficial interest in the property, upon request to the Mayor.''.

(3) TRANSITION RULE FOR 1997.—Section 118(g) of such Act (D.C. Code, sec. 42–218(g)) is amended to read as follows:

''(g) With respect to property reported and delivered on or before January 2, 1998, pursuant to section 117(d)(2), the Mayor shall cause the newspaper notice required by subsection (a) and the notice mailed under subsection (d) to be completed no later than May 1, 1998.''.

(4) IMPOSITION OF ONE-YEAR WAITING PERIOD FOR SALE OF PROPERTY.—The first sentence of section 122(a) of such Act (D.C. Code, sec. 42–222(a)) is amended by striking ''may be sold'' and inserting the following: ''which remains unclaimed one year after the delivery to the Mayor may be sold''.

(5) SPECIAL RULE FOR SALE OF PROPERTY CONSISTING OF SECURITIES.—Section 122 of such Act (D.C. Code, sec. 42–222) is amended by adding at the end the following new subsection:

''(d)(1) Notwithstanding subsection (a), abandoned property consisting of securities delivered to the Mayor under this Act may not be sold under this section until the expiration of the 3-year period which begins on the date the property is delivered to the Mayor, except that the Mayor may sell the property prior to the expiration of such period if the Mayor finds that sale at such time is in the best interests of the District of Columbia.

''(2) If the Mayor sells any property described in paragraph (1) prior to the expiration of the 3-year period described in such paragraph, any person making a claim with respect to the property pursuant to this Act prior to the expiration of such period is entitled to either the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever is greater, less any deduction for fees pursuant section 123(c). If the Mayor does not sell any such property prior to the expiration of such 3-year period, a person may make a claim with respect to the property in accordance with section 124 and other applicable provisions of this Act.''.

(6) STATUTE OF LIMITATIONS.—Section 129(b) of such Act (D.C. Code, sec. 42–229(b)) is amended to read as follows:

''(b) No action or proceeding may be commenced by the Mayor to enforce any provision of this Act with respect to the reporting, delivery, or payment of property more than 10 years after the holder specifically identified the property in a report filed with the Mayor or gave express notice to the Mayor of a dispute regarding the property. The period of limitation shall be tolled in the absence of such a report or other express notice, or by the filing of a report that is fraudulent.''.

(f) INTEREST AND PENALTIES.—

(1) IN GENERAL.—Section 135 of such Act (D.C. Code, sec. 42–235) is amended by striking subsections (b), (c), and (d) and inserting the following:

''(b) Except as otherwise provided in subsection (c), a person who fails to report, pay, or deliver property within the time prescribed under this Act, or fails to perform other duties imposed by this Act, shall pay (in addition to the interest required under subsection (a)) a civil penalty of $200 for each day the report, payment, or delivery is withheld or the duty is not performed, up to a maximum of $10,000.

''(c) A person who willfully fails to report, pay, or deliver property within the time prescribed under this Act, or fails to perform other duties imposed by this Act, shall pay (in addition to the interest required under subsection (a)) a civil penalty of $1,000 for each day the report, payment, or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been paid or delivered.

''(d) The Mayor may waive the imposition of any interest or penalty (or any part thereof) against any person under subsection (b) or (c) if the person's failure to pay or deliver property is satisfactorily explained to the Mayor and if the failure has resulted from a mistake by the person in understanding or applying the law or the facts involved.''.

(2) FAILURE OF HOLDER TO EXERCISE DUE DILIGENCE WITH RESPECT TO ITEMS SUBJECT TO REPORTING.—Section 135 of such Act (D.C. Code, sec. 42–235) is amended by adding at the end the following new subsection:

''(f) A holder who fails to exercise due diligence with respect to information required to be reported under section 117 shall pay (in addition to any other interest or penalty which may be imposed under this section) a penalty of $10 with respect to each item involved.''.

(g) MISCELLANEOUS REVISIONS.—

(1) RESTRICTION ON AMOUNT CHARGED FOR HOLDING CERTAIN BANK DEPOSITS AND FUNDS.—(A) Section 106(e) of such Act (D.C. Code, sec. 42–206(e)) is amended by adding at the end the following new paragraph:

''(4) The amount of the deduction is limited to an amount that is not unconscionable.''.

(B) Section 106(f) of such Act (D.C. Code, sec. 42–206(f)) is amended by adding at the end the following new paragraph:

''(3) The amount of the deduction is limited to an amount that is not unconscionable.''.

(2) CLARIFICATION OF APPLICATION OF LAW TO WAGES AND OTHER COMPENSATION.—Section 116 of such Act (D.C. Code, sec. 42–216) is amended by striking ''Unpaid wages or outstanding payroll checks'' and inserting ''Wages or other compensation for personal services''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION RULE.—In the case of any property which is presumed to be abandoned under the Uniform Disposition of Unclaimed Property Act of 1980 (as amended by this Act) during the 6-month period which begins on the date of the enactment of this Act and which would not be presumed to be abandoned under such Act during such period but for the amendments made by this Act, the property may not be presumed to be abandoned under such Act prior to the expiration of such period.

RESTRICTIONS ON BORROWING

SEC. 158. (a) PROHIBITING USE OF BORROWING TO FINANCE OR REFUND ACCUMULATED GENERAL FUND DEFICIT.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) at any time before, on, or after the date of the enactment of this Act to obtain borrowing to finance or refund the accumulated general fund deficit of the District of Columbia existing as of September 30, 1997.

(b) RESTRICTIONS ON USE OF FUNDS FOR DEBT RESTRUCTURING.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) during fiscal year 1998 or any succeeding fiscal year to obtain borrowing (including borrowing through the issuance of any bonds, notes, or other obligations) to repay any other borrowing of funds or issuance of bonds, notes, or other obligations unless—

(1) the aggregate cost to the District of the new borrowing or issuance does not exceed the aggregate cost of the original borrowing or issuance; and

(2) the date provided for the final repayment of the new borrowing or issuance is not later than the date provided for the final repayment of the original borrowing or issuance.

(2) CLERICAL AMENDMENT.—The table of sections for subpart 1 of part E of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new item:

''Sec. 468. Restrictions on restructuring of debt.''.

(c) PROHIBITING USE OF FUNDS FOR PRIVATE BOND SALES.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) during fiscal year 1998 or any succeeding fiscal year to sell any bonds at a private sale.

REOPENING OF PENNSYLVANIA AVENUE

SEC. 159. Notwithstanding any other provision of law or any other rule or regulation, beginning January 1, 1998, the portion of Pennsylvania Avenue in front of the White House shall be reopened to regular vehicular traffic.

INDEPENDENCE IN CONTRACTING FOR CHIEF FINANCIAL OFFICER AND INSPECTOR GENERAL

SEC. 160. (a) IN GENERAL.—Notwithstanding any other provision of law, neither the Mayor of the District of Columbia or the District of Columbia Financial Responsibility and Management Assistance Authority may enter into any contract with respect to any authority or activity under the jurisdiction of the Chief Financial Officer or Inspector General of the District of Columbia without the consent and approval of the Chief Financial Officer or Inspector General (as the case may be).

(b) EFFECT ON OTHER POWERS AND DUTIES OF AUTHORITY.—Nothing in this section may be construed—

(1) to affect the ability of the District of Columbia Financial Responsibility and Management Assistance Authority to remove the Chief Financial Officer or Inspector General of the District of Columbia from office during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and management Assistance Act of 1995); or

(2) to exempt any contracts entered into by the Chief Financial Officer or Inspector General from review by the Authority under section 203(b) of such Act.

MISCELLANEOUS PROVISIONS

SEC. 161. (a) DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:

''SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

''(a) IN GENERAL.—

''(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

''(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse the Secretary for advances made under title VI of such Act.

''(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 204 the following new item:

''Sec. 205. Deposit of annual Federal contribution with Authority.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

(b) DISHONORED CHECK COLLECTION.—The Act entitled ''An Act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks'', approved September 28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third sentence the following: ''The Mayor may enter into a contract to collect the amount of the original obligation.''; and

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

''(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney's fees.

''(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney's fees may be initiated—

''(1) by the Corporation Counsel of the District of Columbia; or

''(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.

''(e) Nothing in this section may be construed to eliminate the Mayor's exclusive authority with respect to any obligations and liabilities of the District of Columbia.''.

(c) REQUIRING DISTRICT GOVERNMENT OFFICIALS TO PROVIDE INFORMATION UPON REQUEST TO CONGRESSIONAL COMMITTEES.—Notwithstanding any provision of law or any other rule or regulation, during fiscal year 1998 and each succeeding fiscal year, at the request of the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, or the Committee on Governmental Affairs of the Senate, any officer or employee of the District of Columbia government (including any officer or employee of the District of Columbia Financial Responsibility and Management Assistance Authority) shall provide the Committee with such information and materials as the Committee may require, within such deadline as the Committee may require.

(d) PROHIBITING CERTAIN HELICOPTER FLIGHTS OVER DISTRICT.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia to grant a permit or license to any person for purposes of any business in which the person provides tours of any portion of the District of Columbia by helicopter.

(e) CONFORMING REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Section 4(28A) of the District of Columbia Income and Franchise Act of 1947 (D.C. Code, sec. 47–1801.4(28A)) is amended to read as follows:

''(28A) The term 'Internal Revenue Code of 1986' means the Internal Revenue Code of 1986 (100 Stat. 2085; 26 U.S.C. 1 et seq.), as amended through August 20, 1996. The provisions of the Internal Revenue Code of 1986 shall be effective on the same dates that they are effective for Federal tax purposes.''.

(f) STANDARD FOR REVIEW OF RECOMMENDATIONS OF BUSINESS REGULATORY REFORM COMMISSION IN REVIEW OF REGULATIONS BY AUTHORITY.—Section 11701(a)(1) of the Balanced Budget Act of 1997 is amended by striking the second sentence and inserting the following: ''In carrying out such review, the Authority shall include an explicit reference to each recommendation made by the Business Regulatory Reform Commission pursuant to the Business Regulatory Reform Commission Act of 1994 (D.C. Code, sec. 2–4101 et seq.), together with specific findings and conclusions with respect to each such recommendation.''.

(g) TECHNICAL CORRECTIONS RELATING TO BALANCED BUDGET ACT OF 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(c) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

''(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council, the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.''.

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking ''DEPARTMENT OF PARKS AND RECREATION'' and inserting ''PARKS AUTHORITY''; and

(B) by striking ''Department of Parks and Recreation'' and inserting ''Parks Authority''.

(h) REPEAL OF PRIOR NOTICE REQUIREMENT FOR FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DISTRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.

This title may be cited as the ''District of Columbia Appropriations Act, 1998''.

TITLE II—DISTRICT OF COLUMBIA MEDICAL LIABILITY REFORM

Subtitle A—Standards for Health Care Liability Actions and Claims in the District of Columbia

SEC. 201. SHORT TITLE.

This title may be cited as the ''District of Columbia Medical Liability Reform Act of 1997''.

SEC. 202. STATUTE OF LIMITATIONS.

A District of Columbia health care liability action may not be brought after the expiration of the 2-year period that begins on the date on which the alleged injury that is the subject of the action was discovered or should reasonably have been discovered, but in no case after the expiration of the 5-year period that begins on the date the alleged injury occurred.

SEC. 203. TREATMENT OF NONECONOMIC DAMAGES.

(a) LIMITATION ON NONECONOMIC DAMAGES.—The total amount of noneconomic damages that may be awarded to a claimant for losses resulting from the injury which is the subject of a District of Columbia health care liability action may not exceed $250,000, regardless of the number of parties against whom the action is brought or the number of actions brought with respect to the injury.

(b) JOINT AND SEVERAL LIABILITY.—In any District of Columbia health care liability action, a defendant shall be liable only for the amount of noneconomic damages attributable to such defendant in direct proportion to such defendant's share of fault or responsibility for the claimant's actual damages, as determined by the trier of fact. In all such cases, the liability of a defendant for noneconomic damages shall be several and not joint.

SEC. 204. CRITERIA FOR AWARDING OF PUNITIVE DAMAGES; LIMITATION ON AMOUNT AWARDED.

(a) IN GENERAL.—Punitive damages may, to the extent permitted by applicable District of Columbia law, be awarded in any District of Columbia health care liability action if the claimant establishes by clear and convincing evidence that the harm suffered was the result of—

(1) conduct specifically intended to cause harm, or

(2) conduct manifesting a conscious, flagrant indifference to the rights or safety of others.

(b) PROPORTIONAL AWARDS.—The amount of punitive damages that may be awarded in any District of Columbia health care liability action may not exceed 3 times the amount of damages awarded to the claimant for economic loss, or $250,000, whichever is greater. This subsection shall be applied by the court and shall not be disclosed to the jury.

(c) APPLICABILITY.—This subsection shall apply to any District of Columbia health care liability action brought on any theory under which punitive damages are sought. This subsection does not create a cause of action for punitive damages. This subsection does not preempt or supersede any law to the extent that such law would further limit the award of punitive damages.

(d) BIFURCATION.—At the request of any party, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded and the amount of such award. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable District of Columbia law, shall be inadmissible in any proceeding to determine whether actual damages are to be awarded.

SEC. 205. TREATMENT OF PUNITIVE DAMAGES IN ACTIONS RELATING TO DRUGS OR MEDICAL DEVICES.

(a) PROHIBITING AWARD OF PUNITIVE DAMAGES WITH RESPECT TO CERTAIN APPROVED DRUGS AND DEVICES.—

(1) IN GENERAL.—In any District of Columbia health care liability action, punitive damages may not be awarded against a manufacturer or product seller of a drug or medical device which caused the claimant's harm if—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm, or the adequacy of the packaging or labeling of such drug or device which caused the harm, and such drug, device, packaging, or labeling was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

(2) EXCEPTION.—Paragraph (1) shall not apply in any case in which the defendant, before or after premarket approval of a drug or device—

(A) intentionally and wrongfully withheld from or misrepresented to the Food and Drug Administration information concerning such drug or device required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and relevant to the harm suffered by the claimant, or

(C) made an illegal payment to an official or employee of the Food and Drug Administration for the purpose of securing or maintaining approval of such drug or device.

(b) SPECIAL RULE REGARDING CLAIMS RELATING TO PACKAGING.—In a District of Columbia health care liability action relating to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the court by clear and convincing evidence to be substantially out of compliance with such regulations.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) DRUG.—The term ''drug'' has the meaning given such term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

(2) MEDICAL DEVICE.—The term ''medical device'' has the meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) PRODUCT SELLER.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''product seller'' means a person who, in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or is otherwise involved in placing, a product in the stream of commerce, or

(ii) installs, repairs, or maintains the harm-causing aspect of a product.

(B) EXCLUSION.—Such term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor.

SEC. 206. PERIODIC PAYMENTS FOR FUTURE LOSSES.

(a) IN GENERAL.—In any District of Columbia health care liability action in which the damages awarded for future economic and noneconomic loss exceeds $50,000, a person shall not be required to pay such damages in a single, lump-sum payment, but shall be permitted to make such payments periodically based on when the damages are found likely to occur, as such payments are determined by the court.

(b) FINALITY OF JUDGMENT.—The judgment of the court awarding periodic payments under this section may not, in the absence of fraud, be reopened at any time to contest, amend, or modify the schedule or amount of the payments.

(c) LUMP-SUM SETTLEMENTS.—This section may not be construed to preclude a settlement providing for a single, lump-sum payment.

SEC. 207. TREATMENT OF COLLATERAL SOURCE PAYMENTS.

(a) INTRODUCTION INTO EVIDENCE.—In any District of Columbia health care liability action, any defendant may introduce evidence of collateral source payments. If any defendant elects to introduce such evidence, the claimant may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the claimant to secure the right to such collateral source payments.

(b) NO SUBROGATION.—No provider of collateral source payments may recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated the right of the claimant in a District of Columbia health care liability action.

(c) APPLICATION TO SETTLEMENTS.—This section shall apply to an action that is settled as well as an action that is resolved by a fact finder.

(d) COLLATERAL SOURCE PAYMENTS DEFINED.—In this section, the term ''collateral source payments'' means any amount paid or reasonably likely to be paid in the future to or on behalf of a claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of a claimant, as a result of an injury or wrongful death, pursuant to—

(1) any State or Federal health, sickness, income-disability, accident or workers' compensation Act;

(2) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(3) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(4) any other publicly or privately funded program.

SEC. 208. APPLICATION OF STANDARDS TO CLAIMS RESOLVED THROUGH ALTERNATIVE DISPUTE RESOLUTION.

(a) IN GENERAL.—Any alternative dispute resolution system used to resolve a District of Columbia health care liability action or claim shall contain provisions relating to statute of limitations, non-economic damages, joint and several liability, punitive damages, collateral source rule, and periodic payments which are identical to the provisions relating to such matters in this title.

(b) ALTERNATIVE DISPUTE RESOLUTION SYSTEM DEFINED.—In this title, the term ''alternative dispute resolution system'' means a system that provides for the resolution of District of Columbia health care liability claims in a manner other than through District of Columbia health care liability actions.

Subtitle B—General Provisions

SEC. 211. GENERAL DEFINITIONS.

(a) DISTRICT OF COLUMBIA HEALTH CARE LIABILITY ACTION.—

(1) IN GENERAL.—In this title, the term ''District of Columbia health care liability action'' means a civil action brought against a health care provider, an entity which is obligated to provide or pay for health benefits under any health benefit plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim (including third party claims, cross claims, counter claims, or distribution claims) based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product within the District of Columbia, regardless of the theory of liability on which the claim is based or the number of plaintiffs, defendants, or causes of action.

(2) HEALTH BENEFIT PLAN.—The term ''health benefit plan'' means—

(A) a hospital or medical expense incurred policy or certificate,

(B) a hospital or medical service plan contract,

(C) a health maintenance subscriber contract, or

(D) a Medicare+Choice plan (as described in section 1859(b)(1) of the Social Security Act),

that provides benefits with respect to health care services.

(3) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person that is engaged in the delivery of health care services in the District of Columbia and that is required by the laws or regulations of the District of Columbia to be licensed or certified to engage in the delivery of such services in the District of Columbia, and includes an employee of the government of the District of Columbia (including an independent agency of the District of Columbia).

(b) DISTRICT OF COLUMBIA HEALTH CARE LIABILITY CLAIM.—The term ''District of Columbia health care liability claim'' means a claim in which the claimant alleges that injury was caused by the provision of (or the failure to provide) health care services within the District of Columbia.

(c) OTHER DEFINITIONS.—As used in this title:

(1) ACTUAL DAMAGES.—The term ''actual damages'' means damages awarded to pay for economic loss.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a District of Columbia health care liability action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) CLEAR AND CONVINCING EVIDENCE.—The term ''clear and convincing evidence'' is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. Such measure or degree of proof is more than that required under preponderance of the evidence but less than that required for proof beyond a reasonable doubt.

(4) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting

from injury (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent recovery for such loss is allowed under applicable District of Columbia law.

(5) HARM.—The term ''harm'' means any legally cognizable wrong or injury for which punitive damages may be imposed.

(6) HEALTH CARE SERVICE.—The term ''health care service'' means any service for which payment may be made under a health benefit plan including services related to the delivery or administration of such service.

(7) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages paid to an individual for pain and suffering, inconvenience, emotional distress, mental anguish, loss of consortium, injury to reputation, humiliation, and other nonpecuniary losses.

(8) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(9) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded against any person not to compensate for actual injury suffered, but to punish or deter such person or others from engaging in similar behavior in the future.

SEC. 212. NONAPPLICATION TO CERTAIN ACTIONS; PREEMPTION.

(a) APPLICABILITY.—This title shall not apply to—

(1) an action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act applies to the action, or

(2) an action under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(b) PREEMPTION.—This title shall preempt any District of Columbia law to the extent such law is inconsistent with the limitations contained in this title. This title shall not preempt any District of Columbia law that provides for defenses or places limitations on a person's liability in addition to those contained in this title or otherwise imposes greater restrictions than those provided in this title.

(c) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this title may be construed to—

(1) waive or affect any defense of sovereign immunity asserted by the District of Columbia under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(4) preempt any choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

SEC. 213. RULES OF CONSTRUCTION REGARDING JURISDICTION OF FEDERAL COURTS.

(a) AMOUNT IN CONTROVERSY.—In an action to which this title applies and which is brought under section 1332 of title 28, United States Code, the amount of noneconomic damages or punitive damages, and attorneys' fees or costs, shall not be included in determining whether the matter in controversy exceeds the sum or value of $50,000.

(b) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this title shall be construed to establish any jurisdiction in the district courts of the United States over District of Columbia health care liability actions on the basis of section 1331 or 1337 of title 28, United States Code.

Subtitle C—Effective Date

SEC. 221. EFFECTIVE DATE.

This title shall apply to any District of Columbia health care liability action and to any District of Columbia health care liability claim subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any such action or claim arising from an injury occurring prior to such date shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE III—DISTRICT OF COLUMBIA EDUCATION REFORM ACT OF 1997

Subtitle A—Amendments to District of Columbia School Reform Act of 1995

SEC. 301. SHORT TITLE.

This title may be cited as the ''District of Columbia Education Reform Amendments Act of 1997''.

SEC. 302. GENERAL EFFECTIVE DATE.

Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–112; D.C. Code §31–2851) is amended by striking ''shall be effective'' and all that follows through the period at the end and inserting ''shall take effect on the date of the enactment of this Act.''.

SEC. 303. TIMETABLE FOR APPROVAL OF PUBLIC CHARTER SCHOOL PETITIONS.

Section 2203(i)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code §31–2853.13(i)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—

''(i) ANNUAL LIMIT.—Subject to subparagraph (B) and clause (ii), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle.

''(ii) TIMETABLE.—Any petition approved under clause (i) shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1 of the calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.''.

SEC. 304. INCREASE IN PERMITTED NUMBER OF TRUSTEES OF PUBLIC CHARTER SCHOOL.

Section 2205(a) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–122; D.C. Code §31–2853.15(a)) is amended by striking ''7,'' and inserting ''15,''.

SEC. 305. LEASE TERMS FOR PERSONS OPERATING CHARTER SCHOOLS.

(a) LEASING FORMER OR UNUSED PUBLIC SCHOOL PROPERTIES.—

(1) IN GENERAL.—Section 2209(b)(1)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code §31–2853.19(b)(1)(A)) is amended to read as follows:

''(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (C), the Mayor and the District of Columbia Government—

''(i) subject to clause (ii), shall give preference to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, with respect to the purchase of a facility or property described in subparagraph (C), if doing so will not result in a significant loss of revenue that might be obtained from other dispositions or uses of the facility or property; and

''(ii) shall lease a facility or property described in subparagraph (C), at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if—

''(I) the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of operating the facility or property as a public charter school under this subtitle; and

''(II) the facility or property is not yet otherwise disposed of (by sale, lease, or otherwise).''.

(2) TERMINATION OF LEASE.—Section 2209(b)(1) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code §31–2853.19(b)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) TERMINATION OF LEASE.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—

''(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

''(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(c)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

''(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant's failure timely to submit the identification and information described in section 2202(6)(B)(i).''.

(3) CONFORMING AMENDMENT.—Section 225(d) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 110 Stat. 3009–508; D.C. Code §47–392.25(d)) is amended by striking ''section 2209(b)(1)(B) of the District of Columbia School Reform Act of 1995'' and inserting ''section 2209(b)(1)(C) of the District of Columbia School Reform Act of 1995, other than a facility or real property that is subject to a lease under section 2209(b)(1)(A)(ii) of such Act,''.

(b) CONVERSIONS OF PUBLIC SCHOOLS.—Section 2209(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code §31–2853.19(b)) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR PERSONS CONVERTING PUBLIC SCHOOL INTO CHARTER SCHOOL.—

''(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in this paragraph, the Mayor and the District of Columbia Government shall lease a facility or property, at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if—

''(i) the facility or property is under the jurisdiction of the Board of Education;

''(ii) the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of operating the facility or property as a public charter school under this subtitle; and

''(iii) immediately prior to the date of such request, the facility or property—

''(I) was operated as a District of Columbia public school, and the requirements of section 2202(a) were met; or

''(II) was operated as a public charter school under this subtitle.

''(B) TERMINATION OF LEASE.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—

''(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

''(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(c)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

''(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant's failure timely to submit the identification and information described in section 2202(6)(B)(i).''.

(c) LEASING CURRENT PUBLIC SCHOOL PROPERTIES.—

(1) IN GENERAL.—Section 2209(b)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–506; D.C. Code §31–2853.19(b)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (C), but subject to paragraph (3), the Mayor and the District of Columbia Government shall lease a facility or property described in subparagraph (C), at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of—

''(i) operating the facility or property as a public charter school under this subtitle; or

''(ii) using the facility or property for a purpose directly related to the operation of a public charter school under this subtitle.''.

(2) TERMINATION OF LEASE.—Section 2209(b)(2) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–506; D.C. Code §31–2853.19(b)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) TERMINATION OF LEASE.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—

''(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

''(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(c)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

''(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant's failure timely to submit the identification and information described in section 2202(6)(B)(i).''.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC CHARTER SCHOOL BOARD.

Section 2214(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code §31–2853.24(g)) is amended by inserting ''to the Board'' after ''appropriated''.

SEC. 307. ADJUSTMENT OF ANNUAL PAYMENT FOR RESIDENTIAL SCHOOLS.

Section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code §31–2853.41(b)(3)(B)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) to whom the school provides room and board in a residential setting.''.

SEC. 308. ADJUSTMENT OF ANNUAL PAYMENT FOR FACILITIES COSTS.

Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code §31–2853.41(b)(3)) is amended by adding at the end the following:

''(C) ADJUSTMENT FOR FACILITIES COSTS.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school, not later than April 1 of the fiscal year preceding the payment, requests such an adjustment.''.

SEC. 309. PAYMENTS TO NEW CHARTER SCHOOLS.

(a) IN GENERAL.—Section 2403(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–140; D.C. Code §31–2853.43(b)) is amended to read as follows:

''(b) PAYMENTS TO NEW SCHOOLS.—

''(1) ESTABLISHMENT OF FUND.—There is established in the general fund of the District of Columbia a fund to be known as the 'New Charter School Fund'.

''(2) CONTENTS OF FUND.—The New Charter School Fund shall consist of—

''(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for fiscal year 1997 that reverted to the general fund of the District of Columbia;

''(B) amounts credited to the fund in accordance with this subsection upon the receipt by a public charter school described in paragraph (5) of its first initial payment under subsection (a)(2)(A) or its first final payment under subsection (a)(2)(B); and

''(C) any interest earned on such amounts.

''(3) EXPENDITURES FROM FUND.—

''(A) IN GENERAL.—Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay, from the New Charter School Fund, to each public charter school described in paragraph (5), an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401(b) by the total anticipated enrollment as set forth in the petition to establish the public charter school.

''(B) PRO RATA REDUCTION.—If the amounts in the New Charter School Fund for any year are insufficient to pay the full amount that each public charter school described in paragraph (5) is eligible to receive under this subsection for such year, the Chief Financial Officer of the District of Columbia shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

''(C) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the New Charter School Fund to a bank designated by a public charter school.

''(4) CREDITS TO FUND.—Upon the receipt by a public charter school described in paragraph (5) of—

''(A) its first initial payment under subsection (a)(2)(A), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 75 percent of the amount paid to the school under paragraph (3); and

''(B) its first final payment under subsection (a)(2)(B), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 percent of the amount paid to the school under paragraph (3).

''(5) SCHOOLS DESCRIBED.—A public charter school described in this paragraph is a public charter school that—

''(A) did not enroll any students during any portion of the fiscal year preceding the most recent fiscal year for which funds are appropriated to carry out this subsection; and

''(B) operated as a public charter school during the most recent fiscal year for which funds are appropriated to carry out this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.''.

(b) REDUCTION OF ANNUAL PAYMENT.—

(1) INITIAL PAYMENT.—Section 2403(a)(2)(A) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code §31–2853.43(a)(2)(A)) is amended to read as follows:

''(A) INITIAL PAYMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

''(ii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).''.

(2) FINAL PAYMENT.—Section 2403(a)(2)(B) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code §31–2853.43(a)(2)(B)) is amended—

(A) in clause (i)—

(i) by inserting ''IN GENERAL.—'' before ''Except''; and

(ii) by striking ''clause (ii),'' and inserting ''clauses (ii) and (iii),'';

(B) in clause (ii), by inserting ''ADJUSTMENT FOR ENROLLMENT.—'' before ''Not later than March 15, 1997,''; and

(C) by adding at the end the following:

''(iii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).''.

SEC. 310. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

Section 2603 of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–144; D.C. Code §31–2853.63) is amended to read as follows:

''SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

''A private, nonprofit corporation shall be eligible to receive a grant under section 2602 if the corporation is a business organization incorporated in the District of Columbia, that—

''(1) has a board of directors which includes members who are also executives of technology-related corporations involved in education and workforce development issues;

''(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

''(3) has experience in working with State and local educational agencies with respect to the integration of academic studies with workforce preparation programs; and

''(4) has a structure through which additional resources can be leveraged and innovative practices disseminated.''.

Subtitle B—Student Opportunity Scholarships

SEC. 341. DEFINITIONS.

As used in this subtitle—

(1) the term ''Board'' means the Board of Directors of the Corporation established under section 342(b)(1);

(2) the term ''Corporation'' means the District of Columbia Scholarship Corporation established under section 342(a);

(3) the term ''eligible institution''—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 343(d)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 343(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 343(d)(2);

(4) the term ''parent'' includes a legal guardian or other person standing in loco parentis; and

(5) the term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 342. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the ''District of Columbia Scholarship Corporation'', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this subtitle, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this subtitle for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the ''Board''), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this paragraph.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such

other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 350(c).

(f) RESPONSIBILITIES OF THE CORPORATION.—

(1) APPLICATION SCHEDULE AND PROCEDURES FOR CERTIFICATION.—Not later than 60 days after the Board has been appointed, the Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this subtitle that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

(2) APPLICATION.—An eligible institution that desires to participate in the scholarship program under this subtitle shall file an application with the Corporation for certification for participation in the scholarship program under this subtitle which shall—

(A) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(B) contain an assurance that the eligible institution will comply with all applicable requirements of this subtitle;

(C) contain an annual statement of the eligible institution's budget; and

(D) describe the eligible institution's proposed program, including personnel qualifications and fees.

(3) CERTIFICATION.—

(A) IN GENERAL.—Not later than 60 days after receipt of an application in accordance with paragraph (2), the Corporation shall certify an eligible institution to participate in the scholarship program under this subtitle.

(B) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with paragraph (5).

(4) NEW ELIGIBLE INSTITUTION.—

(A) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this subtitle for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(i) a list of the eligible institution's board of directors;

(ii) letters of support from not less than 10 members of the community served by such eligible institution;

(iii) a business plan;

(iv) an intended course of study;

(v) assurances that the eligible institution will begin operations with not less than 25 students;

(vi) assurances that the eligible institution will comply with all applicable requirements of this subtitle; and

(vii) a statement that satisfies the requirements of paragraphs (2) and (4) of subsection (a).

(B) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (2), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this subtitle unless the Corporation determines that good cause exists to deny certification.

(C) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under subparagraph (A) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this subtitle unless the Corporation finds—

(i) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (6)(A); or

(ii) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(D) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this paragraph is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(5) REVOCATION OF ELIGIBILITY.—

(A) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this subtitle for a year succeeding the year for which the determination is made for—

(i) good cause, including a finding of a pattern of violation of program requirements described in paragraph (6)(A); or

(ii) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(B) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this subtitle.

(6) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this subtitle shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this subtitle not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this subtitle.

SEC. 343. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this subparagraph shall apply only for academic years 1997, 1998, and 1999; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) RANDOM SELECTION.—Except as provided in subsections (a) and (b), if there are more applications to participate in the scholarship program than there are spaces available, a student shall be admitted using a random selection process.

(d) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees at a public, private, or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition and mandatory fees at a public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this subtitle shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 344. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation

shall award a scholarship to a student and make payments in accordance with section 345 on behalf of such student to a participating eligible institution chosen by the parent of the student.

(b) NOTIFICATION.—Each eligible institution that accepts a student who has received a scholarship under this subtitle shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this subtitle is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this subtitle, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this subtitle is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

SEC. 345. SCHOLARSHIP PAYMENTS.

(a) DISBURSEMENT OF SCHOLARSHIPS.—The funds may be distributed by check or another form of disbursement which is issued by the Corporation and made payable directly to a parent of a student participating in the scholarship program under this subtitle. The parent may use such funds only as payment for tuition, mandatory fees, and transportation costs associated with attending or obtaining services from a participating eligible institution.

(b) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(1) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

(2) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

SEC. 346. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall not engage in any practice that discriminates on the basis of race, color, national origin, or sex.

(b) EXCEPTION.—Nothing in this Act shall be construed to prevent a parent from choosing or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section 342(f), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 347. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 348. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act shall be construed to bar any eligible institution which is operated, supervised, or controlled by, or in connection with, a religious organization from limiting employment, or admission to, or giving preference to persons of the same religion as is determined by such institution to promote the religious purpose for which it is established or maintained.

(b) SECTARIAN PURPOSES.—Nothing in this Act shall preclude the use of funds authorized under this Act for sectarian educational purposes or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

SEC. 349. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 350. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this subtitle, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 351. JUDICIAL REVIEW.

(a) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the scholarship program under this subtitle and shall provide expedited review.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

SEC. 352. EFFECTIVE DATE.

This subtitle shall be effective for each of the fiscal years 1998 through 2002.

Subtitle C—Other Education Reforms

SEC. 361. REDUCTION IN ADMINISTRATIVE STAFF.

At any time after June 30, 1998, the total number of full-time-equivalent employees of the District of Columbia Public Schools whose principal duty is not classroom instruction may not exceed the number of such full-time-equivalent employees as of September 30, 1997, reduced by 200.

SEC. 362. DEVELOPMENT OF PERFORMANCE CRITERIA FOR TEACHERS.

The District of Columbia Public Schools shall develop and implement performance benchmarks for teachers, based on the ability of students to improve by at least one grade level each year in performance on standardized tests, and shall establish incentives to encourage teachers to meet such benchmarks.

SEC. 363. PERMITTING WAIVER OF CERTAIN CONTRACTING REQUIREMENTS FOR SCHOOL CONSTRUCTION AND REPAIR.

In carrying out any construction or repair project for the District of Columbia Public Schools, the Contracting Officer for the District of Columbia Public Schools may waive any statutory requirements referred to under the headings 'Davis-Bacon Act' and 'Copeland Act' in the document entitled

''District of Columbia Public Schools Standard Contract Provisions'' (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, except that nothing in this section may be construed to permit the waiver of any requirements under Executive Order 11246 or other civil rights standards.

SEC. 364. REPEAL OF TAX EXEMPTION FOR LABOR ORGANIZATIONS.

(a) IN GENERAL.—Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of any labor organization located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

(b) LABOR ORGANIZATION DEFINED.—In subsection (a), the term ''labor organization'' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

SEC. 365. TREATMENT OF SUPERVISORY PERSONNEL AS AT-WILL EMPLOYEES.

Notwithstanding any other provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), all supervisory personnel of the District of Columbia Public Schools shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Emergency Transitional Education Board of Trustees, and shall be considered at-will employees not covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

SEC. 366. DETERMINATION OF NUMBER OF STUDENTS ENROLLED.

Not later than 30 days after the date of the enactment of this Act, and not later than 30 days after the beginning of each semester which begins after such date, the District of Columbia Auditor shall submit a report to Congress, the Mayor, the Council, the Chief Financial Officer of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority providing the most recent information available on the number of students enrolled in the District of Columbia Public Schools and the average daily attendance of such students.

SEC. 367. BUDGETING ON SCHOOL-BY-SCHOOL BASIS.

(a) PREPARATION OF INITIAL BUDGETS.—Not later than 30 days after the date of the enactment of this Act, the District of Columbia Public Schools shall prepare and submit to Congress a budget for each public elementary and secondary school for fiscal year 1998 which describes the amount expected to be expended with respect to the school for salaries, capital, and other appropriate categories of expenditures.

(b) USE OF BUDGETS FOR FUTURE AGGREGATE BUDGET.—The District of Columbia Public Schools shall use the budgets prepared for individual schools under subsection (a) to prepare the overall budget for the Schools for fiscal year 1999.

SEC. 368. REQUIRING PROOF OF RESIDENCY FOR INDIVIDUALS ATTENDING SCHOOLS AND SCHOOL CHILD CARE PROGRAMS.

None of the funds made available in this Act or any other Act may be used by the District of Columbia Public Schools in fiscal year 1998 or any succeeding fiscal year to provide classroom instruction or child care services to any minor whose parent or guardian does not supply the Schools with proof of the State of the minor's residence.

SEC. 369. DISTRICT OF COLUMBIA SCHOOL OF LAW.

(a) REQUIRING FULL ACCREDITATION.—

(1) IN GENERAL.—If the District of Columbia School of Law is not fully, unconditionally accredited by the American Bar Association as of at its midyear meeting in February 1998 none of the funds made available in this Act or any other Act may be expended for or on behalf of the School except for purposes of providing assistance to assist students enrolled at the School as of such date who are residents of the District of Columbia in paying the tuition for enrollment at other law schools in the Washington Metropolitan Area, in accordance with a plan submitted to Congress.

(2) RESTRICTIONS ON USE OF FUNDS PRIOR TO ACCREDITATION.—None of the funds made available in this Act or any other Act may be used by or on behalf of the District of Columbia School of Law for recruiting or capital projects until the School is fully, unconditionally accredited by the American Bar Association.

(b) NO OTHER SOURCE OF FUNDING PERMITTED.—None of the funds made available in this Act or any other Act for the use of any entity (including the University of the District of Columbia) other than the District of Columbia School of Law may be transferred to, made available for, or expended for or on behalf of the District of Columbia School of Law.

SEC. 370. WAIVER OF LIABILITY IN PRO BONO ARRANGEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any rule or regulation—

(1) any person who voluntarily provides goods or services to or on behalf of the District of Columbia Public Schools without the expectation of receiving or intending to receive compensation shall be immune from civil liability, both personally and professionally, for any act or omission occurring in the course of providing such goods or services (except as provided in subsection (b)); and

(2) the District of Columbia (including the District of Columbia Public Schools) shall be immune from civil liability for any act or omission of any person voluntarily providing goods or services to or on behalf of the District of Columbia Public Schools.

(b) EXCEPTION FOR INTENTIONAL ACTS OR ACTS OF GROSS NEGLIGENCE.—Subsection (a)(1) shall not apply with respect to any person if the act or omission involved—

(1) constitutes gross negligence;

(2) constitutes an intentional tort; or

(3) is criminal in nature.

(c) EFFECTIVE DATE.—This section shall apply with respect to the provision of goods and services occurring during fiscal year 1998 or any succeeding fiscal year.

This Act may be cited as the ''District of Columbia Appropriations, Medical Liability Reform, and Education Reform Act of 1998''.

The CHAIRMAN pro tempore. No further amendment shall be in order except those printed in House Report 105–315, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any proposed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part II of House Report 105–315.

AMENDMENT NO. 1 OFFERED BY MR. SABO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SABO:

Page 173, strike line 21 and all that follows through page 174, line 9 (and redesignate the succeeding sections accordingly).

The CHAIRMAN pro tempore. Pursuant to House Resolution 264, the gentleman from Minnesota [Mr. SABO] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, over 65 years ago, Davis-Bacon passed the Congress, named after a Republican Member of the House and a Republican Secretary of Labor. It has served good public policy for 65 years. Some want to change it. I would simply say to those who want to change it, go through the committees, bring it to the floor and let us debate it on its merits. We cannot do that in 10 minutes today.

What does this bill do? It suspends Davis-Bacon in the District of Columbia on certain construction contracts subject to the desire of the contracting officer. Let me say that again. We are going to change 65 years of public policy in this country subject to the desires and whims of a contracting officer in the District of Columbia; not any elected body, not even the control board, but a contracting officer. What a horrendous way to run this place. This provision does not belong in this bill. Let us take it out.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, today there are several Washington, DC schools that are still closed due to construction problems. Earlier this year there were many that were delayed most of September because of construction problems. We need to not prescribe Davis-Bacon because it is expensive and it is an accounting nightmare. These schools need to stretch their construction money so that they can deal with the construction problems they have.

This is not about fair labor rates. The fact is, this is about taking advantage of working Americans and the

taxes they pay all across this country to subsidize labor rates to extraordinarily high levels. My taxpayers in Kentucky are paid far less than the wages we would prescribe. We have factory workers, policemen, teachers, gas station attendants, hair stylists, lots of people that go to work every day, and pay their taxes. We are asking them to subsidize wages at much higher rates. Their Federal tax money should not be wasted on these extraordinarily high rates. We should have the Government able to bid for these jobs just like we do everything else the Government purchases.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I rise this afternoon in support of the Sabo amendment. As we consider this amendment this afternoon I want to point out to my colleagues three quick points.

First of all, this is not the way that we should be altering a very significant Federal law. If we are interested in looking into the effects of Davis-Bacon on construction costs, we should conduct hearings, we should have a fair and open debate and then we should do it the right way and not legislate on appropriations.

Second, Davis-Bacon simply ensures that wages and working conditions at a given locality are observed on federally funded construction programs. It does not require a payment of a minimum wage.

Thirdly, if the prevailing wage laws are repealed, it would in essence allow contractors to use the vast procurement power of the Federal Government to depress wages of construction workers and then cut those wages to win the Federal projects that they desire.

In closing, I would ask our colleagues to protect construction workers this afternoon. Do not circumvent the legislative process by legislating through appropriations, and vote ''yes'' on the Sabo amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], a member of the subcommittee.

Mr. TIAHRT. Mr. Chairman, I rise to oppose this motion to strike the Davis-Bacon waiver. This is not a repeal of Davis-Bacon. This is a waiver.

Last March, TV ads were aired in Wichita. Let me quote them. They said: ''My son's school is literally falling apart, plaster is falling from the ceiling. It is just not safe. Millions of kids go to school each day in buildings that are aging, crumbling, even unsafe, but instead of spending our money to fix America's schools, Washington gives it away. Call Congressman Tiahrt, tell him to protect our kids, not special interests.'' Paid for by the AFL–CIO.

This very provision would strike the waiver for Davis-Bacon. This means that only union workers can work on the schools in the District of Columbia. Americans all know that this will be limiting competition, that it will be driving up repair costs, that it will be hurting the children in the District of Columbia, at the expense of the children, so that we could favor special interests.

It will protect special interests, special interests of the AFL–CIO, of the labor unions, at the cost of better schools for District of Columbia children. Exactly opposite of what the ad that was run by the AFL–CIO. Yet the ads which appeared in my district were paid for by the same group, the AFL–CIO.

They are asking to protect, asking us to protect special interests instead of our children here in the District of Columbia. Let us not protect the special interests. As the ad says, instead of spending our money to fix American schools, let us protect the kids and not special interests. Let us use this money more efficiently by waiving the Davis-Bacon provisions, by protecting our children, by giving them better schools, and do so by voting against the Sabo provision and by continuing to vote for this bill.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment. Repealing the Davis-Bacon law for D.C. school construction projects will not improve the district's crumbling schools. It will discriminate against the District's construction workers. These workers deserve to earn a decent wage. In fact, a recent study found that school construction costs were actually lower in those States governed by State Davis-Bacon laws.

The Federal Government has a responsibility to help our local communities address the crisis of crumbling schools, but not by denying hard-working construction workers and their families a decent wage. The Members who support this Davis-Bacon repeal say they want to help the District's crumbling schools. If they really care about crumbling schools, support my bill that would provide $5 billion nationwide and $15 million to rebuild the schools in the D.C. school district.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, we have a simple choice today. We can vote to support schools and public education or we can vote to support corruption and Washington union bosses.

Let there be no mistake about this amendment. This is an amendment that protects Davis-Bacon, which is a giveaway to Washington union bosses. Precious education dollars are being siphoned off from classrooms, from supplies and other needed repairs. They cannot even open the schools in Washington. All because big labor wants to get their pound of flesh.

I have got to tell my colleagues, Mr. Chairman, essentially Davis-Bacon requirements result in wasted dollars, reduced funds for students and fewer job opportunities. I do not see any reason why we should not give local officials the option to waive these onerous requirements. A vote for this amendment is a vote against the children of Washington, DC and a vote to pad the pockets of Washington union bosses.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, Davis-Bacon is one of the finest laws we have on the books. Davis and Bacon were both leading Republicans in the Congress of 1931. We faced the same thing now that they faced then, people coming in undercutting the prevailing wage rate.

That is what it is all about. It is about fairness. It is about helping our neighbors who are electricians and plumbers and masons and ironworkers. That is what it is about. We should not tamper with Davis-Bacon. It is a good law. Let us keep it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, this Sabo amendment will save the District of Columbia from being another experimental ground for a bad piece of legislation. Davis-Bacon saves money. There is a study by Peter Phillips, a professor of the University of Utah, which showed that Davis-Bacon actually saves money on school construction.

Davis-Bacon has many other benefits. Davis-Bacon provides programs for apprentices and training in a way that no other construction programs do. Davis-Bacon has been around for a long time. It operates to the benefit of construction industry workers.

I submit this for the RECORD to answer the lies about Davis-Bacon:

DISTRICT OF COLUMBIA APPROPRIATIONS BILL
DAVIS-BACON ACT PROVISIONS

Section 363 of the D.C. Appropriations bill would allow the D.C. Contracting Officer for Public Schools to waive Davis-Bacon prevailing wages for workers on school construction and repair projects. Despite a 1995 Congressional Budget Office scoring indicating that repealing Davis-Bacon would not produce sizable savings, opponents continue to assert that if you do away with labor protections on school construction projects, the taxpayer will save money on construction costs.

Repealing or waiving Davis-Bacon will not save money on school construction. Peter Phillips, a professor in the university of Utah Economics Department has prepared a report for the legislative Education Study Committee of the New Mexico State Legislature which tests the proposition that eliminating state prevailing wage laws will lower school construction costs.

For the period of 1992–1994, he compares the average square foot cost of construction for elementary, middle and high schools in 9

Intermountain and Southwestern states—5 states with prevailing wage laws (New Mexico, Texas, Oklahoma, Wyoming and Nevada) to 4 states without prevailing wage laws (Utah, Colorado and Idaho). These results show that if anything, square foot construction costs are lower in states with prevailing wage laws to those without these laws: for elementary schools, average square foot new construction costs are $67 in the states with prevailing wage laws and $73 per square foot in the 4 states without prevailing wage laws—a real difference of $6; the 76 middle schools built in the prevailing wage law states cost an average of $66 per square foot while the 28 middle schools built in the 4 states without prevailing wage laws cost an average of $77 per square foot; and similarly, the 31 high schools built in the prevailing wage law states cost an average $70 while the 22 schools in states without prevailing wage laws cost an average of $81.

Furthermore, more new public construction took place in the 5 states with state prevailing wage law compared to the 4 states without prevailing wage laws during the period under study (1992–1994).

There will be long-run cost to the construction industry. The basic conclusion of this study is that there is no evidence to suggest that the repeal of the state's prevailing wage law would save substantial costs in the construction of public schools. Lower wage rates for construction workers will not reduce costs, particularly in the long run. Peter Phillips finds that prevailing wage laws encourage the apprenticeship and training programs that have created the skilled construction workforce that has resulted in higher labor productivity. In the long run, repealing state prevailing wage laws will result in a migration of trained workers out of construction and a decline in the training of new construction workers leading to lower productivity, thereby canceling out any savings from lower wages. It is clear that without Davis-Bacon the use of low-wage untrained workers will degrade the quality of public construction.

Section 363 will discriminate against D.C. construction workers. Allowing prevailing wages to be waived on school construction and repair projects in D.C. construction workers who are largely minority. Workers on school construction projects in Maryland, for example, will continue to be paid the prevailing wage. The inequity will also invite fly-by-night contractors from other areas to come into D.C., using lowered wage for construction workers to ''low-ball'' school construction contracts in the District.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. LOBIONDO].

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Mr. LOBIONDO. Mr. Chairman, since I have become a Member of Congress, and I am sure well before that, some in Congress have called for the repeal of Davis-Bacon. I have opposed these efforts and will continue to oppose any weakening of this important law.

As an operator of a small business, with unionized workers, for years before I entered public life, I learned that in general you truly do get what you pay for. It is not as simple as some claim, that there would be a major cost saving by eliminating this requirement. Studies have been shown that prove differently.

I support Davis-Bacon. I will vote for the gentleman's amendment, and I urge all of my colleagues to vote for the gentleman's amendment.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I rise in support of the amendment of the gentleman from Minnesota, and I support Davis-Bacon.

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

Mr. Chairman, a 65-year policy should not be reversed by the choice of a contracting officer in the District of Columbia. Davis-Bacon is not about union bosses; it is about being sure that people who build our buildings and construct our roads are paid a fair price and we get quality in return.

Mr. Chairman, let us remove this inappropriate rider from this bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I wish to thank the gentleman from Minnesota [Mr. SABO], and I agree that we need more than 5 minutes to discuss this issue. It is a very important issue.

Sixty-five years is too long. That is what this House is about, taking antiquated wasteful spending out. If we look at Florida, Kentucky, Ohio, Montgomery, Preston County, all of them have saved money. The one institution of Utah, the study was paid for by the unions. All other studies show that Davis-Bacon inflates costs.

A poll, this is Washington, DC, 65 percent support the bill of local option, Davis-Bacon, to a take it out. Sixty percent of Democrats agree. Sixty-eight percent agree that it is more important to create entry level jobs than to have Davis-Bacon. Seventy-two percent agree that the law should be changed to permit volunteers to take part in construction and repair work, which Davis-Bacon prevents.

We are trying to get the most amount of money to fix schools that are 86 years old. It is a sad day, Mr. Chairman, when special interests, when we talk about campaign finance reform, stops good legislation.

Mr. RIGGS. Mr. Speaker, the Early Childhood, Youth, and Families Subcommittee urges you to support an important initiative to help children in the District of Columbia. Just yesterday, a District school was ordered closed by the D.C. fire marshal because of roof leaks—the second school violation in 2 days.

Education dollars should not have to be diverted away from needed facility repairs or away from the classroom because of outdated Federal laws that inflate the cost of school construction. Local school districts need the flexibility to appropriately spend their educational resources. Valuable funds should not have to go toward inflated construction costs, when they could instead go toward additional repairs and facility improvements, books, computers, and other educational services that actually improve classroom learning and benefit school children.

The Appropriations Committee has recognized this and has included a voluntary waiver of Davis-Bacon for school construction in Washington, DC, in the fiscal year 1998 District of Columbia appropriations bill. By allowing District facility contracting officers the opportunity to waive Davis-Bacon when appropriate for school projects, the District could gain more construction for the dollar and be able to allocate more resources to better meet students' needs.

Additionally, Davis-Bacon Act regulations prevent entry-level workers from gaining employment and on-the-job-training on federally funded projects. Because the regulations do not allow the use of helpers, contractors are limited in employing local, low-skilled workers. Thus, lifting Davis-Bacon requirements would not only stretch educational dollars farther, it would also help provide job opportunities for entry-level workers in the District to gain valuable job experience in their community.

Congress can take an important step to help local school children by allowing D.C. officials the authority to choose to waive restrictive Davis-Bacon Act requirements for school construction and repairs. It will provide the local control necessary to award contracts based on quality and cost, guarantee more construction for the dollar, and help ensure Federal funds are not diverted away from the classroom.

The CHAIRMAN pro tempore [Mr. LAHOOD]. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. SABO].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 188, not voting 11, as follows:

[Roll No. 511]

AYES—234

Abercrombie	Davis (FL)	Gilman
Ackerman	Davis (IL)	Gordon
Allen	DeFazio	Green
Andrews	DeGette	Hall (OH)
Baesler	Delahunt	Hamilton
Baldacci	DeLauro	Harman
Barcia	Dellums	Hastings (FL)
Barrett (WI)	Deutsch	Hill
Becerra	Diaz-Balart	Hinchey
Bentsen	Dicks	Hinojosa
Berry	Dingell	Holden
Bilbray	Dixon	Hooley
Bishop	Doggett	Horn
Blagojevich	Dooley	Houghton
Blumenauer	Doyle	Hoyer
Boehlert	Edwards	Jackson (IL)
Bonior	Engel	Jackson-Lee (TX)
Borski	English	Jefferson
Boswell	Eshoo	Johnson (CT)
Boucher	Etheridge	Johnson (WI)
Boyd	Evans	Johnson, E. B.
Brown (CA)	Ewing	Kanjorski
Brown (OH)	Farr	Kaptur
Capps	Fattah	Kelly
Cardin	Fazio	Kennedy (MA)
Carson	Filner	Kennedy (RI)
Clay	Flake	Kennelly
Clayton	Foglietta	Kildee
Clement	Forbes	Kilpatrick
Clyburn	Ford	Kind (WI)
Condit	Fox	King (NY)
Conyers	Frank (MA)	Kleczka
Costello	Franks (NJ)	Klink
Coyne	Frost	Kucinich
Cramer	Furse	LaFalce
Cummings	Gejdenson	LaHood
Danner	Gephardt	

Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOES—188

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Fawell
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
Leach
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—11

Berman
Brown (FL)
Chambliss
Gonzalez
Gutierrez
Hastings (WA)
Hefner
Hilliard
Lewis (KY)
Schiff
Solomon

□ 1437

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Chambliss against.

Messrs. BARRETT of Nebraska, PORTMAN, HERGER, and HASTERT changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore [Mr. LAHOOD]. It is now in order to consider amendment No. 2 printed in part II of House Report 105–315.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Mr. MORAN of Virginia:

Strike all after the enacting clause and insert the following:

That, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR MANAGEMENT REFORM

For payment to the District of Columbia, as authorized by section 11103(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, $8,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia toward the costs of the operation of the government of the District of Columbia, $190,000,000: *Provided,* That these funds may be used by the District of Columbia for the costs of advances to the District government as authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33: *Provided further,* That not less than $30,000,000 shall be used by the District of Columbia to repay the accumulated general fund deficit.

METROPOLITAN POLICE DEPARTMENT

For the Metropolitan Police Department, $5,400,000, for a 5 percent pay increase for sworn officers who perform primarily nonadministrative public safety services and are certified by the Chief of Police as having met the minimum ''Basic Certificate'' standards transmitted by the District of Columbia Financial Responsibility and Management Assistance Authority to Congress by letter dated May 19, 1997, or (if applicable) the minimum standards under any physical fitness and performance standards developed by the Department in consultation with the Authority.

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For the Fire and Emergency Medical Services Department, $2,600,000, for a 5 percent pay increase for uniformed fire fighters.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee, $169,000,000 for the administration and operation of correctional facilities, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Notwithstanding any other provision of law, $116,000,000, for the Administrative Office of the United States Courts, to be available only for obligation by the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts, of which not to exceed $750,000 shall be available for establishment and operations of the District of Columbia Truth in Sentencing Commission as authorized by section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Notwithstanding any other provision of law, for an additional amount, $30,000,000, for the Administrative Office of the United States Courts, to be available only for obligation by the Offender Supervision Trustee, for Pretrial Services, Defense Services, Parole, Adult Probation, and administrative operating costs of the Office of the Offender Supervision Trustee, of which not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

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.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $105,177,000 (including $84,316,000, from local funds, $14,013,000 from Federal funds, and $6,848,000 from other funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further,*

That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That $240,000 shall be available for citywide special elections: *Provided further,* That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 (including $40,377,000 from local funds, $42,065,000 from Federal funds, and $37,630,000 from other funds), together with $12,000,000 collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $529,739,000 (including $510,326,000 from local funds, $13,519,000 from Federal funds, and $5,894,000 from other funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That 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: *Provided further,* That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further,* That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further,* That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further,* That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings achieved through actions within the appropriated budget: *Provided further,* That, commencing on December 31, 1997, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $672,444,000 (including $530,197,000 from local funds, $112,806,000 from Federal funds, and $29,441,000 from other funds), to be allocated as follows: $564,129,000 (including $460,143,000 from local funds, $98,491,000 from Federal funds, and $5,495,000 from other funds), for the public schools of the District of Columbia; $1,235,000 from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 1, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104–134); $74,087,000 (including $37,791,000 from local funds, $12,804,000 from Federal funds, and $23,492,000 from other funds) for the University of the District of Columbia; $22,036,000 (including $20,424,000 from local funds, $1,158,000 from Federal funds, and $454,000 from other funds) for the Public Library; $2,057,000 (including $1,704,000 from local funds and $353,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further,* That not less than $1,200,000 shall be available for local school allotments in a restricted line item: *Provided further,* That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further,* That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further,* That not less than $1,788,000 shall be available in a restricted line item for school counselors: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 (including $789,350,000 from local funds, $886,702,000 from Federal funds, and $42,887,000 from other funds): *Provided,* That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles $241,934,000 (including $227,983,000 from local funds, $3,350,000 from Federal funds, and $10,601,000 from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further,* That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepers, one flusher truck, five packer trucks, one front-end loader, and various public litter containers: *Provided further,* That $2,400,000 shall be available for recycling activities.

FINANCING AND OTHER USES

Financing and other uses, $454,773,000 (including for payment to the Washington Convention Center, $5,400,000 from local funds; reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648), section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219), section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515), and sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby,

$384,430,000 from local funds; for the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1); for payment of interest on short-term borrowing, $12,000,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000 from local funds); for equipment leases, the Mayor may finance $13,127,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years: *Provided,* That $75,000 is allocated to the Department of Corrections, $8,000,000 for the Public Schools, $50,000 for the Public Library, $260,000 for the Department of Human Services, $244,000 for the Department of Recreation and Parks, and $4,498,000 for the Department of Public Works.

ENTERPRISE FUNDS

ENTERPRISE AND OTHER USES

Enterprises and other uses, $15,725,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 (including $2,135,000 from local funds and $332,000 from other funds); for the Public Service Commission, $4,547,000 (including $4,250,000 from local funds, $117,000 from Federal funds, and $180,000 from other funds), for the Office of the People's Counsel, $2,428,000 from local funds; for the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds); for the Department of Insurance and Securities Regulation, $5,683,000 from other funds.

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000: *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.

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $97,019,000, of which $44,335,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $16,762,000 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, $46,400,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,220,000.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $31,100,000 for the highway trust fund, $105,485,000 from local funds, and $132,745,000 in Federal funds), to remain available until expended: *Provided,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

DEFICIT REDUCTION AND REVITALIZATION

For deficit reduction and revitalization, $201,090,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: *Provided,* That these funds shall only be used for reduction of the accumulated general fund deficit; capital expenditures, including debt service; and management and productivity improvements, as allocated by the Authority: *Provided further,* That no funds may be obligated until a plan for their use is approved by the Authority: *Provided further,* That the Authority shall inform the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives of the approved plans.

GENERAL PROVISIONS

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

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

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

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

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

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the

District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

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

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

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

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

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

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

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

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

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

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): *Provided,* That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

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

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

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

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

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

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

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

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

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

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

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

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

SEC. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

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

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

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

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

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

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

SEC. 129. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

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

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

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

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

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

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

SEC. 130. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 131. Funds authorized or appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 132. Section 456 of the District of Columbia Self-Government and Governmental Reorganization Act (secs. 47–231 et seq., D.C. Code) is amended—

(1) in subsection (a)(1), by—

(A) striking ''1995'' and inserting ''1998'';

(B) striking ''Mayor'' and inserting ''District of Columbia Financial Management and Assistance Authority''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(2) in subsection (b)(1), by—

(A) striking ''1997'' and inserting ''1999'';

(B) striking ''Mayor'' and inserting ''Authority''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(3) in subsection (b)(3), by striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(4) in subsection (c)(1), by—

(A) striking ''1995'' and inserting ''1997'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(5) in subsection (c)(2)(A), by—

(A) striking ''1997'' and inserting ''1999'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(6) in subsection (c)(2)(B), by striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight''; and

(7) in subsection (d)(1), by—

(A) striking ''1994'' and inserting ''1997'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight''.

SEC. 133. For purposes of the appointment of the head of a department of the government of the District of Columbia under section 11105(a) of the National Capital Revitalization and Self-Improvement Act of 1997, Public Law 105–33, the following rules shall apply:

(1) After the Mayor notifies the Council under paragraph (1)(A)(ii) of such section of the nomination of an individual for appointment, the Council shall meet to determine whether to confirm or reject the nomination.

(2) If the Council fails to confirm or reject the nomination during the 7-day period described in paragraph (1)(A)(iii) of such section, the Council shall be deemed to have confirmed the nomination.

(3) For purposes of paragraph (1)(B) of such section, if the Council does not confirm a nomination (or is not deemed to have confirmed a nomination) during the 30-day period described in such paragraph, the Mayor shall be deemed to have failed to nominate an individual during such period to fill the vacancy in the position of the head of the department.

SEC. 134. 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. 135. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

SEC. 136. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

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

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

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

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

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

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

SEC. 137. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

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

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by

control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

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

SEC. 138. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

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

SEC. 139. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 140. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,166,304,000 (of which $129,946,000 shall be from intra-District funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; and

(ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which are approved by the District of Columbia Financial Responsibility and Management Assistance.

(C) to the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in subsection (B) above, the Chief Financial Officer of the District of Columbia, with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998.

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

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year, as defined in section 305(4) of Public Law 104–8, as amended, 109 Stat. 152, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

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

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

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

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

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

SEC. 141. Section 145(a)(2) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 882; D.C. Code 1–725(a)(2)) is amended by adding subsections (a)(2)(A) and (a)(2)(B) to read as follows:

''(A) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1998 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

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

SEC. 142. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of Public Law 104–8—

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;

(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: *Provided*, That the terms of such contracts do not exceed twenty-five years; and

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 143. The District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 774; D.C. Code, sec. 1–201 et seq.), is amended by adding a new section 445a to read as follows:

''SEC. 445a. SPECIAL MASTERS' BUDGETS.

''All Special Masters appointed by the District of Columbia Superior Court or the United States District Court for the District of Columbia Circuit to any agency of the District of Columbia government shall prepare and annually submit to the District of Columbia Financial Responsibility and Management Assistance Authority, for inclusion in the annual budget, annual estimates of expenditures and appropriations. Such annual estimates shall be approved by the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia pursuant to section 202 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47–392.2).''

SEC. 144. (a) Notwithstanding the provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056, note) in carrying out the protection of the President and Vice President of the United States, pursuant to section 3056(a) of Title 18 of the United States Code, the Secretary of the Treasury is authorized to reimburse the District of Columbia government for the utilization of law enforcement services, personnel, equipment, and facilities of the District of Columbia in furtherance of such protection. All claims for such reimbursement by the District of Columbia government will be submitted to the Secretary of the Treasury on a quarterly basis.

(b) Section 1537 of Title 31 of the United States Code is repealed.

SEC. 145. In addition to amounts appropriated or otherwise made available, $5,000,000 is hereby appropriated to the National Park Service and shall be available

only for the United States Park Police operations in the District of Columbia.

SEC. 146. The District government shall maintain for fiscal year 1998 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia.

SEC. 147. The District of Columbia Financial Responsibility and Management Assistance Authority and the Chief Executive Officer of the District of Columbia public schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Senate Committee on Governmental Affairs and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1998, on all measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1998–99 academic year.

This Act may be cited as the ''District of Columbia Appropriations Act, 1998''.

The CHAIRMAN. Pursuant to House Resolution 264, the gentleman from Virginia [Mr. MORAN] and a Member opposed each will control 45 minutes.

The Chair recognizes the gentleman from Virginia [Mr. MORAN].

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

Mr. Chairman, this is a very simple amendment. It simply substitutes the Senate version of the District of Columbia Appropriations Act for the bill that is being considered today on the House floor.

There is one important exception. The substitute retains the language in the House bill that provides federally funded premium pay for District of Columbia police officers and fire fighters.

This substitute amendment, Mr. Chairman, is not my creation, it is not that of the gentleman from Wisconsin [Mr. OBEY], it is not that of the gentleman from Missouri [Mr. GEPHARDT], or that of any other Democratic Member. This substitute amendment was drafted by the Republican Senator from North Carolina, who is chairman of the Senate District of Columbia Appropriations Subcommittee.

Mr. Chairman, as I was saying, the substitute that we are offering is the very same as the Senate bill that Mr. FAIRCLOTH and the Senate sponsored and which passed, just passed, the Senate floor. It was created by the congressionally created District of Columbia Control Board, working with the District of Columbia's mayor and the D.C. City Council. It was a consensus budget, and it was in accordance with all of the procedures that this Congressman stated be followed.

The substitute balances the District's budget 1 year ahead of schedule. Think of that. The substitute we are asking for balances the District of Columbia's budget 1 year ahead of schedule. We cannot do that for ourselves. And it dedicates $201 million toward deficit reduction.

Would it not be nice if we could do that? But the D.C. government is going to reduce its deficit by $200 million, balance its budget a year ahead of schedule. And that is what we are asking this House to agree to.

The substitute provides money for charter schools. It prohibits the District of Columbia from using Federal and local funds to pay for abortions or to allow individuals to include domestic partners on their health insurance policies. This is not the kind of bill that we would generally favor, but we want the District of Columbia citizens to get the money that they need and to get it now, when they need it.

My substitute, however, does not embroil the Congress and the District of Columbia in a number of very unnecessary and ancillary controversies that will prevent this bill from being enacted into law. If this substitute is not passed, this bill will not be enacted into law.

The substitute will eliminate the need for this Congress, thus, to pass another continuing resolution and to further delay the necessary budget and management reforms from being implemented in the District of Columbia.

Our reforms will not be implemented if we do not pass the substitute. It will eliminate more than 50 legislative provisions that are contained in this D.C. Appropriations Act. And it will shrink this bill, it will save hundreds of trees, it will shrink this bill by about 100 pages.

One hundred pages will not be necessary of extraneous provisions if we agree to this substitute. These include provisions on school vouchers, Davis-Bacon, medical malpractice, welfare caps, prohibiting helicopter flights, restricting the use of automobiles, school leases, cutting school administrators, closing Pennsylvania Avenue, repealing the NEA tax exemption, restricting the ability to fire the Chief Financial Officer and Inspector General, and on, and on, and on.

Finally, the bill would order the Control Board to aggregate a critical contract to provide a new financial management system.

□ 1445

Of all the issues we talked about, this may be the most important.

The District desperately needs a new financial management system. When this bill orders an end to the financial management system contract, Chairman Arthur Brimmer, the chairman of our created control board, said it would force the control board into a sole-source contract that we would never otherwise agree to, and it will force them to upgrade the current, the failing system, by the very company that installed the failing system, a company that does not even want the contract. It requires that a contract be given to a company that does not want it and who did not win it. But it would force it upon them through a sole-source contract. Is this what we want to pass?

The District's current financial management system is more than 18 years old. The original system was installed after a study showed that the District's financial systems and policies were in disarray. It was created to eliminate the manual operations then used by the government and to adopt a standard modern fiscal reporting procedure that was necessary to improve financial and program management.

It sounded great, but the system never worked, Mr. Chairman. The necessary subsystems that were to coordinate the flow of data were never installed. The training necessary to enable District employees to properly use the system was never conducted.

Numerous studies and outside experts agreed that the District is saddled with a system that cannot provide accurate and timely reports about the city spending and tax budget. We demand the reports, but they cannot give them to us, on how their money is being spent. Everyone agreed it needed to be replaced. This bill, if we do not pass this amendment, will prevent it from being replaced, will continue the old system.

As part of its effort to reform the District's finances, the control board, along with the chief financial officer, a panel of the highest level of public and private sector advisors, began a procurement effort, began an effort that we wanted them to do, and they purchased and implemented a new financial management system that would rein in the District's out-of-control budget. That was their intent. It was done through a competitive process, a process we insisted upon.

The control board received bids from three firms and following all the proper procedures, they awarded a $26 million contract to Peat Marwick, which is an accounting consulting firm, a large Washington office, we are familiar with them. The financial management system did not even submit a bid for the new contract, and yet we would force it upon them.

This new system that this substitute will provide for will greatly improve the District's financial management and will enable the District of Columbia for the first time to cross-reference rent income, tax receipts, comparative cash balances, to actually ensure that the District's tax assessments and tax returns are accurate. It will enable the District, for the first time, to measure the performance of public services. We have been asking them to do this year in and year out. They will do it if we allow them to, and it will ensure that they are not only doing the job they are supposed to, but doing it within the congressionally appropriated budget levels.

We all know how much technology has changed over the last 20 years. A new financial management system for the District will enable the city to take advantage of the technology revolution, use it to its benefit. In the words of the control board chairman, the subcommittee's efforts, in other words, if we do not pass this amendment, it will force the city to upgrade its old financial system just in the same way that we would ask IBM to upgrade manual typewriters instead of

replacing them with computers. It is comparable to that. That is why we cannot let it happen. Without buying a modern financial system, the chairman of the control board said, the board will not be able to fulfill its congressional mandate.

We cannot require it to do something and then take from them the means to accomplish what we forced them, Mr. Chairman, to do. We have to approve financial accountability in the city, and that is why, as important as any other reason, that is why we need the substitute amendment.

We created the board to reform the District's financial management. We created the chief financial officer to rein in their spending. Both entities that we created are unequivocally opposed to this bill. They unequivocally support what we are trying to do with the substitute amendment, which is the Senate bill.

My substitute amendment will ensure that they can do their jobs, and that, as much as anything else, is a compelling reason to vote for the substitute amendment. If we fail to pass it, the D.C. appropriations bill will not be enacted before the continuing resolution expires. It will not. It will not be enacted before Congress adjourns in November, and this will mean that Congress must pass a long-term CR for the District that is comparable to the 6-month continuing resolution in 1995, which wreaked havoc, havoc that we are still paying a price for.

This continuing resolution will prevent the District from entering into long-term contracts. It is going to cost us millions of dollars, wasted money. It will delay the implementation of the management reforms that we have been begging the District and the control board to undertake. It will further delay the day when the District stops being the whipping boy of the Nation and begins to fundamentally restructure and improve its operations. That is what we want. That is what we said we have got to have. Do not deny them the means to accomplish it.

The District of Columbia needs us to pass this substitute. Pass this appropriations bill, have it signed into law, begin the step-by-step process of turning the Capital City around, turning it into a capital of which we can all be proud. That is why I urge my colleagues to vote for the Moran substitute.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman from North Carolina seek the time in opposition?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

First of all the Moran amendment in effect, could be called the Rubber Stamp Act of 1997, because we would be merely putting forth what the Senate put forth, and we found a number of deficits.

I outlined in my early comments that there are many things that our bill does that the Senate bill does not do, and we are going to have folks to explain that during our 45 minutes. But to mention one of the areas that the gentleman from Virginia [Mr. MORAN] just spoke about, we do differ about the FMS.

There was $31 million to be spent on the FMS. Now, our committee did not arbitrarily say we are going to prevent this from happening. We investigated. We got reports from the GAO, we got reports from our S&I staff, and I have the essence of those reports. One of them says, after going through a list of reasons why we should not spend that $31 million—they conclude by saying that, ''This acquisition should be considered premature and would only result in continued system inaccuracies and rising costs.''

One of the other reports says that, ''We believe there is a higher risk that the District will be driven by its ambitious acquisition schedule and will not allow itself time to develop the kind of quality analysis that it must have in order to manage this important project, which is so critical to the District's financial recovery.''

What they said was that it is much better for us to hire professional staff to augment what we have in the District of Columbia, and to produce an honest, clear, accounting, and until we do that, we should not be spending $31 million and getting the same inaccurate analysis and reports that we have had in the past.

So if we want to rely on GAO, S&I, and other testimony we had in the Committee, then we should not be spending $31 million of the taxpayers' funds in this manner. We have not been disputed in this during any of the hearings, and that is one of the reasons that we held this position. We believe that we should spend that money only when we are absolutely sure that we are getting adequate accounting, and not just because there is some reason to spend $31 million.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding to me and for his hard work, and I thank the gentleman from California [Mr. DIXON] for his leadership. I rise to support the Moran substitute.

I do want to acknowledge the chairman, because I think it is important that we pay District of Columbia fire fighters and police, that is a good thing in this bill. But I cannot be as appreciative of the rest of the aspects of this bill, because the Republican carpetbaggers are here in Washington, DC with their bag of tricks, to gut home rule for their citizens.

This is a plantation mentality. This is also a clear showing of disrespect for the financial control board that this Congress set up to implement a cooperative relationship with an oversight board and the local government of the city of Washington, DC. This legislation is a striking undermining of the rights of taxpaying residents and saying that they are not in charge, but this Republican Congress is in charge.

This legislation refers to helicopters flying in the District of Columbia. It also includes the issue of limiting medical malpractice lawsuits. It cuts positions in public schools. It puts in school vouchers. A clear denunciation of public school education, and a misleading attempt to bribe poorer D.C. residents who want a better education. Vouchers will not do that. And, unfortunately, though we do not have the amendment of the gentlewoman from Florida [Mrs. MEEK], regarding saving the U.D.C. Law School the Moran substitute does save the University of the District of Columbia School of law for the hundreds of law students training to be lawyers to serve their community.

The Moran substitute is the right approach that will recognize that the District of Columbia does deserve to have home rule, can rule itself and institute a balanced budget and protects public education. Let us get rid of this plantation mentality; let us send the Republican carpetbaggers with their bag of tricks home. There is good leadership in this city and they do have the ability to educate their children with strong support from the Congress of public school education.

Vouchers are not the right way. Ditching the work force and eliminating the Davis-Bacon Act was not the right way. We must have the Moran substitute. This Congress must return home rule to the District of Columbia. This is not a time for politeness, I am outraged at how the majority is treating the residents of the District of Columbia.

Mr. Chairman, I believe that the responsibility to effectively manage the practical and fiscal concerns of our Capital is one that should not be taken lightly by the Congress. To this regard, I am asking this House to vote in favor of the Moran substitute to the D.C. appropriations bill for fiscal year 1998.

Frankly, as it stands, this legislation leaves many relevant areas of concerns for the residents of the District of Columbia in a state of total disarray. The bill needs further reproof and correction, of which, I believe the Moran substitute is the best available option. The Moran substitute would do the service to the residents of the District of Columbia of removing over 60 controversial policy riders attached to this legislation. First of all, these riders have no place in an appropriations bill, and second, they create a poorer quality of life, with a few notable exceptions like the pay raise for D.C. classroom teachers, for the citizens of the District.

There are two points of concern, for myself, and many other members of this body with regard to H.R. 2607, one, is the school scholarship or vouchers provision included in subtitle

B of title III of the bill, commonly referred to as the District of Columbia Education Reform Act of 1997, and, two, the policy rider that would eliminate funding for the University of the District of Columbia Law School. First, I will discuss the voucher provision.

This provision would authorize the distribution of scholarships of up to $3,200 to the District of Columbia resident students in grades K–12 from low to moderate income families to attend public or private schools in the District or nearby suburbs or to pay the costs of supplementary academic programs outside regular school hours for students attending D.C. public schools. However, only 2,000 students will receive tuition scholarships, and possibly another 2,000 D.C. students will receive achievement scholarship moneys.

This legislative initiative could obviously set a dangerous precedent from this body as to the course of public education in America for decades to come. If the U.S. Congress abandons public education in the District, and sends that message to localities nationwide, a fatal blow could be struck to public schooling. The impetus behind this legislative agenda is clearly suspect. Instead of using these funds to improve the quality of public education for all D.C. residents, a number of 78,000 D.C. public school students, this policy initiative enriches fiscally successful, local private and public institutions. Furthermore, if this policy initiative is so desirable, why are 76,000 D.C. students left behind? Can this plan be a solution. I would assert that it can not. Unless all of our children are helped, what value does this grand political experiment have?

I see this initiative as a small step in trying to position the Government behind private elementary and secondary schools. The ultimate question is why do those in this body who continue to support public education with their lipservice, persist in trying to slowly erode the acknowledged sources of funding for our public schools? Public education, and its future, is an issue of the first magnitude. One that affects the constituency of every member of this House, and thus deserves full and open consideration.

School vouchers, have not been requested by public mandate from the Congress, actually, they have failed every time they have been offered on a State ballot by 65 percent or greater. If a piece of legislation proposes to send our taxpayer dollars, whether in the District of Columbia, or elsewhere, to private or religious schools, the highest levels of scrutiny are in order, and an amendment that may correct such a provision is unquestionably germane. Nine out of ten American children attend public schools, we must not abandon them, their reform is our hope.

As for the D.C. School of Law, I believe that it is a place of opportunity for the residents of this city who wish to gain a legal education, but often can not afford to receive that education elsewhere. The removal of this school's funding is a blatant attack on the course of public professional education in the District. The majority of the students in the U.D.C. Law School are African-American, as are a vast majority of the residents of the District of Columbia, plainly stated, these are the people that will be hurt by the removal of these vital funds.

In light of these facts, I must support the Moran amendment to restore funding to the U.D.C. Law School, and ask that it receive the full support of this House. The statement that this action makes to the people of the District, is that the House, is not in favor of affordable and accessible public legal education for its citizen. Are the citizens of this city any less deserving of a legal education than other Americans? I say that they are not. I agree that the U.D.C. Law School needs improvement, it needs to strengthen its accreditation, but the answers to these problems is not the removal of the school's funding.

I believe that the best hope for the District of Columbia is a fully funded and stabilized U.D.C. Law School, because the school is simply too valuable to the community and its citizens. For these reasons, I ask this body to support the Moran substitute to the D.C. appropriations bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, this is an incredible debate. As I sat here listening to the debate it was obvious to me that this is a defining issue between liberals and conservatives. This debate is about empowering the people of the District of Columbia and parents or empowering bureaucrats.

If we listen to the words of the gentleman from Virginia and the gentlewoman from Texas, just listen to what they are saying: Let the Democrats work. Let the bureaucrats make the decision. Keep the power in the hands of the bureaucrats. Do not let people in D.C. make these decisions, do not let parents decide what schools their children would go to.

So I rise in opposition to this amendment, which strikes a number of very important reforms in this bill, but the one I want to focus on that is defining in this debate is the fact that this Moran amendment strips the ability of D.C. parents to choose where their children should go to school.

Now, I ask my colleagues, what are they afraid of when it comes to school choice for parents in D.C.? The D.C. school system has failed. Those bureaucrats have failed. It has failed to provide the children of this city the kind of education that will help them succeed. It has failed to provide its students an atmosphere where they can learn. Those bureaucrats have failed to prepare the students of this city for the future. The system has failed, the bureaucrats have failed, and we need to change the system.

But some of my colleagues do not want any change. They want to protect that status quo. They have those bureaucrats aboard, in place, and they have done a wonderful job getting those bureaucrats there. They want the money to continue to flow to a bureaucracy that continues to waste money.

Since 1979, the D.C. school system has lost 33,000 students, but the bureaucracy has doubled in that period of time.

□ 1500

In 1996, the Board of Education allocated $1.4 million for itself. That is more than five times the amount Fairfax County's board has spent, and more than twice the amount that Montgomery County's board has spent, the two counties right next-door to Washington, DC.

Over and over again the school officials have broken the law in order to save their jobs. They are paying tens of millions of dollars to administrators who have been ordered to be laid off by these bureaucrats. They keep paying them. What have the residents of Washington, DC, gained with all this bigger bureaucracy and this wonderful board? Lower test scores, more dangerous hallways, and schools that cannot even be opened. They cannot even open up the schools.

The bottom line is, who is more capable of choosing a child's education, the child's parents, or the bureaucrats of the gentleman from Virginia [Mr. MORAN]? Who are we trying to protect, the child in Washington, DC, or that school administrator's job that keeps getting paid, that was supposed to be laid off by the bureaucrats of the gentleman from Virginia [Mr. MORAN]?

The time has come for school choice. The time has come to give parents the opportunity to have a greater role in choosing the right school for their own children, and not have bureaucrats make that decision. The time has come to inject accountability into this system that has avoided accountability for too many years. The time has come to stop the bureaucrats. Vote against the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 35 seconds to point out to the gentleman from Texas [Mr. DELAY] that this bill that I support, the portion that I support, reduces personnel in the school system from 11,253 down to 9,960.

I also have a letter I have just received from Dr. Brimmer, who chairs the Board that this Congress established, that urges us to vote for the Moran substitute. It is because without the Moran substitute, they will not have the local control that we guaranteed them in the D.C. Revitalization Act.

Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY], who I am sure will be more than happy to respond to the comments of the gentleman from Texas [Mr. DELAY].

Mr. OBEY. Mr. Chairman, this debate has nothing whatsoever to do with the District of Columbia. As was evidenced by the last speech on that side of the aisle, what we have here is an attempt by a number of Members of the majority party to use the District of Columbia as a pawn for the purpose of reading from the playbook of their well-known pollster, Frank Luntz, who has given them a whole series of sound bites, so they can try to deliver messages on other issues around the country by using the District of Columbia as a political pawn in the process. That is what is going on. Read the Luntz playbook, and we have virtually seen a

copy of the previous speech from that side of the aisle.

Mr. Chairman, I want to show the Members something. We just passed the military construction bill, 17 pages, to spend $9.2 billion. The D.C. bill is so loaded down with legislative proscriptions that it takes 179 pages to spend one-tenth of the amount that was spent in the military construction bill. We passed a defense bill, spending $247 billion, 100 pages. This D.C. bill is 180 pages. We spent 300 times as much in the defense bill with one-half the language ordering somebody else around that we have in the D.C. bill.

There is absolutely no reason for this Congress to endanger the safety of the President of the United States by taking away the security that we now have on Pennsylvania Avenue around the White House. Yet, this bill does it. There is no reason to impose our own judgment on education vouchers on the District of Columbia, yet this bill does it. There is no reason for this Congress to tell States that they should handle their own welfare problems, but then take away from the District of Columbia the ability to design their own welfare reform programs. Yet this bill does it. There is no reason for this Congress to get in the way of the Fiscal Control Board's reforming the financial practices of the District, and yet this bill does it.

This bill is a political document for political purposes. It imposes once again its plantation mentality on the District of Columbia, to no good purpose, and it is going nowhere. We are already one week into the fiscal year. We are past the time when politicians are supposed to be sending messages. We are at the time when we are supposed to be resolving differences so we can complete our action on the budget.

Yet, on the Labor-HEW bill, that portion of the government is in danger of being shut down until they get their way on a key item in that bill, on testing. We are in danger of seeing the Interior Department budget shut down unless they get their way so they can keep cutting the redwoods in California and keep polluting Yellowstone Park. We are in danger of seeing the foreign policy budget of this country under the foreign operations bill shut down unless they get their way on the Mexico City policy.

Now we are in danger of seeing the D.C. bill held hostage unless they get their way on their social experiments for D.C. It is about time to quit the political posturing, recognize the President will not sign this bill without the passage of the Moran amendment, and pass the Moran amendment. It is the only fiscally responsible and politically responsible act to take.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, public schools are always going to be important in this country. They have been important across the country and they are important right here in Washington, DC. But our public schools are broken in this city. We have tried a lot of things in the last couple of years to try to bring them away. The truth is, the minority party had their way for years in developing this city and this city's schools, and we have an entirely broken system. We are looking for solutions. We believe that the public school system will continue to be very important for the children in this community, but we need to stop talking about what is good for the adults in this system. We need to think about the children. You only get to be 6 years old one time in your life. You only get to be 7 years old one time in your life. If we get it right, if we put our heads together and we deal with the systemic, broken system, maybe in 5 years, maybe in 10 years we can fix this entirely broken system. But in the meantime, the 6-year-olds that only get to be 6 once should not be trapped in an absolutely broken school system.

Every mom and dad, and I think of me and my six children, go to sleep every night worrying about the school their child is going to go to the next morning: Will they be safe and will they learn something? There is nothing more tortuous than when your child gets into a classroom and you do not believe that they can learn in that classroom. You go and talk to the principal. You try to move your child to another classroom. You look around for what your other opportunities are. But in this case, it is an entirely broken system. There is not just another teacher across the hall that will change everything. There is not just another opportunity down the street. You send your six-year-old to school trapped in a school that is neither safe nor will they learn. This is our gift to children who are going to be 6 years old, this year for the one time in their life, to the 7-year-olds who are going to be 7 years old only one time in their whole life. It is a chance for their families to make a decision to take the same action each and every one of us will.

If we fight that that is not enough, that we leave behind 75,000, then let us fight about how many other children we can find the money to give the same opportunity to, so that every 6-year-old will not be trapped in a school that is going to guarantee a bad start, guarantee going to sleep every night afraid.

Mr. Chairman, I ask Members to support the bill as it is written, so we can give children the chance they will only get this year.

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

I want to emphasize this is Mr. FAIRCLOTH's bill that we are asking the House to pass.

Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in support of the Moran substitute, and in opposition to the Republican voucher scheme in the D.C. appropriation bill. This Republican assault on public education is nothing new. The radical Republican right have a plan to dismantle public education, abolish the Department of Education, cut the school lunch program, cut funding for safe- and drug-free schools, for teachers' training, for Head Start.

Two days ago the Republican leadership went to a public school in the District of Columbia to promote that radical plan, a private school voucher scheme that would drain needed resources from our public schools. Here today we consider a deal that includes the voucher scheme, a scheme that would drain $45 million in Federal funds away from public schools in the District.

So do not be fooled. The Republicans' agenda is a hidden agenda to destroy public education. To this radical plan, to this extreme plan, I say no, and the Democrats say no. This morning the Democratic Members marched in celebration of public education from the steps of the Capitol to the steps of Brent Elementary School in Southeast Washington. We marched to support our public schools. We marched to protest the Republican private school voucher scheme. We marched to make a very simple and elementary case: public schools in every State, city, town, village, and hamlet need and deserve our support. Nine out of every ten students attend public schools. We should be working and building together to improve our public schools, not giving up on them and selling them down the river.

Mr. Chairman, our children deserve better than the easy scheme and quick-fix solution, our students deserve better. They deserve good schools, good teachers, and an education that takes them into the 21st century. Stop attacking our public schools.

Mr. Chairman, I urge all of my colleagues to support the Moran substitute.

Early this morning during the debate on the rule a Member on the other side tried to imply that Martin Luther King, Jr., would support vouchers. Let me say that I knew Martin Luther King, Jr. He was a friend of mine. He was my leader. If he were here today, he would not be supporting what the Republicans are trying to do to the District of Columbia.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise today against many of the tenets of this bill that we have before us, the D.C. bill, because I think it does take away basic responsibilities of government, of people to govern themselves and pay their taxes, and they ought to be given the same privileges as any other municipality in this Nation.

□ 1515

However, I also rise because I have heard my name mentioned on several

occasions during this debate, and I came over from my office because I think it is imperative, as one who has stood in favor of vouchers, that at least I state my position for the record in this House.

Mr. Chairman, I think it is important for us to understand, as far as I am concerned, and let me give my credentials so those that wonder if I have a right to even speak on education, I spent 7 years in higher education as a dean at Boston University and at Lincoln University. I have started my own school 15 years ago, pre-K to eighth grade. So I think I have some understanding of the educational process here.

I also understand that in the communities that are most impacted by the issues that have been raised at least by this bill, that many of our young people are not getting the kind of education that prepares them to function competitively in a global society.

Our reality becomes one of trying to determine whether our moral obligation is to continue to maintain a monolith that does not seem to understand that there has emerged and developed within it a two-tiered system. There is a system that does educate properly those young people who represent the highest economic brackets of American society. There is also a lower tier. The young people in the lower tier are generally represented in those communities that I represent and many of my colleagues in this Congress represent.

Mr. Chairman, I think it is time for us to try to remove the politics, Republican or Democrat, and deal with the reality that our children are not being properly educated in many of our schools. They are not being readied for the testing that they must face as they try to move forward in life. No matter where we go in urban America, we must admit, whether we want to or not, that our public schools in certain communities are failing our children.

I started out my career as a social worker in Head Start. We tested kids at the second grade level when they were leaving Head Start. Two years later, we tested those kids at the second grade level in public education.

I am not against public education, but I would say that when the borders of America opened up and the Big Three thought they had a monopoly in the automobile business, when they felt there was competition, they improved. Everywhere where choice has been introduced in this country, schools have improved in the public sector as well.

I would argue that if it was good for the automobile industry, certainly our children are more valuable than that. If we made changes in telecommunications to create competition, certainly our children are more valuable than that. My argument is: Let us put the emphasis where it ought to be. That is for the children.

I do not support this bill, but I do support vouchers, and I think it is time for us to wake up, because we cannot afford to keep losing generations of our children and sending them to jail because we do not believe that we ought to continue to try to reform public education.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 5 seconds.

Mr. Chairman, I would just ask the gentleman whether he supports the Moran substitute, the amendment that we are proposing.

Mr. FLAKE. Mr. Chairman, if the gentleman will yield, I will look at it.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I would say to the gentleman from New York [Mr. FLAKE], my dear friend, Reverend Congressman FLAKE, whose career has been preeminent since I have been here, I hold a letter from Dr. Andrew Brimmer, I hold a letter from the Executive Office of the President of the United States. One begs us to support the Moran substitute; the other guarantees that the Gingrich bill will be vetoed if it ever gets near passage of law.

Now, while the gentleman from New York is busy studying for the next 2 hours the Moran substitute, I want him to have this heavy on his heart. We need the gentleman's support. This is one of the most important final measures that the gentleman will pass on, and we want to remember him in all the spirit of excellence in which he has served in the Congress.

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

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

Mr. FLAKE. Mr. Chairman, if the gentleman remembers me as a person who has spent a lifetime building schools and preparing young people for the future, then I think he will be able to remember me in that way. Children first, education first, and I will do what is appropriate for the bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I commend the gentleman from North Carolina [Mr. TAYLOR] for doing a fine job, and I rise in opposition to the Moran amendment because I believe it will weaken the city and weaken the ability of the city to recover from the financial stress it has been under. It will also weaken the management capability that they have.

Mr. Chairman, if my colleagues oppose this amendment, they will improve the city's finances by allowing for the recovery of fees and costs from bad checks. By opposing this amendment, they will clarify the city's authority over unclaimed property. By opposing this amendment, they will provide more accountability in tightening the detailees. There are some city offices that hide the size of their bureaucracy by detailees, and by opposing this amendment, my colleagues will allow the city to make direct deposits and payments.

Also, if my colleagues support this amendment, they will strike $12 million to collect unpaid taxes, which will net an additional $50 million for this city. If my colleagues allow this amendment to pass, they will remove many of the management tools that are necessary to manage this city.

Mr. Chairman, there are some limitations on the Control Board in this bill, but they are related to accountability. And in the public sector, there is nothing wrong with accountability.

Let us look at the schools. They are desperately in need of attention here. This amendment protects the status quo. It protects the crumbling schools. It protects the dropout rate. It protects the status quo. It does not restrict pay raises to teachers with valid credentials, nor does it remove the bureaucracy in the school administration office.

Mr. Chairman, D.C. schools spends $9,400 a year per student, with a third going to administration, a third going to overhead, and only a third getting to the classroom. We need to focus our resources on the classroom. That is where the rubber meets the road. It is not in the school administration. It is not in the overhead. It is in the classroom.

Mr. Chairman, vouchers seem to be the driving force of this amendment. I must say that vouchers are in full sense a freedom. During Reconstruction, it was the radical Republicans who believed in full citizenship for African-Americans, and today it is radical Republicans, if my colleagues listen to the gentleman from New York [Mr. FLAKE], that believe in freedom of choice for children of color here in the District of Columbia.

We want to take the most impoverished children and give them the opportunity to go to a school where there is hope, where they can rise above the desperation they see in their daily lives. What is wrong with us allowing them the opportunity to select a different option?

Well, this amendment I think is, again, protecting the status quo. It is trying to defend something that I think is indefensible. So let us not bind up the opportunity for children in poverty to move out of their bondage of a school that is crumbling and unsafe, but give them the opportunity to select the type of school that will give them the opportunity they can use in the future.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I would ask the gentleman how much his school district spends on its children in his district per student.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, in Kansas we spend about $4,100 per student.

Ms. WATERS. Mr. Chairman, if the gentleman would continue to yield, what is the ratio to administrators?

Mr. TIAHRT. Mr. Chairman, again reclaiming my time, I am sorry, I do not know that.

Ms. WATERS. Mr. Chairman, if the gentleman would again yield, that is what I thought.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in support of the Moran amendment, particularly because it eliminates the voucher program which constitutes a frontal assault on the idea of universal education for all, and it also violates church-state separation.

Mr. Chairman, we ought to be asking as we consider vouchers whether or not this program will help improve education for all of our children, whether it will foster discrimination, and whether there are better ways to use the money.

First of all, Mr. Chairman, many cite the polls, and they asked in the poll question: Do you support a voucher plan that will allow parents to send their children to a public, private, or parochial school of their choice?

Mr. Chairman, let me offer a few facts on the table. Only 3 percent might get a voucher, 97 percent will not. There are not enough seats in the Washington, D.C., area for 2,000 additional children to go to private school. Most of those are religious schools, where there will be constitutional challenges, so most of the 3 percent will not even be able to use the vouchers.

We have to differentiate, Mr. Chairman, between the cost of the school and the tuition. Unless there is significant private underwriting, there are not going to be any additional seats for people to go to.

So the polls should be asking, Mr. Chairman, whether or not people support a plan that will give 3 percent a voucher that most cannot use, and divert money from a school system that needs new roofs, and do nothing for 97 percent of the students.

Mr. Chairman, we know how to improve education. We need to invest in education, and we can make significant improvements if we do that.

Mr. Chairman, we know the voucher program is also an insult to the residents of Washington, D.C., who have voted against it in the polls, and their elected representatives have repeatedly rejected it. So we know what they think about the voucher program, and we should not substitute what we know they have done with the results of a misleading poll which generates political sound bites.

Mr. Chairman, let us invest in our education funds and public education to improve education for all. I urge my colleagues to reject vouchers and support the Moran amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio, [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Chairman, just the other day I visited Hine Junior High School with some of my colleagues just a few blocks away from the Capitol, and while there, I spoke with the students. They are wonderfully bright, capable students. They deserve the best in education, just like young people all across America do.

Unfortunately, Mr. Chairman, many children in the District of Columbia are made to endure some of the lowest school standards and some of the most dangerous conditions in the country, despite the fact that the D.C. public schools spend some of the most money per student in the Nation. Clearly, throwing money at the problem is not working to improve these schools.

Mr. Chairman, some fortunate students in the District have families who can afford to send their children to private schools, parochial schools, or to move to the suburbs where the schools might be better. But many in the District do not have that luxury.

It is a crime that some would suggest simply maintaining the status quo for those families who have no choice, relegating their children to the prison of the same tired, dangerous, underperforming public school system that we have been observing with horror for too many years now.

Mr. Chairman, it is important to note that this bill does not take money from the D.C. public school budget. It adds scholarships on top of that budget. This bill will, in fact, enable more money to be spent on the children who remain in the D.C. public schools, enhancing education for all students across the board.

Mr. Chairman, by providing parents some choice, we will be sending a wake-up call to the public school system telling them they can no longer take the children of D.C. for granted. By passing this reform, we will be telling the D.C. public schools, you must change, you must produce, you must live up to the hopes and dreams of the children and the families of the District of Columbia. Now is the time, and here are the resources.

Mr. Chairman, I strongly urge the defeat of the Moran amendment that would critically strip out this critical reform.

Mr. MORAN of Virginia. Mr. Chairman, I am glad that [Ms. PRYCE] mentioned Hine Junior High School, which is a very fine public junior high school.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Chairman, I first of all want to thank the gentleman from Virginia [Mr. MORAN], my good friend who has done such hard work on this bill.

Mr. Chairman, I rise in strong support of his substitute bill. Now, I want to talk about vouchers for just a second here. I find it tough to listen to some people on the other side of the aisle that all of a sudden say they want to help low-income people in D.C., when we had proposals coming from them a few weeks ago saying that we do not want even welfare recipients moving from welfare to work to get the minimum wage. But they are ''real concerned'' about low-income people in D.C.

Now, the voucher program in D.C. would maybe help a few thousand people out of 76,000 students in the public education system. That is like saying to Americans, well, we found out the IRS is terribly broken, but let us just fix it for a few people and let everybody else have the IRS completely mess up their lives.

We need to take on the tough reforms in public education to solve it for all public school students in California, in Indiana, and in D.C. That means public school choice and charter schools. That means firing teachers that do not do the job and getting rid of principals that are not doing the job. That means safety and discipline in the schools. That means teacher academies to teach the next generation of 2 million new teachers that we need to hire for the next 10 years.

Mr. Chairman, it is not a bumper-sticker solution like private school vouchers that is going to fix this public education system. It is hard work. It is public choice. It is safety and discipline. It is parental involvement.

I think all Americans know we all need to work together to save our public education system and not posture with bumper-sticker solutions to save a few thousand children here or there and suck away precious resources from rural and suburban and inner-city schools.

Mr. Chairman, I strongly urge my colleagues to support the amendment of the gentleman from Virginia.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Chairman, I rise today in support of school choice for the parents of the District of Columbia. I do so because I believe a good education is an American right, not a privilege, and today too many of our young people have had their rights denied.

□ 1530

I support school choice. As a teacher and a mother, no one supports America's teachers more than I do. As a former public school teacher myself I realize, recognize and respect the vital role that teachers play in shaping and challenging young lives and eager minds. I believe our teachers are America's heroes. And as I like to say, most people spend their lives building careers, but teachers spend their careers building lives.

It is precisely because of my support for teachers that I support school choice. I believe allowing parents to choose a school will allow schools to treat teachers with the respect and authority and dignity they deserve. Schools will be able to hire good teachers at good pay for doing good work,

and teachers will be empowered to teach sound basics and in safe classrooms.

For too long we have allowed our teachers to be taken for granted while our students have just been taken. I believe school choice will empower our schools, our communities, our teachers and our students. We can do no less for our children, although they deserve much more.

School choice is good news for America's teachers but it is even better news for America's parents. As the mother of three, I know how important it is to be able to send my children to schools I trust with teachers I know and parents I can work with.

Of my children, one graduated from private school, one from church school, and one from public school. Each of these schools was tailor made to serve the specific interests and individual needs of my children, yet not one of these schools could have served all three of my children. Why? Because each school is different and every child is unique. The one-size-fits-all approach of yesterday does not work in the classrooms of today. Yet it is exactly what millions of inner city parents are faced with each year, no choice of a better school, no chance of a good education, and thus no change in the status quo.

As this Congress begins to address the issue of school choice for the children of the District of Columbia, I think it might be helpful if we asked ourselves a simple question: Why not? Why not allow our schools the chance to improve and our teachers the chance to teach? Why not allow our parents a chance to spend their own money sending their own kids to their own school of choice? I would ask those in the opposition, if it were their child, what choice would they make?

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the honorable gentlewoman from Maryland [Mrs. MORELLA], vice chairman of the Subcommittee on the District of Columbia.

Mrs. MORELLA. I thank the gentleman for yielding the time.

Mr. Chairman, as was mentioned, as vice chairman of the Subcommittee on the District of Columbia under the Committee on Government Reform and Oversight, I have, like my colleagues, worked hard on legislation that I believe will help to revitalize the District of Columbia. That legislation allows the Federal Government to assume some burdensome responsibilities that had been borne by the District and puts into place some important management controls.

I believe the House bill that is before us would undo some of this carefully crafted legislation. That is why I am supporting the Moran substitute. It is my understanding that there are more than 60 provisions in the House bill that are not in the Senate bill. I believe that many of these provisions are an undue attempt to micromanage the District government. We have no business doing that. The day-to-day operations of the District should still be in the hands of the Mayor and City Council with oversight by the financial control board. Congress set up the Financial Control Board. We should allow the panel to do its job.

I believe it is essential to move this legislation along and pass on a D.C. appropriations bill in a timely fashion. Many of the micromanagement provisions in the House bill would really gravely stall the legislative process and prevent the District from receiving its funding. This has happened in the past. It has impacted millions of people in the Washington region who depend on an efficient budget process. So I want to move this process ahead.

I appreciate the hard work by the chairman and the members of the subcommittee. I know this bill was crafted with a great deal of care and diligence. However, the Senate bill is free of those controversial riders that could unfortunately hold captive the District's much-needed funds. For that reason, I urge my colleagues to support the Moran substitute.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, I respect the gentlewoman from Maryland's opinions but I disagree with them. Today I rise to say that the District of Columbia's students and their parents ought to have a choice.

Americans have differing opinions on many issues today but we all want our children to have the world's best education. That is precisely why I support educational choice scholarships for D.C. students. Tuition scholarships offer real educational opportunities to families whose children simply do not have the option of attending the best schools possible.

The Democrat substitute before us today would deny educational choice to poor working families in the District, and that is why we should oppose it. The scholarship opportunities provided in our bill offer hope to children who are now confined to failing, often violence-filled public schools. Passing our bill into law will mean that low income families will be able to send their children to public or private schools that are successful, and that the District's struggling public schools will be compelled to compete and then get better in order to attract students.

In short, parents must have a choice if the District's children are to have a chance. Parents should be able to hold schools accountable.

For instance, D.C. parents know that 85 percent of the District's public school graduates who enter the University of the District of Columbia need 2 years of remedial education before beginning to earn their degrees. Parents know that the current leaking roof problems are minor when compared to the problems of violence and academic failure in many of the D.C. public schools. That is why parents in the District, regardless of ethnicity, overwhelmingly support opportunity scholarships.

We must do better. We must provide an alternative; namely, the scholarship program on which the gentleman from Texas [Mr. ARMEY], the majority leader, has provided such clear leadership. Vote against the Democrat substitute. Vote for educational scholarships and real opportunity for the less affluent children of the District, and join me in looking forward to the day when parents try to get their children into D.C. public schools.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I wholeheartedly and strongly support the Moran amendment. It is a good substitute for the House bill. The House bill is flawed and we know it.

Much of what is in the House bill has an overriding concern behind it and it is money, m-o-n-e-y. It is what is drawing and flying through this country with the voucher movement. Do we not know, are we not sensible enough to know that if the Congress of the United States had not appropriated $7 million or more for this school voucher program here in Washington, D.C., the same people who are perpetuating it would have nothing to say about helping the kids in the District?

We need to understand that the District is not a laboratory school for this Congress. The proponents do not know enough about education to even set up a laboratory school. We have not had a committee look at this, but the proponents want to attach it to an appropriation bill without any substance.

The District deserves a thorough analysis before we change their school system. Bring to me one ounce of support that shows that the voucher system will improve on any current system in this country. We can go to Wisconsin and they can show me some minimal things but, overall, show me the impact of the voucher system on regular school systems in this country. I have been an educator for 42 years. Show me, instead of talking.

I know that money drives the voucher. None of these private schools wanted the kids from my District five years ago. They did not want them two years ago. But now there is a movement through this country, that they feel that the money that is in public education will now go to their schools.

Let the District have its own schools. Let them educate their children. We are sick and tired of this beltway colonialism. That is the only word I can say for it. We are going to superimpose our feelings on the District.

These are smart people. They know what they are doing. Give them a chance. It is flawed.

I want to say a word or two about the law school of the University of the District of Columbia. Let us preserve that law school. Let us keep it going.

I want to yield to the gentleman from Michigan [Mr. CONYERS], but before I do I want to say, keep this law school. We need it. We need it to keep the principles of educating our children here. Do not give it any kind of standards that it cannot meet.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I do want to take this opportunity during the gentlewoman's time on the debate to praise her for the unstinting, unswerving commitment that she has shown on the floor, in the committee, in the Committee on Rules for preserving the University of the District of Columbia Law School. The gentlewoman has our undying gratitude.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank my very good friend for yielding me the time.

I want to say to my colleagues, it is unfortunate we cannot, I speak as a subcommittee chairman of the Committee on Education and the Workforce, we cannot have today, although I believe it is coming in the near future, a debate on giving low income parents the full range of choice across all competing institutions. I wish we could have a separate debate.

I am opposed to the Moran substitute, which would effectively gut the bill of the gentleman from North Carolina [Mr. TAYLOR] and the very important and I think very necessary reforms that he is trying to enact in the District of Columbia. And I am fascinated that just in terms of the politics of this debate, it is pretty clear, I hope, to those that are watching and listening, who the progressives are and who the conservatives are, the conservatives that are trying to defend an indefensible status quo.

Do not take my word for it. Listen to the Washington Post that last February ran a 5 part series. I hope my colleagues saw it. For those that want to stand up here and defend the District of Columbia public schools on that particular school system, they concluded that D.C. public schools are ''a well-financed failure.''

A well financed failure. A school system that employs almost two times more administrators than the national average. Despite spending between $7,500 to $9,000 per student, which is one of the highest averages in the country, the District of Columbia public schools have one of the highest, in fact the highest, the highest failure rate amongst their students, the lowest graduation rates, the lowest test scores of any inner city school district in the country.

We are afraid to experiment by allowing a few more parents and a few more families a way out. Last year, because we had a break in the congressional schedule, I was able to coach basketball at my son's high school. We came into the District of Columbia and we played games at Gonzaga High School just a couple of blocks away, Carroll High School and St. Johns High School right up the road. The student bodies there were predominantly, if not exclusively, African American, old facilities.

I just found myself saying, why cannot all District of Columbia families have the opportunity to send their children to these type of schools. Schools should be a magnet, not a trap. As the majority leader pointed out, schools exist to serve our children, not bureaucracies. Believe me, if I say nothing else that my colleagues recall today, the District of Columbia public school system will reform itself only when parents are able to choose the schools that they think are best able to educate their children.

The CHAIRMAN pro tempore. The Chair would advise all Members that the gentleman from North Carolina [Mr. TAYLOR] has 20½ minutes remaining, and the gentleman from Virginia [Mr. MORAN] has 15½ minutes remaining. The gentleman from North Carolina [Mr. TAYLOR] has the right to close the debate.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1¼ minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I would like to address a question to my colleague, the gentleman from California [Mr. RIGGS]. He used the term ''experiment.'' I think we all agree it is an experiment.

My question to him is, what is this experiment going to prove at the end of it? What will we do in response to that experiment?

This relates back to a dialogue that I had with the Speaker, the gentleman from Georgia [Mr. GINGRICH] on this floor two years ago. We have increased the bill from $42 million to $45 million. So if this experiment demonstrates that these private schools are excellent, is the Federal Government, are we willing to take taxpayer money and finance all 78,000 students? What is this experiment about?

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

Mr. DIXON. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I believe it is about challenging public schools to improve as well as giving more opportunity to the families of the District of Columbia.

Mr. DIXON. Mr. Chairman, what is the experiment? After we look at this, then what do we do next? Because it is an experiment to prove or disprove something.

I will concede to the gentleman that there are good public schools and there are good private schools. What does it mean to take 2,000 vouchers and give to people, 185 percent of poverty, some do well, others do not do well? Are we prepared to spend taxpayers' money to fund 78,000 kids in the District of Columbia and private schools?

□ 1545

Mr. RIGGS. If the gentleman will continue to yield, personally I am very prepared to make that commitment, and I think that debate is coming in the near future.

But what this is all about, bottom line, is trying to create bootstrap improvement in the public schools and not lose another generation of D.C. schoolchildren.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is a violation of the House rules.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2–¾ minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me this time, and for my colleagues' indulgence, especially since I have spoken a couple of times in the last 2 days, which is more commonly than I normally speak on the House floor.

This is an issue I feel strongly about, Mr. Chairman. I think it is a shame. I think it is sad that so many people inside this House and outside this House have been fighting to the last ditch on behalf of the system that has trapped thousands and thousands of poor parents and their children in schools where they are not safe, where they do not learn, and where none of us would send our own children: The D.C. public schools.

Now, we have had discussions, on this side of the aisle anyway, about the problems these schools are having. One of my colleagues said it needs some improvement. Well, that is correct. Seventy-eight percent of the 4th graders in the D.C. Public School System cannot read up to the national average. What will happen to those kids, Mr. Chairman? Do my colleagues know what happens to children if by the 4th grade they cannot read?

This is a system that closed down the schools for 3 weeks at the beginning of the year without any notice to the parents, closed down all the schools because the roofs were falling in.

We have heard a lot of arguments against this little scholarship program in this bill. It only affects 3 percent of the kids. That is because we are having difficulty getting the money even to do that. Another one: We cannot let any of these kids escape. We have to hold them all hostage to this system until we can make the whole system better.

How many of us would put our own kids in this system on the gamble that the system will change fast enough so

that our kids will not be mired in a career and a life that will not be successful? Very few people do. Last year this provision was filibustered to death in the Senate by 41 Senators, none of whom sent their kids to the D.C. public schools.

And the argument I like the best is, we cannot use scarce public resources for this. What is scarce in the District of Columbia is not resources, but education. The District has $7300 per pupil to spend on education. The Washington Post had it right in its headline on this subject. It is a well-financed failure. The system protects jobs while short-changing classrooms. That is why the roofs are not fixed.

Mr. Chairman, I feel kind of personal about this. I have stood with a lot of these parents as they have asked desperately for the right to give their kids a future. I have stood with them in the District of Columbia and I have stood with them in Indianapolis. I asked them there how important school choice was to them, because I knew how controversial it was here. They answered the way myself and colleagues would answer.

Look, I know where the money and the strings and the power is on this. Stand with the parents and these kids. It is their future that is at stake. We should do for them what we would do for ourselves if we were in the same situation. Vote against the Moran substitute and sustain this bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Chairman, I rise in support of the Moran amendment and in opposition to the bill, and say that the Republicans do nothing to reform school and to provide that basic opportunity, the most basic of all, the opportunity to learn.

Mr. Chairman, I rise to express my strong and uniquivicable opposition to the inclusion of a provision instituting vouchers in the District of Columbia. Vouchers are not only bad policy but in this instance have clearly become the political tool of the Republican leadership to bash the public school system of this country and to play on the fears of our Nation's parents.

Vouchers have received a significant amount of attention over the past few weeks as we have seen a major push by the Republican leadership to politically capitalize on the education of our children. We have heard our Republican colleagues use words like ''scholarships'' instead of vouchers to portray the message which their pollsters have said is so vital. I am pleased to see so much effort being put into ensuring that this message is not being lost.

I have never been one to craft my views or modify my position just because the latest questionably accurate poll has produced certain conclusions. Instead, we should be concentrating on proposals and ideas that will increase the quality of education in this country rather than destroy it.

Regardless, as I am sure it does not come as a surprise to any which have followed this issue, I am adamantly opposed to any use of public tax dollars for any voucher-like proposal, including the provisions included in this bill authorizing vouchers to be used in the District of Columbia. Not only do these provisions raise some very serious constitutional questions, but they will do little to help only a few students while greatly benefiting those whose interests are entrenched in private schools.

In fact, Representative ARMEY himself has admitted that this bill will provide vouchers for only 2,000 D.C. children. Last time I checked this would not come close to helping the more than 80,000 school age children which reside in the District. We cannot and should not ignore the problems of today's educational system while attempting to capitalize on political rhetoric. The Republicans have sought to use D.C. vouchers as the answers to our Capital City's problems in its school system. This is wrong.

Any proposal which invites the idea of providing private school vouchers dismantles an educational system which guarantees access for all by leaving ''choice'' in the hands of private school admissions officers.

In addition to the destruction of equality in the most basic opportunity—the opportunity to learn—there is not one research study, which accurately provides evidence that vouchers improve student learning.

Because of this lack of evidence, I see little reason to establish any type of Federal voucher program, including one in the District of Columbia. We have seen the existing voucher programs in Milwaukee and Cleveland provide no improvement in student achievement levels despite the fact that they have been in operation, at least in the case of Milwaukee, for over 6 years.

In addition to the complete lack of a policy basis for enacting any type of private school voucher proposal, the American people have spoken repeatedly that they have no interest in such programs. Over 20 States, including the District of Columbia, have held referenda on this issue and the citizens of all 20 States have rejected voucher programs.

Our goal as public policy makers should be to construct broad policy which will improve the educational results of all of our children—not a select few.

One of the most deeply rooted values in this country has been that all children are guaranteed access to an education. The public school system has been the institution in this country which has provided this opportunity. Yes, there are problems in our public schools, problems which deserve and need our attention. All of us in Congress realize that the District has a great share of problems in its public school system. However, we should not look for quick fixes to a situation which deserves careful consideration.

As I said at a recent hearing in the Education and Workforce Committee on this subject, those who support vouchers want to abandon our public schools and the vast majority of children who would remain in what is already an underfunded system.

Those of us in Congress need to show leadership in combating the problems that face us as elected leaders—not run away from them.

Only by working within the public school system, both in the District and throughout the Nation, can we build upon the successes and learn from our failures in our attempts to educate our Nation's children.

In closing, I would urge Member to vote for the Moran amendment, which in addition to its lack of a voucher proposal is a much improved version of this bill in many other areas. Now is not the time to go back on our educational commitments to our children.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER], the ranking member of the Appropriations Subcommittee on Treasury Postal Service, and General Government.

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

Those watching this debate on this floor or otherwise must think that Lewis Carroll must have written most of the speeches, because they are Alice in Wonderland types.

I do not come to speak about the voucher system. The gentleman from California [Mr. RIGGS] was on the floor and talked about that system. Let him report a bill and we will debate the bill, and we will send it to the other body and they can send it to the President. And if the President decides to veto it, we will have an issue for the 1998 election.

This bill is deader than a doornail and every one of my colleagues know it. The Moran amendment that the gentlewoman from Washington [Ms. DUNN] referred to as the Democratic alternative, my friends, the Moran amendment is the Republican bill passed by the U.S. Senate. That is what it is.

This is a game. This is a game to appeal to some very good spirited people who want to have greater opportunity for their children. God bless them. Every one of us does as well. But this is the D.C. appropriation bill, not the authorizing bill, and this is a contentious issue.

Not only that, my colleagues, the House, without any debate, any discussion, and against the advice and counsel of the Secret Service and Lew Merletti, the head of the Secret Service, and the Treasury Secretary, and General Jones, the former Chairman of the Joint Chiefs of Staff, and Bill Webster, the former Chairman of the CIA and FBI, has said open Pennsylvania Avenue. That in the face of the Murrah Building, I tell my good friend from Oklahoma, that saw a car bomb parked close to the Murrah Building and 168 Americans lost their lives. That is why Pennsylvania Avenue was closed.

But without hearings, without discussion, without any thoughtful consideration, we say expose the White House to that threat. My colleagues, remember in Saudi Arabia our troops housed there, but with a not big enough perimeter, had a car bomb explode and kill over 100 American troops. Who on this floor wants to expose the President of the United States, his family, the staff and the visitors to the White House to that risk? If we do not vote for the Moran amendment, that is what we do.

Again, the Moran amendment is the Republican alternative passed to us by the other body. It will be signed by the President. That is the difference between that and the committee's recommendation. Vote for Moran.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time.

Mr. Chairman, I ask my 435 colleagues in the House of Representatives how can the Government say to any American parent, regardless of their economic status, that they cannot send their children to schools that work? How can they force their kids to go to school on a daily basis, terrorized to walk down the halls, having to pass through metal detectors to enter the building, where discipline, achievement and values have been swept away by drugs and violence? Which of us in this Chamber, which of us, I would love for one of us to stand up and say that we would send our children to such a school.

How many years of our children's education would we waste waiting for officials, whose children go to schools across town, by the way, to the schools that work, waiting for the latest experiment to solve these problems? How many of us would put our children into these schools tomorrow based on a politician's promise that they will be better next year?

For these children, these schools are not the great equalizer the other side talks about. These are forgotten kids, the victims of a terrible experiment in education that has gone terribly wrong, an experiment that has failed them for life.

We have heard people say that we should not treat our children as guinea pigs. Well, I have to tell my colleagues what any one of these children's parents will tell us. These children are being treated much worse than guinea pigs. The experiment we have run on them has been much more cruel, and it has failed a long, long time ago. The lost generations of our inner city kids that cannot read and write and do the arithmetic are walking witnesses to that fact.

I ask my colleagues to look at the terrible cost of the status quo, the cruel consequences of our inability as public officials to come up with solutions to a problem that has been with us for the last two decades. The time for empty promises is over. The time for positive action is upon us. The only question left to ask is how many more children will lose out on their most basic birthright as Americans: A quality education? We should promise the kids in the inner cities the same quality of education as the kids in the suburbs.

It has been said that the President will veto this legislation because of the D.C. scholarship program. I ask my colleagues this question: If the President can live in public housing and send his child to private schools, why can poor people not live in public housing and send their children to private school?

We can start to fulfill this promise today by voting against the Moran substitute.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I rise in strong opposition to portions of the D.C. appropriation measure, which undermines the ability of the people of the District to govern themselves.

It is instructive that the gentlewoman from the District of Columbia will not vote on this bill and will not vote on any of the amendments. It is symbolic of the fact that the people of the District are without any choice in this matter.

It is especially troubling that language was included in this bill that will impose a school voucher program in the District. Let me remind my colleagues that the District has already rejected school voucher programs by wide margins. And if things have changed since then, then give the District the money for the scholarships and let them decide whether to use it for vouchers, and that will be real choice.

If we let this ideology of the proponents of school choice, then surely Congress would be willing to entertain other choice initiatives. Let us see if we can improve public transportation, reduce traffic, and improve road conditions by giving individual citizens a voucher to buy a car rather than investing resources into highways and public transportation.

Support the Moran substitute.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1¾ minutes to the gentleman from Georgia [Mr. KINGSTON].

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

I wanted to read my colleagues a letter we received from the U.S. Hispanic Chamber of Commerce. It says, ''As in many areas where education opportunities are poor, a disproportionate number of the children attending failing schools in our Nation's capital are Hispanic.''

We strongly support H.R. 1797, the Taylor bill, not the Democrat substitute. And that is parenthetically. I am explaining. Students would benefit from this. This is from the Hispanic Chamber of Commerce. They support this.

Here is a resolution from the Baptist Convention of D.C. They support it. Here, Mr. Chairman, is a group called Save the Kids. Over 100 ministers from inner city churches; Baptist churches, Episcopalian, CME, Christian, Catholic, AME, full gospel and Methodist churches, all that support student choice and the voucher scholarship program proposed in the Taylor bill.

Here is a petition signed by over 2,000 Washington, DC residents, people who are interested in having their children compete.

Mr. Chairman, earlier this year we were contacted in our office to see if we could hire, temporarily, give an opportunity to a child from Washington, DC to work in our office because she was a junior in high school but did not have her school open this year because the schools in Washington, DC are in such disrepair. We had this young lady working in our office. I believe that she deserves the opportunities that other kids have from all over the country have from affluent families, of being able to pick and choose her school that she could go out and compete in the international and national marketplace.

This is about children. This is not about inner city power. This is about kids of America; giving them a choice.

□ 1600

Mr. MORAN of Virginia. Mr. Chairman, I would like to ask the gentleman what bill he was referring to. He said H.R. 1797. We are not debating H.R. 1797. That must be some outdated bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from Virginia [Mr. MORAN] for yielding me the time.

Mr. Chairman, I rise in strong support of the Moran substitute and in opposition to the risky scheme to provide taxpayer-funded vouchers.

I served as superintendent of schools in my State for a total of 8 years. That State is North Carolina. I know what it takes to improve the quality of education, because in the latest release of the National Assessment of Educational Progress, our fourth-graders gained three times the national average in growth and our eighth-graders gained a full year in this past decade, and our African American students had achieved some of the same gains, only greater than other students.

Vouchers will only divert attention away from improving public schools. Vouchers will increase the cost of education. Vouchers will reduce the accountability of schools to the American taxpayers. And vouchers will rob our communities of the resources needed to improve education.

Mr. Chairman, improving schools takes bold, visionary leadership, it takes a commitment to improving educational opportunity for all children, and it takes setting high standards, holding the school administrators, teachers, parents, and students accountable for these standards. Vouchers are the exact opposite of what is needed.

I urge my colleagues to reject this cowardly act of surrender and support the Moran amendment and against vouchers.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Chairman, I come from the fine tradition of public schools in the State of South Dakota. Frankly, we do not need a voucher system in South Dakota. But last year, our legislature approved open enrollment with the full support of the educational community because we recognize the value of parental choice.

When I moved to this area this year, we decided to live in Arlington, Virginia, because of the school system. We predicated that decision based upon the school system. I happen to believe that parents and kids here in DC deserve better than what we have got. The system is broken.

I do not know how anybody can defend the status quo. We have an opportunity here to help provide a better future for the kids and parents who live in this area. We probably see here a culture in which we spend more dollars for less results than anywhere in the country. We need innovation here. And I think it is very important that we move this forward, defeat the Moran amendment, and advance an issue and a cause which I think is going to be very beneficial to the community and to the parents and the kids who live in this area.

The CHAIRMAN pro tempore [Mr. LAHOOD]. The Chair would advise all Members that the gentleman from North Carolina [Mr. TAYLOR] has 12 minutes remaining, and the gentleman from Virginia [Mr. MORAN] has 9¼ minutes remaining, and the gentleman from North Carolina [Mr. TAYLOR] has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, where one stands is what one does and not what one says. The opposition says we are supporting a good public school. What we have heard is a problem of public schools. The solution we have is to give 2,000 students an opportunity to live.

Where are the 76,000 students that need that help? We need to find ways to improve the school for the majority and not hold up the false pretense of choice. This is not about choice. I am for choice. This is not anti-parochial school. I am a product of a parochial school.

One needs not to say this is about having income that they can go to private school or not. Parochial school gives opportunity to disadvantaged schools. That is how I got through parochial school. We do not take away the needed resources to make the school work. It is not working. But they are going to ensure that it does not work.

Yes, we wish we had open choice here that anyone could go to any public school. That is not true. We must improve the school. The only way to do that is to support the Moran bill and defeat the House bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from North Carolina [Mr. TAYLOR] for yielding me the time.

I am very disappointed that I have to stand on this side of the House of Representatives to talk on behalf of this voucher bill.

I first became interested in choice vouchers, scholarships, whatever we want to call them, back in 1979, when I became the chairman of the education committee in the Chicago City Council. At that time, a number of minority aldermen came to my meeting that I was having on education, and they are the ones that brought choice to my attention. Since that time, it is something I have been very much supportive of.

Over the course of the 15 years that I have been in the United States House of Representatives, there are several bills that have I put in dealing with voucher choice programs. Unfortunately, they never went anyplace. So today I find myself on the other side of the aisle speaking on behalf of a program I do support. And I support it because there are two other locations in this country where this type of program is going on. One is in Cleveland; one is in Milwaukee.

In both of those communities, choice has improved, the reading level, the math level of the students in the choice voucher program. The program that is going to be established here in Washington, D.C., is a small program, but I believe it is a step in the right direction for these students.

I think choice is not going to do away with the public school system. I certainly do not want to do away with the public school system, but I do sincerely believe that the competition that choice will provide will motivate the public school system to do a better job across the board.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, as the debate nears to a close, I think just about everybody has figured out the Gingrich scheme. This Republican bill is supposed to fail. Of course it will fail, and of course the District will be plunged further into chaos.

That is the whole idea, and that is why even moderate Republicans have to jump bail, and that is why our conservative Democrats are joining us in the Moran substitute. The whole idea is that we finally got a Republican measure in the substitute that the Republicans are attacking as if it was a Democratic bill. It is just the best we can do.

I have never in my life supported a Faircloth measure, and I find myself doing it today. And it is not bad.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore [Mr. LAHOOD]. The gentleman from California [Mr. RIGGS] will state his parliamentary inquiry.

Mr. RIGGS. Mr. Chairman, I would like to know if it is permitted under the Rules of the House to refer to a Member of the other body by name.

The CHAIRMAN pro tempore. Referring to a Member of the other body in a factual reference to sponsorship of a companion measure is not out of order.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Chairman, the gentleman from Virginia [Mr. MORAN] brings us the bill from the other side of the body, a bill that is acutely interesting to me in that it does not include the parental choice language for 2,000 school scholarships that I authored. A bitter disappointment to me.

The language, exact language, that we have in our bill was offered on the other side by Senator LIEBERMAN and would have been included in this bill, in this substitute, except for the fact that it did not make the cut on a filibuster offered by the distinguished Senator from Massachusetts [Mr. KENNEDY].

It did have 58 votes, though, instead of the required 60. It might have had the other two votes if there had not been 22 National Educational Association lobbyists working the halls of Congress on that day. So on a square vote, your substitute would include this parental choice language.

I have worked on this for a long time, and I have to tell you something. While so many times I deal with legislation in somewhat of an objective, abstract way, this is personal, this is very, very deeply personal with me. It is not about my party. It is not about your party. It is not about the city of D.C., although I should tell you, this committee has been generous in that it has put in this bill $1 million more for the D.C. education budget than what was asked. And we support every effort to rehabilitate the D.C. schools.

But what is upsetting people is, we add, in addition to that extra $1 million, $7 million to go directly to the families, directly to the children, for them to pick a school with $3,200 scholarships for the children.

I know these children. I want to talk to you about two of these children, two of these children that have made it personal for me. There is 9-year-old Sherard. Nine-year-old Sherard should be in the fourth grade. And if he were in public school, he would be. But he can only read at the second-grade level.

By the generosity of some private source, his family received for him a scholarship to go to a private school. When he went to that school, they told him they would have to hold him back to the second grade. And they would have done so but for two very dedicated people who said, ''We will continue to tutor this child.'' And on the basis of

that commitment, Sherard was not dropped back to the second grade but was held to the third grade.

And Sherard is happy. His mother told me that, 2 weeks after Sherard had been in school, 1 week before he would have been in school had he been in the D.C. schools, she had already had more contact from this school about what to do with Sherard, how to help Sherard, how she can attend better to Sherard than she had ever had for any of her other children from the D.C. public schools.

The school reached out to this child. Some private benefactor reached out to this child, his mother is reaching out to this child, two tutors are reaching out to this child, because they love this child too much to let him be the victim of social promotion.

There is another young man that I know of. My neighbor runs a prison ministry. In a prison in D.C. right now, he is teaching a young man in his early twenties how to read out of second- and third-grade primers, despite the fact the young man has a high school diploma from the D.C. schools.

I refuse to let Sherard, and if I can help 2,000 other children in a way that Sherard has been helped to escape the victimization of social promotion from schools that are dysfunctional, so bad that the Washington Post characterized them as well-financed failures, to happen.

This is not about me. It is about some concept. It is not about some experiment. It is not about partisan politics. It is about whether or not we can take an extra $7 million, an extra $7 million and help 2,000 precious children. If I had put in this bill $7 million of extra money to fix potholes, there would not have been one voice raised in protest.

□ 1615

I would ask my colleagues, look in your hearts, think about these children. Are my colleagues going to tell me that fixing children is less important than fixing potholes? I do not think so. Soften your hearts, get beyond the politics, get beyond the big, powerful, well-financed special interests, get beyond the National Education Association. Get in touch with these children and these parents.

I had another couple of parents that I talked to one evening. They were in their early 20's. Neither one had finished school. They had a child; I thought that child was their younger brother. They said, ''No matter what, our child will have more.''

They got a scholarship, again, from a private funding organization, a Washington scholarship fund, that paid for half that child's expense to go to a private school where it would cost $3,200, as over and against the $9,000 that is spent on children in the D.C. schools to fail the children. And this very, very young and dedicated mother took a second job so she could make up the difference between that $1,500 and the $3,200.

The slots are there. We know that there are positions available, there are places, little desks for little people, for 2,200 children at least. I personally documented that in my own office by making the phone calls. The schools are there, and the schools are there because the people in the communities saw the need and put the schools in place.

I must tell my colleagues, there is nothing that could be sadder than a school system that has been such a failure to these very, very precious children, and a Congress of the United States that would support a filibuster against their help in the other body, and deny that help in this body.

The only thing that I can think that could break these children's hearts more than to realize that the Congress of the United States think of them has nothing other than a social experiment. They are real children. They are no less precious than my children, they are no less precious than your children, and each and every one of these children deserves the support of my colleagues over and above any disdain one has for those who brought the language to the floor.

Mr. MORAN of Virginia. Mr. Chairman, I yield 45 seconds to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Once again, Mr. Chairman, we are here on the floor of the House attempting to reverse an assault on the District by our colleagues on the other side of the aisle as they embark on their annual journey to use the District of Columbia as a laboratory and to experiment with their favorite political and ideological issues, ones that they would not attempt in their own districts.

On top of everything else that is abhorrent in this bill, Mr. Chairman, the bill would impose what the authors of the bill would admit is another experiment, the school voucher program, one which might help 3 percent of D.C. students but would definitely keep needed funds from the D.C. public school system.

This is not about parental choice, Mr. Chairman. This is about writing off almost 78,000 children in the District of Columbia, and Democrats are not going to allow you to do that.

As a mother of two public school students who plan to be public school teachers, and as a PTA president for many years, I urge my colleagues to support the Moran amendment and reject this regressive bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 45 seconds to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Moran substitute for three basic reasons.

One, it eliminates the opportunity to waive the prevailing wage. Anybody working, no matter what they work on, should be adequately paid. It takes the caps off of medical malpractice, which is nothing more than an attempt to backdoor tort reform to the detriment of consumers. And of course it eliminates vouchers, which have been spoken to all evening.

The fact of the matter is that public education has been the greatest equalizer existing on the face of this Earth. It is the main way that most of us were able to move beyond the immediacy of our burden, of our circumstances.

I believe that if we want to equalize America, public education is the way.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Moran substitute.

Today we are witnessing perhaps the grossest abuse of power that many of us have ever seen or will ever see. I remember a movie that I saw, ''To Kill a Mockingbird,'' and the moral and the lesson of that movie was never to use one's strength and power against the vulnerable, or do not just run over the powerless, do not take advantage of those who cannot fight back.

Today Washington, DC, is that mockingbird. The gentlewoman from the District of Columbia [Ms. NORTON]) the Delegate here, does not have a vote. They do not have representation over in the Senate. But we are not only disregarding that fact, we are disregarding the fact that we have a finance control board controlled by and run by conservative economists, a city council, a mayor, those people who are elected to do the work at the local level.

We have 62 riders in this bill that we are trying to defend against with this amendment; 62 riders that talk about everything from how many people can be the security for the Mayor, or whether or not one can have a lease for helicopters, on and on and on. And the most egregious part of this is that you would shove vouchers down the throats of the District of Columbia, despite the fact that over 80 percent of the people voted against vouchers in this District.

Do my colleagues care about education? Many of the people on the other side of the aisle want to get rid of the Department of Education. Where would these people, when many people from communities around this world wanted choice through busing and they stood up and they said, ''No, we will not allow you that choice, to open up the District's line so you can have your children go to any of the schools they would choose.''

I tell my colleagues, we have to support this amendment. We have to support it because it is the only right thing to do.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, as a former educator, I have sat here to try and listen to a plan for our children. I have not heard it, and so I will say that I am for the Moran amendment, and I oppose anyone who has not given us a plan for absolutely educating our children in this country.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1¼ minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I come to the floor to say that my colleagues can cite their deceptive letters and free money petitions all they want to, but I got 90 percent of the vote in the last election in the District of Columbia, and I think I can say with confidence that the people I represent would deeply resent the imposition of vouchers paid for out of our own rescue package money when we have rejected such a measure by 89 percent.

There is another reason for voting against this bill, and I will let the conservative Washington Times have the last word on that, and I am quoting:

> Charles Taylor, whose litany of amendments which at one point numbered an incredible 62, threatens to unravel the very fiscally conservative and sound management reforms Congress has been working on for the past 2½ years. It is one thing to question the resolve of a few of D.C.'s elected officials to get the job done, but has Mr. Taylor no confidence in even the efforts of his colleagues on Capitol Hill?

R-E-S-P-E-C-T spells respect. Show some respect for me and for the people I represent. Support the Moran substitute.

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

Mr. Chairman, despite all the rhetoric, this amendment is not about vouchers. It is about choice: Whether the residents of the District of Columbia are able to choose their own government, are able to choose their own budget. Their democratically elected government did submit a budget. The mayor, the city council, the congressionally-created control board submitted a consensus budget.

The other body agreed with that budget. All this substitute amendment does is it enables the House to agree with it so that the District of Columbia can run its own affairs.

The chairman of the District of Columbia control board said that this bill, if it is approved as presented to the House, will further weaken the District of Columbia by severely undercutting the ability of the District of Columbia financial responsibility and management authority, the control board that the Congress set up to carry out the mandate of Congress, to restore the District's financial base and implement management reforms. That is all this amendment is all about.

The gentlewoman cited the Washington Times. Here is The Washington Post. It says that this is the House at its worst on D.C. The House of Representatives need not do this to the Nation's Capital or to itself. The city needs an appropriations bill that will help it manage its own affairs competently as both a locality and the Nation's Capital. It does not need and cannot conceivably be helped in this effort to reform itself by what it calls the silly, showboating indulgences of Congressmen who act as if they have nothing else to do.

We have something better to do. The gentleman from North Carolina [Mr. TAYLOR] certainly can do better than to submit this bill. Our House will be proud of the bill that we agreed to if we agree to this substitute amendment. We can get the bill enacted. We can give the money to the District and to the control board that we created to carry out their affairs according to their own priorities.

That is all this is about. It is not about vouchers. It is about giving local government the authority that they deserve. We need to respect them and to respect the democratic process. That is all our amendment is all about.

The alternative is not to have vouchers, the alternative is to have nothing, to have no bill. D.C. will not get its funding. D.C. will not be able to carry out its contracts. The control board we created will not be able to function. That is not fair. It is not right. It certainly is not what the Congress intended.

Do not do this to our Nation's Capital, do not do this to the House of Representatives. Support this amendment. Do the right thing.

Mr. TAYLOR of North Carolina. Mr. Chairman, despite all the loud rhetoric we have heard today, this chairman holds the people of DC in respect. That is why I have so suffered the editorials and the charges in the press, and I sometimes wonder whether the editorial writers are talking to their reporters, because the press each morning runs an article showing problems in the city and at the same time on their editorial page they criticize this body for trying to fix those problems.

□ 1630

Mr. TAYLOR of North Carolina. Mr. Chairman, it is my pleasure to yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The CHAIRMAN pro tempore. The gentleman from Georgia [Mr. GINGRICH], the Speaker of the House, is recognized for 4½ minutes.

Mr. GINGRICH. Mr. Chairman, I want to commend the gentleman from Virginia [Mr. MORAN] for a very clever motion. Rather than have a straight-up vote on the issue of whether or not the poorest children in this city should have a chance to get a decent education instead of ending up illiterate and going to jail, rather than having a straight-up debate about the failure of a school system that spends $10,000 per child, according to the U.S. Department of Education statistics, instead of talking about saving children who are being destroyed by being trapped in buildings in which they have no future, while we prattle on about reform some day and we talk about all sorts of abstract rights as the children are destroyed, the gentleman from Virginia cleverly said, I will take LAUCH FAIRCLOTH's, a North Carolina conservative, Senate bill and try to substitute it entirely, so we can talk in general about how you might change this gentleman from North Carolina's bill by substituting Senator FAIRCLOTH of North Carolina's bill. It is a wonderful ploy.

But that is not what this vote is really about. The truth is, we will go to conference. The truth is, many of the things they are most concerned about will be fixed or changed. The truth is, that is the normal process. This is not the final passage on the final day. This is moving a bill to conference.

But what the gentleman cleverly did, and it was clever, is he just happened in his motion to drop out the chance for 2,000 children to have a better future. He just happened to drop out the chance for families whose income is below the poverty level to have a better future.

I want every Member of this House to think about this, because I am, frankly, sickened by 14 years of excuses. For 14 years, since A Nation At Risk was printed in 1993, for 14 years we have been promised by the education bureaucrats, the education certifiers, the education professionals, the education unions, that some day we will get decent schools, and the kids are destroyed and they end up in prison.

I talked to Mayor Reardon of Los Angeles, a man who has personally given millions of dollars to literacy programs, a man who has been personally engaged in helping poor children learn how to read. He told me in August, in his estimate in Los Angeles in the poorest neighborhoods, 12 percent of the 18-year-olds are learning to read at the eighth grade level. Eighty-eight percent of the children in the poorest neighborhoods read below the eighth grade at 18 years of age.

There is something tragically, profoundly wrong. We all know it. We know that despite all the promises, despite all the university studies, despite all the committees, today, while we are debating, poor children in America are being destroyed. We know that. We know that when they cannot read, in the age of the computer, they are going to end up in jail. We know that. We know it is not a function of money, because if money would have done it, then in a school system that spends $10,000 a child, D.C., it would have been fixed.

I have heard Democrats come in here and promise to fix it, and I have heard Republicans promise to fix it, and nobody has fixed it. They closed the school for 3 weeks, every school in this city for 3 weeks, to fix the roofs. Last week they had to close one of the schools to fix the roof.

We had a picture in the Washington Post of what the gentleman from North Carolina [Mr. TAYLOR] was referring to on the news page, not the editorial page. There was a picture of children being led, walking, to another building, because their building had been closed. This is the circumstance we are faced with. This is the circumstance we are all faced with.

Let us be honest about it, that thousands of children today in the Nation's Capitol, at $10,000 a child, are being cheated. They are being cheated by the politicians, they are being cheated by the unions, they are being cheated by the bureaucracy. The answer of my good friend, the gentleman from Virginia [Mr. MORAN] is, well, some day, some day.

We have at least a start. It is not a great start, it is not perfect, but it says to 2,000 children in this city, you will have a chance, if your parents are below poverty, and the gentleman from Texas has shown great courage in standing up and saying he wants those children now to have a chance to go to a school that is safe, that is drug-free, and that actually teaches kids, so they can go to college and not go to jail.

What, I would say to my liberal friends, what are they afraid of? Do they think these 2,000 children will have less education? Do they think these 2,000 children will have less of a chance to avoid jail? Do they think these 2,000 children will somehow magically disappear? No.

They are not even afraid the money will come from the schools, because the gentleman from Texas [Mr. ARMEY] has met that objection, because he was offering $7 million additional. Normally a person who comes and says, I will give the inner city $7 million additional, is viewed as a good person. So it does not even come out of the $10,000.

That means the D.C. schools will have $20 million additional to spend if those 2,000 kids leave, because the $10,000 per child stays in the school. So the gentleman from Texas [Mr. DICK ARMEY] is offering $7 million over and above the budget, and that will increase to $20 million to be spent per capita, and the kids are already in the school, and now they are still complaining, they are still against it. And do Members know why they are afraid? Because if this works, if this succeeds and these kids have a decent future, the failure and the bankruptcy of the unions and the bureaucracies will be proven.

I just want to say to all of the Members to vote their conscience, but I will tell the Members this. What this vote is about is whether or not 2,000 children have a chance to go to college and not go to jail. And if Members vote no, they know that they can at least say, I did everything I could to save those children from jail, and everything I could to give those children an education, and everything I could to send a signal that we are fed up with children being destroyed by bureaucracies that refuse to reform.

If Members vote yes, then one day down this road, when they meet those children and they are illiterate, ignorant, and helpless, and going to jail, they should look in the mirror when they want to know what happened.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. MORAN].

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

RECORDED VOTE

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 212, answered ''present'' 1, not voting 24, as follows:

[Roll No. 512]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—212

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Nethercutt

NOT VOTING—24

Baker
Baldacci
Berman
Brown (FL)
Buyer
Chambliss
Clement
Doggett
Dooley
Dreier
Gonzalez
Hall (OH)
Hastings (WA)
Hefner
Hilliard
Lewis (CA)
Lewis (KY)
McCarthy (MO)
Miller (CA)
Schiff
Schumer
Smith (OR)
Torres
Wolf

□ 1656

The Clerk announced the following pairs:

On this vote:

Mr. Hall of Ohio for, with Mr. Wolf against.

Mr. Berman for, with Mr. Chambliss against.

Mr. Baldacci for, with Mr. Lewis of California against.

Mr. HEFLEY changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 512, the Moran substitute amendment to DC Appropriations bill, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Ms. PELOSI. Mr. Chairman, I rise in opposition to the school voucher proposal for the District of Columbia.

Our focus as a Federal Government should be on improving our public schools rather than abandoning them. Diverting public money to private schools is not a way to improve education. It is, however, an experiment that is doomed to fail leaving this city's schoolchildren as the casualties.

Not one of us is going to contest the assertion that the D.C. public schools need help. But the way to do this is through efforts like comprehensive school reform, by engaging parents, teachers, and the community in creating and maintaining high performance centers of learning with challenging academic standards.

Creating a voucher system does not solve the problem, it merely shifts the responsibility elsewhere. It also does not guarantee that students from low-performing schools will meet the admission standards of private institutions.

Public school choice, magnet schools, charter schools, and comprehensive school reform efforts can provide effective alternatives to passing our problems off on private schools.

The GOP voucher plan offers this ill-conceived alternative to 2,000 of the school system's 78,000 students. General Julius Becton, the superintendent of the D.C. Public Schools has set out on a serious effort to provide the best education we can for all of the children of the District of Columbia.

Our Federal responsibility in education is to support States and local school districts in their efforts to make better public schools and better learners. It is not an acceptable solution to engage in misguided social engineering by draining funds that would be used to improve the public schools. The Democrats of this House have a plan, a good plan that raises the prospects for all of America's public schoolchildren, not just a select few at the expense of all the rest.

Mr. CALVERT. Mr. Chairman, I rise to speak in opposition to the Sabo amendment to H.R. 2607, the District of Columbia Appropriations Act for fiscal year 1998. H.R. 2607 includes a provision allowing public school contractors to waive Davis-Bacon requirements for construction and repair laborers. This provision is voluntary, not mandatory. This provision would help the District attract volunteer services to help with the emergency repairs needed at the District's public schools. Residents in the entire Washington metropolitan area, as well as most of the Nation, are aware of the dilapidated state of the District's schools. Clearly, the first priority should be to get the schools opened as soon as possible. Yet, an offer by the Promise Keepers to volunteer their services and make repairs at all the schools was denied. They were only allowed to repair one school. This is incomprehensible. Their offer was denied. Why? Davis-Bacon. Why force schools to spend scarce funding to make repairs that could be made for free? Our children cannot learn if they cannot attend school. There is no reason to give rigid David-Bacon rules a veto over the needs of Washington, DC's students. I urge all of my colleagues to oppose the Sabo amendment.

Mr. CLAY. Mr. Chairman, I rise to support the Moran substitute. I support it because it eliminates many of the harmful riders that the majority has added to the D.C. appropriations bill, including the $7 million to fund tuition vouchers for district students.

It is appalling that the majority would blackmail the citizens of this great city into accepting a congressional mandated school voucher program that the District voters overwhelmingly rejected, and is opposed by District school officials.

This voucher plan is seriously flawed. First, it does nothing for 97 percent of the District students who would not receive a voucher. We should be helping all 78,000 of the district's children, not draining taxpayer dollars from the public schools for just a lucky few that may benefit from a voucher program. Further, the amount of the voucher would not even pay entry into many private schools, and many of those that would be affordable have limited slots and barriers to admission.

The real Republican agenda is to undermine public support for public education, and ultimately close down our neighborhood schools. We saw the real Republican agenda in action when they tried and failed to abolish the Department of Education, attempted to block grant education programs, and worked to slash Federal funding for education. Now, desperate to advance their right wing agenda, they are looking to drain taxpayer dollars out of public schools and into private and religious schools.

I call on the majority to stop playing politics with our public schools and join with Democrats to invest more in early childhood education, give relief of our crumbling and overcrowded schools, give Federal support for local school renewal plans, and ensure that we have well-trained teachers.

I urge support for this substitute.

Mr. METCALF. Mr. Chairman, let me rise in support of this amendment and describe why I believe the philosophy behind the Davis-Bacon Act is so important. It is my belief that the Federal Government should not use its vast procurement power to depress the wages and living standards of construction workers across this country. That philosophy is as valid today as it was when the law was first enacted.

Let's remember the Davis-Bacon Act does not require the payment of the union wage. The Department of Labor is charged with determining the prevailing wage rates for each job classification required for a project based on the area where the particular job is located.

I don't want and don't believe anyone in this body wants to go back over 50 years to a time when low-paid workers move into an area and depress wages for local workers. That is the basis for this legislation and that is why it is important to support this amendment.

Mr. BALLENGER. Mr. Chairman, I strongly support providing the District of Columbia with the flexibility and choice to waive the Davis-Bacon Act to help complete emergency school repair projects.

Opponents of this modest effort claim the sky is falling in and that this is really a vote on repeal—it is not. The bill does not repeal the Davis-Bacon Act. It is not a mandate and it is not an order. It simply grants D.C. schools the option of waiving Davis-Bacon requirements. This is a vote to promote fairness, flexibility and choice.

Rather than forcing D.C. school districts to comply with an expensive, antiquated, out-of-date Government requirement, Congress has the chance to provide flexibility to the school system. D.C. schools may have the opportunity to fix more roofs, paint more classrooms, or expand classroom learning opportunities.

Instead of putting more taxpayer funds into the pockets of big labor, let's use it to help children—to repair schools and provide a better educational environment. Oppose the Sabo motion to strike, free the District of Columbia schools.

Mr. PAYNE. Mr. Chairman, I would like to offer my support for Representative MORAN's substitute that will eliminate the school voucher proposal from the D.C. appropriations bill. While Majority Leader ARMEY may call this provision a scholarship opportunity please do not fail to see this as a voucher program in its purest form. This voucher will do nothing to solve the real problems of the D.C. public schools and only separate children into a two tiered public education system. There will be the lucky few who can find a private school that has a tuition of less than $3,200 out in the suburbs of Virginia and Maryland. The parents of these children will then be forced to scrape together enough money to pay for the transportation, books, and supplies private schools require an this voucher does not cover. The rest of the children will be left to spend their days in a less than stellar school system. The rest of these children are being ignored by those who support this voucher as castoffs and less than worthy of quality education.

We must ask ourselves what exactly this provision of the bill will achieve? I am not sure but I can tell you what it will not achieve: It will not be cost effective but waste precious tax dollars that will send children away from their neighborhoods to a few select Virginia and Maryland private and religious schools. It will not reflect what the residents of the District of Columbia really want. Instead it allows the Republican leadership to use the children of this city as guinea pigs for their misguided programs. It will not give parents a better opportunity to educate their children but provide federal, public funds for private and religious schools. It will not ensure equity for all students because the bill does not have adequate antidiscrimination language. To make matters worse, voucher programs have been continually voted down in State legislatures in 19 States including the District of Columbia. Therefore, Republican leaders are asking us to support a measure for this city that many of their own constituents have voted against back home.

Finally, I would like to say that I find this measure included in the D.C. appropriations bill an antihome rule violation and a failure of our Government to reform and help mend our inner-city public schools for not just here in the District of Columbia but in cities across this Nation.

Mr. GOODLING. Mr. Chairman, I strongly urge my colleagues to oppose the motion to strike and to support the provision waiving the

Davis-Bacon prevailing wage law when awarding construction and repair contracts for District of Columbia schools. This provision is voluntary.

Davis-Bacon prevailing wage requirements increase the cost of school construction—forcing taxpayers to pay more and receive less in return. Government estimates, economic studies, and those involved in the construction industry believe that the Davis-Bacon Act inflates the cost of a construction project by an estimated 5 to 38 percent. The Congressional Budget Office estimates that Davis-Bacon adds about $2.8 billion, over 5 years, to the cost of all Federal construction projects.

Recent headlines in the Washington Post, highlight the problem with D.C. schools. Every conceivable problem plagues the school system—from fire code violations to water pouring into leaking roofs to boilers that don't work forcing children to wear coats and mittens to class. The General Services Administration surveyed every D.C. school and found that the typical building is more than 50 years old and repair or replacement costs are estimated to be $2 billion.

The D.C. appropriation bill gives the District a choice—officials can opt to waive the Davis-Bacon Act. This is voluntary, not a mandatory requirement. It is one small step that may help resolve some of the problems facing a school system in deplorable shape—and in the process help the children of the District of Columbia receive the education they deserve.

Support the voluntary waiver, oppose the motion to strike.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to H.R. 2607, the District of Columbia Appropriations Act for fiscal year 1998. This bill not only sets dangerous precedents, it is just plain bad policy. The leadership of this body claims to want to expand the role of State and local authority while shrinking the size of the Federal Government. However, this bill is yet another attempt to micromanage the District of Columbia. There are at least 60 extraneous policy riders on this bill, two of which are so egregious they deserve specific criticism.

Mr. Speaker, I strongly oppose this bill because of its unfair treatment of school children in our Nation's capitol. The bill we consider today establishes a voucher program which purports to allow poor children in Washington, DC to attend private schools. Under this bill, we will allocate nearly $45 million in Federal funds to pay for the private school education of approximately 3 percent of the District's students—about 2,000 school children. While I in no way would favor denying educational opportunities to children, is this really the best use of Federal dollars? Instead of siphoning money into private and parochial schools, I believe we should focus on fixing the problems in our public schools so that all school children will benefit. We should rebuild our educational foundation to make our public schools a safe haven for learning. Here in the District of Columbia, some schools remain closed because of construction problems. It is a great travesty that in the most influential city in the world students cannot go to school because of fire code violations. It is shameful that today we debate ways to put more children in private schools rather than working on improving our public schools. A free public school education for all Americans is one of the basic tenets of our Nation. We must not abandon this principle.

Another issue that some are trying to claim as a school issue is the waiver of the Davis-Bacon Act. Davis-Bacon for years has guaranteed American workers an honest day's pay for an honest day's work. This law helps promote greater productivity, cost-effective construction and stable economies for America's communities. This should be no exception in the District of Columbia. I have heard from some of my colleagues that eliminating Davis-Bacon will save money on school construction. However, gutting the income of workers will not lower the costs of school construction for taxpayers. In fact, a recent study showed that repeal of Davis-Bacon indicated that square foot construction costs are lower in States with prevailing wage laws compared to those where this law no longer exists. I support the Sabo amendment to strike this provision of the bill. Eliminating Davis-Bacon is unfair to workers in D.C.

Mr. Speaker, I cannot, in good conscience, support this bill. it is bad for children, bad for workers and insulting for District residents who continue to be denied fair representation. This bill represents a step backward for the people of D.C.

I support the Moran substitute amendment which eliminates the dangerous and extraneous riders to this bill. The Moran amendment enables funding to continue to our Federal city without imposing burdensome new policies on D.C. residents. I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore [Mr. LAHOOD]. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. PEASE] having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2607) 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, 1998, and for other purposes, pursuant to House Resolution 264, he reported the bill, as amended pursuant to that rule, back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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.

□ 1700

MOTION TO RECOMMIT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). Is the gentleman opposed to the bill?

Mr. MORAN of Virginia. I am opposed to the bill, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. MORAN of Virginia moves to recommit the bill, H.R. 2607, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 203, nays 202, answered ''present'' 1, not voting 28, as follows:

[Roll No. 513]

YEAS—203

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)

Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doyle
Duncan
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—28

Baker
Baldacci
Barton
Berman
Brown (FL)
Buyer
Chambliss
Clement
Doggett
Dooley
Dreier
Edwards
Gejdenson
Gonzalez
Hall (OH)
Hastings (WA)
Hefner
Hilliard
Lewis (CA)
Lewis (KY)
McCarthy (MO)
McHugh
Miller (CA)
Schiff
Schumer
Smith (OR)
Torres
Wolf

□ 1732

Mr. HOYER (during the vote). Regular order.

The SPEAKER (during the vote). The Chair would note that if, in fact, Members would read the Rules, 15 minutes is the minimum and the Chair has the option of keeping the vote open longer. The Chair would point out, this is regular order.

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Parliamentary inquiry, Mr. Speaker.

The SPEAKER. Only if it relates to the vote.

Mr. HOYER. Mr. Speaker, it does relate to the vote.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, can you, by any chance, give me the page number on which the CONGRESSIONAL RECORD reflects the views of the minority when Jim Wright held the vote open so that we can review those comments?

The SPEAKER. That is not a parliamentary inquiry. But the Chair will get that for the distinguished gentleman in the near future.

Mr. HOYER. Mr. Speaker, I would appreciate it

□ 1737

The Clerk announced the following pairs:

On this vote:

Mr. Wolf for, with Mr. Hall of Ohio against.

Mr. Lewis of California for, with Mr. Baldacci against.

Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, and Mr. FAWELL changed their vote from ''nay'' to ''yea.''

Mr. PAUL changed his vote from ''nay'' to ''present.''

So the bill was passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, I was unavoidably detained this afternoon and was not present for several rollcall votes on H.R. 2607, the FY 1998 District of Columbia Appropriations Act.

I ask that the RECORD reflect that if I had been present and voting, I would have voted as follows: "No" on the Moran substitute amendment and "yes" on passage of H.R. 2607.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 513, final passage of the D.C. Appropriations bill, I was unavoidably detained. Had I been present, I would have voted "no."

The SPEAKER. Without objection, a motion to reconsider is laid on the table.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask for the yeas and nays on the motion to reconsider.

The SPEAKER. The Chair, having voted yea, the question is, ''Shall the House reconsider the vote by which the bill was passed?''

Mr. FRANK of Massachusetts. Objection. Mr. Speaker, I ask for the yeas and nays on the motion to reconsider. No one has made the motion to reconsider.

MOTION TO TABLE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] to lay on the table the motion to reconsider the vote as stated by the Chair.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 135, not voting 136, as follows:

[Roll No. 514]

AYES—162

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Brady
Bunning
Burr
Burton
Camp
Campbell
Canady
Castle
Chenoweth
Christensen
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Dickey
Doolittle
Dunn
Ehlers
Ehrlich
English
Ensign
Fawell
Foley
Fox
Franks (NJ)
Gibbons
Gilchrest
Gillmor
Gilman
Goss
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Latham
Lazio
Leach
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McInnis
McIntosh
McKeon
Mica
Moran (KS)
Nethercutt
Ney
Northup
Nussle
Oxley
Pappas
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (AK)
Young (FL)

NOES—135

Abercrombie
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bishop
Blumenauer
Bonior
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Clayton
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Frank (MA)
Frost
Furse
Gephardt
Goode
Gordon
Green
Hamilton
Hinojosa
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson

Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Matsui
McGovern
McHale
McIntyre
McKinney
McNulty
Meek
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Obey
Ortiz
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Taylor (MS)
Thurman
Towns
Turner
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—136

Ackerman
Baesler
Baker
Barrett (NE)
Barton
Bass
Berman
Berry
Blagojevich
Blunt
Boehner
Bonilla
Bono
Borski
Boswell
Brown (FL)
Bryant
Buyer
Callahan
Calvert
Cannon
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Coburn
Cooksey
Costello
Deal
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Emerson
Everett
Ewing
Foglietta
Forbes
Ford
Fowler
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gonzalez
Goodlatte
Goodling
Graham
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hefner
Hilliard
Hinchey
Holden
Hooley
Hyde
Jenkins
John
Kennedy (MA)
Kennedy (RI)
Kennelly
Kingston
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Luther
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McHugh
Meehan
Menendez
Metcalf
Miller (CA)
Miller (FL)
Morella
Murtha
Myrick
Neal
Neumann
Norwood
Oberstar
Olver
Owens
Packard
Parker
Pastor
Petri
Pomeroy
Poshard
Rogers
Ros-Lehtinen
Rothman
Rush
Sawyer
Schiff
Schumer
Sensenbrenner
Shuster
Sisisky
Skelton
Smith (OR)
Snyder
Spence
Stark
Tanner
Tauscher
Thompson
Tierney
Torres
Velazquez
Vento
Wamp
Watts (OK)
Wicker
Wolf
Yates

□ 1757

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber for rollcall vote No. 514. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was not present to vote on rollcall vote No. 514 on the motion to table the motion to reconsider. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 514, the motion to reconsider the DC bill I was unavoidably detained. Had I been present, I would have voted "aye."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 169. Concurrent resolution providing for an adjournment of the two Houses.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2158) ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.''.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2169) ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.''.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in my considered opinion, I believe every Member of this body has had enough fun for today. We have a few Members that want to conduct some routine business, a unanimous-consent request, to help with the general orderly business of the House.

It would be my preference, Mr. Speaker, that these Members be allowed to do that. I see the distinguished minority whip is there. I would like to ask the whip if perhaps he might be able to give me some assurance that these Members could conduct that business in an orderly fashion, and I could release the rest of the body to begin their district work period.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would say to my colleague that we do not expect any other votes on this side of the aisle.

But I would also say to my colleague, and with respect to the Speaker as well, it is my understanding at the beginning of this Congress it was decided that we would have votes held to 17 minutes. I want to note that that vote that we just had went over 40 minutes.

When the Speaker says in the middle of a vote that he has prerogatives under the House to extend the vote beyond the 15 minutes, I suspect under the Rules, and I do not know this, but I suspect he perhaps is right. But it was the announced policy of the Speaker and of the majority that we would hold votes to 17 minutes, and the public should take note that that vote went over 40 minutes.

Mr. ARMEY. I thank the gentleman for his observation.

The SPEAKER. The Chair would simply like to observe for the distinguished gentleman from Michigan [Mr. BONIOR] that on one recent occasion, at the request of the Democratic cloakroom, a vote was held open for more than 17 minutes because Members were at the White House meeting with the President, and that the Chair always has the prerogative to lengthen a vote at the Chair's discretion, and that is clear in the rules.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I believe I am correct in understanding, Mr. Speaker, that it is the assurance of the gentleman from Michigan [Mr. BONIOR] that there should be no more recorded votes expected.

That being the case, I would encourage everyone to return to their districts, have a productive work period, and please do enjoy time with their families.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2579

Mr. BISHOP. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2579.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1984

Mr. PORTER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1984, on which my name appeared in error.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, I would like to explain to the chair the rollcall numbers on which I missed votes, due to being at the White House this morning.

On rollcall No. 507, I would have voted ''yes.'' That was the District of Columbia Appropriation. On rollcall No. 508, the Transportation Appropriation Conference Report, I would have

voted ''yes.'' On rollcall No. 509, approving the reading of the Journal, I would have voted ''yes.''

The reason, Mr. Speaker, that those votes were missed was the signing of the National Wildlife Refuge reform bill at the White House this morning.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2332

Mr. SPRATT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of the bill, H.R. 2332.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL THURSDAY, OCTOBER 16, 1997, TO FILE REPORT ON H.R. 2616, THE CHARTER SCHOOLS AMENDMENTS ACT OF 1997

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce may have until 5 p.m. on Thursday, October 16, 1997, to file a report on the bill, H.R. 2616, the Charter Schools Amendments Act of 1997, as amended.

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

Mr. WISE. Reserving the right to object, Mr. Speaker, has this been cleared with the minority?

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from California.

Mr. RIGGS. Yes, Mr. Speaker, it has. As a matter of fact, this unanimous-consent request is to allow additional time for minority views to be added to the report.

Mr. WISE. Continuing to reserve the right to object, Mr. Speaker——

Mr. FRANK of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL TUESDAY, OCTOBER 14, 1997, TO FILE LEGISLATIVE REPORTS ON H.R. 1534, THE PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997, AND H.R. 2578, EXTENDING THE VISA WAIVER PROGRAM

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 6 p.m. Tuesday, October 14, 1997, to file legislative reports on the bills, H.R. 1534, the Private Property Rights Implementation Act of 1997, and H.R. 2578, Extending the Visa Waiver Program.

The ranking minority member, the gentleman from Michigan [Mr. CONYERS], has agreed to this request.

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

Mr. WISE. Reserving the right to object, Mr. Speaker, once again, it is my understanding that the minority has not been consulted on that.

Would the gentleman from Texas [Mr. SMITH] like to withdraw that until the minority has been consulted?

Mr. SMITH of Texas. Mr. Speaker, that is simply not correct. The ranking minority member, the gentleman from Michigan, Mr. JOHN CONYERS, has in fact been consulted, and has in fact agreed to this.

Mr. WISE. Mr. Speaker, I will have to object until I hear otherwise.

I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO APPOINT CONFEREES ON S. 1139, SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

I perhaps can anticipate the gentleman by saying that the ranking member of the Committee on Small Business not only does not object, but asked me to bring the motion at this time, and it has been cleared for a number of days with the minority.

The Clerk read the title of the Senate bill.

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

Mr. WISE. Reserving the right to object, Mr. Speaker, once again, there seems not to have been communication on this. I will have to object at this time.

I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH TUESDAY, OCTOBER 21, 1997

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 9, 1997.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Tuesday, October 21, 1997.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection the designation is agreed to.

There was no objection.

REQUEST TO APPOINT CONFEREES ON S. 830, AMENDING THE FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO IMPROVE REGULATION

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. In the events of the past few minutes the Chair has been made aware that there will be objection. Under those circumstances, the Chair will not entertain the request at this time.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1415.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE FLOYD H. FLAKE, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable FLOYD H. FLAKE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 1997.

Hon. ALEXANDER TREADWELL,
Secretary of State
Albany, NY.

DEAR SECRETARY TREADWELL: After considering the needs of my constituents and the short time remaining in this session, I intend to remain in Congress at least until our legislative business is completed.

I have reviewed section 31 of the Public Officers law, and I understand that my retirement announcement to the Governor on August 4, 1997 was an erroneous interpretation of the statutory requirements for resignations. Therefore, it is also my belief that, according to section 31, any record of my resignation is not effective since I have never directly notified your office of my plans. I will, however, inform you of my plans at the appropriate time, which in this case will be no more than thirty days prior to my resignation.

If there are any questions regarding my plans, please feel free to contact me, or Sean Peterson, my Chief of Staff.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,
Member of Congress.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY OCTOBER 22, 1997

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in

order under the Calendar Wednesday rule be dispensed with on Wednesday, October 22, 1997.

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

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, October 21, 1997, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN CONGRESSIONAL RECORD FOR TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled ''Extensions of Remarks.''

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

There was no objection.

REQUEST TO APPOINT CONFEREES ON S. 1139, SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

Mr. Speaker, I have the same connection with the request, that I have been meeting with my friends on the minority side, and I believe we have cleared up the communication problems.

The Speaker pro tempore. The Chair has not been advised that any matter is resolved.

Is there objection to the request of the gentleman from Missouri?

Mr. SISISKY. Reserving the right to object, I will not object, but I will just reiterate that it has been cleared, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Under these particular circumstances, the Chair will not entertain the gentleman's request at this point. The Chair has been advised that the minority leader is constrained to the request.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Is it my understanding that the Chair has ruled that notwithstanding that the ranking minority member has agreed that the procedure is appropriate and proper, the Democratic leadership wishes to override those people who are otherwise in positions of responsibility to mindlessly object to everything? Is that my understanding?

Mr. WISE. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Being aware of the pending situation, the Chair is honoring the position communicated by the minority leader.

Mr. THOMAS. Mr. Speaker, so the minority leader——

Mr. WISE. Regular order, Mr. Speaker.

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker. The Chair's response to Members on this side who request unanimous-consent requests, notwithstanding the appropriate minority member agreeing that it is appropriate, cannot be honored because the minority leader says it is not to be honored?

Is that the way the rule works, Mr. Speaker?

The SPEAKER pro tempore. The Chair can tell the gentleman from California only that, at this point, the Chair has not recognized the gentleman from Missouri [Mr. TALENT].

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

THE PRESIDENT SUPPORTS THE IRS, THE REPUBLICANS SUPPORT THE TAXPAYERS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the President has announced that he is supporting the IRS, and we are announcing here in Congress that the Republicans are supporting the taxpayers. We are on their side. In a nutshell, that is about what it comes down to.

Of course, that is not the news to anyone who has followed politics in this country since the 1960s. Conservatives are the only friends the taxpayers have had since the 1960's. Taxpayers have known ever since the death of John F. Kennedy that liberal Democrats have a soft spot for the IRS and their heavy-handed ways.

It seems that the tradition continues. After having exposed the IRS abuses before a congressional committee, conservatives in Congress propose a bipartisan plan to fix the IRS and bring real accountability to that agency for the first time in a long time.

But the White House does not agree. The White House thinks that the creation of a politically appointed panel that has absolutely no power will really shake things up at the IRS. Hello?

Mr. Speaker, if the White House thinks the IRS is going to change the way it does business as a result of this panel, things are even worse there than I thought. Then again, maybe it is just reflective of their attitude to support the leadership of the IRS over the taxpayers.

WELCOME TO TYLER ADAM GORSUCH

(Mr. CRAPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAPO. Mr. Speaker, I rise today to welcome a new Member to the Crapo organization, Tyler Adam Gorsuch, the adopted son of my administrative assistant Jane Gorsuch and her husband, George. Jane has been with me since I was first sworn into Congress in 1993, and Tyler is their first child.

Tyler arrived in the United States from Seoul, South Korea, on September 4, and now he is 7 months old, happy, and healthy. Tyler is already busy supporting our majority party. He has indicated as only a child can his total support for the family friendly practices in our office, and he is also politically active, as he has volunteered to assist me in my next election. He came to visit my office last week and provided the day's entertainment to my staff. During his second visit to our office he provided invaluable advice to me on the political outlook for my home State of Idaho.

As a father of five children, I understand firsthand the joys of parenthood. My wife Susan and I enjoy watching our children grow through each stage of development, and I know that Jane and George will love and enjoy Tyler just as much.

Congratulations to Jane and George, and best of luck to them as they embark on the most fantastic journey of their lives, parenthood.

BUREAUCRATIC MALAISE AT THE IRS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last year, what did 8 out of 10 taxpayers hear when they called the IRS heartline seeking help to tax questions? Nothing, zip, nada. That is right, 8 out of 10 taxpayers could not even get a hello.

What could possibly explain this pathetic bureaucratic malaise? Is the IRS understaffed? No, one hundred and six thousand employees should be adequate, even if all they did was just pick up the phone and say hello.

□ 1815

Is the problem underfunding? No; $7.3 billion in an annual budget; clearly, that is not the problem. The problem lies with the IRS's lack of accountability.

For years the IRS has bullied, harassed, terrorized the citizens of this country while answering to no one, not even answering the phone. Now, with allegations of taxpayer abuse coming to light, layer of Washington bureaucrats after layer shifted the blame for the sorry state of affairs at the IRS until the President has finally been forced to address the issue. How did he respond? He said, quote: ''I believe the IRS is functioning better today than it was 5 years ago.''

Come on, Mr. Speaker. It is time for the President to get real, get serious, and join the Republican Congress and fix the IRS.

CFC-CONTAINING INHALERS SHOULD NOT BE BANNED

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I call again the Members' attention to a concern I have that the EPA and FDA will ban measured-dose inhalers containing CFC that are vitally needed by asthmatics to treat them when they are suffering from a lack of air to their lungs.

The EPA and FDA clearly are on the wrong side of this issue. There are over 70 types of inhalers today used by asthmatics at a time of critical need. We commend the EPA for attempting to ban CFC in all of our products as they have in hair spray, underarm deodorant, car refrigeration, air conditioning systems, and other things. But the amount of CFC sent into the air by inhalers used by asthmatics is minimal and marginal.

Mr. Speaker, Dr. C. Everett Koop joins us in an attempt to block the EPA and FDA from embarking on this rule that will have devastating consequences to those who suffer from asthma. Thirty million Americans suffer from asthma. Thirty million Americans need this vital medication. Thirty million Americans asked the EPA and FDA to relax this idea and not institute a ban and allow medical science to prove that when we do have adequate medication available, we will then take those products containing CFC off the market.

NAFTA DOES NOT KEEP ITS PROMISES

The SPEAKER pro tempore (Mr. THUNE). Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, they are your typical working family, husband, wife, two kids. Both parents work in an auto plant, but they are still having trouble making ends meet.

They dream of moving into a little nicer home and providing an education for their children, but it is hard to get ahead when they only make $40 a week apiece, barely enough to put food on the table and keep their kids in clothes.

Rafael and Felicia Espinoza work for a large multinational corporation in a maquiladora plant in Reynosa, Mexico, across the border from McAllen, Texas. They make 90 cents an hour. For them, as for thousands of American workers with whom they compete for jobs, NAFTA, the North American Free Trade Agreement, is a series of broken promises.

I sat with Rafael and Felicia last Thursday afternoon in their ramshackle home in one of the hundreds of colonias that have sprung up around Reynosa in Mexico. They have no electricity, no running water. They have a propane tank to fuel their cooking stove, and they have hooked up a cheap little television to a car battery.

They told me their roof leaked. They said they suffer in the winter because the house is poorly constructed. As we talked, their children, happy as most children are when they have loving parents, ran barefoot on the dirt floor. Rafael is a proud man, but he worries about the future because a kilogram of chicken costs up to 30 pesos, about 10 percent of his weekly wage.

NAFTA has failed Rafael and Felicia in part because the Mexican Government refuses to enforce its labor laws. Companies under Mexican law are required to distribute 10 percent of their profits to their workers. Needless to say the Espinosas and their coworkers have yet to see a peso of these profits. The American company claims that it has no profits from its Mexican operations, which they say operates as a cost center, not a profit center.

The NAFTA side agreement on labor has been no help to the Espinoza family. Indeed, they have seen other workers lose their jobs by trying to form an independent union to replace the company controlled syndicate, leaders of which have been known to inform on the reformers.

They are undaunted. ''I am going to continue going forward,'' Rafael said in Spanish, all the while looking straight at me. ''There is no law that says it is a crime to have a real union. Even if they fire us, we will continue fighting until we have a union that will wake up and defend our rights under the law.

''The company says it is losing money, but we know it is not. We need the maquiladoras because of our terrible necessity to be working, but they are taking advantage of us for their own interests. We know the company does not want bad publicity, so why is there such injustice? I am not afraid,'' he continued, ''on going forward for myself and my family for my children. We will not quit.''

A neighbor, Rita Gonzalez, earns about a dollar an hour. Out of her $40 weekly paycheck, her employer deducts $9 for a very small stove which she proudly showed off in her tiny home, one-quarter of her paycheck for the next 52 weeks for an appliance that would not cost $200 in the United States.

While the Gonzalez family was lucky enough to have electricity, they have no running water and no indoor plumbing. Her brother-in-law, who is 25, suffered nerve damage to his face. They think it is because he worked around massive doses of lead at this American company doing business in Mexico, this American company, of course, which does not use lead in its operations in the United States.

The NAFTA agreement has failed utterly to keep its promises to Rafael and Felicia and Rita and thousands of Mexican workers. They have no effective representation in their workplace. NAFTA has failed to keep its promises to thousands of working American families. They cannot be expected to compete for a dollar an hour. And it has failed to keep its promise of a cleaner environment. The border is a disaster area of polluted water and chemical poisons.

A trip to the border exposes almost immediately NAFTA's broken promises. And those promises should be kept before we rush headlong into another trade agreement that punishes workers on both sides of the border.

The SPEAKER pro tempore. The Chair will entertain further 1 minutes at this point.

PAYCHECK PROTECTION ACT

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, yesterday 158 colleagues joined me in a bill that I introduced called the Paycheck Protection Act. This legislation was introduced to address a problem that occurs throughout the country and is a shame when we begin to think about it. It is a problem that not many people know about, except those individuals who are hard-working wage earners throughout the country who happen to belong to labor unions.

Mr. Speaker, what labor unions are able to do in America today is skim off a portion of workers' union dues and put that cash toward political purposes to support candidates which the wage earner may, in fact, not support, and they do this without securing the consent of the worker who earns the cash in the first place.

Mr. Speaker, that is what the Paycheck Protection Act is all about and designed to help, those hard workers throughout the country who are union members who believe they ought to have some say in where their political cash goes, which kind of candidates they might decide to support, and which kinds of political causes they identify with.

Mr. Speaker, it is an interesting battle that is about to begin here in Congress over the Paycheck Protection Act. This is an issue that divides the labor bosses from the rank-and-file union members. The Republican party stands firmly behind rank-and-file union workers, and we hope to get this legislation passed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MERGERS AND LOGJAMS ON THE RAILROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, as ranking member of the Subcommittee on Railroads, I want to talk a little about the problems that I believe many Members, particularly western Members, are going to be hearing about, if they have not already, and those are the increasing tie-ups in the Union Pacific lines dealing from the recent merger of Union Pacific and Southern Pacific.

In some ways it is estimated, if continued under the present direction, this could end up causing as many problems to our economy as the UPS strike. There are many reasons for this. The purpose of my talk is not to point fingers but mainly to look at what are the causes and, more importantly, what can be done about them.

Mr. Speaker, there are many reasons, but basically it stems from the takeover of Southern Pacific by Union Pacific, two large railroads now having to merge their operations, and the logistics have proved to be overwhelming in some cases.

The Wall Street Journal yesterday estimated that there are 10,000 railroad cars a day stuck in limbo; 300,000 cars normally operating under UP and SP have now grown to 340,000, further increasing the congestion.

What has compounded the problems, the slowdowns in deliveries, in some cases the nondeliveries for many days, if not weeks, what has compounded the problem has been the oncoming Christmas season as many manufacturers try to get their products to market.

Also, the predicted good harvests in the Midwest, the fact that the chemical industry has had a good year, particularly along the Gulf Coast, as well as the plastics industry, all of this has overloaded a system that was going through significant transition.

Union Pacific reports some good news, that on September 1, where there were 145 trains a day caught on sidings, that number has been reduced to over 90. However, the speed at which trains have been able to move now has been significantly reduced. That, in turn, means they have to use more locomotives, more crews, to get trains to where they are supposed to go. All of this has resulted in significant economic hardship and could result in more.

Mr. Speaker, the Surface Transportation Board will hold oversight hearings. This has implications for my State of West Virginia because, of course, while we are not a Union Pacific service area, we do have a merger under consideration, an acquisition, as Norfolk Southern and CSX have applied to the STB to take over Conrail.

There are obviously significant differences. Here we are not having one system completely take over another, but at the same time this should be a warning to the Surface Transportation Board and to those who will be involved in that process, the shippers, the consumer groups, and others, to look carefully at this.

Members should be aware that there are significant issues at stake here. What is it exactly that the Federal Government could be doing today, if anything, to improve the situation? How do we deal with this logistical snafu? Also, the adequacy of the Surface Transportation Board.

This body will be renewing and reauthorizing the Surface Transportation Board next year. Is the staffing adequate to do a number of different functions, to review a merger that is presently before the board such as the Conrail-Norfolk Southern-CSX acquisition or merger, and also to review past mergers such as the Union Pacific-Southern Pacific merger in which there is a 5-year ongoing review period? Is there adequate staffing and resources to review pricing issues and also abandonment issues?

This Congress is going to get firsthand a laboratory experiment that it can view in terms of how UP, SP, and the Surface Transportation Board all work their way through this.

As I say, it becomes important because now the Surface Transportation Board has in front of it another significant merger, this one in the East, unlike the one in the West with Norfolk Southern, Conrail, and CSX. There are some similarities, and yet there are also some great differences.

I do urge all shippers and consumer groups and others who might be involved to look closely, since it is presently in the public comment period, about what role they want to play, because what we are learning today is that once this merger is done, we cannot put the genie back in the bottle and we cannot undo it.

It is important that all parties in this situation of Union Pacific, Southern Pacific, Burlington Northern, Kansas City, and the others, be involved in helping resolve the short-term economic problem that is being caused, logistical problems that are being caused, and then look to see how they can be avoided in the future.

It is very likely that when the Congress comes back in another week, Mr. Speaker, there are going to be significant rail issues before it. Amtrak reauthorization will be one, perhaps the Amtrak PEB, but certainly we need to be paying attention to this as well.

□ 1830

The SPEAKER pro tempore (Mr. THUNE). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO THOMAS R. BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. RODRIGUEZ] is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor Mr. Thomas R. Brown, Chief of Recreation Therapy Service at the Veterans Administration Medical Center in San Antonio and national advisor to the National Veterans Wheelchair Games, for receiving the 17th annual Olin E. Teague Award for outstanding work with disabled veterans. The Teague Award, named for the late Texas Congressman Olin E. ''Tiger'' Teague, is given once a year to the VA employee or group of employees whose work benefits veterans with service-connected problems.

Mr. Brown has been involved with recreational therapy at the VA since 1976. A world-class athlete in his own right, he served from 1986–89 as Chairman of the VA's National Sports and Recreation Committee, which oversees the National Veterans Wheelchair Games, the Disabled Veterans Winter Sports Clinic, the National Veterans Golden Age Games, and the National Veterans Creative Arts Festival. Each year, these events inspire thousands of veterans to get out of the hospital and be active and competitive in the community. Mr. Brown continues to serve as national advisor of the Wheelchair Games, which he helped found in 1980.

Mr. Brown's work in the daily therapy of veterans at the VA Medical Center and his leadership in organizing events for disabled veterans at the national level serve as an inspiration, not only to disabled veterans, but to all of our citizens. In dealing with those who have

suffered injury while in the service of our Nation, Mr. Brown stands as a beacon to take the road less traveled, and we commend him for his initiative and industriousness.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, as an American citizen concerned about our Nation's children and as a member of the Missing and Exploited Children's Caucus, I have always admired the work of the National Center for Missing and Exploited Children. This organization, among numerous other tasks, works in cooperation with law enforcement agencies to help locate missing children.

Regrettably, I had the opportunity to see this process firsthand during the August recess. I received a phone call in my eastern North Carolina district office from the parents of a young girl who was missing. I telephoned the National Center for Missing and Exploited Children and was relieved to hear that the center was already working on the case.

Although the following days must have seemed like years to the young girl's parents, the center worked efficiently with the Lenoir County Sheriff's Department and other law enforcement agencies to locate the missing girl. I am pleased to report that those parents got their daughter back safely. The young girl was returned to them as a result of the hard work of the National Center for Missing and Exploited Children and their cooperation with local law enforcement.

Unfortunately, not all parents with missing children see this positive outcome. Each year more than 4,600 children are abducted by nonfamily members. It pains me to say that 800 of these abductions end in murder.

The good people at the National Center for Missing and Exploited Children and a number of law enforcement agencies respond to reports of child abduction quickly, but saving each child is too often impossible. For this reason, the organization not only helps to locate missing children but it also works to raise public awareness about ways to prevent child abduction and exploitation.

Mr. Speaker, America's children are the future of this Nation. I cannot emphasize enough the importance of protecting them from the many dangers that unfortunately exist in today's world.

I would like to take this opportunity to thank the National Center for Missing and Exploited Children and law enforcement agencies throughout America for their hard work and dedication, not only in the case I just spoke of but in their efforts to protect all of our Nation's children. If we all continue to work together, I am confident that we can make the world a safer place for our children.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

[Mr. ENGLISH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington, Mrs. LINDA SMITH, is recognized for 5 minutes.

[Mrs. LINDA SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

BROKEN PROMISES MADE TO UTAH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, many of us know that Utah was not too happy on September 18, 1996 when the President of the United States went safely to the South Rim of the Grand Canyon and declared 1.7 million acres a national monument. The President failed to talk to the governor, Senators, Members of Congress, including one from his own party, and did this thing.

Well, we talked about that this week and a bill went through to try to make sure that does not happen again. I commend my colleagues on both sides of the aisle for helping us out on that issue.

But the part that was not mentioned and that I think is very interesting was a promise that was made by the President on the South Rim of the Grand Canyon. I quote:

> I will say again, creating this national monument should not and will not come at the expense of Utah's children. Today is also the beginning of a unique three-year process to set up a land management process that will be good for the people of Utah and good for Americans.

What is he talking about? What he was talking about is buried in this thing, the largest supply of compliance coal in the world, over a trillion dollars, trillion with a T, and that money, over a billion or so, would inure to the benefit of the education of the children of Utah.

Mr. Speaker, we are still looking for that to be set up. That was an election year promise. I thought it was interesting. He went on to say: ''And I will now use my office to accelerate the exchange process.'' However, that has been 371 days. It would only take an hour of his time to fulfill that promise, but it has never, never, never, never occurred.

I feel a little bad about this.

I will say again, creating this national monument should not come at the expense of Utah's children who just lost a billion dollars on this in royalties.

Now, Mr. Speaker, I think that is interesting. Now we find the thing the other day, that the President of the United States used the line item veto, and he had the right to do that. I have no problem with that, but I sure wish he would talk to the Department of Defense. I sure wish he would talk to the people of Utah.

Because we had another interesting thing happen on June 16, 1995. In Budapest what happened is they stood up and they made the statement, they said 2002 Winter Games will go to Salt Lake City, and America is euphoric, we got the Winter Games. The Governor of the State stood up. And then we got a call. It was on nationwide TV. And who was it? It was from the White House. What did he say? ''Truly, Salt Lake City offers the Olympic family and the people of the world an ideal place to enjoy this peaceful gathering of the world's champions.''

He went on to say: ''I want to congratulate Salt Lake City on their successful pursuit of the Olympics in 2002. This will be an historic event. It's a great event for Salt Lake City. It's a great event for the western part of the United States.'' It is a great thing for the United States of America, and we had the entire support of the Federal Government behind it.

So we went with that. We moved out. We started working on an Olympic village, and part of making this Olympic village would be moving 11 acres from the University of Utah and turning it into an Olympic place for all the world's athletes to come, and they could have nice, new facilities as they compete. And the world, 3 billion people at a time, watches the Winter Olympics.

Gosh, Mr. Speaker, do my colleagues know what happened? He vetoed it. I mean, this was the thing, just like what happened on the $1.7 million promise to the children on education. Another promise to take care of this, and vetoed. Sure would have been handy if we just had a phone call. We could have explained to the President.

The Salt Lake Tribune, the largest newspaper in Utah, in its editorial called it a veto in the dark. I think that says it, because no one was alerted, and out of that, back to point zero.

Well, Mr. Speaker, I do not know where we are going to put all these athletes. I hope somebody can think of something. Possibly there are some World War II tents out there. We can put them out on the west desert, maybe bring in some facilities for them. I sure hope somebody with the vision and planning ability can see how to do this.

It is surely difficult to run a State and run a country when we do not think about it, when we veto things and make hollow promises.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IMPRISONED CHINESE PASTOR XU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, now and then an occasion will occur to shatter our complacency, stir our indignation and seize us with outrage. Too often we take our priceless freedoms in America for granted, but a recent event in China symbolizes the stark contrast between liberty and tyranny.

On September 25, a court in China sentenced Pastor Xu Yongze to 10 years in prison. Pastor Xu, the leader of a movement of more than 3 million Christians in China, was charged with the so-called crime of disrupting public order.

Mr. Speaker, this charge would be laughable were it not so cruel. Pastor Xu is often described as the Billy Graham of China, and he is one of the most well known and widely respected pastors in China.

The Communist authorities first arrested him back in March and engaged in a vicious smear campaign. Their propaganda described Pastor Xu as an evil cult abettor who plays evil tricks on his parishioners. In reality Pastor Xu is a sincere, devout believer who only seeks to serve his Lord and spread the gospel. We have seen this so many times in Communist countries, whether it be Cuba or Nicaragua or Russia, but it is particularly gruesome in China.

Persecution and imprisonment are nothing new for Pastor Xu. In 1988, on the day before he was scheduled to meet with Dr. Billy Graham in China, Pastor Xu was arrested and spent the next three years in prison. Following his release, he courageously resumed his ministry activities.

Reliable reports indicate that Pastor Xu has been beaten and tortured while in prison, and from what we know of the heinous conditions in China's prison labor camps, I fear that his treatment may only worsen.

Mr. Speaker, I believe in a comprehensive, balanced and sophisticated approach in American policy towards China. I believe in trade engagement, a patient dialogue with China. But I also believe in liberty and justice. The time has come to speak out with force against China's outrageous assault on Pastor Xu, human dignity and religious freedom. The values that America stands for and my own conscience demand nothing less.

Mr. Speaker, I have no doubt that my words today may upset some members of the Chinese government. Let me tell my colleagues, I do not care. Let me remind them that I and many others in America have been very patient, and our patience has worn thin, worn very thin.

In May, I quietly wrote to the Chinese Ambassador to politely express my concern over Pastor Xu's arrest. He remained in prison. In June, I led a bipartisan coalition of 44 of my colleagues in writing to President Jiang Zemin, further politely expressing our concern about Pastor Xu. Again, he remained in prison, and we never even received the courtesy of a reply.

In July, August and September, I sponsored and encouraged quiet discussions with Chinese officials about Pastor Xu's situation. Not only did Pastor Xu remain in prison, but the Chinese regime has now given him a 10-year sentence, which I am told is the harshest sentence handed down to a Christian in China since 1982.

Meanwhile, Mr. Speaker, President Jiang Zemin will be arriving in the United States in just a few weeks. I really look forward to the Chinese President's visit. I believe it presents me with an opportunity for dialogue, strong dialogue, and cooperation on issues of mutual interest and concern to the United States and to China.

But I must say, Mr. Speaker, that I am so upset and puzzled by this horrific sentence on such contrived charges that were given to Pastor Xu. Such brazen disregard for American concerns causes me to question China's commitment to a positive, constructive relationship with the United States. As China modernizes its economy, refines its political system and seeks to fully participate in the marketplace of nations, I frankly do not understand why its leadership continues to insist on persecuting innocent people of faith.

I guarantee my colleagues, I personally will make sure that President Zemin's trip here to the United States will not be a happy one.

So, Mr. Speaker, China finds itself at a crossroads. Pastor Xu has been sentenced, but reports indicate that his case may come up for appeal. On the eve of President Jiang Zemin's visit, I believe that the Chinese government has a valuable opportunity to demonstrate its commitment to the rule of law and to positive relations with the United States.

As Pastor Xu's case comes up for review, I believe it would be a very meaningful gesture if the Chinese government were to guarantee that Pastor Xu's constitutional rights are respected, that his personal welfare is ensured, and his situation is favorably resolved.

Mr. Speaker, let me close by simply quoting an earnest plea from Pastor Xu's son:

> Dear friends, I hope that you can help my father. For God and for the church he has sacrificed all that he had. The church in China needs him.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. CRAPO] is recognized for 5 minutes.

[Mr. CRAPO addressed the House. His remarks will appear in the Extensions of Remarks.]

BREAST CANCER LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. MCINTYRE] is recognized for 5 minutes.

Mr. MCINTYRE. Mr. Speaker, today I wish to address an issue of extreme importance to all women in American society, breast cancer. As the most commonly diagnosed cancer among women, breast cancer is the second leading cause of cancer deaths among American women. The impact of this disease cannot be overstated. This year alone over 180,000 women will be diagnosed with breast cancer and 43,000 will die from it.

In a nationwide attempt to raise awareness about this problem, this deadly disease, the month of October has been designated as Breast Cancer Awareness Month. And October 17, next week, has been named National Mammography Day in an effort to encourage women to get mammograms and to make sure that they are joined in the fight against this deadly disease.

☐ 1845

I am joining many of my colleagues in the House, both here in Washington and other concerned citizens back home in southeastern North Carolina, in making sure that National Breast Cancer Awareness Month and National Mammography Day are used as an opportunity to push for the consideration of two bills that have been pending for too long here in this Congress. It is time for these bills to come out of committee, it is time for this Congress to take a stand in fighting a deadly disease that day in and day out is taking the lives of too many women, young, middle aged and old, in our society.

The Breast Cancer Patient Protection Act would end the practice of drive-through mastectomies, and the Reconstructive Breast Surgery Benefits Act would require health insurance companies to provide coverage for reconstructive breast surgery resulting from mastectomies.

Finding a cure for breast cancer is essential, but until it arrives we must address the vital importance of early detection, treatment and recovery from this deadly killer. It is time to take action, it is time to stop the talk and to get on with the walk to walk toward a recovery of this dreaded disease and do all that we can to get these bills out of committee and on this floor and voted on so that our women in this Nation can receive the help they need against this deadly killer. We can and should demand no less.

FAST TRACK LEGISLATION AND THE FUTURE OF AMERICA'S TRADE AGREEMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, before I begin my remarks on fast track legislation this evening, let me congratulate the Fighting Elephants in their victory over the Dunking Donkeys last night in the congressional basketball game. It is a biannual game that we have at Galaudet University, which is the national university for the deaf and hearing impaired. We raise money for that school, and we thank all those on the staff of the Congress and Members who came out. We had over 40 Members participate.

We also thank the Speaker for his participation and for the singing of the National Anthem with the Capital Four. It was a wonderful part of the evening.

Mr. Speaker, I want to talk today about fast track. Last spring a little girl from Michigan, named Lindsay Doneth, was rushed to a hospital with a fever of 103. Her lips were bleeding, she was nauseous and she had sharp pains. As Lindsay screamed in agony, her mom and dad sat by her hospital bed unsure whether their 10-year-old would live or die.

Doctors said Lindsay had contracted hepatitis, a potentially deadly blood disorder. And she was not alone. Area hospitals were being flooded with her classmates from Madison Elementary School. Fortunately, Lindsay and the other students survived the outbreak. Today she and her classmates are back in class. As it turns out, all 179 of them had eaten contaminated Mexican strawberries in the school cafeteria.

Now, I tell this story today because it relates directly to the most important issue Congress is now debating: Fast track and the future of America's trade agreements.

Now, some might ask, well, what is the connection here? What do Mexican strawberries and sick children in Michigan have to do with our Nation's trade policies? Absolutely everything. Every day some 10,000 Mexican trucks line up in the sweltering heat waiting to cross into the United States, honking their horns as the traffic barely crawls forward. I have seen it down on the border.

Overburdened customs inspectors have to wave most of them through because they only have time to check about 1 percent. They call this the wave line down there. They just send the trucks on through. So how many go without inspection? More than 3 million trucks a year. Three million.

Unfortunately, under the NAFTA agreement that was signed into law almost 4 years ago, it prevents us from increasing inspections at the border. Under section 717 of that agreement, searching more diligently for pesticides, toxins, parasites and infectious disease could be considered a constraint, or I should say a restraint of trade.

And it is not just tainted food that is slipping into the country. According to the Drug Enforcement Agency, 70 percent of the cocaine entering the United States now rolls across the Mexican border. One former DEA official called NAFTA, and I quote him, a deal made in narco heaven.

Now, I know that some of my colleagues are thinking to themselves and saying, ''There goes DAVID BONIOR again, attacking NAFTA.'' And it is true I have attacked NAFTA over the years, and for good reason, but my remarks this evening are primarily about the future and about how we can avoid repeating the mistakes of the past.

I bring the case of Lindsay Doneth and the contaminated strawberries only because it raises a critical issue in this debate on fast track. Will the trade deals we negotiate promote rising living standards at home and abroad or will they lead to a downward spiral of dangerous food, of dirtier environment, and of lower wages and benefits?

Let me emphasize here that I believe cultivating healthy trade relationships is critical to America's future. But our prosperity will depend not just on the quantity but the quality of that trade. That is why we must negotiate strong and sensible trade agreements.

As an analogy I sometimes compare foreign trade with a wild horse. With a bit between its teeth, the reins in our grasp, and a firm sense of purpose, we can harness the power and ride it where we want it to go. But if we fail to assert ourselves, we run the risk of being thrown and trampled and left behind.

And so I pose the following question: Will our trade deals carry us into the future or drag us into the past?

At stake in this debate is nothing less than the safety of the food we eat, the water we drink and the air that we breathe. At stake in this debate is the safety of our factories, the stability of our farms and the economic security of working families everywhere. And at stake in this debate are the very values that give our economy strength and our democracy meaning.

There are those who denigrate such talk. They dismiss it as mere idealism. Almost derisively they ask, are these issues really related to trade? And without a doubt, the answer is yes. The world has changed, and the people who would segregate health and safety and the environmental issues during trade negotiations fail to grasp the new reality of this global economy.

Those pushing fast track see trade only in two dimensions, like the flat dusty pages of an accountant's ledger. Like those who scoffed at Columbus for claiming the Earth was round, they cling to the old notions that no longer apply to a modern world. With a lot of talk about the 21st century, they are pulling us back to 19th century conditions: Lower wages, weaker consumer protections, and a dirtier environment. I call that the past masquerading as the future.

Four years ago, when we debated NAFTA, its supporters made some pretty big promises. And today, as we consider fast track negotiations to expand NAFTA to other countries, it is incumbent upon us to review the impact that that agreement has already had. So let us look at it for a second.

In 1993 NAFTA supporters promised that the agreement would generate hundreds of thousands of new jobs. They were wrong. According to the Clinton administration's own assessment, NAFTA-related exports have generated somewhere between 90,000 and 160,000 new jobs. And they quietly say that the agreement has had a modest positive effect on the U.S. economy.

But those figures do not account for nearly 150,000 Americans who lost their jobs as a direct result of the agreement. That figure comes from the Labor Department, and it only includes those workers who received health under NAFTA's narrow trade adjustment assistance program. Other estimates of NAFTA job-related job losses run much, much higher. The Economic Policy Institute issued a report last month that indicated NAFTA has cost nearly 395,000 American jobs.

Whatever the exact figure may be, the Labor Department found, this is our own Government, they found that two-thirds of Americans who lost their jobs due to foreign trade end up with work that pays less than they earned before. Two-thirds of the people. Now, I do not call that progress. I call that slipping backwards.

In 1993, NAFTA supporters promised that the agreements would generate higher wages on both sides of the United States-Mexican border, and they were wrong. Mexican wages along the border dropped from $1.00 an hour, as abysmal as that is, to 70 cents an hour, according to the International Monetary Fund. And tragically that is despite the fact of a 26-percent increase in Mexican productivity over the past 3 years.

So the Mexican workers are working harder, they are producing more, they are more efficient, things are increasing by 26 percent, and they are getting paid 70 as opposed to a dollar when NAFTA was first established.

All this is putting downward pressure on wages here in the United States, affecting our own workers. Last year a Cornell University study found that 62 percent of U.S. companies have used the threat of shutting their doors or moving abroad to hold down wages and cut back benefits and undermine collective bargaining here at home.

Now, imagine that. Sixty-two percent of our companies go to the bargaining table with their workers and say, listen, if you do not take a cut in

wages, if you do not take a cut in benefits, we will shut the doors, or we are moving south to Mexico.

One Michigan factory even loaded an entire assembly line on a flatbed truck, put it in front of the company with a sign that read, ''Mexico transfer jobs.'' The workers got the message very soon, and soon they dropped their push for union representation and a better contract. So it is intimidation, not good faith bargaining, and that apparently has become the coin of the realm.

In 1993, the NAFTA supporters promised the agreement would help boost American exports. United States exports to Mexico have risen. But what NAFTA supporters will not tell us is that most of these are what we call revolving door exports. They come in, they come right back out. United States components sent to the maquiladora factories along the United States-Mexican border for a quick assembly by low wage workers, with no protections and no environmental protections, and immediately shipped back to the United States. They are not even there long enough to have a visa, if they were required to have one. They are just shipped, assembled and right back here.

Dr. Harley Shaiken, an economist at the University of California at Berkeley, found that such exports represented more than 60 percent of the products we shipped to Mexico last year. That is up by half from 1993. And our trade balance? Worse than ever. In 1993 we enjoyed a $2 billion trades surplus with Mexico. That is right before NAFTA. Four years later, after it passed, that surplus has become a $16 billion deficit. I do not call that progress. I call that slipping backward.

NAFTA, which was negotiated on a fast track, has been a self-destructive trade policy. It is one that enriches the economic elites and leaves working families poorer on both sides of the border.

Now, is this really, is this really the model that we want to replicate elsewhere in Latin America and throughout the world? Is fast track a process that we should repeat?

Let us take a closer look at the food safety issue.

Last week, and I encourage anybody who has not seen it, front page of the New York Times, they reported a dramatic rise in disease linked to imported foods, especially fruits and vegetables. Evidence suggest Lindsay Doneth and her Michigan classmates are but a few of the victims of poisoned produce.

In 1996, thousands of Americans fell seriously ill after eating tainted Guatemalan raspberries. The fruit was apparently contaminated with a parasite living in the water used to irrigate the fields. But when an American inspector informed the Guatemalan growers of the problem, the growers got angry. They banished our inspectors and accused the United States of trumping up the health issue as a way to protect California berry growers.

Gabriel Biguria, a leading Guatemalan exporter, called the United States complaint, and I quote, ''a very dangerous tool for protectionism.'' So when we stand on the side of making sure our kids do not get poisoned because they are eating contaminated vegetables or fruits, we are a protectionist. He said that protectionist forces find bugs or whatever to protect their market. It is a commercial war.

Now, I wish I could say that Guatemalan raspberries were the only threat to our health, but they are not.

□ 1900

Contaminated Peruvian carrots, Mexican cantaloupes, Chinese mushrooms, and the list goes on and on and on. The New York Times also reported that while food imports into the U.S. have doubled since the 1980's, inspections have dropped to less than half of what they were 5 years ago. No, I do not call that progress, I call it slipping backward.

As the former FDA commissioner, someone who has immense respect in his field in this country, and around the world, I might add, David Kessler said, ''We built a system back 100 years ago that served us very well for a world within our borders. We didn't build a system for the global marketplace.''

Because crops are, by necessity, exposed to air and water, the safety of the our food is closely linked to the conditions of our environment. I say ''our environment'' because polluted air and water respect no international boundaries; they do not follow the dotted lines on our maps.

When we debated NAFTA the last time around, its supporters promised environmental cleanup on a massive scale. In order to get the votes, they promised a $2 billion set-aside to clean up toxic sites along the border. Today, not even 1 percent of that fund has been spent and factories there continue to pollute at will.

I have seen the pollution along the border firsthand. I visited a field littered with used batteries. It looked like a moonscape covered in white powder, and lead was leaking into the ground right across from the region's largest dairy farm that served literally millions and millions of people. The cows were grazing not 20 feet from the poisons that cause low IQ's and aggressive behavior in children who drink their milk. I have seen Mexican mothers drinking from the same ditches used to flush out factory waste and domestic sewage. I have seen their children playing and bathing in it. It is no wonder birth defects are common in these slums.

The American Medical Association called the border area that I am describing to my colleagues right now ''a cesspool of infectious disease,'' and for good reason; a full 17 percent of Mexican children get hepatitis from contaminated drinking water.

To paraphrase Edward R. Merrill, this is an industrial harvest of shame along the border, an industrial harvest of shame, people living in subhuman conditions, all under our sanction.

In essence, NAFTA gives multinational corporations a financial incentive to relocate environmental regulations where they are the weakest, to locate where environmental regulations are the weakest. So why adhere to higher standards north of the border when they can move south and pollute with impunity?

When multinationals do this, they are just following the market incentives NAFTA negotiators set up, and then they are passing the hidden cost down to us. This sets off a race to the lowest common denominator. While multinational corporations might be able to avoid pollution standards, you and I will not be able to avoid the pollution that they produce.

That is because, as I mentioned earlier, polluted air and water and food do not stop at the dotted line on the map. We breathe it. We drink it. We eat it. A factory spilling filth in Juarez, Mexico, might as well be located in El Paso, Texas, whose residents breathe the same air and they pump the water from the same river as their Mexican neighbors.

So while the economy may not yet be completely integrated, the global environment surely is. And that makes pollution a bona fide trade issue, one with real economic and human cost. Recognizing that requires us to think about trade in a new way and to develop our trade policy accordingly. Addressing these issues in the so-called side agreements, executive orders, and other measures will not work. That was done during NAFTA, and it has not worked.

Last week the President addressed the issue of food safety by seeking to expand the power of the Food and Drug Administration and increase the number of inspectors. He proposed empowering the FDA to ban produce imports from countries which failed to comply with health standards.

Well, I respect his intent, but I respectfully suggest that such unilateral, reactive action divorced from our trade agreements would not be nearly as effective as a proactive negotiation with our trading partners.

By establishing a minimum standard in our trade agreements, we could work together to prevent potential problems from developing in the first place and avoid rancorous disputes down the line. We must adopt this proactive posture if we hope to preserve the standards of our parents and our grandparents and our great grandparents, the standards that they struggled to establish for us.

Just to review history briefly, and I think it is important to do that, we do not talk about history enough and what our folks did before us. Just remember that, at the turn of the century, industrial accidents were killing 35,000 American workers each year. An additional 500,000, a half million, were being maimed. It took a fire that

claimed the lives of 146 immigrant women locked inside the Triangle Shirt Waste Company to ignite a movement for workplace safety. And we got workplace safety standards.

Today, most Americans take their right to a safe workplace for granted. In the fall of 1913, some 9,000 Colorado miners and their families went on strike for an 8-hour day. To break the strike, the mining companies mounted a machine gun on an armored vehicle and dubbed it ''Death Special'' and sent it rumbling out to intimidate the workers. Fighting broke out. The strikers' tent colony was burned to the ground. Twenty-one people were killed, including 11 children. Today, most Americans take an 8-hour day for granted.

At the turn of the century, unscrupulous meat packers were selling carloads of rotten beef to a powerless public. It took Upton Sinclair's 1906 novel ''The Jungle'' to expose this deadly fraud and spark a movement for food safety.

And I could go on and on and on and talk about the movements, the sit-down strike in Detroit, Michigan, that helped create the unions that brought the largest and most bondable middle class in the history of the world in this country.

I can talk about what happened at Homestead in Pennsylvania with the steelworkers. I could spend 5 hours going over example after example of people who came before us who established with their heart and their guts the standards that we enjoy today, people who bled for, were jailed for, were beaten for, and some died for the rights that we so much enjoy.

Until recently, Americans thought they could shop at a supermarket without worrying about the safety of their food. They are not so sure anymore.

I cite these historical examples because I think it is vital to remember where we come from and the sacrifices previous generations made so that ordinary people might enjoy a decent standard of living.

As we approach a new century, these historic gains are being undermined. They are being undermined by powerful multinationals which have no allegiance to this country or any other, only to the bottom line of their quarterly earnings reports. But just as Teddy Roosevelt and the Progressive Movement rose up against the great industries that stomped like giants across America's economic landscape, we will not permit today's multinationals to trample our rights.

As citizens of the United States, we have a vested interest in developing a trade policy that provides market incentives, responsible incentives, responsible behavior on the part of everybody engaged in international commerce.

Fast-track supporters will argue that the United States cannot expect less developed countries to adhere to our standards. Well, they did not make that argument when they insisted on protections in NAFTA for intellectual property produced by major corporations like Disney and Microsoft. We should protect intellectual property. But we should also insist that Lindsey Doneth gets as much protection as Donald Duck. And right now, that is not the case.

Recognizing this requires us to think about trade in a new way and to develop our trade policies accordingly. I am not arguing that other countries must establish the exact same minimum wage as we have, not at all. But we know, we know from our history, that the living standards we enjoy, the consumer protections we rely on, the freedoms that we cherish, the rights that we claim, they just did not happen, and if we are not careful, they could disappear.

From the American Revolution, to the Civil War, to the battlefields of Europe, to the strawberry fields of Watson, CA, to the factories of Flint, MI, Americans have had to fight for opportunity and justice every step of the way. Nothing has been automatic. This should tell us something, that similar progress outside the United States will not be automatic either.

Unchecked market forces alone did not generate safer food, better wages, or a cleaner environment here in the United States, and unchecked market forces alone will not generate them abroad either. There are brave people struggling today for basic rights throughout Latin America, just as our ancestors fought earlier this century for the rights we enjoy in the United States. Our trade policy should help working people get ahead in life, not keep them mired in poverty as NAFTA does.

It has always taken some constructive countervailing pressure to ensure that free market benefits the broad majority, not just the economic elites. That is what the Progressive Movement at the turn of the century was all about.

Today, as the United States embraces a growing international market, our trade policy must help to provide that countervailing pressure, harnessing economic growth for the benefit of many, not just the few. And that is why we need to negotiate tough trade agreements, trade deals that include strong environmental labor and consumer protections, trade deals that promote prosperity and reflect our commitment to democratic values and a decent standard of living. It is not an either/or choice; we can do both. That choice lies in how we structure our trading relationships. America should be negotiating tough trade deals that harness the power of trade and reflect our commitment to democratic values.

Global trade is here to stay. The question is, what are the rules going to be and who is going to benefit? If we do not stand firm against the international tug of lower standards and lower wages and lower benefits and a dirtier environment, then nobody will. If we do not stand firm, all of us will pay the price and so will generations to come.

America must stand up for what is right, just as we have so many times in the past. We must point the way to the future. We must exercise what they call ''leadership.'' Those who support Fast Track often like to bandy that term about. ''America must be a leader,'' they say.

Well, I agree. But what they are proposing is that America lead a retreat to the past. What they are proposing is a policy that has already failed. What they are proposing leads us in the wrong direction. America needs a trade policy that helps build a better future. Hammering this out with our trading partners will not be easy. But that is what leadership is all about, convincing people of a better direction, not just following the comfortable ruts of the past. Leadership is about standing up for what is right, not about caving in to what is easy.

It would be easy to negotiate trade agreements that surrender hard-fought gains of this century, but that would be wrong. It would be easy to set aside the toughest trade issues for the sake of a quick agreement, but that would be sowing the seeds of our own decline.

Fast Track supporters claim that this process is necessary to land important new trade deals. But the administration has already negotiated more than 200 such deals without Fast Track.

Fast Track supporters claim that that process is essential if the United States hopes to boost trade with South America. But in the past year alone, our trade surplus with South America has doubled to $3.6 billion, far outstripping all of our rivals.

Fast Track supporters claim that this is a philosophical struggle, and they label me and my friends wrongly as protectionists. Well, to them I say, the old argument between protectionism and free trade, that died a long time ago. Ours is the debate about America's capacity to shape the future.

But I will tell them, and I will tell them with pride, that I do believe in protecting the air we breathe, I do believe in protecting the water that we drink, I do believe in protecting Lindsey Doneth and the children of America from unsafe food, and I do believe in protecting the American values that endowed our democracy with direction and purpose and spirit and with meaning.

So, as we approach the 21st century, I refuse to trade these away, on a fast track or any other track. America can do better, and we must do better. With a new progressive approach to foreign trade, one built on our democratic values, we can both honor our history and embrace our future.

Mr. Speaker, it is now my distinct honor to recognize and yield to the gentleman from New Jersey [Mr. PASCRELL], my distinguished colleague,

who has been a real champion on this issue and has been here late into the evening talking about this, educating our colleagues.

The gentleman from New Jersey [Mr. PASCRELL] has been a wonderful inspiration. We are just so honored and delighted to have him in the Congress. At this point, I would yield to him.

Mr. PASCRELL. Mr. Speaker, tonight I rise to discuss a matter of great importance to my district and to the Nation as a whole, the issue of the renewal of fast-track trade negotiating authority. This is first a consumer issue, second a jobs issue, and third a wage issue.

□ 1915

The previous speaker, the distinguished gentleman from Michigan [Mr. BONIOR], has clearly defined the parameters of this debate very differently than the administration.

As the debate moves forward, and as supporters and detractors of the measure voice their positions, I rise tonight for the purpose of clarification and to share the conclusions that I have come to regarding this important issue.

The President's measure seeks to extend fast track authority for 8 years. As such, it sets our national trade policy as we approach and then enter the 21st century.

No one doubts the fact that we do live in a global economy and that nations are more interconnected than ever before. No one doubts that if we are to retain our preeminent position in the world, we must lead from strength, both economically and morally.

For me, global leadership in the area of international trade means that fair trade should not be subordinated to the notion of free trade. We must trade with other nations on an equal footing and not sacrifice American jobs to those earning a lower wage, particularly when that nation has not yet achieved our level of social, economic and environmental development.

The proponents of fast track argue that the administration deserves this ability based on what they perceive as a successful NAFTA policy. They point to the creation of 311,000 new jobs. I take exception, and many take exception, to this figure and cite an alternative one documented which states that 600,000 jobs have been lost during NAFTA's first 34 months. In northern New Jersey alone where I live, statistics show that approximately 15,000 jobs have been lost since 1993. Many companies in my district, small machinery, apparel, textile, foot wear, specifically point to NAFTA as the proximate cause of the reduction in their business.

This leads me to my next point. Fast track is about jobs, but just as importantly, it is about consumer safety in areas like imported food; it is about the environment and environmental degradation; about labor rights and the viability of small businesses; and finally, it is about the consumers paying a reasonable price for goods. We should not lower our standards and sacrifice consumer safety and environmental protections and labor rights simply because we subscribe to the notion of free trade, which has proven to be a myth in the last 4 years.

Trade policy needs to be inclusive regarding these important elements, not exclusive. Labor and environmental provisions need to be in the core agreements, not in unenforceable side agreements which put our workers and our jobs at risk and in jeopardy. If we do not lead from the high ground, we will relinquish all that we have accomplished in our long process to achieve the society that we now live in, the greatest democracy in the world.

The argument that this fast track legislation represents forward progress rings hollow to my ears and to many of my colleagues. The facts and figures and anecdotes we are about to discuss will bear this out. We need a forward-looking trade policy, not one that looks backward.

Mr. Speaker, in the very short period of the last 3 years, the consumer in this country is now in a position never before, never before experienced, and that is, imported apparel to the United States of America is now 2.2 percent higher than domestic apparel.

Yet, when we look at these charts, we see that in imported apparel to the United States of America there is a retail market of 55 percent, compared to 50 percent in those domestic goods made here. Yet, when we look down lower to imported goods, only 1 percent of the total picture goes to manufacturing labor. In our chart to my far right, the domestic apparel takes up 15 percent for labor.

How can our workers compete against these figures? And yet, at the same time, our wives and our loved ones go into stores and pay much more for goods that are being paid for and manufactured for literally bowls of rice in certain parts of this world. This is not an open market, this is constriction. This is not helping the American consumer, this is hurting the American consumer. This is not creating jobs, this is hurting jobs in America. We need to stop exporting those jobs.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, my colleague makes a wonderful point here. What he is saying is that the wage being paid to workers in other countries to manufacture this apparel is one-fifteenth, if I am correct, of what was being paid to American workers to manufacture the apparel here.

Mr. PASCRELL. That is exactly what I am saying.

Mr. BONIOR. And yet, Mr. Speaker, those products when they come here have a price tag on them comparable to what the prices are here, or even more, so someone is doing very, very well.

Mr. PASCRELL. Very well.

Mr. BONIOR. It is not the worker here, because they are losing their jobs to people who are getting paid less there. It is not the worker there, in Mexico. As I pointed out, their wages have gone from $1 an hour to 70 cents an hour, despite the fact that they are producing 26 percent more. It is not the consumer that is getting the benefit, because the rates they are charging for this apparel are the same or even more when they come in here, so what is going on here?

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, the gentleman asked the question, and I think everyone knows the answer: Who is making the money? It is certainly not Main Street, it is Wall Street.

The gentleman and I certainly disagree on several issues, but I think people understand, throughout their districts across America, who is making the profits. It is very, very obvious that it is a quick kill, it is a quick buck. And regrettably we have too many people in this Chamber on both sides of the aisle, and in this administration and in past administrations, that are so concerned about their friends on Wall Street, so concerned about some businesses that might make a quick buck, that they forget all of the people that are getting crushed in the meantime.

It is something that concerns me greatly. It concerns me when we have the debate over China MFN, it concerns me when we talk about other countries. It seems to me that in this day and age, everybody is open to the highest bidder.

In a fireside chat F.D.R. made in 1938, he said at the end of his speech, and in the deepest, darkest time of the Depression, he said, ''My fellow Americans, things are bad, but at least we are having a financial crisis and not a spiritual one.''

I would say when we turn our jobs over to the lowest bidder across the world, be it in Mexico or China, or now in the areas that we are talking about going into, that we are having a crisis of the American spirit that F.D.R. warned about 50, 60 years ago. And despite our disagreements on other issues, I thank the gentleman for bringing this very important issue up.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution. I think he has hit it right on the head.

The regrettable part of all this, of course, is that people look at the economy and the unemployment rates today and they say gosh, unemployment rates are down. But as we illustrated in our discussion just this evening, those 395,000 Americans who lost their jobs in the last less than 4 years as a result of NAFTA, according to the Economic Policy Institute, almost 400,000 people, what they did, they found other jobs, most of them, but two-thirds of them found jobs that paid less.

That is what we mean when we talk about downward pressure on wages, downward pressure. Because of the leverage that the multinationals hold over workers, the leverage because they can go to places like Mexico or Malaysia or other places and they do not have to adhere to these environmental standards; they do not have to adhere to any wage and safety laws; all of the things, as I said earlier, our parents and grandparents and great grandparents fought for and that we take for granted today.

Mr. PASCRELL. Mr. Speaker, before I yield to my colleagues, I just wanted to bring out something that both of my colleagues have mentioned, and that is in terms of wages. Just today in the papers in New Jersey, and that is in 1990, if one was making in the area of $44,000 to $45,000 a year, since that time, in that 5- or 6-year period that we have the statistics for, one's wages increased $104 in those 5 years. Anything below that, anything below that, and that means a lot of folks in my district, the Eighth District in New Jersey, the losses can be anywhere from $800 to $2,000. Those are astonishing numbers.

Now, we want and believe in trade, but we want our workers and our businesses to benefit. We have redefined the debate very significantly, because this is not labor versus business. Many of those who oppose fast track in my district own businesses and are very conservative, austere business people who are being hurt, and they understand what is going on very well.

So to define this as this against that, we are not going to accept that this time, are we?

Mr. SCARBOROUGH. And if the gentleman will yield again, the numbers, there is such a difference between those two numbers, and I think it illustrates very vividly that we can seek middle ground. I am a conservative, laissez-faire free trader, and yet, that does not mean we have to be dumb.

We can fight for fair trade, but for some reason, if we engage in this debate and say, ''Hey, wait a second, let us just make sure, maybe we will not have a level playing field with Mexico, let us just make sure we can at least get in the game,'' then all of a sudden we are attacked for being an isolationist or a protectionist or having our head in the sand and not understanding the realities of global economics in the 21st century.

I think they are setting up false choices and I think the numbers that the gentleman points out illustrate that vividly. We can find middle ground on an issue like this, but this certainly is not middle ground, this is extremism on the side of just blatantly unfair trade.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Florida [Mr. SCARBOROUGH] for his comments, and I thank the gentleman from New Jersey [Mr. PASCRELL].

A SCANDAL-RIDDEN ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 30 minutes as the designee of the majority leader.

The SPEAKER pro tempore [Mr. THUNE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 45 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I certainly appreciate the gentleman yielding me some time to discuss some very important issues regarding trade, and we certainly did find some agreement on that issue, and we have found agreement on several other issues.

One area, though, where obviously I have been in disagreement with several friends on the other side of the aisle and that many of us have found disagreement with many of the other Members on the other side of the aisle has to do with some of the horrifying, more horrifying aspects of the current campaign fund-raising scandal that is gripping the White House and actually forcing them to engage in a bunker mentality that is really bringing about some pretty devastating results, and I would say could possibly be causing a constitutional crisis.

□ 1930

I say that because this scandal reaches far beyond the walls of the White House. We found over the past several years, mostly from very astute reporting from The Washington Post and from The New York Times and from other media outlets, print media outlets that had to investigate this because, regrettably, the Justice Department has not been doing the job, we found some very, very shady activities going on between the White House, the Democratic National Committee, the CIA, the FBI, the National Security Council, the INS, possibly the IRS, the Office of the Presidency, the Office of the Vice Presidency, the Commerce Department, the Energy Department, and just about every other administrative agency across Washington, DC.

Mr. Speaker, what is causing a constitutional crisis is the Justice Department's apparent willingness to sacrifice its role as a fair and impartial observer of scandals that are swirling around the White House. In fact, in 1993, a more independent Janet Reno, the Attorney General, talked about the inherent conflict between the Attorney General and the President, saying that it was very hard for these two people to work together in investigations.

Maybe that is why The New York Times wrote just last week that Bill Clinton and Janet Reno could no longer be trusted to investigate these matters. Now we find the President's past chief counsel coming to the Senate this past week talking about these coffees. Now, I think most Americans have heard about the infamous White House coffees where the President would bring in donors, they would have a coffee, then they would sort of get shaken down, they would get the finances, and there would be a fundraiser on Federal property, then they would leave and give the checks to the DNC.

Well, it is very obvious that these were fundraisers. And, in fact, I hardly think there is a reputable member of the mass media or this Chamber that could tell my colleagues with a straight face that they were not fundraisers. But, unfortunately, the White House continues to underestimate the intelligence of the American people.

Mr. Speaker, a headline in yesterday's newspaper talks about Harold Ickes. ''Ickes insists coffees were legal,'' says the headline, ''testifies that the sessions were not fundraisers.'' The article says the following, ''Harold Ickes, the former White House aide who ran the Clinton-Gore reelection campaign, deflected questions from a Senate panel yesterday and insisted that the slew of Presidential coffees that raised more than $26 million were not fundraisers. 'There was no admission charged,' said Ickes. 'There were people who came to the coffees who never gave a dime.'''

Mr. Speaker, this strains all credibility. We know that $26 million was raised at those coffees. We also know that there is a Democratic Senator who, after investigating this, said that, yes, we Democrats have to admit that at least 103 of those coffees were fundraisers. Over 100 of the coffees were fundraisers. A Democratic Senator admits on the investigating panel, and yet Mr. Ickes claims with a straight face that these were not fundraisers.

There was a memo to the President of the United States talking about these fundraisers, explaining how they needed to have fund-raisers, more coffees, explaining how they needed to sell access to the Lincoln bedroom through fundraisers. Mr. Speaker, despite that, despite the fact that the President signed off on those memos approving fundraising coffees and fundraising sleepovers at the White House, they still come to us with a straight face and say they were not fund-raisers. How stupid do they think the American people are?

I think most telling though, and I am going to ask the gentleman from Indiana [Mr. SOUDER] for some clarification here, perhaps most telling is the fact that we had a White House that obstructed justice, in my opinion, and in the opinion of many other people, by refusing to turn over tapes that they had in their possession for 7 months.

Mr. Speaker, it is a tape scandal, and it smells an awful lot like the Watergate tape scandal of 20 years ago. But it is a tape scandal where they were asked to turn over the evidence, they claimed they did not have the evidence, just like the First Lady claimed she did not have billing records on

Whitewater issues and then they turned up mysteriously 2 years later.

So they did a computer check to try to find out whether they had these tapes or not. When they did the computer check, they checked under ''coffees'' and what did they find? 40 hits? 43?

Mr. SOUDER. Mr. Speaker, if the gentleman would yield, I think that they initially found 44, and now they found 140 allegedly under ''Democratic fundraisers.''

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, but then The Washington Post editorializes, when they redid their search and typed in ''Democratic fundraisers,'' they came up with over 100 hits and over 100 tapes. So we get these tapes turned over, and what do we find magically? That the tape with John Huang, a central figure in this investigation, mysteriously has the audio erased.

Mr. Speaker, I think maybe they had Richard Nixon's secretary who erased 18 minutes or so of tape, possibly, 20 or 30 years ago working for the White House, because now we find that we have an entire coffee erased, and yet they come to us with a straight face and they say that these were not fundraisers.

It is absolutely unbelievable. So unbelievable is the charge that The Washington Post wrote an editorial earlier this week called, ''Giving faith a bad name.'' I have got to tell my colleagues, this is what is disturbing to me, a conclusion reached by The Washington Post, because as a student of history, as somebody who cites Harry Truman and Bobby Kennedy as two of my biggest heroes, I do not think it is in this country's best interest for us to have a failed presidency. It is not in my interest to have a failed presidency. It is not in anybody's interest in this Chamber to have a failed presidency.

I think even more dangerous for us is if we allow the entire system of the United States Federal Government to fail. If we allow this constitutional crisis to come and go with the President, the Vice President, and other Members of the administration being able to do the bait and switch on the American people, being able to engage in coverups, being able to engage in illegal activity and not at least be called on it.

This is what The Washington Post said earlier this week: ''The attitude of the White House towards telling the truth whenever it is in trouble is the same: Don't tell it.''

It is The Washington Post saying the White House's policy on telling the truth if it gets uncomfortable is to simply lie. That is not a lesson that I want my two boys to learn when reading American history.

The Post goes on to say, ''Don't tell the truth or tell only as much of the truth as you absolutely must, only if it helps.''

They go through a laundry list about the White House firing Travel Office officials in the first term, then they tried to get, and this is a direct quote, ''they tried to get the FBI to sign off on a press release suggesting that the firings had been a result of suspected wrongdoing.'' And why were they doing this? They were doing this because the President had a cousin and they had some friends in Hollywood and Arkansas that wanted to get the business. So when they got caught trying to divert business over to their buddies in Arkansas and Hollywood and to the President's cousin, they then pick up the phone, call the FBI, and try to pressure the FBI into saying these people were fired for wrongdoing. That is unbelievably shameful.

Yet, Mr. Speaker, I have yet to hear a Democrat in this House condemn that behavior. I have yet to hear a Democrat in this House once raise their voice in concern over the fact that later on this administration used Craig Livingstone to illegally seize 900 FBI files of their political opponents. I remember Chuck Colson being sent to jail two decades ago because he misused one FBI file. This administration illegally seizes and misuses 900 FBI files of average American citizens for their own political purposes, it was the President's political hit list, and yet nobody, not one person on the Democratic side raises their voice in concern.

The Washington Post continues: ''It's still not clear who may have taken what and at who's orders out of the Office of Deputy White House Counsel Vince Foster after he committed suicide and while the police were still investigating it in 1993. Whitewater prosecutors want some of Mrs. Clinton's billing records having to do with her work at the Rose Law Firm before coming to Washington. They cannot be found,'' says The Washington Post. ''Then miraculously turn up one day in a box on a table in the White House. Webster Hubbell is driven to resign as Associate Attorney General and before he is being sent to jail, he is being pressed by prosecutors to tell what he may know regarding the looting of a savings and loan at the heart of the Whitewater affair. Lucrative jobs are found for him, which prosecutors think may have been to keep him quiet.''

The Washington Post says, quote, ''First the White House says that no one there, including the President, even knew about the jobs. But then it turns out, yes, they knew, but, quote, 'The key thing is that with regard to the main job, neither the President nor his top aides had,' quote, 'any knowledge of Mr. Hubbell's retention prior to his being retained.' ''.

As to the campaign stuff, The Washington Post continues, this week, ''Their first reaction to the name of John Huang is to suggest they have never heard of him. That was before it turned out that he had visited the White House 78 times in 15 months.''

The Washington Post continues. ''Vice President GORE first said he thought the purpose of the fund-raiser he attended in a Buddhist Temple in California in 1996 was community outreach. When his recollection was refreshed by documents to the contrary'' says The Washington Post, ''he authorized an aide to say he had known the event was, quote, 'finance-related' and should have said the purpose was, quote, 'political outreach.' Later another aide said the purpose was donor maintenance.''

And then The Washington Post asks the question, ''Who thinks of these things?'' And the Post concludes, ''and they go on and on. They keep asking,'' the White House, ''indignantly, even a little petulantly over there where they are not believed as to why they keep putting out their successive version of the story. Can anyone really believe they do not know the answer and can anyone believe that this is on the up and up?''

Mr. Speaker, I have got to tell my colleagues when The Washington Post is writing things like this, when they write the attitude of the White House toward the truth is whenever it is in trouble, it is the same, ''Don't tell it,'' when The New York Times editorializes last week that you cannot trust the President or the Attorney General to investigate some of the most serious campaign-related charges in this republic's history, I have got to tell my colleagues, it causes me grave, grave concerns.

If we read through this and read what the Post says and read what the Times says and then say why is there not a single Democrat standing up other than JOE LIEBERMAN in the Senate, and saying that they have a concern? Is it because that maybe all of them are illegally profiting from this?

I mean, when the New York Times on Wednesday September 10, 1997, writes in its headline, ''Democrats Skim $2 Million to Aid Candidates, Records Show,'' this is very serious. Even their own donors are concerned. Even good Democrats across the country who have contributed to this White House and to these Members in Congress are being set up. One was quoted in the New York Times as saying the following: ''Whoever did this should go it jail. This is illegal, and they knew it.''

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This is illegal and they knew it. The Times said that was a Democratic Party contributor who requested that their name was not to be used.

We go on and we find out on the same day, Wednesday, September 10, that the chairman of the Democratic National Committee admitted arranging access for donors. In fact, the DNC chairman admitted that he arranged for an international fugitive to get into the White House.

Now, how did he do it? The first thing he did was he had a meeting with the international fugitive. The international fugitive said, ''I have this business deal, I want to get it through the White House.'' The international

fugitive goes to the DNC chairman, says, ''Can you get me in there?''

The DNC chairman writes on his notes of this meeting that he is having with this international fugitive, ''Go to CIA.'' It is that clear. He said, ''Call CIA Bob.''

The National Security Council in the meantime had an aide that said we should not be letting an international fugitive into the White House to meet with the President. But then the DNC chairman calls the National Security Council and says, ''Go ahead and let him in. We will have the CIA call you up and tell you that everything is okay.''

In fact the White House aide testified that she was being pressured to let this international fugitive in. She also cited Energy Department officials and the CIA during her testimony before the Senate hearing. She was quoted as saying, ''I was shocked. I said, what the hell is going on? Why are you guys working with Fowler?'' Who is the Democratic National Chairman.

Well, when we finally had the international fugitive come and testify before the committee, he admitted he got access by giving the Democrats money. And when he was asked if he had any concerns about it, he gave them $300,000, he said, ''Yes, I did have a concern. I think next time I will give $600,000.''

So what did the New York Times say about the White House using the CIA, using the NSC, using the Energy Department and using the Democratic Chairman to get an international fugitive an audience with the President of the United States so he could give them $300,000? The New York Times editorialized that the international fugitive actually was affirming that in the shadowy regions of the international business world it was believed accurately that during 1996 dubious entrepreneurs could buy White House audiences, particularly if they did not quibble about the cost of the ticket.

The Times went on to say, that so many high level people even took the party's role into consideration is one of the most shocking lapses of judgment. That is the New York Times, usually a friend of Democratic White Houses.

Then we go on talking about the Democratic National Chairman's selective memory. Remember, this guy had sat down with an international fugitive. The international fugitive wanted access to the White House but the National Security Council would not let the international fugitive into the White House. So the international fugitive goes to the Democratic Chairman, ''I am an international fugitive. I need to get into the White House. I got a friend at the CIA. Can you give Bob a call?''

So the DNC chairman says, ''Sure.'' Chairman of the Democratic National Committee, I guess he had contacts. He said, ''I will call the FBI or the CIA.'' So he calls the CIA. The CIA lets the international fugitive into the White House. They circumvent the NSC. International fugitive goes in.

And then when he is asked by the Senators what happened, he says, ''I have no recollection.'' Now, that is going around in Washington these days. I think if you mix water from Washington, normal tap water from Washington with a subpoena regarding the White House, it is an instant formula for amnesia.

And this is what the New York Times said about the DNC chairman who used improper contacts to get international fugitives into the White House: ''Yesterday's testimony yet again punctuates the fiction that abuses that occurred were solely the responsibility of the Democratic Party and not this White House.''

I will say one more thing, and then I will yield to the gentleman from Indiana, who has some great points about this. This is what the Democratic National Chairman wrote on a paper he had during a meeting with the international fugitive. He said, ''Go to CIA.''

Of course, the caption here says, ''Democratic National Committee Chairman Donald Fowler handwritten notes reminding himself to use the CIA to intervene on behalf of an international fugitive for Democratic Party fundraising.'' That is not New York Times language. That is my language on what ''go to CIA'' was all about. Go to CIA. Yet despite the fact he wrote this down, ''go to CIA,'' he claims he did not remember.

Let me tell you something, Mr. Speaker, I have got to say, if I am the chairman of the largest political party in the United States of America and I am approached by an international fugitive, first of all, I stop right there. Say, ''Sorry, bud, we are not dealing in international fugitives this election. You can try another party.''

But let us just say that we get past that. An international fugitive says, ''Okay, I have got this problem. So maybe I embezzled $3 billion from a Lebanese bank, but I have to get in to see the President because I have this pipeline deal and I think it is going to make me some good money. But I have to get in to see the President. Can you get me in to see the President?''

If I were the chairman I would say, ''What is the problem? Why can you not get in to see the President?'' Then if he said to me, ''Because the National Security Council committee staff member told me I could not get in because I am an international fugitive,'' I would end the conversation there. I have got nothing to say. Go on your way.

But he went on anyway. He said, ''I got this friend at the CIA called Bob.'' And so he wrote down, ''Go to CIA Bob,'' the Democratic Chairman did. And he called CIA Bob and he said, ''Bob, can you help this international fugitive get into the White House? He has got 300,000 to give.'' Bob says, ''Sure, no problem.''

So Bob calls the National Security Council and tells this do-good staffer that she really needs to let this international fugitive in to talk to the White House. And just for good measure they call an Energy Department official to lean on this do-good staffer who thinks, I guess in 1996 this was a radical thought, but who thinks that there is something improper about allowing an international fugitive into the White House to give $300,000 to lobby on another shady international deal.

Yet despite all of this, we have the chairman of Democratic National Committee going before the Senate panel and saying, ''I have no recollection.''

I think I would remember if I wrote down ''go to CIA on behalf of an international fugitive.'' I think most people in my district would remember that. I can remember the last parking ticket I got. I can remember the last speeding ticket I got.

This has nothing to do, my life is very boring. I have never had to try to get an international fugitive into the White House by circumventing the NSC or the using the CIA or the Energy Department. Maybe he lives in such a wheeler dealer international finance world that maybe this is all very boring and bland to him. But if it is, that is very disturbing to me.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. SOUDER]. Maybe this happens in Indiana. It does not happen in Florida.

Mr. SOUDER. You are jumping to the conclusion that that is the famous CIA. It could be a local agency. It could be a grocery store with those initials or something.

Mr. SCARBOROUGH. Commercial International Ant collectors.

Mr. SOUDER. I had a couple of points that I wanted to make. I hope we can take a little bit of time tonight to review our first day of hearings in our Committee on Government Reform and Oversight. But one of the things that you have already referred to eloquently a few times is this problem of the videotapes, in particular the missing audio on the most critical tape thus far that we know.

I wanted to read a little bit from an opening statement of the chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice, when he was talking about the White House communications agency better known as WHCA. A clear picture is emerging and it has four distinct components: the utter lack of internal controls at WHCA, the problem of WHCA mission creep, the absence of accountability, and the disturbing pattern of White House obstructionism. Because it is most disturbing, I want to start with White House obstructionism we have encountered in this investigation.

Now, the reason I wanted to open with that, because I am vice chairman of this subcommittee, at the time this was Congressman Bill Zeliff's opening remarks. This hearing was over a year ago. The agency we are talking about,

WHCA, one of things we were raising a concern about, little did we know what we were up against here and why, was the White House Audiovisual Unit, with 111 personnel, which provides sound and light systems, lecterns, flags, seals and teleprompter support for White House media events. It also makes audio and video recordings of all presidential events for the national archives.

Now, we thought we were dealing, we had no idea that there were tapes of coffees marked supposedly as democratic fund-raisers in their own system. But these were the statements written a long time ago, long before we knew about these particular tapes.

Beginning in March 1994, the White House stubbornly opposed an audit as a potential breach of national security. When Congress pointed out that most of the information involved was not classified in any way, to my dismay, now that we have an audit report and are conducting hearings, the White House again is doing its best to obstruct and hinder these hearings by withholding witnesses and by altering testimony.

We had the person they sent change his testimony several times. The GAO did a study that said that one of the problems was a separation of the accountability of this division, which is funded by the Department of Defense, and control, which was under the White House, to the point of writing and editing the statements of the Defense people we had.

It is time for our subcommittee to have investigations where we call in the Defense personnel and say, where are the tapes? The tapes that were played on C-SPAN were clearly edited. They clearly were only short parts, key audio is missing.

Mr. SCARBOROUGH. If the gentleman would just say, what does it say on the tape?

Mr. SOUDER. ''Sorry, audio missing.'' In other words, even in their editing they showed part of a tape with John Huang, who in this case is the person who allegedly made the statements about fund-raising there, and miraculously, like the missing Rosemary Woods section in the Watergate tapes, it is gone.

We need to have immediate investigations into what has happened to these tapes because my impression, although we had a different impression at the time, was that what we were looking into, which was some purchases that were questionable and procedures in the WHCA office, that the reason the administration may have been stonewalling us long before this committee, the full Committee on Government Reform and Oversight ever looked at it, is they knew these tapes were in there and they have been stonewalling us long before March 4. They were stonewalling us way back to June.

One of the things I also wanted to point out tonight is that one of the concerns that we have had is what are the linkages. As we talk about today's first hearing, we are going to be dealing with little pieces here and there that are hard to understand in the big picture.

The big picture really has two parts. One is, has foreign money penetrated our system and what did we lose because that foreign money penetrated? And secondly, the other party keeps throwing up things, ''Dole did this.'' If Dole was President, first off, if anybody violated the law, they should be found guilty, as is the case with some people who contributed to the Dole campaign. If Dole was President, we would be asking questions of him. But nobody is even saying there is a fraction of the amount of money that dealt with the Dole campaign that is dealing with others.

When we looked, as I have pointed out, in the past at other scandals in American history, you do not say, this one or this one could have been, you look at what is in front of you.

We have a second problem, not just the foreign money but what else is for sale in our government. I want to give you the example of one case that I would like to insert into the RECORD, the full article. It has to do with the man who was recently nominated for Ambassador to Singapore.

He is a friend of Mark Middleton, who certainly has been involved in this and called, because Mark Middleton has been tied to the Indonesian Riady family who have given hundreds of thousands of dollars of questionable contributions to Democrats; to Charlie Trie, an Arkansas restauranteur suspected of funneling campaign money from China; and to disgraced former associate attorney and Clinton friend Webster Hubbel. He had been in the White House prior to this. Then post-White House he went on the payroll of Steve Green. Steve Green has been a long time friend of the President of the United States. He has been a fund-raising star for him, worked for Mack McLarty, a boyhood friend and right hand man.

He has given lots of funds to the Democratic Party, $11,000 at one point and others. He has slept in the Lincoln bedroom. He and his wife spent the night of their 28th anniversary in the Lincoln bedroom. If you are a friend of the President and you have given legal money, I am not complaining that you stayed in the Lincoln bedroom. We are a little concerned that there seems to be some tit-for-tat there, but okay, that is going to happen currently.

But it is really interesting because this man has several times asked for favors, which included Samsonite luggage, of which his conglomerate is a primary owner. He flew on three of the late Commerce Secretary Ron Brown's overseas trade missions. He also happened to sit with Ron Brown at the swearing in of the President last time. Furthermore, just recently, just recently the company that he heads, actually it is not just recently, it was about a year ago, they announced that Samsonite, which has an 80 percent controlling interest in Luggage Distributors of Singapore, has decided to expand into Asia and that Singapore is now going to be their launching point for expanding Samsonite.

I want to reestablish this point because this stuff gets confusing, but it is here and this is the type of thing we are looking for. I am not saying there is guilt here, but I am saying this is why time after time after time people are becoming suspicious. This man is a friend of Bill's. He stays in the Lincoln bedroom on his anniversary night. He gives $11,000 to the committee. He flies with Ron Brown overseas on several missions. He sits with Ron Brown at the inauguration. Then his company that he is working with targets Singapore and moves into Singapore. Now he is nominated for Ambassador to Singapore.

What do we have for sale in our country? It is one thing to say you gave to the President so we are going to give you an ambassadorship. We have had that problem for a long time. It would be nice if we could clean up our government that way. But usually we do not give ambassadorships to people who have direct business interests in the country they are about to head to, and what we have done is seen this system, which was marginal in the beginning, and I, for one, favor reform of the system, taken to a degree that we have never seen before. It is shocking.

Mr. SCARBOROUGH. It is shocking that we now have a White House that sells access not only to the Lincoln bedroom, not only fund-raises on Federal property, which is illegal, but allows business people who are trying to muscle in to a new market to get ambassadorships.

The thing is, I have heard about this moral equivalency that everybody does. That is the most cynical, cynical tack I think I have heard. Everybody does not do it. The Bush administration never sold access like this. The Reagan administration never sold access like this. You see piles and piles and piles of newspapers, independent newspapers, and the New York Times, the Washington Post, talking about unprecedented financial campaign abuses. Yet it is just their tack.

They talk about how we are somehow partisan. Yesterday in the hearing, the opening day of the hearing, they said we were evil, that it was a witch-hunt, that it was a fishing expedition, the same thing they were saying when they got frantic when we found out that they had illegally seized 900 FBI files of the President's enemy list about a year or so ago.

Another thing, they talked, yesterday, they are doing anything they can to change the subject. Yesterday in the opening testimony we actually heard that because we were investigating the President in that one committee, that children were starving and that children were freezing to death and going

homeless, because we wanted to do what the New York Times, the Washington Post, and every other reputable media outlet has said we should do.

□ 2002

One other thing. I started out talking about how I thought Ickes played us all for fools. I guess they think anybody between flyover space between New York, D.C. and L.A. are somehow hayseed fools, and a lot of them really do believe that, by the way. They are talking about how it is legal to raise money in the White House; that the Republicans are making something out of nothing and that the media is making something out of nothing.

I wanted to read to my colleague what was in Investor's Business Daily yesterday. This is a quote from the President's first counsel, Bernie Nussbaum, not a Republican loving man. Very partisan. This is what he wrote to the White House. And this was on July 12, 1993, well before all this mess started. So they were on notice. This was from Bernard Nussbaum to all the White House officials. ''A number of criminal statutes prohibits the use of Federal programs, property or employment for political purposes.''

Nussbaum went on to explain, ''This means that fund-raising events may not be held in the White House; that no fund-raising calls or mail may emanate from the White House or any other Federal buildings.''

Nussbaum went on to explain to the President and his people. ''No campaign contributions may be accepted at the White House or in any other Federal building.''

Maggie Williams did that. We find out now the President, the Vice President, the First Lady made official phone calls, made campaign phone calls from the White House.

And he concluded by saying, ''White House telephones must not be used even locally for regular committee activities such as recruiting volunteers or fund-raising.'' That was Bernie Nussbaum.

Judge Abner Mickva said the same thing a year later when he came on. He said it was very illegal. He said stay away from it or it is going to get you an independent counsel.

Mr. SOUDER. So if the gentleman will yield. What the gentleman is saying is that Vice President GORE, who was a member of this body and knew full well he could not use any Federal buildings for fundraising, had been through that here, and Vice President GORE had been a United States Senator and knew that he could not use Federal buildings for fundraising, was also told by two legal counsel at the White House that he could not do it? So he has ignored four warnings?

Mr. SCARBOROUGH. He ignored an explicit warning, as did the President, according to Washington Post reports. They ignored explicit warnings from their own attorneys: Do not raise money by making phone calls from the White House.

And, of course, we remember their first tact was, well, we cannot remember making calls; do not think we made the calls. Later on they said they did make the calls. The Vice President said he made the calls, he was proud of what he did, and he promised never to do it again. Of course, he had that pathetic legalistic excuse that there was no controlling authority.

But it is a shameful episode. They think Americans are stupid. While they obstruct justice, they think Americans are stupid. While they ignore the advice of their own counsel, they think Americans are so stupid, and they think that there are so many scandals swirling around this White House, that Americans will simply lose interest and turn on the baseball game. I do not underestimate the American people as much as the White House does.

I just wish they would have followed their own attorneys' advice. I remember the day we were first sworn in, even before then. It was the gentleman from California, Mr. BILL THOMAS, who talked to us in the Cannon Caucus Room, the entire incoming Republican class. What is the first thing he told us? Do not raise money on Federal property. Do not make fund-raising phone calls from Federal property. He said if we needed to do that, to walk across the street. It is illegal.

Our people were saying that, the President's attorneys were saying that, the Vice President's attorneys were saying that. Janet Reno cannot hide behind her legalistic excuse, cannot continue to politically obstruct justice for this White House. She needs to read the memo and the law that Bernie Nussbaum and the President's other attorneys read and expressed to the President and the Vice President 3 or 4 years ago.

Mr. SOUDER. If the gentleman will continue to yield, I ask if he could put my Charlie Trie picture up. We started today our first hearings that will be broadcast, I am not sure when, here on C-SPAN. In actuality, I have to correct myself. They are not going to be broadcast, because the witnesses invoked an old rule that says they did not want to be filmed. So we will see little bits and pieces and hear some in the news.

So I will tell my colleague briefly some of what happened. We started to put some of the pieces out there that we are going to focus on. And one of the big pieces is Charlie Trie.

And I wanted to acknowledge tonight that I actually have a colored picture, because we have had trouble and some criticism because we have had black and white and grainy pictures. This is a little grainy because this is from a magazine, because the White House does not want to send us color pictures of the President with Charlie Trie either.

So if we can get a clear photo, and if they can see fit to send us one, we will be happy to print it. But up until now these things are going to be a little grainy and I apologize. I am not trying to say they are criminals because they are grainy, I am saying they are not really cooperating very much.

Today we had Manlin Foung, Charlie Trie's sister, and her boyfriend, in what to me was pretty shocking testimony. In other words, usually people, when given $12,500, in the first case of each one, when they did not have it in the bank account and told to send it to the Democratic National Committee, they would think twice about that. And is it not even illegal to cut a check. They said they knew Charlie was going to get them the money right away. He had always been good before.

Furthermore, we saw another 10,000 come in that way. These are people who had never been to a political event, who did not know anything about politicians, who did not know what the Democratic National Committee was. But she was trustingly laundering money for her brother.

Furthermore, as it was brought out from numerous members' testimony, her name also appears with her sister and her mother, who have also never been involved before, in giving $2,000 checks, $1,000 each, one for primary and one for general election, all on the same date, to Senator TOM DASCHLE, minority leader of the other party. This is a web that is spreading farther and farther, and it is very disconcerting.

Interestingly, rather than express outrage and shock, the minority attacked the chairman, they attacked the hearing, they attacked the witnesses, they attacked the staff. And rather than seeking the truth, it seems to be to try to obscure the truth or to blame it on other people or say maybe this has happened before. This is shocking stuff.

We heard today the first connections, because while Charlie Trie set it up and called his sister, the money came from Antonio Pan, who is a former Lippo executive. What we are going to see over the next months, and we have another pending immunity proffer out to us from the Lums, who tie together and who have worked with Pauline Kanchanalak, they have worked with Charlie Trie, they have worked with——

Mr. SCARBOROUGH. These are all people that have fled the United States?

Mr. SOUDER. These are people that have fled the United States and will not testify. And we are having to get fairly small fish, documenting how their money is going through. And we know the Lums are the next step in this process.

Mr. SCARBOROUGH. Reclaiming my time for one second. All these people that have fled. How many have fled?

Mr. SOUDER. I believe between 25 and 30 that have fled and 60 that have pleaded the fifth amendment.

Mr. SCARBOROUGH. And the White House and Justice Department will do absolutely nothing, will they? Will not lift their finger to bring these possible

international fugitives to justice because of what it might do to the White House; is that correct?

Mr. SOUDER. And the quote that is on there, ''Trie bragged on NBC that he could continue to hide out in Asia for 10 years. They will never find me.'' He said. His sister today said that she talks to him when she needs to; that she had not had a direct conversation, but that there had been a discussion that when the statute of limitation runs out, he will come back.

And that seems to be the other mark of the way things are going. It is why this investigation is so hard. We will stay at this, but we could really use some help from the other side, rather than trying to say everybody does it, to get to the bottom of this.

One last point that came up today. Miss Foung said that she felt that Asian citizens had a right to speak out and they were being picked on. My comment to her was very simple. This has been an incredible abuse of Asian Americans. Because what we have seen, for example, in the case of her brother putting approximately a half million dollars of illegal money, it looks like, in all cases certainly laundered money if not illegal foreign money into this, that he has a right to speak up.

And he, right after he gave the $500,000, sent a letter, which was responded to by a personal letter from the President; also notes from Anthony Lake to the President explaining why they needed to respond to Charlie Trie about why we should not overreact to the so-called People's Republic of China's threats to Taiwan when they were threatening their coastal waters.

Mr. SCARBOROUGH. And also when they threatened to nuke Los Angeles, California.

Mr. SOUDER. And part of the problem here is that as we see these interconnections relate to policy, the question was we do not see the systematic abuse of Latin Americans or of African Americans or of Greek Americans. We did not hear how other groups were manipulated, but we saw Asian Americans basically being told if they want to have influence in the White House, as Johnny Chung says, ''It is like a subway; you have to put the coins in,'' and it is unfortunate that many of these people are Asian Americans, but it is not our fault. It is who abused them, who used them, who sold democracy to them.

And they should be so angry right now and so irate at this administration for how they abused Asian Americans in these instances.

Mr. SCARBOROUGH. And, regretfully, we cannot just say it was a couple of Asian Americans who abused the democratic process, because the White House is sort of doing the nod and wink, ''Yeah, Charlie Trie and John Huang, we just never knew what was going on here.'' And yet the Los Angeles Times reported earlier this week that in 1991, then chairman of the Democratic National Committee, Ron Brown, actually had memos sent to him and he sent memos around talking about how they needed to start raising money and basically exploiting Asia. Said there were a lot of great opportunities for 1992.

We saw him later on move to the Commerce Department from his position at the Democratic National Committee. And of course that is where some of the most shameful episodes of this type of behavior occurred, where we actually had John Huang getting security clearance in the Commerce Department so he could get Commerce Department and CIA top-secret briefings, and then he would jump into a cab, drive to the Chinese Communist Chinese embassy and have meetings with them supposedly to tell them all that was revealed to him during those briefings.

□ 2015

As Newsweek said a year ago, this may be more than campaign finance scandal, this may be espionage.

Mr. SOUDER. And we are committed to getting to the bottom of this, regardless of the smears that are done on our committee or the chairman, because we must for the preservation of American democracy.

Mr. Speaker, I include for the RECORD the following:

FEDERAL DOCUMENT CLEARING HOUSE—TESTIMONY JUNE 13, 1956—HOUSE OF REPRESENTATIVES, GOVERNMENT REFORM, NATIONAL SECURITY, INTERNATIONAL AFFAIRS AND CRIMINAL JUSTICE

WHITE HOUSE COMMUNICATIONS AGENCY MISMANAGEMENT

Opening Remarks of Chairman Bill Zeliff.

Oversight Hearing on White House Communications Agency.

Good morning. Four weeks ago we began oversight hearings of the White House Communications Agency, or WHCA. As most of you know, this subcommittee initiated a thorough investigation of WHCA's operations two years ago. We met three times with the White House to try to get the White House to agree that GAO could do this investigation. For reasons that remain unclear, even now, the White House objected and prevented GAO from investigating. We then sought an IG's investigation and, after overcoming further objections, we got the IG into the White House. The result is the first comprehensive audit of WHCA in 55 years.

A clear picture is emerging and it has four distinct components: the utter lack of internal controls at WHCA, the problem of WHCA mission creep, the absence of accountability, and the disturbing pattern of White House obstructionism. Because it is most disturbing, I want to start with the White House obstructionism we have encountered in this investigation.

Without reason or legal argument, this White House continuously opposed any congressional oversight of WHCA. Even though WHCA had never been comprehensively audited in over half a century of existence—and was clearly in need of some oversight—the White House did its best for almost two years to prevent an audit.

Beginning in March of 1994, the White House stubbornly opposed an audit as a potential breach of national security. When Congress pointed out that most of the information involved was not classified in any way—and that there were routine mechanisms for auditing defense organizations which deal with classified information—the White House still refused to allow an audit by the General Accounting Office. We finally got the DOD IG involved.

To my dismay, now that we have an audit report and are conducting hearings, the White House, again, is doing its best to obstruct and hinder these hearings by withholding witnesses, and by altering testimony. Let's get some basic facts straight: WHCA takes its orders from the White House Military Office, or WHMO, whose director is a Mr. Alan Sullivan. Mr. Sullivan directs the mission of WHCA, and he also writes the Officer Evaluation Report for the Commander of WHCA, which means that he determines that Commander's future career prospects. Mr. Sullivan, in tern, reports to Ms. Jodie Torkelson, who is the Assistant to the President for Management and Administration. Together, these two individuals—Mr. Sullivan and Ms. Torkelson—hold the figurative whip over WHCA, and so we requested their testimony today.

Obviously, when a government agency has problems in need of correction, it is absolutely essential to hear from the folks in charge. However, both Mr. Sullivan and Ms. Torkelson have repeatedly refused to attend these hearings, and Mr. Quinn, the President's lawyer, has written letters seeking to block their appearance. The White House political appointees have, instead, sent Colonel Joseph Simmons the Commander of WHCA, as their surrogate. The truth is fairly obvious: when it is time to use WHCA and benefit from it on a day-to-day basis, the White House is perfectly ready to do that. But when it is time to take a hard look at problems with the agency's mission and its execution of that mission, the White House sends its regrets. We have deferred the subpoena decision today, but I would direct anyone interested in more information on this obstructionism to the letters on the back table.

Lastly, as many of you will recall, we appear to have had some serious monkeying around with the prepared testimony of Colonel Simmons, who is here to testify today. First we received a version of his prepared testimony which made it absolutely clear that WHCA takes its order from the White House. That is something we all knew anyway. Then we received a second version of Colonel Simmons' testimony which left out the parts about White House control, and proceeded to blame all of WHCA's shortcomings on the Defense Information Systems Agency, or DISA. Later still, Colonel Simmons and the White House told us that they didn't know anything about the first version of the testimony; but we subsequently learned that Colonel Simmons' office did deliver the testimony—both the first and second versions—and he is now prepared to live with either one. That was the clarification we needed and why we recessed the hearing four weeks ago.

Now, let's turn to the internal controls. When it comes to managing its property and finances, WHCA has unfortunately been, in a word, a disaster. For years it has ignored the laws and regulations which govern its contracting property management, and maintenance activities, with the result that millions of dollars in taxypayers' money has been wasted.

For example, WHCA has consistently failed to submit spending requests to authorized contract officers for proper approval, as required by law. Instead, WHCA has effectively approved its own contracts, or sometimes even made purchases without a contract. The most notable recent result of this approach was the expenditure of 4.9 million dollars on two mobile communications systems which are almost never used, because

they do not fit on the airplane as originally intended. This is the kind of mistake which can only be made in the absence of White House oversight.

WHCA has also ignored regulations requiring competitive bidding in government contracting. It has spent millions of dollars per year on sole-source contracts which give no guarantee that the American taxpayers are getting their money's worth.

From an accounting standpoint, WHCA has not kept track of its financial obligations and expenditures, and recently had 14.5 million dollars in invalidated obligations. The IG found that due to this lack of oversight, WHCA has been paying for some equipment and services which are no longer necessary; and has been paying for some items which were never even delivered to the agency; and has occasionally paid for the same items twice. In addition, the IG found that WHCA was only paying 17% of its bills on time, which means that the taxpayer is paying for interest and penalties on the remaining 83%.

Nor has WHCA followed regulations governing maintenance management. According to the IG, WHCA spent $303,000 on a maintenance control system in 1993, but the system was generally not used.

WHCA has also failed to keep track of its own property. The IG found that WHCA acquired a great deal of equipment—for example, $555,000 worth of computers—without recording it in the unit property book, which is the central record of all the unit's property.

Now, let me give you a snapshot of WHCA's mission creep. Today, WHCA spends over $122 million dollars a year. It has an authorized strength of roughly 950 military personnel, with about 850 actually on duty at the present time. Moreover, the WHCA mission has expanded to include a whole list of services provided to the President, the Vice-President, the First Lady, and the entire White House staff.

Far from its early telecommunications mission, consider a few of the tasks now performed by WHCA:

WHCA provides stenographic services—a steno pool—for all White House events and functions.

WHCA runs a frame shop, where pictures are framed for White House personnel.

WHCA provides camera equipment, and developing and printing services, to White House photographers.

WHCA provides comprehensive wire services—including the AP wire, UPI, Reuters, etc.—to White House staffers.

And so on. The point is that this White House agency, without proper oversight, has gotten well off the reservation.

Finally, there is a real accountability problem. Call it—problem number four—which helps to cause problems two and three. There is a complete separation of accountability from control. DOD has to spend all of the money requested by WHCA, and it is technically responsible for ensuring that WHCA follows all the laws and regulations governing DOD activities. However, WHCA is actually controlled by White House staffers, who have gotten used to using WHCA for all sorts of non-military jobs, because they are not held accountable for the expense. In other words, the White House holds the credit card, and DOD has to pay the bills.

In closing, let me say that it is time for common sense to return, and that's why we are here today.

TODAY'S HEARING IS NOT DUPLICATIVE

The Minority has claimed that today's hearing is duplicative of the Senate testimony of Xiping Wang (pronounced Zipping Wang) and Yuefang Chu (pronounced You-Fang Chew). The Minority's charges are false because Manlin Foung and Joseph Landon are testifying about completely different matters, and have offered the Committee important new evidence.

Xiping Wang and Yuefang Chu both testified about conduit payments they made to the DNC. So have Joseph Landon and Manlin Foung. The similarities end there. Neither Xiping Wang nor Yuefang Chu ever met Charlie Trie or Antonio Pan. Rather, they were asked by a receptionist for Daihatsu International Trading Corporation, Keshi Zhan, to make the contributions.

The present witnesses, Manlin Foung and Joseph Landon, have established Charlie Trie's direct involvement in the solicitation and direction of conduit payments to the DNC.

Foung and Landon have also established a link between Antonio Pan and Charlie Trie, showing they were involved in illegal fundraising practices together. This link had not been established in the Senate testimony of Yuefang Chu or Xiping Wang.

These hearings have provided critical new evidence. Under the standard erected by the Minority, this panel would be prohibited from ever investigating or discussing other conduit payments made to the DNC. Considering that conduit payments are (1) illegal and (2) the apparent method by which Charlie Trie directed money to the DNC, this standard would effectively keep this Committee from uncovering the crimes committed in last year's elections.

MOTHER JONES—THURSDAY, 17, 1997

A PROBE NOT TAKEN: CONGRESS SHOULD TAKE A LOOK AT OPIC'S TAXPAYER-BACKED SWEETHEART DEALS. WE DID. (OVERSEAS PRIVATE INVESTMENT CORP.) (INCLUDES RELATED INFORMATION)

(By Rachel Burstein, Janice C. Shields)

As Republicans convene hearings on foreign contributions to the Clinton campaign, attention has drifted away from big domestic donors and what they might have gained from their investments—apart from a coffee or a (reportedly bad) night's sleep at the White House.

And while everyone knows that political donors often ''happen'' to receive impressive diplomatic appointments, or their firms wind up with lucrative government contracts, Mother Jones has discovered an even more direct way the politically well-connected can cash in: multimillion-dollar overseas investments backed by taxpayer dollars. These private investments, set up through the government's Overseas Private Investment Corp., are often made in developing areas expected to become boom markets—such as Eastern Europe, southern Africa, and India. ''The idea behind the funds is to replace direct foreign aid,'' says Mildred Callear, OPIC's acting president.

To do that, OPIC has launched 24 ''private'' investment funds that, on average, are matched 2-to-1 by OPIC in guaranteed loans. Many of these funds are insured against loss. As OPIC's then-president Ruth Harkin said in 1995, when the funds started taking off, ''If you're an investor in an OPIC-supported fund, the worse you can do is get your money back at the end of 10 years.''

For the past two decades, OPIC has been one of the government's best-kept secrets. Before Clinton, the agency was little more than a small insurance company for U.S. firms willing to set up shop in countries with unstable regimes or fledgling markets. As late as the Bush administration, the agency's venture funds totaled less than $100 million. By 1996, however, OPIC's investment funds had ballooned to $3 billion.

So who exactly gets in on these ''private'' deals? Even though these investors are in partnership with a government agency, OPIC maintains that revealing their names would violate both their privacy and the Trade Secrets Act. But a Mother Jones investigation of some of these equity funds suggests another possible reason for OPIC's silence: The funds appear to benefit not only corporate heavyweights, but also people linked to President Clinton and at least two Republican senators.

Not surprisingly, when we looked at these OPIC deals, we found a connection to at least one character at the center of the Democrats' fundraising scandal: former White House administrative aide Mark Middleton, who has been alleged to have peddled his Democratic connections in order to set up his own foreign investment deals. Evidence suggests that Middleton also may have had his eye on OPIC's ash-rich foreign investment opportunities, having forged ties to a financier and friend of Clinton's who was setting up a $240 million fund.

It's impossible to know just how big a part political nepotism plays in getting OPIC deals, since they won't disclose all of its investors. Still, we decided to do some digging.

How good a deal are OPIC's exclusive investors getting? One private equity fund investing in Africa reportedly has had earnings that would make the most buttoned-down broker's head spin: a $9.50 return on every $1 invested. Meanwhile, projects financed by a Russian fund reportedly provided returns in the 30 to 50 percent range. That sure beats current CD rates of 5.7 percent.

In order to see what it takes to get a piece of this kind of action, we dressed up in our high-finance best and made several house calls to Washington, DC, firms managing OPIC funds. Along the way, we found several notable political connections:

The contact for the South America Private Equity Growth Fund, which landed $100 million in OPIC-guaranteed loans in 1995, is Westsphere Equity Investors' John Lugar, son of Sen. Richard Lugar (R-Ind.). Luger was put off by our visit, grilling us repeatedly about the nature of this article. He refused to share a copy of the fund's annual report, saying that the fund had stopped accepting investments in 1995 and had been open only to ''sophisticated'' investors anyway.

At the address for the Poland Partners Management Co., we discovered the law firm Landon Butler & Co., which runs the fund. According to the man answering the door, the Poland Partners fund closed to further investment three years ago. ''The minimum investment,'' he added with a sneer, ''[was] $1 million.'' He also said that although he knew who the investors were, it was privileged information. And he refused to provide an annual report, saying it was only available to investors in the $65 million fund, which has received OPIC loan guarantees. (OPIC acting president Callear later informed Mother Jones that the fund's initial investors included the pension funds of the AFL-CIO and other unions—big Democratic heavyweights.)

Neither the Bancroft Eastern Europe Fund nor its manager, the Bancroft Group, was in the directory of the building listed as the fund's address in the phone book. A concierge directed Mother Jones to the eighth-floor office of the law firm Perkins Coie. According to a receptionist, the Bancroft Group had moved to Italy; OPIC's address for Bancroft is in France. The fund received $70 million in OPIC financing in 1995.

Mother Jones later learned that Bancroft's president is Fred Martin, who founded the group in 1989—right after serving as campaign manager for Al Gore's 1988 presidential bid. Martin also served as a special assistant to Walter Mondale during Mondale's vice presidency.

Locating Newbridge Andean Partners was even more confounding. The address, ''1429 G St. N.W., Suite 410,'' turned out to be a Mail Boxes Etc. store. When asked for directions to ''Suite 410,'' a helpful clerk pointed to one of the small mailboxes lining the wall.

ACON Investments, the fund's manager, requires a minimum investment of close to $1 million. ACON's chairman is Bernard Aronson, another longtime politico, who has connections to presidents Bush and Clinton (assistant secretary of state from 1989–93) and was a speechwriter for President Carter (1977–79).

Each of the other funds we visited (Global Environment Emerging Markets Fund II, Aqua International Partners) cited enormous minimum investments ($2 million and $5 million, respectively) that would prohibit all but the wealthiest people and institutions from investing.

Since these OPIC investments are shrouded in secrecy, few of us will ever even hear about them. Because the deals are set up as private placements—limiting public involvement—the funds are exempt from much oversight by the Securities and Exchange Commission, as well as from public disclosure requirements.

The companies that manage these funds have a serious reason to keep a low profile: competition from other potential fund sponsors. Agribusiness Partners International, for example, generated more than $3 million in commissions from sales to 15 investors. Apax-Leumi Partners Inc., the general partner of the Israel Growth Fund, collects an annual investment advisory fee of 2.5 percent of the fund's gross proceeds, and the first installment totaled $1 million. With such staggering proceeds, why let others in on the secret?

The more we looked at the funds, however, the more we found that many of those who were in on the secret had one notable qualification in common: powerful political ties. The $150 million South Asia Integration Fund, for example, is run by Ziff Bros. Investments, whose co-chair, Dirk Ziff, is one of the largest Democratic contributors in the country (No. 6 on the Mother Jones 400; see May/June). Another Democratic contributor, Maceo Sloan, received $120 million in guaranteed loans from OPIC for his New Africa Opportunities Fund. The North Carolina millionaire also received help from his senator, Republican Jesse Helms, who, according to a September 1996 Barron's report, asked OPIC officials about Sloan's application.

And when we took a close look at one of OPIC's largest private equity funds, we found businessman Steven J. Green, a close friend of Bill Clinton's who seems to have mastered the use of government access for professional gain.

Green was a crucial early supporter of Clinton. As a result, he has enjoyed the conventional presidential perks (he and his wife spent the night of their 28th wedding anniversary in the Lincoln Bedroom) without having given the Democrats enormous amounts of money recently ($11,000 to the DNC in 1995–96).

Green sits on the influential President's Export Council, along with 10 members of Congress and the secretaries of Commerce, Labor, Agriculture, State, and the Treasury. The council advises the president on government policies and programs that affect trade. Green's right-hand man, Noel Gould, serves as national director of the Virtual Trade Mission Program, a project launched by the council and Clinton's special adviser Mack McLarty to educate high school and junior college students about trade issues.

Green's business ventures have been flying high—with considerable help from the Clinton administration. Green or other executives from his Astrum conglomerate, which included Samsonite luggage and Culligan Water Technologies, flew on three of the late Commerce Secretary Ron Brown's overseas trade missions, including trips to Russia and the Middle East. Green also traveled on four overseas OPIC investment missions. Deals blossomed along the way, leading to a development in Russia and a water-bottling contract for Culligan in the Gaza Strip.

Then Green went into business with OPIC, setting up the Central and Eastern European Newly Independent States fund (CEENIS). The fund needs to raise $80 million in order for OPIC to finance $160 million in double-matching funds. Green's real estate firm, Auburndale Properties—which has offices in Florida, Massachusetts, New Jersey, Washington, D.C., Bucharest, and Warsaw—is the fund's manager and a primary investor.

In the fall of 1994, before he secured OPIC's approval for the fund, Green reportedly went scouting for investors among some of his big-name former business partners—including media baron Rupert Murdoch and convicted S&L swindler Michael Milken's family trust. He also attracted the attention of Mark Middleton, who at the time was a White House administrative aide looking to branch out on his own.

Nicknamed the ''Aryan Rotarian'' for his blond good looks and business acumen, Middleton, a 34-year-old Clinton fundraising star, came to Washington to become the protege of Mack McLarty, a boyhood friend and former right-hand man of President Clinton. After McLarty stepped down as Clinton's chief of staff in mid-1994, Middleton reportedly decided against a run for Arkansas attorney general and prepared to move to the private sector.

He subsequently has been connected in news reports to virtually every aspect of the Democratic National Committee's fundraising scandal. It was Middleton who apparently passed out his White House business card to Asian businessmen during trips overseas—months after resigning from his post. The card listed his still-active White House voicemail number—which also allowed callers to leave messages for McLarty. Most controversially, during one of these trips Middleton is alleged by foreign reports to have received an illegal $15 million campaign pledge from the chief financial officer of a conglomerate run by Taiwan's ruling party.

Middleton has also been tied to the Indonesian Riady family, which gave hundreds of thousands of dollars in questionable contributions to the Democrats; to Charlie Trie, an Arkansas restaurateur suspected of funneling campaign money from China; and to disgraced former associate attorney general and Clinton friend Webster Hubbell.

But before the controversies—before Middleton had even left the White House—he managed to secure a job with Steve Green. According to a close associate of Green's, Middleton approached Green in November 1994 and asked to discuss job opportunities. ''He pretty much said, 'I want to be just like you when I grow up,''' says the associate.

In January 1995, President Clinton announced OPIC's approval of CEENIS. It appears that around the same time, Middleton may have been prematurely representing Green. According to a source close to the congressional investigation into Democratic fundraising, Middleton received at least one letter addressed to him as a representative of Green's Astrum conglomerate in January 1995—before he left the White House on February 17.

It also appears, from what Middleton has told the press, that he wanted in on Green's OPIC deal. Just before leaving the White House in February, Middleton told the Arkansas Democrat-gazette that he was going to work for Green and would be ''putting together large international infrastructure deals in emerging countries . . . such as central and Eastern Europe.'' Green adviser Noel Gould confirms that Middleton went to work at Auburndale.

By March, Middleton had escorted Green to the White House. And by June, Green had formally secured enough funding for CEENIS to begin operations.

But there is no evidence Middleton ever actually got in on the CEENIS deal. Both Gould and OPIC officials say he was not involved. And a former Astrum associate maintain that Middleton took advantage of the company. When Middleton went to work for Green, according to the source, he asked for a salary advance to take a foreign vacation—which was the start of Middleton's now-controversial trips to Asia. When he returned, the source says, Middleton told Green he had found clients for his own fledgling overseas investment firm, CommerceCorp International, which he intended to pursue while working for Green. Feeling used, the source says, Green asked Middleton to leave.

Middleton, who has refused to testify before House investigators, declined to the interviewed for this story.

Astrum has since broken up into several separate companies, and Green now appears to be focusing solely on his real estate ventures, including CEENIS. CEENIS has yet to formally begin any of its projects, and it remains cagey about its investors. Initially, CEENIS managers told Mother Jones that there were no private investors, only corporate ones, including MCI and Bank Boston. But Gould says that the initial backers also included Green's Auburndale and ''two to three private investors'' who were longtime Green associates.

Green, according to his agreement with OPIC, can invest up to $40 million of his own money in the project. Since January, Gould says, Auburndale has opened the fund to new investors.

OPIC maintains that anybody can apply for the private funds and that it doesn't play favorites. ''Lots of times we would meet with people and it didn't go anywhere, even if they invoked the names of very important members of Congress,'' says Susan Levine, a former OPIC senior vice president for investment development and policy and a former friend of the Clintons'. But she concedes, ''Odds are that knowing people helps you get in the door.''

The OPIC deals continue. In April, a bipartisan bill in the House, the Africa Growth and Opportunity Act, proposed that OPIC back new funds in Africa valued at $650 million. Unless OPIC can be prodded into opening its books, investors can continue to escape public scrutiny—while walking away with millions.

Rachel Burnstein is a Mother Jones investigative reporter Janice C. Shields is a researcher and coordinator of the Corporate Wealthfare Project & TaxWatch. Romesh Ratnesar also contributed reporting for this story. All are based in Washington, D.C.

Where did the $3 billion go?

OPIC (headquarters at right) is a federal agency that helps U.S. companies invest in developing overseas markets. OPIC chooses from among plans submitted by companies and private investors and finances $3 billion worth of opportunities that don't exist in the regular marketplace, such as providing insurance against political risks or loans for risky, long-term projects. OPIC matches its ''private'' funds 2-to-1 and often insures the investments against loss. The funds generate a huge profit for OPIC—$209 million last year—and their lucky investors. But these private funds like to remain just that—private.

Our search for the NEWBRIDGE ANDEAN fund led to a Mail Boxes Etc. store. When we asked for ''Suite 410,'' a clerk showed us this mailbox.

WESTSPHERE EQUITY INVESTORS manages a fund that is only for ''sophisticated'' investors.

The GLOBAL ENVIRONMENT EMERGING MARKETS FUND II is open to anyone able to cough up a minimum investment of $2 million.

We found the POLAND PARTNERS MANAGEMENT CO. fund at the law firm Landon Butler. The fund's investors include the AFL–CIO.

THE MANAGERS

OPIC-backed investments are shrouded in secrecy—and for good reason: Many of the funds appear to be cash cows for the politically well-connected. A look at the people who run them reveals a high-finance jobs program for Washington players, including a former speechwriter, a campaign manager, and a White House staffer. And, of course, big political contributors are well-represented.

DIRK ZIFF is co-chair of Ziff Bros. investments, which manages a $150 million South Asia fund that received OPIC loan guarantees. Ziff, a prominent Democratic donor, was No. 6 on the Mother Jones 400.

JOHN LUGAR is Sen. Richard Lugar's (R–Ind.) son. His South America Private Equity fund, which has received $100 million in loan guarantees from OPIC, stopped accepting investments in 1995.

BERNARD ARONSON is chairman of ACON Investments, which runs the OPIC-supported Newbridge Andean fund. He was an assistant secretary of state under Bush and a speechwriter for Carter.

Mr. SCARBOROUGH. I thank the gentleman from Indiana [Mr. SOUDER]. He is exactly correct. When Newsweek is talking about espionage, when the Washington Post is talking about how the White House does not tell the truth, as they editorialized yesterday, when the New York Times writes, ''It is obvious we can no longer trust the President or the Attorney General,'' then something has to be done. There has to be an oversight function.

I just hope that one Democrat will have the moral courage to stand up and break through and step forward and be a hero, like Howard Baker, a Republican Senator, who back during the Watergate hearings had the guts to stand up and say, ''What did the President know and when did he know it?'' And by doing that, he broke the logjam, brought down a very corrupt administration, a Republican administration, and American democracy is better for it today.

I just pray to God that, for the sake of this country, Americans can see a Democrat step forward and do the same thing and that they will stop the political obstruction of justice in what clearly has become the largest fundraising scandal in the history of this great Republic.

SCHOOLS AND EDUCATION IN A STATE OF CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I want to address two major issues tonight. They are related in the long run. One is, schools and education are still in a state of crisis despite the fact that the American people have indicated that education is one of their number-one priorities, probably the number-one priority by the majority of the American people.

This first year of the 105th Congress session of Congress is coming to a close, and we are not dealing with the crisis. We have done nothing which really addresses the crisis in the manner that it requires. Certainly, the crisis in our inner-city schools, where most of the African American children attend school, where the poorest Americans attend school in the inner-city schools and crisis in the rural schools is not being addressed. We are still going backwards in New York City, for example, in terms of addressing the education crisis. So I want to talk about that.

I also want to talk about an issue that would seem unrelated, but it is related, and that is the present preoccupation concern with the Internal Revenue Service. The Internal Revenue Service is important. I said before that people who are part of a care majority, liberals, progressives, whatever you want to call them, people who care about campaign finance reform and they really want it, there are a number of different elements, what you might call the caring majority. The people want to see an American system that operates fairly, democracy that is not distorted by big-money contributions.

All of those are part of the caring majority. The caring majority, in general, neglects revenue, neglects issues related to revenue. So the IRS and the taxpayer concern issues are likely not to get that kind of attention from that side of the aisle, this side of the aisle, that it deserves. And I would like to see that not happen.

I would like to see my colleagues pay close attention to the debate that is shaping up on the IRS, Internal Revenue Service, and to take that debate and discuss it at a new level. Let us not talk about how to beat up on IRS clerks and the agents. Let us talk about broad policies that are handed down from the very top, from Congress and from the White House, policy direction which leads to situations where large amounts of money that should be collected from corporations, those amounts are not collected.

It leads to situations where we have to beat up on middle-class taxpayers in order to get the kind of revenue that is expected because the IRS is being directed not to spend too much of its time or to wade into the complex situations presented by corporate financing.

I am particularly concerned about section 531 to 535 of the Internal Revenue Code. I have talked about that before. That is the section which prohibits corporations from buying their own stock except under certain conditions. Stock buy-backs are big business nowadays, multi-billion-dollar business. Yet, there is a section in the Code that nobody wants to explain to me why it is not being enforced.

I have talked to quite a number of important people in the tax structure and have not been able to find out. If they were to collect that revenue, that is one of the areas where, if that bit of corporate welfare was ended, that is one of the areas where we gain additional funding to deal with some of the problems related to school construction and other problems that require money and education.

In other words, I do not really think we have a real problem with no money for school construction. Yes, I do think it is a problem. I think we lack the will to deal with school construction to spend the money that is necessary. We could get it if we wanted to, but we throw up a roadblock with the fact that there is no money. And, of course, the same problem is occurring at the local level and at the State level.

The argument is made that there is just not enough money to provide decent education. We are wasting money in many different ways. And not until the full wrath of public opinion and the wrath of the voters and not until the common sense of the voters comes down harder on public officials have to make these decisions, we have an understanding that we cannot just talk about education, we have to put some real dollars behind the effort to reform education and make it adequate for people at every level of our society.

Let me start by talking about schools first and education, because they were on the agenda of this Congress this week. They were on our agenda right up until the very last minute today. In fact, I think our last vote taken today on a bill was on passage of the D.C. appropriations bill. And that contest, that vote, it was a very close vote.

It was a situation where the time had to be broken by the Speaker of the House, it was that close, where many of us felt the House of Representatives had gone far in the direction of extreme control of local government and extreme control of decision-making that should be taking place at the local level.

We were shocked to see that the Republican majority which has consistently emphasized local control, local decision-making, which has made a great deal out of ending mandates by the Federal Government on local government, we were quite shocked to see to what extent the Republican majority in the House is willing to go with respect to mandating local control of Washington, D.C., going right into the school system and telling them what they have to do in terms of how to take care of their ongoing problem.

There is a very serious problem in the education in D.C. The District of

Columbia spends more than $9,000 per child and has some of the worst education in the Nation. The problem has to be addressed. The people of the District of Columbia made a decision last year. Little more than a year ago, I think, they made a decision, had a referendum on whether or not they wanted vouchers, and they voted that they did not want vouchers as part of their solution to the school problem. We had local citizens involved in seeking a solution to a problem, and they rejected one possible approach.

The D.C. voters said, ''No, we do not want vouchers.'' On the other hand, D.C. voters decided they would like to try an experiment with charter schools. The charter schools are a good alternative to vouchers, even among those people who insist that we have to have vouchers, for the purpose of shaking up the public school system, the bureaucracy, we need vouchers in order to provide competition for the public school system; to show innovative approaches, we need vouchers to provide an alternative.

Well, charter schools provide an alternative, and the residents of the District of Columbia voted, ''We want the charter school alternative. We do not want vouchers.'' Yet, here we worked until late this afternoon pressing to push, the majority was pushing, and they finally won by one vote a solution on the people of D.C., which requires that they experiment with the voucher program for the next 5 years.

Now, I hope that that does not prevail, because the other body has already acted on this matter. The President says he will not accept a bill, he will veto any bill that forces the people of the District of Columbia to experiment with vouchers. So I hope it does not prevail. But it did pass this House. So here we were in a situation where the majority party, which has pushed for maximum local control, was trying to force it down the throats of the people here.

We had another problem today in our Committee on Education and the Workforce. I serve on the committee, and we had a Reading Excellence Act that was on the agenda for markup today. The Reading Excellence Act is designed to replace the President's proposal for America Reads.

The President's proposal has great emphasis on volunteers being used to tutor young people, students, to read. And the Reading Excellence Act takes a different approach and moves in the direction of teaching teachers to teach reading better and have teachers do the coaching of the reading and having professional groups contracted to provide the tutorial services.

Now, it is an interesting approach. There may be grounds for some kind of compromise. I hope so, because I would not like to see this first year of the 105th Congress end without doing something positive about the problem that clearly has been identified as a major problem.

If children cannot read, they cannot advance in school, they are bound to fail. That is well established. Everybody agrees they must learn to read. So the emphasis on teaching students to read as soon as possible and as thoroughly as possible is an appropriate emphasis. It is a place where there is no debate.

Surely, in an area where we do not have any debate, we ought to be able to go forward in this first year of the 105th Congress. Surely, we will not leave here with nothing being done in terms of a new Federal initiative when the President started the year with the State of the Union Address proposing an initiative, the America Reads was proposed. And now we have the Republican majority in the Committee on Education and the Workforce proposing the Reading Excellence Act.

We did not get to it today because we were on another bill. But in that Reading Excellence Act, there was another one of those mandates to the local level. It even goes beyond the local government right into the classroom. There is a mandate that they must use the phonics method.

Never before has the Federal Government gone so far in a matter that relates to education as this Reading Excellence Act proposes to go. That is to mandate, if you are going to get these funds and be a part of this program, phonics has to be used as a method of teaching reading.

We are going to go right into the pedagogy instruction processes and we, the Federal Government, are going to put our finger on a method that has to be used. That is one of the serious drawbacks of the Reading Excellence Act.

I hope some other features of that act can be combined with the President's America Reads program in the next 20 days or 15 days, whatever we have left here, that we do reach some agreement on some kind of program to push some new initiative in the area of teaching children to read.

We did not get to the markup of that bill because we spent a lot of time on a bill to encourage expansion of charter schools, which was proposed by the majority. But I voted for it because I think it is a small step forward in the area of the Federal Government encouraging the development of charter schools. It is a small step forward.

It is woefully inadequate. I hope that we come back next year and that we do something which is far more thorough with respect to charter schools. I worry about charter schools in several respects. The first is that we are playing around the edges of educational reform with this whole matter of charter schools.

We have about 700 charter schools now and 86,000 traditional public schools. If we want to really experiment with charter schools, we have got to have enough charter schools in enough different situations to be able to really study whether they are of any relevance or not.

We also cannot leave charter schools out there on the fringes so that elite groups only will be experimenting with charter schools. We need a greater variety of groups. We also cannot let charter schools become little pet projects of people who want to play around with education for a few years.

Maybe it is parents, while their children are in a particular school, they want to have a charter school. But when that is over and their children graduate from that elementary school, the interest dies down and the school collapses. We have to safeguard against creating problems in education. We ought to have some kind of Federal encouragement of the States to develop sound systems for regulating and developing charter schools.

There is a serious problem out there. If public funds are going to go to a group, they ought to be a stable group, ought to be a group that has some kind of promise of continuity, ought to be a group that is going to do a thorough job beyond just their individual or family interests.

□ 2030

So we cannot have charter schools that are set with just a handful of teachers and a handful of parents and their immediate interests taken care of, and that is all. We need a more soundly grounded effort where we have a board of directors of some kind of group that is going to continue and really build an educational institution.

We should not waste funds on dilatory experience. That is one problem we are really going to have to come to grips with. The Federal Government cannot do it, but we can encourage States to do it by conditioning the funding of, Federal funding of charter schools for those States that take different approaches to the regulation of charter schools, to the development of accountability standards. They can take different approaches. We would not dictate the approaches, but take a sound approach to guaranteeing accountability, have a sound approach to guaranteeing longevity. Do not leave children to be victimized by dilatory experimentation.

I think all of this happened in one day with respect to education, and it is altogether fitting and proper that we should be that preoccupied with education on the floor and in the committee. Education is a number one issue for the majority of people and that is the way it should be. Common sense dictates that we ought to be more concerned and involved.

I do not think there can be too much discussion of education matters. I do think that we have to understand that no one person has the answers, and that the danger of fads and the danger of powerful people pushing through their particular remedies is always there, so we have to have the broadest possible participation and decision-making, and legislation ought to be based on some kind of set of fundamental principles.

Reform, in my opinion, ought to go forward across the board where we have a lot of different components of the effort to reform our schools. Charter schools are just one component. Whole school reform is another. There are many different components that ought to be there so that we can have a good look at what works and what does not work, and as fast as possible move on to institutionalize those things that do work.

Schools are very important back in New York. We have education in schools as a number one issue in the mayoral campaign. We have a great debate there as to what has happened to our schools and who is to blame. We had a situation where the schools were radically cut, the budget of the school system was radically cut under the present mayor, and now that it is an issue, there is an insistence that it was not really cut, that the cut did no damage, and that it is a figment of everybody's imagination that our schools are overcrowded.

Mr. Speaker, 91,000 children in 1996 could not find a place to sit. I understand it went down to about 80,000 in 1997. When school opened, they were that short of places, decent places for children to sit. A desk of their own was not there for large numbers of young people, even in this election year, and strange things are happening to make the problem disappear before the eyes of the citizens of New York.

There are efforts being made to keep one candidate out of schools. Ruth Messinger was not allowed to go into certain schools, or if she went into the schools, the press was not allowed to accompany her. That is unusual. In all previous mayoral campaigns, the schools have been open to candidates. We have had here in Washington in the last few days Members of Congress attend a school and go into the school to announce a program. The Republican majority went into a school just before they announced a new initiative on education.

So the fact that the present mayor has maneuvered to ban his opponent from schools is very unusual. New York is, unfortunately, not up in arms about this, even in the city university system, at the college level where college students certainly are able to determine, make up their own minds about the truth or falsity of a situation with respect to candidates, and they certainly ought to have the benefit of the maximum open debate. However, certain colleges have refused to allow the mayor's opponent to speak there. So education is such a hard issue, until there are some oppressive, totalitarian tactics that are being developed to keep the issue at a certain level and to avoid confronting it fully.

A few days ago we had a school in Harlem closed also because of the fact that it was a newly renovated building and the fumes were so strong in the building that they had to evacuate the students. Now, that is a building that used to be a dry cleaning plant, it is a building that was renovated to make it a school, and before it was purchased for renovation, the board of education was warned that it was on the site of a dry cleaning plant. Even after, as it progressed and they made some renovations, tests were done and the fumes were detected. They were warned again, but the bureaucracy pressed on.

I do not want to place the blame on the mayor's office; the mayor's office certainly was not involved with this, it is bureaucracy that might be corrupt or may not be corrupt. It may be that somebody paid somebody off to guarantee that the test of the fumes was not anything alarming, and the children could be put in there. But now they are in there, and the tests show that the fumes are too strong to keep young children in the building. These are fumes that could very much affect the development of young people in various ways and they should not be subjected to this. But this is the bureaucracy.

This is one of the reasons why in a school system as large as New York, no matter what we do, there is a need to have some way to shake up that bureaucracy. Competition is one way. Alternative schools, charter schools, some ways must be found to show them that we do not have to do business this way.

We do not have to have situations where somebody in the bureaucracy for some reason allows a building which is unfit for habitation to be renovated, paid for by the board of education, and actually march youngsters in there and start having classes and then to have to evacuate. It is one more example of how a system of 1,100 schools and more than 1 million children and more than 60,000 teachers is kind of unimaginable, certainly in its present form, and something needs to happen to come to grips with the fact that time goes by, reforms come and go, and we still have these horrendous problems such as the occupation of a building that costs millions of dollars to renovate for children and they are exposed to deadly fumes.

There is some good news in New York. On November 4 there is a referendum on the ballot which will deal with $2 billion for school construction. So maybe we will have the kind of school construction funds which will allow for the construction of new buildings, and we will not be renovating old dry cleaning plants in the first place. We will not be renovating some other sites that are undesirable that have been called to my attention, schools near dumps and schools in just other predicaments. With a $2 billion initiative for school construction, maybe New York City will be a part of the State which gets priority and we can eliminate more than 250 schools that still have furnaces that burn coal.

There is a great deal of alarm about youngsters being exposed to dry cleaning fumes. Well, dry cleaning fumes are pretty pungent and can be identified easily, but when we have furnaces burning coal in an area, it spews its filth into the air, it pollutes the air all around, and we have come to accept it as almost normal, those little granules out there. The things that make up soot that poisons the lungs of young children and increases the asthma rate are not alarming enough people. The whole sense of urgency and emergency is not there when it comes to dealing with furnaces in schools that burn coal.

In other words, there is a state of crisis certainly in big city schools, and I am not privy to the facts, but I am certain that New York is probably not the only city still with schools that burn coal in their furnaces. Asthma is a problem in a lot of other cities, as well as New York City, but we certainly are not moving with dispatch in New York to deal with something as obviously unhealthy as coal-burning furnaces in schools.

I have also talked before about the fact that I think it is child neglect and child abuse to force children to eat lunch at 10 o'clock in the morning because schools are overcrowded and they have to have several different rounds of feeding in the cafeteria, and in order to feed all of the children in an overcrowded school they have to start feeding some lunch at 10 o'clock. Ten o'clock is when they have just had their breakfast, and some do not eat lunch until after 2 o'clock when they are getting ready to go home for supper. All of these things go on and on, and they are accepted as normal.

My problem is, they are accepted as normal at the local level, and even in this mayoral campaign there does not seem to be much alarm about the fact that it continues this way. They accept it as normal at the national level. The school construction initiative, which made a lot of sense, has now been put on the back burner. Nothing will be done about it this year. Our only hope is that with the gentlewoman from New York [Mrs. LOWEY] and the cosponsors of that bill growing every day, almost all the Democrats are now on the school construction initiative, we will have some action on school construction in the next half of the 105th Congress.

However, if we have a child in school, we know that they only live one life. Postponing these urgent matters is serious business. Postponing school reform or saying that we will get around to it and eventually in 5 or 10 years schools will be better, that is not enough. Our children go through the process only once, and in the African-American communities across the country the anger and the frustration is moving toward panic.

The panic results in a cry for vouchers in many cases, without really knowing the full story as to how vouchers are going to work. Anything that is offered becomes a cure when we are in desperate need of some relief, and parents see their children as going through a process that they will only

go through once, and nothing of any great momentum has developed to change the way public schools in our big cities are being administered. We have to have a greater sense of urgency and understand that there is an emergency that has to be addressed.

America's concern for education is on target, but the sense of urgency is not great enough. We do not have at this point real momentum behind the Federal school construction initiative. I hope we will get it next year. We must work harder to bring some relief by having a Federal stimulus. The Federal Government cannot do it all. If we start it, the States are more likely to pick up on it and the local governments also.

Budget cuts at the local level are still devastating schools. This year, an election year, the mayor of New York has put computers in junior high schools and restored some funds cut, but the budget cuts that were instituted a few years ago still have a devastating effect on schools. The devastating impact is still there because they encouraged the school system to cut its budget by laying off, encouraging the retirement of the most experienced principals and administrators and teachers.

We have lost our most experienced principals, administrators and teachers as a result of the encouraging of those people to retire, because they are at the high end of the salary scale and we save money. When a teacher in the system for 20 years, 25 years, retires and a new teacher comes in, we save a lot of money. But in the process of saving money, we cut radically into the quality of education and administration.

Money is always there. Money is a great roadblock to making even the most obvious kinds of changes. Education reform, a lot of controversial items are involved but some are not so controversial, and one is construction, and that requires money. The purchase of equipment for laboratories, the purchase of books, a number of education reform items are clear of any controversy.

□ 2045

They do not require debate. We know they are needed. Money is the obstacle. Which brings me to the second part of my discussion today. Money is the obstacle, and it has been always thrown up as a reason for not taking action.

The reason we do not have a construction initiative is because in the process of the negotiation of the balanced budget, that was on the table, and the Republican majority decided they did not want to support it. The President, in the process of negotiation, he had to take some of his items off the table. He took off the school construction initiative.

We do not have the money, we say. We give the impression to the American people that this is an almost bankrupt Nation and that we cannot afford to reform our schools. At the same time, there is a tremendous amount of waste. I want to go into a discussion of where all the waste is.

Obviously, there is plenty of it in the military budget, still. The President vetoed some items that were sent to him recently in terms of military construction. There are a lot of items in that military budget that have not been vetoed and are not even being discussed.

NATO is still our primary responsibility, while very prosperous nations in Europe do not shoulder their part of the burden.

We still are spending far more for weapons systems than we need to spend. In an era when the cold war is no longer existing, there is no great sense of need for emergency development of weapons systems.

There are a number of places where we could cut the budget, Mr. Speaker, but I am not going to talk about that tonight. I want to talk about the revenue side, and the fact that one area that we have been pursuing is the fact that corporate welfare takes many forms. One form of corporate welfare is the refusal of the IRS to enforce the Internal Revenue Code against corporations.

Corporations enjoy corporate welfare in many ways. The list is very long. We have heard discussions of it. We have taken some steps to lower the amount of corporate welfare. There have been some reductions in the agricultural subsidies, there have been some reductions in the overseas advertising budgets for American products. There have been some reductions in a number of different items that were identified as corporate welfare 2 years ago. But there is still a great deal left to be done.

In the area of reforming the Internal Revenue Service, we ought to take a hard look. The whole discussion and debate about the Internal Revenue Service should not go forward as a debate dominated by the right, by people who want to change the Tax Code in order to make it easier for people who are wealthy to hold on to more of their wealth, a greater percentage of their wealth than poor people do, or to take advantage of the marvelous economic system that we have and not pay back to that system.

Corporations in particular, if they are not subjected to what Congress has decided in the Tax Code should be done in terms of taxation, then they are, in a way, being subsidized. Every time we refuse to carry out one of the items, one of the sections of the Internal Revenue Code Congress has put in there, we imbalance the whole situation, because each part of the Tax Code was put in to realize a certain amount of revenue.

I am very concerned about an area that was identified by a friend of mine who works with an agency that prepares corporate taxes, that led me to inquire of the Internal Revenue Service why it was not being enforced. Sections 531 to 537 of the Internal Revenue Tax Code was called to my attention by a friend who noticed that large amounts of buy-backs of stock are underway by corporations. Some corporations have been buying back their stock for many years, and there has been an escalation in the number of big corporations that buy back their stock.

The question was raised, and I have talked about it on the floor here before, as to why are they violating sections 531 to 537 of the Internal Revenue Tax Code, which says that you cannot do that except for certain specified reasons.

This friend of mine did further research, and a staff member of mine helped to do research also, which identified that the buy-backs which are made in order to distribute them as stock options to the employees, buy-backs which are made in terms of specific things that are being done in that particular financial game plan, they are all legal and they are there.

But then he subtracted those kinds of purposes for buying back stock from the non-stated purposes, and he had a big amount left. Billions of dollars have been bought back by corporations for no reason, other than that they are stockpiling their own wealth, which raises some serious questions.

I guess Congress must have been concerned when they passed 531 to 537, that section, they must have been concerned about the fact that when corporations buy back their own stock it does set up a situation where you could manipulate or seem to be manipulating the market, because they are in a position to sort of keep the prices up artificially by buying back their stock. But I do not want to go speculating. I am not an expert in taxes. That direction is not the direction I want to take tonight.

I merely want to say that if it is on the books, if there is a clear prohibition against buying back stock, except for certain stated purposes, then why is it being allowed in such great amounts? Why is it escalating? If we want to get more revenue, then instead of the Internal Revenue Service pursuing middle class taxpayers with such fervor, instead of going overboard to guarantee that they squeeze every penny out of taxpayers who do not have the wherewithal to hire expensive tax lawyers and accountants, who get frightened by the fact that they got a letter from the IRS, instead of pursuing that course, which is reflected in the fact that over the years, since 1944, more and more of the tax burden has shifted from corporations to individuals and families.

I have talked several times about the fact that families and individuals pay an inordinate amount of this burden of the income tax, up to about 44 percent. They used to pay somewhere down near 28 percent, and the corporations paid the greatest percentage. Now corporations pay around 11 percent, and individuals are still up there and families

are still up at 44 percent. So it could be attributed to the way Congress has written the law. That is part of it. The laws have been written to favor corporations. There are laws, as we have noted before, which really amount to corporate welfare. Part of the Tax Code does that.

There may be another factor. As we pursue the reform of IRS, as we pursue hearings related to what the Internal Revenue Service is doing to families and individuals, let us bear in mind that the question ought to be asked, what are they not doing to corporations? Why are they, in a very zealous manner, pursuing middle class taxpayers and families and individuals, while they are not pursuing certain clear aspects, certain clear items of the Tax Code with respect to corporations?

I sent a letter to the commissioner of IRS, Mrs. Richardson at that time, and she has resigned since, I think, and I asked about the enforcement of sections 531 to 537 of the Internal Revenue Tax Code, and why is the section, called unreasonable accumulation of surplus provisions, why was that unreasonable accumulation of surplus section not being enforced.

I never got an answer from the then commissioner of IRS. It was sent to one of her agents, who then sent it to his secretary. I got an answer finally from a person who identified themselves, it sounds as if they were a low-level clerk. They really had no title of any great significance.

That is the kind of answer I got, and it was not a letter that I wrote alone, but there were 30 Members of Congress, 29 Members of Congress, who joined me. So 30 Members of Congress wrote a letter to the IRS requesting, and I read this letter before on this floor, requesting that we get an explanation as to why sections 531 to 537 of the Internal Revenue Tax Code were not being enforced.

I got no letter back from the commissioner. I got an answer back from a low-level person who, in part of the letter, implied that it is too difficult to pursue these cases. That statement, that it is too difficult to pursue these cases, certainly runs parallel to a statement that I had heard made in one or two previous administrations. It was either the Nixon administration or the Reagan administration.

A statement was leaked out that the word had come down from the White House to the Tax Commissioner at that time that they should stop wasting so much time pursuing corporations, that corporations had lawyers and accountants and it was very difficult to get them to pay their taxes properly, so revenue collection was lagging. In order to make sure revenue collections did not lag, they were being advised from the top to pursue middle class taxpayers more vigorously and leave corporations alone.

The answer that I got sort of implied that that is pretty much the strategy that is used. If we are going to have hearings, then let us ask that question. If we are going to have hearings on reform, then let us include in the reform some kind of reporting system which tells us how many audits are being done of corporations, and in what ways; why is a provision like sections 531 to 537 not being pursued?

It has a penalty built in, but it is not unlawful. In other words, if you do not follow sections 531 to 537, they are not going to put you in jail. However, if you are caught you pay a very stiff penalty.

It is a very interesting part of the tax law. We know there are many provisions in the tax law which say if you do not comply, you go to jail. If you do not file, you are at risk of going to jail. There are a number of items that are pretty clear. You can be jailed if you do not do them. Yet, here is a provision which has no threat of jail, but it says if you are caught, you pay a penalty.

The penalty is a very stiff penalty, 39 percent. If you are caught violating that section of the law and the amount of buy-backs is $1 million, say, then 39 percent of $1 million is the penalty. That is in the law. It is clear. It used to be fuzzy as to what the target was. They said at one time it was written only for closely-held corporations, family corporations, but in 1984 they clarified that.

There is a section in the law, in the revision of the Tax Code in 1984 or 1987, 1984, Congress in the Revenue Act of 1984 amended the statute by adding section 532(c) which reads, ''The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation.'' So not small, closely-held corporations only, but all corporations are subject to sections 531 and 537.

If we are going to have hearings, the Committee on Ways and Means, and certainly I serve on the Committee on Government Reform and Oversight, and we are now having hearings on campaign finance reform, I hope we can go to some more productive hearings related to the IRS and the IRS's methods of targeting people for collection; why corporations are not being given the same kind of scrutiny that individuals and families are given; why are we letting corporate welfare take place by not enforcing the Tax Code?

There are some good articles that have emerged over the last few weeks related to the IRS, and there is one I would like to quote from, here, related to what needs to happen at the IRS. This is written by a gentleman who used to be an IRS commissioner. His name is Fred Goldberg. He was IRS commissioner from 1989 to 1991.

Mr. Goldberg agrees with me in one very important area. That is, ''The buck stops at the top. When things go wrong in any organization, the temptation is to blame the workers. Don't. What's missing is top-down focus on what we want from the IRS, and the expertise, continuity, and accountability to meet those expectations. That's why the restructuring commission recommended sweeping changes in IRS management, governance, and oversight. IRS commissioners now have no set term. Most serve for only a couple of years. They have neither the tenure nor the tools to build a management team and hold that team accountable. Give the commissioners a 5-year term and the power to reward employees who do the job and fire those who don't.''

□ 2100

Instead of wildly fluctuating budgets, give the IRS stable, long-term funding that will let them get the job done. Require coordinated, ongoing congressional oversight that focuses on broad strategic issues.

I repeat, I am quoting from an article that appeared in Newsweek magazine, October 13, an item written by Fred Goldberg, a former commissioner of the IRS from 1989 to 1991. ''Require coordinated ongoing congressional oversight that focuses on broad strategic issues.'' I cannot emphasize that too much: Broad strategic issues.

Yes, we ought to deal with the fact that people had their homes taken away from them. Mistakes have been made in arithmetic that have led to endless anguish. Papers were lost and records confused. All kinds of things have happened which require attention.

But we need to focus on the broad strategic issues of what is the IRS here for and why should it be in the business of fervently pursuing middle-class taxpayers who are easy to pursue, while it neglects corporations that would yield a far bigger dividend if they were made to obey the law?

Mr. Goldberg continues by saying, and I quote,

> Mind what you measure, because that is what you will get. Congress and the administration talk a lot about fair and reasonable treatment of taxpayers. But at present, the primary IRS performance measures are limited to raw enforcement data like how much money the agency claims taxpayers owe after audits . . . Congress, the administration, and senior IRS management make the rules. When they start measuring and rewarding fair and reasonable treatment of taxpayers, that is what we will get.

In other words, I sent the letter asking the question about section 531 to 537 to Commissioner Richardson. I got no answer from her. I got an answer from a low-level employee. I sent back another letter asking her to provide me with a better answer and please do it herself. I got no answer.

I sent the letter to Secretary Rubin. In the structure of the Federal Government, the IRS is under the Secretary of the Treasury. The Secretary of the Treasury is under the President.

Now, I am not going to blame the Democrats or the Republicans for what the IRS does, because despite the fact that this is a Federal agency, it is part of the executive branch of government, and the IRS commissioner does report to the Secretary of the Treasury. The Secretary of the Treasury does report

to the President. It is a huge institution of 100,000 employees, and only a handful of them are appointed through any political process.

So the vast majority of IRS employees have been there through Democratic and Republican administrations. We cannot move them politically. It is not a political problem. There is a management problem, there is a philosophy problem, and there is a problem of administrative philosophy.

Congress makes the laws, and the administration is supposed to enforce the laws. If there is a section 531 to 537 and nobody from the top is willing to even reply to Members of Congress who inquire as to why they are not enforcing it, then we have a problem.

Do not blame the IRS clerks, do not blame the agents who are in that system who are going to respond to the pressure from the top. Ask the basic question: What is coming down from the top?

Mr. Goldberg talks about how important it is to make any reform effort bipartisan. The IRS would be a fat political target, but we should not fall into partisan politics. In this present effort since we have focused a lot of attention, begun to focus a lot of attention, on the IRS, let us have a bipartisan effort to reform the IRS. Let us have a bipartisan effort on behalf of the average ordinary taxpayer out there who wants to be treated fairly.

Let us have a bipartisan effort, because in the whole scheme of collecting revenue, which, again, as I said before, liberals and progressives, people who make up the ''Caring Majority,'' have traditionally ignored the revenue side of the fiscal operation of government. We have not paid attention enough to what happens in terms of how revenue is collected. We have only campaigned for improvements in expenditures. We have campaigned against waste. We campaigned in favor of setting new sets of priorities.

The priority we set in education is constantly being pushed aside and frustrated by the claims being made that the Nation is too poor to afford expenditures for programs like education that are needed. The effort is being made to balance the budget as a top priority, and we cannot balance the budget unless we stop all new programs.

The school construction initiative is considered a new program. That is one of the reasons why it is receiving such stiff opposition from the Republican Majority. No new programs unless we identify the source of the money we are going to get to pay for it.

So, Mr. Speaker, that is why I am here. Being primarily concerned about education, I am here talking about revenue because we must wade into that side of the equation and prove that without unbalancing the budget, without affecting the present move toward a balanced budget, we could, in addition to cutting waste elsewhere, we could improve the revenue side without hurting the average American citizen out there. There is revenue to be collected by enforcing the Internal Revenue Code in a way which is impartial and does not back away from the enforcement of the Code with respect to corporations.

We are going to have a new tax bill next year. Probably in this 105th Congress there will be a different kind of tax reform. Since I have been here, I have gone through the Reagan tax reform and gone through the Clinton tax improvements, reforms, and they all dealt with the ways we deal with the brackets and new deductions, and there are a number of things that have happened which most of the reformers are claiming are complicating the Tax Code even more.

This kind of reform is being proposed to deal with some items that certainly should have been dealt with before. It is unthinkable that we have not had more oversight hearings on the Internal Revenue Service.

During the 15 years that I have been here, I have served on the Committee on Government Reform and Oversight. It used to be called Government Operations Committee, but it has the same mission. Never has there been a thorough review of the Internal Revenue Service.

We have dealt with a lot of issues which I consider trivial, but we have never dealt in a serious way with looking at the IRS and its major role in the life of every American and deciding that we want a first class agency administratively, we want the most modern equipment, we want procedures that are second to none. In a Nation which prides itself on the most advanced computers in the world and the most advanced business procedures, certainly the IRS should lead the way.

The gentleman from Ohio [Mr. PORTMAN] has an article in this week's Hill newspaper, the Wednesday, October 8, issue of Hill under the Opinion section. Mr. PORTMAN talks about the fact that there will be new legislation proposed and it is called the IRS Restructuring and Reform Act of 1997. He is cosponsoring that with the gentleman from Maryland [Mr. CARDIN], and Senators BOB KERREY and CHARLES GRASSLEY, one Democrat and one Republican in the Senate.

They are sponsoring a bill which will deal with these very vital fundamental issues related to the administration of the IRS that is long overdue. They point out the fact that we recently had to pay a $4 billion bill, if we want an example of government waste, we had to pay $4 billion for a failed computer modernization effort at the IRS. A failed computer modernization effort cost us $4 billion. They are going to have to redo it.

The IRS requires that we file accurate returns, but they have never balanced their own books. We have an outrageous situation like this in Federal agencies, and recall that the CIA, Central Intelligence Agency, lost $4 billion in their petty cash fund. That was on the front pages of the New York Times and the Washington Post, yet most people just do not believe it happened. They reported it, and finally there was a statement made that the Agency had discovered, rediscovered, $4 billion that it did not know it had.

So in big government agencies that do not have oversight, these kinds of problems would occur. It is up to Congress to take a more vigilant role in terms of oversight. In the process of exercising oversight, my point, as I come to a close here, is that we should do more than dwell on the clerical, administrative problems. They need to be resolved. We need the best information technology. We need customer service that flows out of the IRS that is the best in the world. We need to show that we have a great concern for the people who pay taxes at every level.

There is no reason why we cannot get from the IRS service as good as we get from our local bank. After all, all taxes are local, and they come from ordinary people, and they deserve to be treated with great respect. All of that needs to be done.

But, Mr. Speaker, we also need to address ourselves to the question of, what are the priorities and how is the Tax Code being uniformly enforced across the board? Who is the beneficiary of special treatment? Are we using the IRS, the Tax Code, for corporate welfare by choosing not to enforce certain portions? What corporations benefit, and how much? By choosing not to enforce certain portions, how are we placed in a situation where more pressure has to be applied on the middle-class taxpayer because we are not reaping, not collecting, the kind of revenue that was projected and predicted when Congress developed the codes in the IRS, in the Internal Revenue Code? All of that should be on the table.

Why is it that over the years since 1944, the amount of taxes collected, the percentage of taxes collected from corporations, although corporations have been booming, we have had unparalleled prosperity, why is the percentage of the income tax burden that they bear, why has it gone down while the percentage of income tax burden borne by individuals and families has gone up?

Why can the IRS give us some statistics without divulging individuals', and I am sure they can, categories? They can tell us exactly what kinds and how much revenue was produced in each section of the Code. There are ways to analyze without getting into individual discussions of corporations and individuals. All of that can be done, and it will give us a fairer system.

The time we spend on the IRS will be far more productive. We will do more than give our constituents a joyful feeling that finally somebody is going after those guys. It is long overdue. But we should also get to the root of the matter. Why are they pursuing, relentlessly pursuing, the average taxpayer, the families and individuals,

when there is so much that they are not doing with respect to corporations?

And when they do make the revenue collections, we can identify the fact that there is money available for the priorities that we have identified in education. We want to know where the money can come from. It can come from corporations paying their penalties for the violations of section 531 and 537. That section alone will produce all the money we need for school construction over the next 5 to 10 years. The two are very much related.

Education is very important. The IRS review is very important. Both parties in a nonpartisan, bipartisan way should pursue both of these objectives, and I would certainly hope that we will spend part of the remaining weeks of the first year of the 105th Congress doing this. But in the 105th Congress in the second year, we will give our full attention to a bipartisan effort to collect the taxes that are not being collected in the corporate welfare and divert the money that we raise that way into the coffers for the improvement of the public schools across America, starting with a new school construction initiative.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Washington (at the request of Mr. ARMEY), for today after 2 p.m., on account of attending his daughter's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of California, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. CRAPO, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1122: An act to amend title 18, United States Code, to ban partial-birth abortions.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. SCARBOROUGH). Pursuant to the provisions of House Concurrent Resolution 169 of the 105th Congress, the House stands adjourned until 10:30 a.m. on Tuesday, October 21, 1997, for morning hour debates.

Thereupon (at 9 o'clock and 15 minutes p.m.) pursuant to House Concurrent Resolution 169, the House adjourned until Tuesday, October 21, 1997, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5420. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Standards for Approval of Cold Storage Warehouses for Peanuts (RIN: 0560–AF04) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5421. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—HUD Disaster Recovery Initiative [Docket No. FR–4254–N–01] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5422. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans of New Source Review (NSR) Implementation Plan Addressing NSR in Nonattainment Areas; Louisiana; Louisiana Administrative Code (LAC), Title 33, Environmental Quality, Part III. Air, Chapter 5. Permit Procedures, Section 504, Nonattainment NSR Procedures [LA–14–1–7239; FRL–5905–7] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5423. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—California State Implementation Plan Revision; Interim Final Determination That State Has Corrected Deficiencies [CA 198–0056; FRL–5907–2] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5424. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Minnesota; Evidentiary Rule [MN40–03–6988; FRL–5906–3] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5425. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Approval of Delegation of Authority to New Mexico [FRL–5904–8] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5426. A letter from the AMD—Performance Evaluation and Records Management, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System [FO Docket 91–301, FO Docket 91–171] received October 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5427. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5428. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 98–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5429. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5430. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Available for New Jersey [Docket No. 961210346–7035–02; I.D. 100197A] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5431. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal from Federal Regulations of Nineteen Acute Aquatic Life Water Quality Criteria Applicable to Alaska [FRL–5903–7] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5432. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of the Polychlorinated Biphenyl Human Health Criteria in the Water Quality Guidance for the Great Lakes System [FRL–5907–4] (RIN: 2040–AC08) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5433. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal From Federal Regulations of Arsenic Human Health Water Quality Criteria Applicable to Idaho [FRL–5903–4] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5434. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Rev. Proc. 97–48] received October 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIAZ-BALART: Committee on Rules. House Resolution 265. Resolution providing for consideration of the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes (Rept. 105–317). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. H.R. 2513. A bill to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives; with an amendment (Rept. 105–318 Pt. 1). Ordered to be printed.

Mr. STUMP: Committee on Veterans' Affairs. S. 923. An act to deny veterans benefits to persons convicted of Federal capital offenses; with amendments (Rept. 105–319). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 2367. A bill to increase, effective as of December 1, 1997, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. 105–320). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself and Mr. CRANE):

H.R. 2644. A bill to provide to beneficiary countries under the Caribbean Basin Economic Recovery Act benefits equivalent to those provided under the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. RANGEL):

H.R. 2645. A bill to make technical corrections related to the Taxpayer Relief Act of 1997 and certain other tax legislation; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. GINGRICH):

H.R. 2646. A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; to the Committee on Ways and Means.

By Mrs. FOWLER (for herself, Mr. COX of California, Mr. GIBBONS, Mr. GILMAN, Mr. HUNTER, Mr. HYDE, Mr. SAM JOHNSON, Mr. MCINTOSH, Mr. MARKEY, Ms. PELOSI, Mr. ROHRABACHER, Mr. ROYCE, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. SPENCE, and Mr. WOLF):

H.R. 2647. A bill to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act; to the Committee on International Relations.

By Mr. BACHUS (for himself, Mr. RILEY, Mr. KING of New York, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. WATTS of Oklahoma, Mr. LARGENT, Mr. COOKSEY, and Mr. ADERHOLT):

H.R. 2648. A bill to amend title 18, United States Code, to make illegal all private possession of child pornography; to the Committee on the Judiciary.

By Mr. SKAGGS:

H.R. 2649. A bill to repeal the Line Item Veto Act and to amend the Congressional Budget and Impoundment Control Act to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS:

H.R. 2650. A bill to repeal the Line Item Veto Act of 1996; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. FILNER, Ms. KAPTUR, Mr. BONIOR, Mr. LIPINSKI, Mr. MILLER of California, Mr. SANDERS, Mr. DELLUMS, Mr. STARK, Mr. PASCRELL, Mr. TIERNEY, Mr. COSTELLO, Mr. HINCHEY, Ms. SLAUGHTER, Mr. BROWN of Ohio, Mr. ABERCROMBIE, Mr. EVANS, Ms. WATERS, Mr. STUPAK, Mr. PALLONE, Mr. BALDACCI, Mr. DELAHUNT, and Ms. DELAURO):

H.R. 2651. A bill to establish an Emergency Commission To End the Trade Deficit; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2652. A bill to amend title 17, United States Code, to prevent the misappropriation of collections of information; to the Committee on the Judiciary.

By Mr. COOKSEY:

H.R. 2653. A bill to direct the Director of the United States Fish and Wildlife Service to conduct a study of the feasibility of establishing a national recreational fishing license; to the Committee on Resources.

By Mr. GREENWOOD:

H.R. 2654. A bill to amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries; to the Committee on Commerce.

By Mr. HOEKSTRA (for himself, Mr. NORWOOD, Mr. MCKEON, Mr. GREENWOOD, Mrs. EMERSON, Mr. MCINTOSH, Mr. BOEHNER, Mr. WICKER, Mr. BALLENGER, Mr. TALENT, Mr. BUYER, Mr. SAM JOHNSON, Mr. HILLEARY, Mr. PITTS, Mr. KNOLLENBERG, Mr. PETRI, Mr. BARRETT of Nebraska, Mr. HOSTETTLER, Mr. HASTINGS of Washington, Mr. GRAHAM, Mr. SCARBOROUGH, and Mr. BURTON of Indiana):

H.R. 2655. A bill to repeal certain Federal education programs; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA:

H.R. 2656. A bill to prohibit Federal funding for the election of officers and trustees of the International Brotherhood of Teamsters; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON (for himself, Mr. HERGER, Mr. CHRISTENSEN, Mr. HOUGHTON, Mr. RAMSTAD, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. WELLER, and Mr. HAYWORTH):

H.R. 2657. A bill to amend the Internal Revenue Code of 1986 to prohibit the summons and examination of source codes for third-party computer programs and the disclosure of executable computer software obtained by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself, Mr. MCNULTY, and Mr. RAMSTAD):

H.R. 2658. A bill to amend the Internal Revenue Code of 1986 to prohibit the Internal Revenue Service from using the threat of audit to compel agreement with the Tip Reporting Alternative Commitment or the Tip Rate Determination Agreement; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 2659. A bill to prohibit non-emergency take-off and landing at the Fulton County Airport, Brown Field, located in Atlanta, Georgia, when the airport's tower is closed; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Ms. CARSON, Mr. LEACH, Mr. DELLUMS, Mr. PAYNE, Ms. FURSE, Mr. TOWNS, Ms. PELOSI, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. OBERSTAR, Ms. RIVERS, Mr. BROWN of California, Mr. DEFAZIO, Mr. MARKEY, Mr. OWENS, and Mr. HINCHEY):

H.R. 2660. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. BAESLER, Mr. BONILLA, Mr. BOYD, Mr. BUNNING of Kentucky, Mr. COOKSEY, Mr. CUNNINGHAM, Mr. LINDER, Mrs. MORELLA, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Ms. PRYCE of Ohio, Mr. BOB SCHAFFER, Mr. SNOWBARGER, and Mr. WICKER):

H.R. 2661. A bill to establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. MENENDEZ (for himself, Mr. STARK, Mrs. MALONEY of New York, Ms. KILPATRICK, Mr. GREEN, and Ms. LOFGREN):

H.R. 2662. A bill to amend the Truth in Lending Act to prevent credit card issuers from advertising and offering one type of credit card and then issuing another type of credit card without the informed consent of the consumer, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. METCALF:

H.R. 2663. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. PALLONE (for himself, Mr. MEEHAN, Mr. MCDERMOTT, Mr. KLUG, Mr. FILNER, Ms. LOFGREN, Mr. PETRI, Mr. BROWN of Ohio, Mr. FROST, Mr. MCNULTY, Mr. WEXLER, and Ms. FURSE):

H.R. 2664. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PASTOR (for himself, Mr. KILDEE, Mr. MARTINEZ, Mr. TOWNS, Mr. FROST, Mrs. MINK of Hawaii, Mr. HAYWORTH, Ms. ROYBAL-ALLARD, and Mr. KENNEDY of Rhode Island):

H.R. 2665. A bill to improve Indian reservation roads and related transportation services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN:

H.R. 2666. A bill to provide for adjustment of status of certain Nicaraguans; to the Committee on the Judiciary.

By Mr. ROYCE (for himself, Mr. KASICH, Mr. TAUZIN, Mr. ARMEY, Mr. BASS, Mr. BOEHNER, Mr. BONO, Mrs. CHENOWETH, Mr. COBURN, Mr. CRANE, Mr. EHRLICH, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. INGLIS of South Carolina, Mr. KINGSTON, Mr. KLUG, Mr. LARGENT, Mr. LIVINGSTON, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUMANN, Mr. NUSSLE, Mr. PARKER, Mr. PAUL, Mr. PITTS, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. RYUN, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SHADEGG, Mr. SOLOMON, Mr. STEARNS, Mr. SUNUNU, Mr. TALENT, Mr. THORNBERRY, Mr. TIAHRT, and Mr. WELDON of Florida):

H.R. 2667. A bill to dismantle the Department of Commerce; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, the Judiciary, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALMON (for himself, Mr. STUMP, Mr. HAYWORTH, Mr. SHADEGG, Mr. GOSS, Mrs. KELLY, Mr. FOLEY, Mr. COBURN, Mr. CAMPBELL, Mr. PAUL, Mr. MCCRERY, Mr. SESSIONS, Mr. ROYCE, Mr. PAPPAS, Mr. MCINTOSH, Mr. ENSIGN, Mr. HOEKSTRA, Mr. TALENT, Mr. HASTERT, Mr. SENSENBRENNER, and Mr. SOUDER):

H.R. 2668. A bill to amend title XVIII of the Social Security Act to remove the sunset and numerical limitation on Medicare participation in MedicareChoice medical savings account (MSA) plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANFORD:

H.R. 2669. A bill to amend the Social Security Act to provide simplified and accurate information on the Social Security trust funds, and personal earnings and benefit estimates to eligible individuals; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mr. PALLONE):

H.R. 2670. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. STEARNS, Mr. WELDON of Florida, Mr. KENNEDY of Rhode Island, Mr. FOLEY, and Mr. CAMPBELL):

H.R. 2671. A bill to amend title XVIII of the Social Security Act to assure payment for ultrasonic nebulizers as items of durable medical equipment under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WISE:

H.R. 2672. A bill to amend the Higher Education Act of 1965 to prevent Federal student assistance need analysis from penalizing parents for investing in prepaid tuition programs; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H.R. 2673. A bill to ensure the safety of children in regard to firearms; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself, Mr. WYNN, and Mrs. MORELLA):

H.J. Res. 96. A joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. STUMP, Mr. HOSTETTLER, Mr. BARR of Georgia, Mr. GIBBONS, and Mr. SNOWBARGER):

H. Con. Res. 170. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal and to guarantee its regular operation; to the Committee on International Relations.

By Mr. MOAKLEY:

H. Res. 266. A resolution recognizing and congratulating Northeastern University on its one-hundredth anniversary; to the Committee on Education and the Workforce.

By Mr. PAPPAS (for himself, Mr. ENSIGN, Mr. PORTMAN, Mr. HASTERT, Mr. BARRETT of Nebraska, Mrs. LINDA SMITH of Washington, Mr. WATTS of Oklahoma, Mr. REDMOND, Mrs. CHENOWETH, Mr. HYDE, Mr. RILEY, Mr. HALL of Texas, Mr. SUNUNU, and Mr. HUTCHINSON):

H. Res. 267. A resolution expressing the sense of the House of Representatives that the citizens of the United States must remain committed to combat the distribution, sale, and use of illegal drugs by the Nation's youth; to the Committee on Education and the Workforce.

By Mr. PAXON (for himself, Mr. MCHUGH, Mr. KNOLLENBERG, Mr. HOSTETTLER, Mr. EWING, Mr. NEUMANN, Mr. HERGER, Mrs. EMERSON, and Mr. THORNBERRY):

H. Res. 268. A resolution expressing the sense of the House of Representatives that no new energy taxes or fees should be imposed on the American public for the purposes of complying with the global warming treaty; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEJDENSON introduced a bill (H.R. 2674) to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. LAHOOD.

H.R. 44: Mr. KILDEE, Mr. HINCHEY, Mr. OLVER, and Mr. DAVIS of Virginia.

H.R. 100: Mr. REYES.

H.R. 158: Mr. STUPAK.

H.R. 303: Mr. TURNER.

H.R. 339: Mr. SHIMKUS.

H.R. 404: Mr. TORRES and Mr. ROTHMAN.

H.R. 414: Mr. CRAPO.

H.R. 465: Mr. BLILEY.

H.R. 536: Ms. LOFGREN.

H.R. 746: Mr. HASTERT.

H.R. 754: Mr. SMITH of New Jersey.

H.R. 758: Mr. REDMON and Mr. CHABOT.

H.R. 789: Mr. LUCAS of Oklahoma.

H.R. 805: Mr. BARTON of Texas.

H.R. 815: Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. MOAKLEY, Mr. ANDREWS, Mr. DOOLEY of California, and Mr. DAN SCHAEFER of Colorado.

H.R. 859: Mr. THORNBERRY.

H.R. 883: Mr. LUCAS of Oklahoma.

H.R. 939: Mr. HOLDEN.

H.R. 965: Mr. BONO, Mr. COLLINS, and Mr. SALMON.

H.R. 981: Mr. GUTIERREZ.

H.R. 983: Mr. BARRETT of Wisconsin and Mr. GUTIERREZ.

H.R. 991: Mr. ROTHMAN.

H.R. 1018: Mr. KILDEE.

H.R. 1025: Mr. SHERMAN.

H.R. 1054: Mr. LEWIS of California, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. SPRATT, Mr. FARR of California, Mr. CALLAHAN, Mrs. TAUSCHER, Mr. RADANOVICH, Mrs. MORELLA, and Mr. MOAKLEY.

H.R. 1063: Ms. SLAUGHTER, Ms. DELAURO, Mr. BURTON of Indiana, Mr. HEFLEY, Mr. WAMP, Ms. DUNN of Washington, and Mr. HALL of Ohio.

H.R. 1070: Ms. HARMAN and Mr. MATSUI.

H.R. 1071: Mr. BROWN of California.

H.R. 1114: Mr. ETHERIDGE.

H.R. 1151: Mr. SERRANO, Ms. WOOLSEY, and Mr. COSTELLO.

H.R. 1234: Mr. DELLUMS, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. JEFFERSON, and Ms.VELAZQUEZ.

H.R. 1289: Mr. FOX of Pennsylvania.

H.R. 1371: Mr. SMITH of Michigan.

H.R. 1378: Mr. CHABOT, Mr. WELDON of Florida, and Mr. LARGENT.

H.R. 1415: Mr. MARTINEZ, Mr. BOYD, Mr. CLYBURN, Ms. STABENOW, Mr. LOBIONDO, Mr. EWING, and Mr. BUNNING of Kentucky.

H.R. 1441: Mrs. EMERSON.

H.R. 1534: Mr. BURR of North Carolina and Mr. TAYLOR of Mississippi.

H.R. 1565: Mr. NEY, Mr. BAKER, and Mr. EVANS.

H.R. 1586: Mr. DEFAZIO.

H.R. 1595: Mr. BLILEY and Mr. HOBSON.

H.R. 1608: Mr. KUCINICH, Mr. SPENCE, Mr. TAYLOR of Mississippi, Mrs. THURMAN, and Mr. BOB SCHAFFER.

H.R. 1614: Mr. SCHUMER.

H.R. 1625: Mr. WAMP, Mr. SMITH of Michigan, Mr. SMITH of Oregon, Mr. SMITH of Texas, Mr. FOX of Pennsylvania, Mr. UPTON, Mr. CHRISTENSEN, Mr. PITTS, Mr. GANSKE, Mr. JONES, Mr. HANSEN, Mr. STUMP, Mr. BUNNING of Kentucky, Mr. TAUZIN, Mr.

BAKER, Mr. SHUSTER, Mr. EHRLICH, Mr. COBLE, Mr. OXLEY, and Mr. HYDE.

H.R. 1679: Mrs. KENNELLY of Connecticut.

H.R. 1689: Mr. ADAM SMITH of Washington, Mr. FRELINGHUYSEN, and Mr. FORBES.

H.R. 1697: Mr. ENGLISH of Pennsylvania, Mr. BARCIA of Michigan, Mr. FRANK of Massachusetts, Mr. DOYLE, and Mr. DELLUMS.

H.R. 1735: Mr. FROST.

H.R. 1737: Ms. WOOLSEY, Mr. BARRETT of Wisconsin, Mr. EVANS, Mr. MEEHAN, and Mrs. MORELLA.

H.R. 1741: Mr. THORNBERRY.

H.R. 1753: Mr. GRAHAM.

H.R. 1763: Mr. GILMAN and Mrs. LOWEY.

H.R. 1872: Mr. FOLEY, Mr. DAVIS of Florida, and Mr. LARGENT.

H.R. 1891: Mr. BUNNING of Kentucky, Mr. CRAMER, Mr. ENGLISH of Pennsylvania, Mr. HOUGHTON, Mr. HOLDEN, Mr. MCCRERY, Mr. NETHERCUTT, and Mr. HERGER.

H.R. 1913: Mr. TURNER.

H.R. 2185: Mr. MCGOVERN.

H.R. 2202: Mr. BILBRAY and Mr. CHRISTENSEN.

H.R. 2221: Mr. STUMP.

H.R. 2224: Mr. LIPINSKI and Mr. LANTOS.

H.R. 2253: Mr. FARR of California.

H.R. 2273: Ms. WOOLSEY, Mr. KILDEE, Mr. MCHALE, Mr. ETHERIDGE, Mr. BEREUTER, Mr. MCINTYRE, Mr. FAZIO of California, Mr. TOWNS, Mr. BORSKI, Mr. TURNER, Mr. MURTHA, Mr. MASCARA, Mr. PALLONE, and Mr. SISISKY.

H.R. 2276: Mr. KIND of Wisconsin, Mr. KLECZKA, Mr. BROWN of Ohio, Mr. BARRETT of Wisconsin, Mr. FROST, Ms. LOFGREN, and Mr. LUTHER.

H.R. 2292: Mr. BACHUS, Mr. WHITFIELD, Mr. LAHOOD, Mr. HUNTER, Mr. MCINTYRE, Mr. WHITE, Mrs. NORTHUP, Mr. BOB SCHAFFER, Mr. INGLIS of South Carolina, Mr. COBURN, Mr. LUCAS of Oklahoma, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. SAXTON, Mr. WOLF, Mr. TURNER, Mr. HEFLEY, and Mrs. EMERSON.

H.R. 2302: Mr. MORAN of Virginia, Mr. BLAGOJEVICH, Mr. DOOLEY of California, Mr. BURR of North Carolina, and Mr. PETERSON of Minnesota.

H.R. 2313: Mr. MCHALE.

H.R. 2362: Mrs. TAUSCHER.

H.R. 2377: Mr. EWING and Mr. LUCAS of Oklahoma.

H.R. 2397: Mr. WOLF and Mr. GOODE.

H.R. 2403: Mr. PORTER, Mr. GRAHAM, and Mr. HULSHOF.

H.R. 2404: Mr. EVANS.

H.R. 2438: Mr. HAYWORTH, Mr. CANADY of Florida, Mr. SMITH of Texas, and Mr. MCCRERY.

H.R. 2449: Mr. NETHERCUTT, Mr. GOODE, Mr. GOODLATTE, Mr. HAYWORTH, Mr. WATTS of Oklahoma, Mr. COOKSEY, Mr. BLILEY, and Mr. EHRLICH.

H.R. 2451: Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, and Ms. PELOSI.

H.R. 2456: Mr. KNOLLENBERG, Mr. KLUG, Mr. TAYLOR of Mississippi, Mr. CALVERT, Mr. PORTER, Mr. EVERETT, Mr. LEACH, Mr. LIPINSKI, Mr. STUPAK, Mr. LUCAS of Oklahoma, Mr. REGULA, Ms. LOFGREN, Mr. PETRI, Mr. MATSUI, Mr. QUINN, Mr. LAZIO of New York, Mr. SHAYS, and Mr. FRANKS of New Jersey.

H.R. 2462: Mr. HOEKSTRA, Ms. GRANGER, Mr. LARGENT, Mr. NEUMANN, Mr. PITTS, and Mr. EHRLICH.

H.R. 2476: Mr. MCGOVERN and Mr. STARK.

H.R. 2480: Mr. MCDERMOTT.

H.R. 2481: Mr. OBERSTAR, Mr. PAXTON, Mr. WALSH, Mr. SOLOMON, Ms. DUNN of Washington, Mr. GOODE, Mr. NETHERCUTT, Mr. LEVIN, Ms. DANNER, Ms. FURSE, Mr. GILLMOR, and Mr. SMITH of Michigan.

H.R. 2483: Mr. MCINTOSH, Mr. TALENT, Mrs. CHENOWETH, Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. PETERSON of Pennsylvania, Mr. CAMPBELL, Mr. ENSING, Mr. PAUL, and Mr. MCCRERY.

H.R. 2490: Mr. ADERHOLT, Mr. COX of California, Mr. BALLENGER, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. FOLEY, Mr. LUCAS of Oklahoma, Mr. MCINTOSH, Mr. METCALF, Mrs. MYRICK, Mr. PETERSON of Minnesota, Mr. SALMON, Mr. SANFORD, Mr. BOB SCHAFFER, Mr. SHADEGG, Mr. STUMP, Mr. TALENT, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WHITFIELD, Mr. HUTCHINSON, Mr. BLUNT, Mr. BURTON of Indiana, Mr. CHRISTENSEN, Ms. GRANGER, Mr. KLUG, Mr. HASTERT, Mr. SMITH of New Jersey, Mr. SPENCE, and Mr. WICKER.

H.R. 2493: Mr. THOMAS and Mr. DOOLITTLE.

H.R. 2495: Mr. ANDREWS, Mrs. MINK of Hawaii, Ms. FURSE, and Mr. COLLINS.

H.R. 2503: Mr. MEEHAN and Mr. OLVER.

H.R. 2509: Mr. GRAHAM, Mr. HOLDEN, and Mr. LATHAM.

H.R. 2515: Mr. PETERSON of Minnesota, Mr. DEAL of Georgia, Mr. PICKERING, Mr. SKEEN, Mr. CHAMBLISS, and Mr. HERGER.

H.R. 2517: Mr. MCGOVERN, Ms. CARSON, and Mr. HOSTETTLER.

H.R. 2519: Mr. MEEHAN and Mr. COOK.

H.R. 2523: Mr. BROWN of California and Mr. ETHERIDGE.

H.R. 2525: Mr. CLAY, Ms. DEGETTE, and Mr. HINCHEY.

H.R. 2527: Mr. KUCINICH, Mr. KILDEE, Mr. BOEHLERT, Mr. DOYLE, Mr. BOYD, Mr. BALDACCI, Ms. HOOLEY of Oregon, Mr. TORRES, Mr. TIERNEY, and Mr. MANTON.

H.R. 2535: Mr. WELLER.

H.R. 2551: Mr. HILLEARY, Mr. PETERSON of Minnesota, Mr. QUINN, and Mr. PAXON.

H.R. 2560: Mr. SAWYER, Mr. LAMPSON, Mr. EVANS, Mr. KENNEDY of Rhode Island, Mrs. MORELLA, and Ms. FURSE.

H.R. 2593: Mr. HULSHOF, Mr. SMITH of New Jersey, Mr. EVANS, Mr. ANDREWS, and Mr. KENNEDY of Rhode Island.

H.R. 2597: Mr. FROST and Mr. HINOJOSA.

H.R. 2598: Mr. BLUNT, Mr. BRADY, Mrs. EMERSON, Mr. EWING, Mr. FROST, Mr. GIBBONS, Mr. PICKERING, Mr. RILEY, and Mr. SNOWBARGER.

H.R. 2602: Ms. FURSE.

H.R. 2609: Mr. CUNNINGHAM, Mr. STEARNS, Mr. WELDON of Florida, Mr. FOLEY, Mr. BARCIA of Michigan, Mr. HERGER, Mr. WHITFIELD, and Mr. NORWOOD.

H.R. 2610: Mr. SOUDER, Mr. BURTON of Indiana, Mr. BARR of Georgia, Mr. SESSIONS, Mr. MCCOLLUM, Mr. PORTMAN, Mr. CONDIT, and Mr. GOSS.

H.R. 2611: Mr. BOB SCHAFFER and Mr. DOOLITTLE.

H.R. 2624: Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. SCARBOROUGH, and Mr. SKEEN.

H.R. 2631: Mr. HOSTETTLER, Mr. NETHERCUTT, Mr. MURTHA, Mr. BUYER, Mr. HANSEN, Mr. BRYANT, Mr. MOLLOHAN, Mr. SCARBOROUGH, Mr. HILLEARY, Mr. HEFLEY, Mr. RAHALL, Mr. BISHOP, Mr. SHAW, Ms. ROS-LEHTINEN, Mr. MCCOLLUM, Mr. WELDON of Florida, Mr. SCOTT, Mr. CANNON, and Mr. THUNE.

H.R. 2635: Mr. PORTER, Mr. BROWN of Ohio, and Mr. BROWN of California.

H. Con. Res. 80: Mr. JOHN.

H. Con. Res. 106: Mr. DAVIS of Illinois and Mr. GEJDENSON.

H. Con. Res. 107: Mr. GOODLING and Mr. DAN SCHAEFER of Colorado.

H. Con. Res. 121: Mr. TALENT, Mr. LAZIO of New York, Mr. SOUDER, Mrs. MORELLA, Mr. LATOURETTE, Mr. RAHALL, Mr. TIAHRT, Mr. WEXLER, Mr. CHAMBLISS, Ms. WOOLSEY, Mr. PORTER, Mr. JONES, Mr. METCALF, Ms. RIVERS, Mr. ROTHMAN, and Mr. FOX of Pennsylvania.

H. Con. Res. 127: Mr. BLILEY, Mr. HAMILTON, Mr. HALL of Texas, and Mrs. LINDA SMITH of Washington.

H. Con. Res. 130: Mr. BEREUTER.

H. Con. Res. 144: Mr. ROTHMAN.

H. Con. Res. 148: Mr. BLAGOJEVICH, Mr. KLINK, Mr. HORN, Mr. TIERNEY, Mrs. KELLY, Mr. MCNULTY, and Mr. HOLDEN.

H. Con. Res. 150: Mr. ADAM SMITH of Washington, Mr. PETERSON of Minnesota, and Mr. METCALF.

H. Con. Res. 156: Ms. SLAUGHTER, Mr. MCGOVERN, Mr. MEEHAN, and Ms. FURSE.

H. Con. Res. 158: Mr. BARTON of Texas.

H. Con. Res. 164: Mr. MILLER of California and Mr. FILNER.

H. Con. Res. 165: Mr. WYNN.

H. Con. Res. 166: Mr. PORTER.

H. Con. Res. 168: Mr. DELLUMS, Mr. EVANS, Mr. KUCINICH, Mr. RAHALL, Mr. BROWN of Ohio, Mr. MARTINEZ, Mr. BLAGOJEVICH, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLINK, Ms. MCKINNEY, Ms. ROYBAL-ALLARD, Mr. EHRLICH, and Mr. FROST.

H. Res. 96: Mr. MATSUI.

H. Res. 224: Mr. LATOURETTE, Mr. POSHARD, Mr. GEKAS, and Ms. RIVERS.

H. Res. 235: Mr. PETERSON of Pennsylvania, Mr. DEUTSCH, Mr. CANADY of Florida, and Mr. YOUNG of Florida.

H. Res. 236: Mr. MORAN of Virginia, Mr. NADLER, Mr. MCDERMOTT, Mr. BALDACCI, Mr. CLEMENT, Mr. KLECZKA, Mr. BARRETT of Wisconsin, Mr. ENGEL, Mr. STRICKLAND, Ms. PELOSI, Mr. ETHERIDGE, Mr. STARK, Mr. YATES, Ms. STABENOW, Mr. ACKERMAN, Mr. TORRES, Ms. RIVERS, Mr. LEWIS of Georgia, Mr. DELAHUNT, Ms. LOFGREN, and Mr. MCHALE.

H. Res. 237: Mrs. THURMAN.

H. Res. 245: Mr. HILLIARD, Mr. HEFLEY, Mr. HASTINGS of Florida, Mr. TORRES, Mr. BORSKI, Mr. MORAN of Virginia, Mr. PITTS, Mr. BOEHNER, Mr. HALL of Ohio, Mr. BERMAN, Mr. DREIER, Mr. BEREUTER, and Mr. LATHAM.

H. Res. 246: Mr. BURTON of Indiana, Mr. WATTS of Oklahoma, Mr. FOLEY, Mr. TRAFICANT, Mr. SNOWBARGER, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. HORN, Mr. LOBIONDO, Mrs. KELLY, Mr. MCGOVERN, Mr. MCCOLLUM, Mrs. MORELLA, Mr. ENGEL, Mr. WAXMAN, Mr. SHAYS, Mr. KING of New York, Mr. MENENDEZ, Mr. MEEHAN, and Mr. MCNULTY.

H. Res. 259: Mr. TURNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1415: Mr. DICKEY.

H.R. 1984: Mr. PORTER.

H.R. 2332: Mr. SPRATT.

H.R. 2579: Mr. BISHOP.

DISCHARGE PETITIONS

Under clause 3, rule XXVII the following discharge petitions were filed:

Petition 2, October 9, 1997, by Mr. PETERSON of Minnesota on H.R. 1984, has been signed by the following Members: Collin C. Peterson, Virgil H. Goode, Jr., Mike McIntyre, Norman Sisisky, Max Sandlin, Scotty Baesler, Jim Turner, Leonard L. Boswell, Sanford D. Bishop, Jr., Pat Danner, Charles W. Stenholm, and Marion Berry.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. YATES on House Resolution 141: Henry A. Waxman.