

As Members are aware, the House passed both the District of Columbia appropriations bill and the foreign operations conference reports last night. It is hoped that the Senate can voice vote those bills during today's session as we await House action on the Commerce, State, Justice appropriations conference report, and I expect them to accomplish that before late in the afternoon. In fact, I expect it to be in the early afternoon.

If a voice vote is not possible, then Members will be notified as to when we might have a rollcall vote or votes. Again, I think it would be in the best interests of the Senate at this time if we could do this with a voice vote. The so-called controversial positions in the District of Columbia bill and the foreign operations conference reports have been removed, and I believe an agreement has been reached with the administration on Commerce, State, and Justice with regard to items in that bill, as well as the provisions with regard to census.

If there are rollcall votes, I emphasize we will try to notify Members with at least a 4-hour advance notice and the time span that that vote might occur in. If we can't complete today with just voice votes then there is a possibility that we would have to go over until tomorrow if there is going to be a rollcall vote because I do think Members are entitled to significant advance notice so they can be sure to be here. Or, if we can't get it done in a reasonable way today or tomorrow, there is always next week, which would really begin to stretch what President Eisenhower had warned us against. In order to avoid that, we are going to need a very good attitude and a lot of cooperation. I think that is possible.

We are still working on the few remaining Executive Calendar items. There are only 15 or so nominations left on the calendar. We are hoping to clear some of those today, and then those that would require some debate or recorded votes would be scheduled early in the session when we come back next year.

Again, we need cooperation of the Senators that are here today, and between the leadership on both sides of the aisle so we can complete action. We accomplished a great deal over the weekend by voice vote and in our wrap-up. We passed a lot of really good bills. We still have a chance to get a conference report from the House on Amtrak, with only one major change, as I understand it—one I think the Senate could live with. That is the makeup of the board of Amtrak.

I remind our colleagues that we did pass and send to the President a fix with regard to the ISTEA transportation bill, that we did pass and send to the President the FDA reform package, as well as the foster care and adoption bill, and earlier had sent the Labor-HHS and education appropriations bill. So we are down, really, to these three final bills. There could be a fourth bill

sent separately that would include the State Department reorganization, U.N. arrearage, IMF funds, as well as some language with regard to the Mexico City population control issue. If that bill could not be brought up or was objected to or filibustered, of course, we would not be able to get to a final vote on that. But the three key bills we need to bring up today are the three appropriations conference reports and we will notify Members when we will act on those and if any recorded votes are necessary.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, November 13, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, on that, too, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on 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 PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2607) entitled "An Act 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 the following amendments:

- (1) On page 1, line 1, strike all through line 7
- (2) On page 1, line 8, strike [The] and insert: *That the*
- (3) On page 2, line 2, strike all from "to" through "Act," on line 3
- (4) On page 11, line 20, after the word "fund" insert: *described in section 172 of this Act*
- (5) On page 12, line 8, strike [all]
- (6) On page 34, line 16, after "or" insert: *previously*
- (7) On page 44, line 15, before the period, insert: *, 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*
- (8) On page 46, after line 9, insert:
 - (c) *REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 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 for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.*

(9) On page 47, line 21, strike [\$5,000,000] and insert: *\$12,000,000*

(10) On page 59, line 11, strike [(f)] and insert: *(e)*

(11) On page 77, line 17, strike all through page 78, line 2

(12) On page 78, after line 2, insert the following:

SEC. 166. Notwithstanding any other provision of Federal or District of Columbia law applicable to a reemployed annuitant's entitlement to retirement or pension benefits, the Director of the Office of Personnel Management may waive the provisions of section 8344 of title 5 of the United States Code for any reemployed annuitants appointed heretofore or hereafter as a Trustee under section 11202 or 11232 of the National Capital Revitalization and Self-Government Improvement Act of 1997, or, at the request of such a Trustee, for any employee of such Trustee.

SEC. 167. 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. 168. 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. 169. 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. 170. 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. 171. 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. 172. (a) PAYMENTS TO NEW CHARTER SCHOOLS.—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 and subsequent fiscal years 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)."

This title may be cited as the "District of Columbia Appropriations Act, 1998".

(13) On page 99, line 22, strike all through line 23

(14) On page 100, line 1, strike all through page 708, line 7

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur

in the House amendments to the Senate amendments, and, further, that the Senate recede from its amendment to the title.

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

Mr. LOTT. Mr. President, this is the first of the three remaining appropriations items that the Senate must complete prior to adjournment.

I thank all Members on both sides of the aisle for their cooperation as we cleared this first appropriations bill.

I yield the floor.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL ADVISORY COMMITTEE ACT AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2977, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GLENN. Mr. President, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997.

H.R. 2977 properly excludes the National Academy of Science [NAS] and the National Academy of Public Administration [NAPA] from the Federal Advisory Committee Act [FACA], while at the same time ensuring that certain public sunshine and accountability measures apply to NAS and NAPA committees. Since the legislation did not have the benefit of a committee report in either the House of Senate, as ranking member of the Committee on Governmental Affairs, the committee of jurisdiction over FACA, I would like to make the following clarifications regarding the bill's provisions.

Section 15 of the bill establishes procedures with which NAS and NAPA must comply as part of agreements with Federal agencies on work to be performed. I want to be clear that both NAS and NAPA should apply these procedures to standing committees in their future work for Federal agencies in addition to future committees that may be created, either temporarily or on a standing basis, to complete a specific project or projects under an agreement with an agency. In particular, it