

There being no objection, the Senate, at 1:32 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA APPRO-
PRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes of debate evenly divided on the Hutchison amendment. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understood it was 30 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I suggest the Senator from Connecticut be recognized—and this has been cleared on both sides—as in morning business for 7 minutes.

(The remarks of Mr. DODD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. DODD. I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, so there is no misunderstanding, I have spoken with Senator LANDRIEU and Senator HUTCHISON, and the unanimous consent request Senator LANDRIEU made takes 3½ minutes off each side.

The PRESIDING OFFICER. That is the Chair's understanding.

Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to use 5 minutes and be informed at the end of 5 minutes so Senator DURBIN may take the floor, and I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, my amendment attempts to be a compromise between those who wish to take the caps off the attorney's fees for suing the District of Columbia School District and what I think is a quite reasonable approach, which is to keep the caps but raise them.

For the last 3 years, we have had caps on attorney's fees. That was made necessary because of the exorbitant fees that were being charged to the District, and that was money coming directly out of the education system. In fact, before the caps were put in place, attorney's fees represented \$14 million of the DC school budget. Since the caps have been put in place, we have had a

figure of \$3.5 million per year average for attorney's fees, and the extra \$10.5 million has been able to go into the services we are seeking to provide for handicapped and special needs children.

Moreover, we have been informed by the District of some of the excessive fees that were being billed before the caps. This is billing the school district for plaintiff's lawyer fees when the plaintiff has been successful. One attorney before the caps individually made \$1.4 million in fees in 1 year suing the District of Columbia schools.

Another law firm billed over \$5 million in a single year to the District of Columbia schools. Submission of a variety of questionable expenses, including flowers, ski trips, and even a trip to New Orleans ostensibly made to scout out private schools far from the District that might be able to accommodate special needs students.

The reason we are trying to put some reasonable caps on these attorney's fees and excessive billings is so the money will go into education. Our amendment has a cap of \$150 an hour. If a lawyer billed 2,000 hours at \$150 an hour, that would be a \$300,000 annual income.

So, we are not saying lawyers should not make a reasonable amount, and we are certainly not subjecting parents to lawyers who cannot make a living. I think \$150 an hour is quite respectable. That is why we have tried to reach out to the other side and do something that is reasonable but not exorbitant.

We are trying to help the District of Columbia schools. We have a letter from the superintendent of schools and the president of the school board requesting us to take this action. They are very concerned that millions of dollars will go into lawyer's fees rather than to improve the services they give. In fact, they are increasing the number of teachers for special needs students. They are increasing the amount of medical equipment for these special needs students, and that is exactly what we want them to do. So I am trying to be helpful to the DC schools. Educators are the ones who can best determine need.

Our amendment also has an out; that if the District itself believes the caps are too low, they have the ability to override this amendment and this act of Congress and increase the fee caps, with the mayor and the school district working together.

I think that takes care of letting the local people have a final decision, doing what they have asked us to do in putting on reasonable caps, as they are trying to do the very difficult job of providing a quality education for all the students of the District of Columbia.

I was the chairman of the DC Subcommittee and I want so much to do what is right for the District. I learned

their needs, and I worked with the mayor and the school representatives to try to give them the tools to do the job they are doing. That is why I feel strongly enough to offer this amendment so the millions of dollars that have been actually assessed against the school, even though it was against the law by one of the judges, will not be able to be collected. It would be against the Federal law for retroactive fees to be collected.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. HUTCHISON. I will stop there, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. I believe the chair of our subcommittee has yielded her remaining time in debate to me.

I ask the Senator from Texas a simple question, and a yes or no answer would suffice. We are talking about limiting the fees paid to attorneys who represent children who are trying to get into special education. Could the Senator from Texas tell me, is there a law in her home State of Texas limiting the fees paid to attorneys in her State who represent children in special education cases?

Mrs. HUTCHISON. Mr. President, I thank the Senator for the question because, of course, there are not those kinds of limits in Texas, but neither does the State of Texas get 20 percent of its budget from the Federal Government. The Federal Government has the constitutional role of making sure the District runs. That is why we have taken on 23 percent of the Federal budget.

Mr. DURBIN. I thank the Senator from Texas for responding to my question.

Reclaiming my time, Mr. President.

Mrs. HUTCHISON. That is why we make sure the Federal taxpayer dollars are used wisely.

The PRESIDING OFFICER. The Senator from Illinois has the time.

Mr. DURBIN. I thank the Senator from Texas.

The answer was no. It was a long answer, but the answer was no, in Texas there is no limit on the amount of money paid in her home State to attorneys representing the families of children who are seeking special education. But she is saying with her amendment we are going to change that rule in the District of Columbia. No other State in the Nation has done what the Senator from Texas wants to do to the District of Columbia.

What is this all about? It is about a law passed by Congress which said we want to give kids with disabilities a chance for an education. We know sometimes when they try to seek that education they have to put up a fight. The school board says, no, we cannot

put them in a special education class. If they put up a fight, they have to hire a lawyer to go through an administrative hearing.

The law we passed, for which many of us voted, said if the family prevails, if the child goes into special education, the court can decide to pay the attorney's fees for the family. Otherwise, what would happen? Exactly what has happened in the District of Columbia right now because of Senator HUTCHISON's amendment the previous years.

Poor kids from poor families cannot afford lawyers. As a result, they do not get representation. They do not get a chance to go into special education classes.

Senator HUTCHISON wants to limit the attorney's fees to stop the poor children in the District of Columbia who are seeking special education to have a legal voice in the process. That is just plain wrong. If the Senator wants to repeal the Children with Disabilities Act as it applies all across America, let her offer the amendment. I would vote against it, but it would be a fair amendment.

What she is doing is zeroing in on this town because some Members of the Senate and the House cannot help themselves from playing the role of city councilman and mayor. They just love it. They will not leave to the District of Columbia the power to make its own decisions. They want to make the decisions for it. Whether we give the District of Columbia 10 percent or 20 percent of the money it spends, the fact is it is responsible under the same laws as every State in the Union.

My colleagues ought to see the letters I received in opposition to the Hutchison amendment. The Senator from Texas would have us believe this is a battle over whether or not lawyers get paid. This letter I received from the Consortium for Citizens with Disabilities makes it clear all of these organizations—and these are not bar associations, I might say for the record: Easter Seals, the American Occupational Therapy Association, Higher Education Consortium for Special Education, Council for Learning Disabilities, Council for Exceptional Children, Epilepsy Foundation, Helen Keller National Center—oppose the Hutchison amendment.

If it was such a wonderful idea to stop paying the attorney's fees so we could give money for special education, would you not think these groups that represent disabled kids would be in favor of this amendment?

They know better. They know what Senator HUTCHISON is doing. She is taking away the legal voice of the poorest kids in the District of Columbia.

Then we received letters from some lawyers, and the lawyers tell us what has happened as a result of the Hutchison amendment over the last 3

years. The number of hearings filed in 1998, before the Hutchison amendment, for special education purposes in the District of Columbia: 2,140. As of last year, that number was cut more than 50 percent to 1,011—more than a 50-percent drop.

Why? Because the poorest kids in the District of Columbia who cannot afford to have their families pay for a lawyer cannot get to court, cannot get into special education. Imagine the life of that small child which has been decided at an early age, which says that whether they have a learning disability, a physical handicap, or a mental disability, they do not have a chance. If the District of Columbia school system turns them down, they are finished because under Senator HUTCHISON's amendment they would limit the attorneys to being paid \$3,000 and not one penny more.

I want to say something about the attorneys who are involved in this. I made a statement earlier, but I want to make sure it is clear in the RECORD. The men and women involved in this practice are doing a great service to the families and a great service to our Nation, giving these kids a chance for special education to receive their fullest potential. The fact is, if we hold the fees to \$3,000 as a maximum in these cases, many attorneys cannot afford to take the case and, sadly, some taking these cases are not prepared to deal with them because they frankly cannot put in the time necessary to be successful.

The worst part of the Hutchison amendment is the fact that even though each year she continues to pass this along, to stop the poor kids in the District of Columbia from having access to special education, the courts have said they are going to ignore it. They continue to award attorney's fees to these firms. Now the District of Columbia cannot pay out anything more than Senator HUTCHISON has allowed them, but the amount of money that the District still owes to these attorneys is there and continues to earn interest and grow. It is a huge element of debt for the District of Columbia that is not being served by the amendment of the Senator from Texas.

I urge all Members to think about the simple justice of this situation. Senator HUTCHISON says she is just declaring war on trial lawyers. Very few trial lawyers are going to take on cases involving special education. It takes a special attorney with a special dedication to make it happen. She may pick or choose some of the attorney's fees, if a particular fee is excessive, but each has to be approved by the court. If that court and that judge make a decision under the law, we have said that is the way it will apply to Texas, to Louisiana, and to the State of Illinois. But at this point in time, to take this city, the Nation's Capital, and say DC chil-

dren will be denied access to special education at a time when all of the major disability groups beg us to vote against the Hutchison amendment is unfair.

I reserve the remainder of my time.

Mrs. HUTCHISON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes 19 seconds, and the Senator from Illinois has 6 minutes 15 seconds.

Mrs. HUTCHISON. Mr. President, please notify me when I have used 4 minutes. I want the right to close on my amendment. I will then yield to the Senator from Illinois.

Mr. President, I will discuss some of the issues raised by the Senator from Illinois. First, he says the number and quality of attorneys who take special education cases has declined since the imposition of the cap. This is not supported by the facts. The number of attorney representations in 1997 before the caps were put into place was over 2,000. Last year, there were 1,700 such representations. We have not seen a steep decline in the number of attorneys willing to take these cases. Most certainly, \$125 an hour, which is what used to be the cap, and \$150, which we are proposing, makes a good living for a person.

A lawyer working 2,000 hours in a year earns \$300,000 with a \$150-an-hour fee structure. It is not as if we are looking at people who would not be able to have a quality of life. This is a reasonable amendment.

Second, he made the statement that access to special education will be inhibited, that the disabled students will not be able to get access to this education. Access to special education in the District has improved since the imposition of attorney fee caps in 1999. The backlog of IDEA initial assessments shrank from 1,805 before the caps to 143 as of March 2001. The backlog of hearings has been reduced from 900 to 20 during the same period. Overall expenditures for special education in the District have increased 38 percent since the caps were imposed. The number of new special education placements, the number of children who have been able to be served, has increased from 8,120 before the fee caps to 11,991 last year. The argument that children are being denied access is not supported by the facts. More children have been able to be accommodated because the money is going into special education and not into the coffers of lawyers.

The Senator talks about who is against my amendment. Let's talk about who is for my amendment. The school board of the District of Columbia is elected by the people of the District. They are for this amendment. They have asked the caps be left in place because they know the money can go into education, and they are

very concerned if the caps go off and the judge who has been awarded lawyer's fees, even against the Federal law, has said he is going to require the District to pay the fees that were illegal, which is a convoluted reasoning, at the very best, but nevertheless the judge has said he is going to do it.

We are told we better lift the caps so the judge can go ahead and do it, and we are told that will be good for the children of the District.

I have not quite gotten that line of thinking. The bottom line is the people elected by the people of the District of Columbia want the caps. They did not ask me to raise the caps. I did that because I was trying to come up with something that would be reasonable, to try to make sure we were not in any way doing something to harm anyone.

My bottom line is when the superintendent of schools and the chairman of the school board, elected by the people of the District, ask me to keep the caps and, for Heavens' sake, not allow a retroactive use of the District's funds to go to lawyers instead of education, to the children of the District, it will not wash.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it should not come as a surprise the Senator from Texas says since she put a limitation on attorney's fees, few cases are filed. That is no surprise. The poor children in this District looking for special education cannot get attorneys who will do it for \$3,000. What happens to those kids? They end up sitting in the back of the classroom, falling behind. They become discouraged and drop out. Then think of the problems that follow in their lives.

What a great solution offered by the Senator. We are keeping out of special education kids who have learning disabilities, mental and physical handicaps. That is the outcome. We can tighten up the system even more, I say to the Senator from Texas, by limiting how many children can go into special education. Then think of how much money would be spent per pupil. That is not fair. It is not just.

When she says we ought to do this because the DC public school board wants it done, I am sorry, I have seen the DC public schools. I have seen reports on them for years. And I frankly think the management of the DC public schools could be a heck of a lot better. It is one of the reasons the District of Columbia, year in and year out, has such poor ratings by the Annie Casey Foundation when it comes to the quality of life for children.

Let me tell you something else the DC public schools did not tell you. The average cost per case before the Hutchison cap for attorney's fees, for those representing kids going into special education, was between \$7,500 and

\$10,000. That is the average. Senator HUTCHISON gives reference to \$1 million here and \$1 million there. That is not the case.

What you have here is as a result of the Hutchison amendment, the DC city council has said we should keep in mind in voting against the Hutchison amendment—8 out of 13 members of the city council said by putting the Hutchison cap on the payment of fees for those who want to get kids into special education, it makes it more difficult for the kids to get the education to which they are entitled.

It discriminates against low-income families. Make no mistake, if you live in the DC area and you want to get your child into special education, and you are wealthy, you will hire a lawyer. But if you are poor, you are out of luck under the Hutchison amendment. The effect of the cap is to treat the children in the District of Columbia differently than any other State, including the State of Texas.

The way to improve special education, according to the District of Columbia city council, is programmatic. Improve the programs rather than limit the advocacy. The fact is, the inefficiency of the DC public school system, their inability to deal with the legal challenges that face them, has led to this problem.

Although the Hutchison amendment in the last 3 years may have made us feel good about limiting DC liability, we have not done it. During that period of time, the amounts awarded to attorneys for the work they have done have continued to grow and interest has continued to grow. There will be a day of reckoning for the District of Columbia. It is time for us to face reality. These are legitimate debts of the District for attorneys who have represented some of the poorest kids in the District of Columbia. If a cap on attorney's fees in the State of Texas is not a good idea, it is not a good idea in the District of Columbia.

I ask Members to remember the simple fairness that if we stand for special education and access for all children, poor and rich alike, you cannot deny for those poor children the voice and the process they need to get into school. The Hutchison amendment denies to these children and their families a chance for special education. That is wrong. It is unjust. I hope my colleagues will join me in voting against the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes and 6 seconds. The Senator from Illinois has 27 seconds.

Mrs. HUTCHISON. I ask the Senator from Illinois if he has any further use for his time or has he yielded back?

I want to address a couple of points made by the Senator from Illinois. He says it is no surprise that since the caps were put in place there were fewer lawsuits filed. No, that is not the issue. The issue is that more students are actually being served and there is no charge by anyone that there is a denial of due process.

In fact, before the caps went into place there were 8,120 special need students in the DC schools. Now there are 11,191. There are only fewer than 50 cases even left pending.

I think the District is now getting a handle on the situation. They are putting more students in the classrooms. That is because they have the money not going to lawyers but going into education. That is why the elected representatives of the school district have asked that the caps be left in place.

We are raising the caps to keep in step with the times. One hundred and fifty dollars an hour certainly will get a quality lawyer. I think that has been proven. The fact is, before the caps, these were the kinds of abuses that the attorneys made of the system. One attorney, before the caps, earned \$1.4 million in fees alone on suing the District schools. One law firm billed over \$5 million in fees in a single year, suing the District schools. There were submissions of incredible expenses, asking the District to pay for flowers, for a trip to New Orleans to supposedly scout out another school where they would argue a child should be sent, a ski trip—my goodness.

We need some limitations on these kinds of abuses. That is what the amendment would do.

The District is asking us to do this. It has worked well. It has allowed the District to increase its ability to serve the special needs students and the amendment also allows the mayor and the school superintendent to increase the caps if they think it is necessary.

I urge my colleagues to vote for this amendment for the DC children, the schoolchildren of the District.

Mr. REID. I ask unanimous consent that upon disposition of all amendments to H.R. 2944, the District of Columbia Appropriations bill, the bill be read a third time and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no intervening action or debate.

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

All time for the amendment has expired. The Senator from Illinois.

Mr. DURBIN. I move to lay the Hutchison amendment on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. HUTCHISON. Mr. President, didn't the unanimous consent agreement say there would be a vote on my amendment? I ask there be a direct vote.

Mrs. BOXER. Reserving the right to object, could we find out if it said "on" or "in relation to." If not, the motion would be in order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to the Senator from Texas, the unanimous consent agreement said the Senate proceed to vote in relation to the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Let me try to clarify it. I may be confused about what we are doing. We had committed to a vote on the Hutchison amendment, which is supposed to be at this time. Then I am aware of no other amendment to this bill, and we could move to final passage.

I am also aware that Senator LEVIN had a request for a colloquy about a subject that he is very interested in. I wanted to bring that to the attention of our leader.

Mr. REID. I say to my friend from Louisiana, I guess the question is whether or not Senator DURBIN's motion to table would be in order and it is according to the unanimous consent agreement. I don't know if there was some other agreement.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to withdraw my motion to table.

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

Mr. REID. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—51

Allard	Brownback	Campbell
Allen	Bunning	Chafee
Bennett	Burns	Cochran
Bond	Byrd	Collins

Craig	Helms	Roberts
DeWine	Hutchinson	Santorum
Domenici	Hutchison	Sessions
Ensign	Inhofe	Shelby
Enzi	Jeffords	Smith (NH)
Feinstein	Kyl	Smith (OR)
Fitzgerald	Lott	Snowe
Frist	Lugar	Stevens
Gramm	McCain	Thomas
Grassley	McConnell	Thompson
Gregg	Miller	Thurmond
Hagel	Murkowski	Voinovich
Hatch	Nickles	Warner

NAYS—49

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Graham	Reed
Breaux	Harkin	Reid
Cantwell	Hollings	Rockefeller
Carnahan	Inouye	Sarbanes
Carper	Johnson	Schumer
Cleland	Kennedy	Specter
Clinton	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lieberman	

The amendment (No. 2110) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senator CLELAND be recognized to speak in morning business for up to 10 minutes and that following his statement, there be 30 minutes for debate with respect to the Durbin amendment which he will offer and that the time be equally divided and controlled and that no amendments be in order prior to the vote on the amendment.

Mr. DURBIN. Reserving the right to object, I would like to amend that so I have the same opportunity the Senator from Texas had for an up-or-down vote.

Mr. REID. That was done.

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

The Senator from Georgia.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 1650 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 2111

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mrs. BOXER, proposes an amendment numbered 2111.

At the appropriate place insert the following:

SEC. . The limitation on attorneys fees paid by the District of Columbia for actions brought under I.D.E.A. (20 U.S.C. 1400 et seq) (Sec. 138) shall not apply if the plaintiff is a child who is—

(a) from a family with an annual income or less than \$17,600; or

(b) from a family where one of the parents is a disabled veteran; or

(c) where the child has been adjudicated as neglected or abused.

Mr. DURBIN. Mr. President, it is my understanding, pursuant to the unanimous consent request, that there are 30 minutes equally divided. I will not use the 15 minutes on my side.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I hope to bring this amendment to a vote quickly.

The purpose of this amendment is to dramatize for those who voted for the Hutchison amendment the types of children who will be affected by the limitation on attorney's fees. Without this Durbin amendment, offered by myself and Senator BOXER from California, literally children from families with less than poverty income, children from families where one of the parents is a disabled veteran, or children from families where there has been adjudication that the child has been neglected or abused would have been limited in being represented in an effort to bring them into a special education class. These kids face learning disabilities and other mental and physical disabilities.

The purpose of this amendment is to say we are making a clear exception to the Hutchison limitation, and that section applies to these three categories—children and the families as they are described in the amendment. I sincerely hope that those who vote for this amendment will pause and reflect on the fact that these are only three categories of children who will be disadvantaged by the Hutchison amendment. There are many others, I am sure, who will come to light as we consider the impact of her amendment.

To think the District of Columbia, the Nation's Capital, would be the one city in the United States of America where we would not give the full protection of the laws to the poorest children is unacceptable. At least with this amendment, children in three categories will have a fighting chance, if they need special education to have any opportunity to be successful in life.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. DURBIN. I will be glad to yield.

Ms. LANDRIEU. Mr. President, I know the Senator from California is here to speak on the amendment. I think the amendment the Senator from Illinois has offered has a great deal of merit. If we are called to vote on it, we will be happy to vote for this amendment because it points out some of the real problems we are trying to resolve.

My question for the Senator from Illinois is, I have some language that I am prepared to offer requesting the GAO to study some of the costs associated not just with the District but for

other districts in the Nation that have comparable demographics and size. Will he mind if we discuss the possibility of including this language as we debate his amendment and perhaps decide to vote on it if that will expedite this process and get to a vote more quickly on this bill?

Mr. DURBIN. I say to the Senator, I consider this a friendly amendment. I want to have a chance to review it while the Senator from California is addressing my amendment. I hope we can find a way to deal with this issue.

I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Illinois for his leadership this afternoon on behalf of children and families who perhaps have the softest voice. Why do I say that? It is because these families are struggling with children who have disabilities, who are unable to speak for themselves, who need to get special help in school and sometimes have to fight and struggle and work to get that help.

I believe the amendment that was just adopted by this body on a narrow vote sends a very bad message. It sends a message that disabled children, children in need of special education, simply are not as important as a governmental entity that has an unlimited ability to hire the highest paid attorneys.

In the case of the District, I have learned that, in fact, the District does go to the private sector, does throw the best they can against these children and against their families. There is no limit, as my friend from Illinois pointed out, on the attorneys the school district decides to hire. Yet this onerous amendment that was just adopted quite narrowly treats these children differently.

We have the greatest country in the world, and in these days more than ever we have come to recognize that every minute of every hour of every day. One of the reasons is that before the law, everyone is equal. That is what we stand for: Before the law, everyone is equal.

But when we say to a governmental entity it can pay whatever it wants against a family who has a child in need of special help, but then we restrict the kind of attorney, the number of dollars that can go to fight that child's battle, we are setting up a playing field that is not level.

That is why I am so happy the Senator from Illinois, with the support of the chair of the subcommittee, Senator LANDRIEU, has put forward this amendment for the two of us because what we are saying is: Let's take a look at these children. Let's not just have some vague amendment that says attorney's fees shall be limited. That always looks good on a voting record, but if we dig

a little bit, what do these kids look like? A lot of them are living in poverty. A lot of them are abused and neglected. Some have parents, one or two, who served in the military who may be disabled. These families need special help for these special children.

I am very proud to be a cosponsor of this amendment. I look forward to a resounding vote which will, in fact, change the amendment we just adopted and say in these circumstances, which will cover many children I am happy to note, we will not have this double standard.

I thank the Chair, and I reserve the remainder of the time for Senator DURBIN.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WELLSTONE. Mr. President, I ask for 3 minutes to speak in behalf of the Durbin amendment.

Mr. DURBIN. I ask the Senator from Minnesota to be yielded 3 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. WELLSTONE. Mr. President, I have not had a chance to examine every word of the Durbin amendment, but my understanding of what the Senator from Illinois has said is when it comes to making sure parents of children with disabilities have legal representation if they need it to make an appeal for their children whom they believe are not receiving the support and education they need, in light of the amendment of the Senator from Texas being adopted, when it comes to a single parent or low-income or a disabled Vietnam vet or veteran and other such categories, it is clear these families absolutely should not be without legal representation. Therefore, the amendment of the Senator from Texas would not apply.

My colleague from Illinois has made an appeal to Senators to avoid the harshness, to make sure there is the legal representation for families who need it, to make sure we are on the side of vulnerable children and vulnerable families.

This amendment is compassionate. This amendment goes directly to what is at issue. I hope there will be 100 votes for the amendment offered by the Senator from Illinois. I add my support.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Ms. LANDRIEU. Mr. President, we are ready to vote on this amendment. The Senator from Illinois perhaps has some additional time, but if there are no other speakers, if the Senator from Illinois wants to call for the yeas and nays, we probably can have this vote.

Mr. DURBIN. I want to make certain the other side has the opportunity, if they want, to speak. Otherwise, I am prepared to yield all my time back and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. Before I yield the time, I want to see if there is anyone on the other side—the Senator from Texas or others—who wants to speak to this amendment.

Mr. President, I yield back the remainder of my time under the unanimous consent request, and I ask unanimous consent that all time on this amendment be yielded back so we can go to a vote.

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

The question is on agreeing to amendment No. 2111. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—73

Akaka	Daschle	Leahy
Allen	Dayton	Levin
Baucus	DeWine	Lieberman
Bayh	Dodd	Lincoln
Bennett	Domenici	Lugar
Biden	Dorgan	McCain
Bingaman	Durbin	Mikulski
Boxer	Edwards	Murkowski
Breaux	Feingold	Murray
Burns	Feinstein	Nelson (FL)
Byrd	Fitzgerald	Nelson (NE)
Campbell	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Hutchinson	Sarbanes
Chafee	Hutchison	Schumer
Cleland	Inouye	Shelby
Clinton	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	
Crapo	Landrieu	

Stevens	Voinovich	Wellstone
Torricelli	Warner	Wyden

NAYS—26

Allard	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hatch	Santorum
Bunning	Helms	Sessions
Craig	Inhofe	Smith (NH)
Ensign	Kyl	Thomas
Enzi	Lott	Thompson
Frist	McConnell	Thurmond
Gramm	Miller	

NOT VOTING—1

Hagel

The amendment (No. 2111) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2112

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2112.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for mandatory advanced electronic information for air cargo and passengers entering the United States)

On page 68, between lines 4 and 5, insert the following:

SEC. 137. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking “(b) PRODUCTION OF MANIFEST.—Any manifest” and inserting the following:

“(b) PRODUCTION OF MANIFEST.—

“(1) IN GENERAL.—Any manifest”;

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

“(2) ADDITIONAL INFORMATION.—

“(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

“(i) The port of arrival or departure, whichever is applicable.

“(ii) The carrier code, prefix code, or, both.

“(iii) The flight or trip number.

“(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

“(v) The request for permit to proceed to the destination, if applicable.

“(vi) The numbers and quantities from the master and house air waybill or bills of lading.

“(vii) The first port of lading of the cargo.

“(viii) A description and weight of the cargo.

“(ix) The shippers name and address from all air waybills or bills of lading.

“(x) The consignee name and address from all air waybills or bills of lading.

“(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

“(xii) Transfer or transit information.

“(xiii) Warehouse or other location of the cargo.

“(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)”.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

“(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

“(b) INFORMATION.—The information specified in this subsection with respect to a person is—

“(1) full name;

“(2) date of birth and citizenship;

“(3) sex;

“(4) passport number and country of issuance;

“(5) United States visa number or resident alien card number, as applicable;

“(6) passenger name record; and

“(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

“(t) AIR CARRIER.—The term ‘air carrier’ means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

Mr. DORGAN. Mr. President, the amendment I have offered is an amendment I have offered on two previous appropriations bills. I will not go into a long and tortured explanation. The Advance Passenger Information System should now be in the law. But because of a jurisdictional issue that arose a couple of weeks ago, it is not in the law. In a couple minutes, I will explain exactly what it is.

I just came from S. 207 where I am a conferee on the aviation security issue. That conference is ongoing right now. We are dealing with the issue of aviation security which is of great importance to all people in this country. How do we make flying more safe and more secure? We are doing that because of the concern about terrorism.

One of the issues in dealing with terrorism has been to try to make mandatory something that has been voluntary with respect to all airlines that are carrying passengers into this country. Some 78 million people fly into this country each year as guests of our country. They come on visas. They are guests of the United States. Most of them are precleared. Their names are provided by airline carriers under what is called the Advance Passenger Information System, APIS. They are provided to us in advance so we can run the names of the people who are coming from other countries against a list that the FBI has, that the Customs Service has, and that 21 different Federal agencies have. It is a list to determine whether any of these people who are coming into the country are known or suspected terrorists or are people who are acquainted with and associated with terrorists because we don't want them to come to this country. People who come in are guests of ours with visas. But if they are on a list of suspected people who associate with terrorists or who are suspected of terrorist acts, we don't want them in this country.

Eighty-five percent of the people coming into the United States have their names submitted to this Advance Passenger Information System. Fifteen percent do not.

Among the airlines that do not comply with this voluntary system are airlines from Saudi Arabia, Pakistan, Egypt, Jordan, and, until last week, the country of Kuwait. I could name others.

One should ask the question: Wouldn't we want passenger information from those airlines flying here

from that part of the world? The answer is clearly yes. The head of the Customs Service, the Bush administration, and others say this ought to be made mandatory. I agree.

I offered the amendment in the Senate to make it mandatory on the counterterrorism bill. The Senate approved that amendment, and we would, therefore, have mandatory information about who is coming into this country, and that would be applied to the various devices we have in the Customs Service and the FBI to check these names. It went to conference with the other body, and it was kicked out of conference because of jurisdictional issues. Some believed committee jurisdictional issues were more important than national security, so they kicked it out.

I stated that I would offer it to the bills that are on the floor of the Senate until we get it passed and into law. It should have been on the counterterrorism bill the President signed. Since the day the President signed that bill, a bill that contains this provision, 180,000 people have come into this country whose names have not been precleared under the Advance Passenger Information System. A fair number of them came from Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Does that improve security in this country? In my judgment, no. We ought to do the right thing. This is not about committee jurisdiction; it is about national security. In my judgment, we ought to say to all foreign carriers and airlines coming into this country and bringing our foreign guests that if they do not subscribe to mandatory submission of names under the Advance Passenger Information System, they are welcome to land elsewhere; they may not land at an airport in this country.

That is all my amendment does. It is supported by the administration. It was requested by the administration and should now be law, but is not because we had a squabble here a couple of weeks ago and it was kicked out in conference. I have offered it previously. I offer it again today. My understanding is that it will be approved by a voice vote. I also intend to offer it in the conference on aviation security, of which I am a member and which is now meeting in S. 207.

I ask for immediate consideration of my amendment.

I yield the floor.

Ms. LANDRIEU. Mr. President, we have no further debate.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2112) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. Mr. President, we are ready to move to final passage. There are no other outstanding amendments that will require a vote.

AMENDMENT NO. 2113

Ms. LANDRIEU. Mr. President, I have an amendment by Senator DEWINE and myself referencing the need for a GAO report. I ask unanimous consent that it be agreed to at this time.

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

The amendment (No. 2113) was agreed to.

The amendment is as follows:

On page 68, after line 4, insert:

SEC. . The GAO, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on DC Appropriations, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et seq.). Provided further, that such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

FOOD AND FRIENDS

Mr. SARBANES. Will the distinguished floor manager yield for the purpose of a colloquy with Senator MIKULSKI and myself regarding Food and Friends, a nonprofit organization that provides meals to adults and children battling AIDS and other life-threatening illnesses in the Washington metropolitan region?

Ms. LANDRIEU. I am happy to yield.

Mr. SARBANES. For the past 12 years, Food and Friends has been providing an invaluable and unique service to people in Washington, DC, eight counties of Maryland and seven counties in Virginia, living with HIV/AIDS and other life-challenging illnesses. The group's network of over 700 volunteers and some 45 chefs, registered dietitians and other staff provide home-delivered meals and groceries, nutrition counseling, as well as friendship and care to more than 1,300 clients daily and the number of people seeking these services continues to grow dramatically. In order to accommodate the service demands, Food and Friends has embarked on a \$6 million capital campaign to construct a new facility to serve its clients. We recognize that the committee was faced with many significant funding demands in this bill and limited allocations and could not accommodate the \$2 million in funding

provided by the House. We hold out hope that, as the Chairwoman and the other conferees negotiate with our colleagues in the House, you could find some way to provide funding needed by Food and Friends.

Ms. MIKULSKI. We would not make this request unless we were truly convinced of the need and the terrific work that Food and Friends does. Food and Friends serves individuals from diverse economic backgrounds, but 64 percent of their clients live on incomes of less than \$550 per month. With the cost of medication and treatments for critically ill individuals estimated at between \$500 and \$1,000 per month, the services provided by Food and Friends are critical. This funding would allow the organization to serve more than 2,000 clients daily. The organization has already raised \$1.6 million for this initiative and expects to raise an additional \$2 million, but needs Federal support to complete the project. For me this is a hand-up to Food and Friends, not a hand-out.

Ms. LANDRIEU. I thank the Senators from Maryland. I am certainly aware of this wonderful organization and this project and the good work that they do delivering meals to people suffering from terminal illnesses and AIDS. I know that the Senators from Maryland are very concerned about this matter and I will certainly be willing to work with you both to see if we can include this worthy project in conference with the House.

Mr. SARBANES. I thank the Chair and look forward to working with her.

Ms. MIKULSKI. As an appropriator, I appreciate the efforts of the chairman, and also look forward to working with her.

Mr. LEVIN. Mr. President, since the late-1980s, I have urged the mayors of the District of Columbia and Commissioners of the DC Taxicab Commission toward implementation of recommendations from numerous District of Columbia studies to replace the current taxicab zone fare with a meter system. According to the nationwide Taxicab, Limousine, and Paratransit Association, the District of Columbia is the only major city in the Nation where taxi fares are calculated by a zone system rather than a meter system. The use of the zone system is especially unfair to our great number of out-of-town tourists who have to cope with a complicated, confusing zone fare system with no basis on which to judge the accuracy of a particular fare. In my own experience, as a DC resident, I have encountered at least 10 different cab fares for the exact same trip to and from National Airport. A metered system would eliminate this problem.

There is a lot of correspondence that has transpired over the years on this matter. I would like to share with the Senate the letter I recently received from Mayor Williams. I would also like

to include earlier correspondence I received from Representative ELEANOR HOLMES NORTON, who I have kept informed at every stage of the taxi meter issue, as well as several letters from the Barry and Kelly administrations. There have been broken promise after broken promise. Mayor Williams' letter sets out a course of action. If it is not followed, I intend to bring this matter to a head next year—after two decades of broken promises.

Ms. LANDRIEU. Mr. President, let me just say from the outset that I appreciate my colleague's comments. The District of Columbia is the only major city that does not have a meter system in place. The current zone system compromises the integrity of the DC taxicab system. The apparent variance among cab fares to the same destination shows how the current system can be misunderstood and even abused. I deeply appreciate Senator LEVIN's decision to withhold an amendment at this time based on the mayor's letter. And I certainly understand that Senator LEVIN will be back with his amendment if meters are not in place, as indicated in Mayor Williams' letter, early next year, and I intend to support Senator LEVIN's efforts to end the current intolerably confusing situation.

Mr. LEVIN. Mr. President, I ask unanimous consent the letters to which I referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 10, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: In accordance with your request, I am writing to advise you of the status of the introduction of a meter system for District of Columbia taxicabs. Let me state at the outset that I support a change from the current zone system to a meter system. A proposal to that effect was approved by the District of Columbia Taxicab Commission and transmitted to the Council of the District of Columbia for review in 1999. At that time, the Council requested that the proposal be withdrawn and resubmitted with more detailed information on the potential impact of increased fares on the riding public.

Since that time, the District of Columbia Taxicab Commission has developed a proposed fare structure and conducted the analysis requested by the Council. In addition, the Chairman of the Commission has held a number of meetings with drivers, individual taxicab owners, taxicab companies, and others in the industry to explain the impact of the planned change and allay any fears regarding implementation of the new system. The most recent of those meetings was held last week.

It now appears that the Commission is prepared to act on the proposal. The matter is expected to be referred to the Commission's Panel on Rates and Rules for a vote as early as next week and will thereafter be acted upon by the full Commission and transmitted to the Council for final approval. It is anticipated that meters could be required in District taxicabs by early next year.

I thank you for your interest in this matter and for sharing my commitment to improve the District's taxicab industry. Should you require any additional information, do not hesitate to contact me.

Sincerely,

ANTHONY A. WILLIAMS.

MARCH 15, 1999.

Hon. LINDA W. CROPP,
Chairman, Council of the District of Columbia,
Washington, DC.

DEAR CHAIRMAN CROPP: I am transmitting for the consideration of the Council of the District of Columbia (Council) a proposed resolution entitled the "District of Columbia Taxicab Commission Metered System for Determining Fares Approval Resolution of 1999." The proposed resolution is submitted in accordance with D.C. Law 6-97, the "District of Columbia Taxicab Commission Establishment Act of 1985," as amended, specifically, D.C. Code §40-1707(b)(1)(B) (1998 Repl. Vol.). The law provides that the Commission's Panel on Rates and Rules shall not authorize a metered system for determining taxicab fares without a 60-day period of Council review of the proposal.

If you have any questions regarding this matter, please contact George W. Crawford at the Taxicab Commission.

I urge the Council to take prompt and favorable action to approve the Commission's proposal for the use of meters for determining taxicab fares at your earliest convenience.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Senator CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR CARL: Thank you for coming in to see me last week regarding the failure of the District to adopt a meter system for cabs, following the recommendations of several studies. I very much appreciate your willingness to discuss the matter with me and to give the District the opportunity to consider the matter before you consider any action. I write to provide you with a status report on my efforts since our meeting.

I have spoken directly with the new Chair of the Taxicab Commission, Chairman Novell Sullivan and with the Chair of the D.C. City Council, Linda Cropp. Chairman Sullivan has agreed to submit the matter to the full Commission at its next regularly scheduled meeting on October 6th to consider whether the District should adopt a meter system. Although Chairman Sullivan could not say what the outcome of the vote will be, he is eager, as I know you are, to resolve this matter without further study or delay. The Commission's recommendation must be submitted to the City Council for its final review and approval. I have assigned my Legislative Director, Jon Bouker, to follow-up with the Commission's General Counsel, Mr. George Crawford, and with staff from the office of City Council Chair Linda Cropp to ensure that the process moves forward as expeditiously as possible.

I hope that this information is responsive to your concerns. I appreciate that you want the District and the Taxicab Commission to resolve this matter at the local level. As always, if I can be of further assistance on this or any other matter concerning the District

of Columbia, please do not hesitate to contact me.

Sincerely,

ELEANOR HOLMES NORTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 1998.

Re Taxicab Issue Follow-up.

JACKIE PARKER,
Deputy Legislative Director (Senator Carl Levin).

This memo is a follow-up to our recent conversations on the taxicab issue. As you know, Senator Levin came in to see the Congresswoman regarding the D.C. Taxicab Commission's reluctance to forward to the City Council the previous Commission's recommendation to move to a meter system for D.C. cabs. Following the meeting with Senator Levin, the Congresswoman called Taxicab Commission Chair Novell Sullivan and City Council Chair Linda Cropp. Council Chair Cropp confirmed that the new Taxicab Commission had not yet forwarded a recommendation to the full Council for its consideration. However, Commission Chair Sullivan agreed to schedule the meters issue for a vote before the full Commission at its next regularly scheduled meeting. That vote occurred on October 6, 1998, and the Commission voted unanimously to recommend meters to the Council. Once the Council receives the transmission (after the Corporation Counsel reviews the legal sufficiency of the transmission and the Mayor gives his approval), it has 60 days to decide whether or not it will approve the recommendations of the Commission. The Commission does not have the authority, on its own, to effectuate a change to a meter system for D.C. cabs.

I hope that this information is useful. Please do not hesitate to call me if you have any further questions.

JON BOUKER,
Legislative Director and Counsel
(Congresswoman Eleanor Holmes Norton).

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, TAXICAB COMMISSION,
Washington, DC December 1, 1998.

JACKIE PARKER,
Senator Levin's Office.

This is to inform you that the Office of the Corporation Counsel has approved the Taxicab Commission's proposal to convert to a meter system for determining fares. The Office of Chief Financial Officer is reviewing the proposal for fiscal impact on the District. It is anticipated that the proposal will be transmitted to the City Council within the next few days. Should you need additional information, please let me know.

GEORGE W. CRAWFORD,
General Counsel and Secretary.

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, TAXICAB COMMISSION,
Washington, DC September 9, 1993.

Hon. CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for taking time from your very demanding schedule to meet with me on August 5th. Let me assure you again that both Mayor Kelly and I understand and share your concerns about taxicab service in the District of Columbia. The Mayor has directed me to resolve the long standing issues and problems as quickly as possible. We sincerely appreciate your support and patience as we work toward this goal.

When we met, you requested a description of specific strategies we are undertaking, including timeframes, to fulfill congressional mandates and to improve regulation of the taxicab industry. Our strategies will accomplish three major goals by the end of fiscal year 1994:

(1) establishment of an appropriate mechanism—zones, meters, a new technology or a combination—for calculating taxi fares;

(2) development of a rate-setting methodology; and

(3) improvement of the Commission's regulatory and enforcement efforts.

Funding for these initiatives is being provided by fees imposed by the Commission for the Taxicab Assessment Fund; no appropriated funds will be used. Descriptions of the strategies and timeframes for each goal are enclosed.

Much needs to be done, and I am excited about the prospects for improving taxi service in the District. My plans and goals for the Taxicab Commission, and an overview of the issues facing the Commission, are provided in my testimony that was recently submitted to the House Appropriations Subcommittee on the District of Columbia. A copy of that testimony is also enclosed for your information.

Let me thank you again for your longstanding support of the District of Columbia, and your continuing interest in the District's taxicab policies and services. I am available to you and your staff if you have any questions or need additional information.

Sincerely,

KAREN JONES HERBERT,
Chairperson.

THE DISTRICT OF COLUMBIA,
Washington, DC, August 18, 1993.

Hon. CARL LEVIN,
*Russell Senate Office Building, U.S. Senate,
Washington, DC.*

DEAR SENATOR LEVIN: I understand you recently met with Karen Herbert, our new chairperson of the D.C. Taxicab Commission. Ms. Herbert has developed an ambitious, but long overdue reform agenda for the D.C. Taxicab Commission. In addition, she has taken steps to improve driver training and testing, complaint resolution and enforcement activities.

I fully understand your concerns and frustrations and want to assure you that we are aggressively seeking consultants who specialize in taxicab regulation and transportation economics to assist us in developing a rate methodology and a definitive analysis of meters versus zones. The selection is scheduled to be made before the end of September and I will be certain that you will be provided with a timeline that will enable you to track the progress of this effort.

In the months ahead, I intend to work closely with Ms. Herbert and will be pursuing initiatives designed to make a visible difference in our regulation of the vehicle for hire industry. Your continued interest and support of this issue are helpful and have been greatly appreciated.

Sincerely,

SHARON PRATT KELLY.

Mr. LEAHY. Mr. President, I rise today in support of the FY 2002 District of Columbia appropriations bill. I want to congratulate Senator LANDRIEU and Senator DEWINE for their hard work in crafting this annual appropriations bill for the District of Columbia. This is an important piece of legislation and they

have done their best to help ensure that the District of Columbia gets the resources it needs to run our Nation's capital.

In addition to many important policy provisions and essential funding provisions, this legislation removes several restrictions Congress has placed upon the District of Columbia during the last several years. These congressional provisions have prevented locally passed laws and initiatives from being implemented even with the use of local funds. With the leadership of Senator LANDRIEU, the underlying legislation takes the necessary steps to correct those past wrongs.

I am particularly pleased with Senator LANDRIEU's leadership in lifting the restriction limiting the autonomy of the local government in the District of Columbia and the rights of domestic partners who reside here. For the past 9 years, Congress has prohibited the District from using Federal or local funds to enact the locally passed Health Care Benefits Expansion Act. This law, passed by the D.C. City Council in 1992, would allow domestic partners to register with the Mayor's office. The Health Care Benefits Expansion Act would require all health care facilities to grant domestic partners visitation rights, and allow District employees to purchase health insurance at their own cost for domestic partners.

This law recognizes the legal and civil rights of domestic partners in the District of Columbia and is similar to laws passed by more than 100 jurisdictions and city governments throughout this country—including my own State of Vermont. Vermont passed its version of a domestic partnership law for health benefits in 1994. Last year, our State went even further when it took the bold and courageous step of extending the same legal State benefits already enjoyed by married couples to same sex couples.

This restriction Congress placed on the D.C. Government sent the wrong message to District residents and local officials by telling the people of Washington, DC, that the U.S. Senate knows best how local officials should spend their local dollars. This restriction sent the wrong message to the American public by disregarding the rights of domestic partners. I am pleased that the Senate has not continued down the unfortunate path of dictating social policy for the District of Columbia.

During consideration of the D.C. appropriations bill last month, the House Appropriations Committee approved an amendment to remove the ban on the use of local funds to implement the Health Benefits Expansion Act. During the House debate on the legislation, the provision prevailed, despite an effort similar to the one before us today to reinstate the ban on local funds. Our colleagues in the House have spoken on

this measure, and the Senate has concurred.

This is a challenging time for our entire Nation. During this time, leaders at all levels of government—especially our local leaders—are working to ensure the safety and preparedness of their communities. Mayor Anthony Williams and the local government of the District of Columbia should be provided the same opportunity to perform those duties, and others, as are enjoyed by other cities and jurisdictions throughout the Nation. With the hard work of Senator LANDRIEU, the underlying bill recognizes the rights of D.C. residents and their elected officials to debate and decide for themselves the same policy questions that each of the states and cities in our country may debate and decide for themselves.

The issue of the rights of domestic partners—like rights for women, racial minorities, and people with disabilities—is one of basic civil rights for all people. Individuals should be evaluated on the basis of what they can offer and what they can contribute—not on irrelevant considerations like their race, gender or sexual orientation. It is a question of fundamental fairness. The United States Congress did not interfere with Vermont's approach to providing equal access to health insurance benefits, or with any of the other cities and localities throughout the country that passed their own laws governing domestic partnership. I strongly believe that Congress should follow its own example set in those instances, and should not treat the District of Columbia any differently.

Again, I applaud Senator LANDRIEU for her leadership in drafting this bill and I encourage my colleagues to vote in support of the FY 2002 District of Columbia appropriations bill.

Ms. LANDRIEU. Mr. President, as we move to final passage on this bill, I again thank my ranking member for his very extraordinary and dedicated work over the weeks and months to bring this bill to the floor and to work out many important and challenging issues. Together, we have tried to focus our efforts on post-control board financial discipline and laying a foundation so that the District, which is in a surplus today because of a lot of hard work that has been done, will remain in a surplus. Together, we have tried to enhance local decisionmaking, where appropriate. I believe we have made a lot of progress along that line.

In addition, particularly with Senator DEWINE's excellent leadership, we are reforming the child welfare system in the District and working with the mayor and the local government officials to do that. We have put significant investments in this bill to accomplish that end.

In addition, because of the September 11 attack, we have provided additional resources for the mayor and the local

government and for regional public officials—our own Senators representing Virginia and Maryland—of course, to be a part of that to enhance the security of the District and this region.

Finally, we have together made some tremendous headway in providing resources to create more excellence in the public schools here in DC and reform that system, as well as to step up the environment and children's health with some of the projects with which Senator DEWINE has been particularly helpful.

In closing, I again thank publicly the mayor and the city council chairperson, Linda Cropp, and all of the members of the city council who have been so helpful in working with us on this bill.

I would like to acknowledge the work of the District chief financial officer, Dr. Gandhi, and particularly his staff, Sam Kaiser, for their work in putting the local portion of this bill together.

I want to recognize Representative ELEANOR HOLMES Norton. She continues to work with us almost daily on these issues. I thank her, and also the shadow Senator from the District, Paul Strauss.

Our staff members, Cathleen Strotzman, Kate Eltrich, Kevin Avery, Chuck Kieffer, and Mary Dietrich on the Republican side have been terrific in their help bringing us to this point.

I have no further remarks.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague, Senator LANDRIEU, for doing a great job on this bill. This is a bill that will make a difference for people of the District of Columbia, particularly children of the District.

I thank Senator LANDRIEU and her staff, Chuck Kieffer and Kate Eltrich, for their hard work on this bill.

I also thank my appropriations team, particularly Mary Dietrich, who has been working hard on this bill for a long time, as well as Stan Skocki from my team.

I also commend and thank the other members of our subcommittee: Senator HUTCHISON, Senator DURBIN, and Senator REED.

Mr. President, as Senator LANDRIEU has indicated, this was a bipartisan effort. This bill makes a downpayment and is a real beginning on what we said we were going to do several years ago. In Congress, we took on the responsibility of trying to improve the court system, specifically the court system that deals with our young people. I do not have to remind anyone in this Chamber of the tragedy of the children's system in the District of Columbia—headline after headline, story after story, tragedy after tragedy, of children who have died in the system in the District of Columbia. This bill provides the money to begin to change that system.

Senator LANDRIEU and I have also been working, along with some of our other colleagues, to get a family court bill passed. Money in this bill will go a long way to making the changes that we have outlined in that family court bill.

This bill we are about to vote on also provides some significant money for Children's Hospital in the District of Columbia, which serves not only children who come from the District but serves children who come from many States.

It also provides money for the Safe Kids Program, a program that saves lives. I am convinced the money we will provide will help to save the lives of young children in the District of Columbia.

We also provide money for the Green Door Program, a mental health program of which Senator DOMENICI has been a strong supporter.

Finally, the bill provides, as Senator LANDRIEU indicated, some much needed money and resources to tie our communications system together in the District of Columbia. That need has been apparent for some time. Certainly, after the events of September 11, it is even more apparent and more obvious. So this bill provides money to do that as well.

I, again, thank my colleague for her great work on the bill. I urge my colleagues to vote aye, to pass the bill. I hope we will be able to work any differences out with the House fairly quickly and get this bill on to the President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know of no further amendments to be offered. I believe we are ready for third reading of the bill.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—75

Akaka	Dayton	Lincoln
Allen	DeWine	Lugar
Baucus	Dodd	McCain
Bayh	Domenici	McConnell
Bennett	Dorgan	Mikulski
Biden	Durbin	Miller
Bingaman	Edwards	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Frist	Reed
Burns	Graham	Reid
Byrd	Hagel	Rockefeller
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carnahan	Hollings	Smith (OR)
Carper	Hutchison	Snowe
Chafee	Inouye	Specter
Cleland	Jeffords	Stabenow
Clinton	Johnson	Stevens
Cochran	Kennedy	Thompson
Collins	Kohl	Torricelli
Conrad	Landrieu	Voivovich
Corzine	Leahy	Warner
Crapo	Levin	Wellstone
Daschle	Lieberman	Wyden

NAYS—24

Allard	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Helm	Santorum
Craig	Hutchinson	Sessions
Ensign	Inhofe	Shelby
Enzi	Kyl	Smith (NH)
Fitzgerald	Lott	Thomas
Gramm	Murkowski	Thurmond

NOT VOTING—1

Kerry

The bill (H.R. 2944) was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2944) 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, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

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, 2002, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest

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

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$140,181,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,003,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$72,694,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$31,634,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$27,850,000 for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may re-allocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That of this amount not less than \$23,315,000 is for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001: Provided further, That of the funds made available for the District of Columbia Superior Court, \$6,603,000 may remain available until September 30, 2003: Provided further, That of the funds made available for the District of Columbia Court System, \$485,000 may remain available until September 30, 2003: Provided further, That of the funds made available for capital improvements, \$21,855,000 may remain available until September 30, 2003.

ADMINISTRATIVE PROVISIONS

Section 11-1722(a), District of Columbia Code, is amended in the first sentence by striking “, subject to the supervision of the Executive Officer”.

Section 11-1723(a)(3), District of Columbia Code, is amended by striking “and the internal auditing of the accounts of the courts”.

The Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3-421 et seq. (1981 Ed., 1999 Supp.)) as amended by Public Law 106-113, § 160 and Public Law 106-554, § 1(a)(4), H.R. 5666, Division A, Chapter 4, § 403 is amended: (a) in section 2 (D.C. Code, sec. 3-421 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13-172, § 202(a) (except for paragraph

(6)); (b) in section 7(c) (D.C. Code, sec. 3-426(c) (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13-172, § 202(b); (c) in section 8 (D.C. Code, sec. 3-427 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13-172, § 202(c); and (d) in section 16(e) (D.C. Code, sec. 3-435(e) (1981 Ed., 1999 Supp.)), to read as follows:

“(e) All compensation and attorneys’ fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. No more than five percent of the total amount of monies in the Fund shall be used to pay administrative costs necessary to carry out this chapter.”.

Section 11-2604, District of Columbia Code, is amended:

(1) in subsection (a), by striking “50” and inserting “75”; and

(2) in subsection (b)—

(A) by striking “1300” each time it appears and inserting “1900”;

(B) by striking “2450” each time it appears and inserting “3600”.

Section 16-2326.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking “1,100” each time it appears and inserting “1,600”;

(2) in paragraph (3), by striking “1,500” and inserting “2,200”; and

(3) in paragraph (4), by striking “750” and inserting “1,100”.

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4-515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking “in excess of \$250,000”; and

(2) by striking “and approved by” and all that follows and inserting a period.

These amendments shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$39,311,000, to remain available until expended: Provided, That the funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as

funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, \$2,500,000 to remain available until September 30, 2003 is for building renovation or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and \$2,000,000 to remain available until September 30, 2003, is to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

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

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712), \$147,300,000, of which \$13,015,000 shall remain available until expended, and of which not to exceed \$5,000 is for official receptions related to offender and defendant support programs; of which \$94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$20,829,000 shall be transferred to the Public Defender Service; and \$32,359,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, or such other site as the Director of the Court Services and Offender Supervision Agency may determine as appropriate to house or supervise offenders and defendants, with funds made available by this Act: Provided further, That the Director is authorized to accept and use gifts in

the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SECURITY COSTS RELATED TO THE PRESENCE OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA

For a payment to the District of Columbia to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, \$16,058,000: Provided, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and House of Representatives no later than June 15, 2002: Provided further, That of this amount, \$3,406,000 shall be made available for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: Provided further, That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency, the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region and the respective state and local law enforcement entities in the region an integrated emergency operations plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: Provided further, That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: Provided further, That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002: Provided further, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading, beginning no later than January 2, 2002.

FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY CHARTER SCHOOL

For a Federal payment to the Thurgood Marshall Academy Charter School, \$1,000,000 to be used to acquire and renovate an educational facility in Anacostia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, \$2,750,000, of which \$2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; \$250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; \$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools; and \$250,000 for the Southeastern University for a public/private partnership with McKinley Technical High School.

FEDERAL PAYMENT TO THE GEORGE WASHINGTON UNIVERSITY CENTER FOR EXCELLENCE IN MUNICIPAL MANAGEMENT

For a Federal payment to the George Washington University Center for Excellence in Municipal Management, \$250,000 to increase the en-

rollment of managers from the District of Columbia government.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, \$3,200,000 for capital and equipment improvements.

FEDERAL PAYMENT FOR CHILD AND FAMILY SOCIAL SERVICES COMPUTER INTEGRATION PLAN

For a Federal payment to the District of Columbia, \$200,000 for completion of a plan by the Mayor on integrating the computer systems of the District of Columbia government with the Family Court of the Superior Court of the District of Columbia: Provided, That, pursuant to section 4 of S. 1382, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months of enactment of that Act, so that social services and other related services to individuals and families served by the Family Court of the Superior Court and agencies of the District of Columbia government (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, \$1,400,000, of which \$400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, \$333,334 shall be for a payment to the United States Secret Service, \$333,333 shall be for a payment to the United States Capitol Police, and \$333,333 shall be for a payment to the United States Park Police: Provided, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

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

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$5,900,000, of which \$2,250,000 shall be for payment for a pilot project to demonstrate the "Active Cap" river cleanup technology on the Anacostia River; \$500,000 shall be for payment to the Washington, D.C. Sports and Entertainment Commission which, in coordination with the U.S. Soccer Foundation, shall use the funds for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; \$600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; \$500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; \$1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; \$500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; \$200,000 for a payment to Teach for America DC, for teacher development; and \$350,000 for payment to the District of Columbia Safe Kids Coalition,

to promote child passenger safety through the Child Occupant Protection Initiative.

COURT APPOINTED SPECIAL ADVOCATES

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, \$250,000 to be used to expand their work in the Family Court of the District of Columbia Superior Court.

CHILD AND FAMILY SERVICES AGENCY—FAMILY COURT REFORM

For a Federal payment to the District of Columbia Child and Family Services Agency, \$500,000 to be used for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001.

ADMINISTRATIVE PROVISIONS

Under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106-522, approved November 22, 2000 (114 Stat. 2440), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000 to remain available until September 30, 2003: Provided, That \$2,000,000 of said amount shall be used for attorney fees and home studies: Provided further, That \$1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families and children without parents, due to the September 11, 2001 terrorist attack on the District of Columbia, will use for post high school education and training for adopted children: Provided further, That \$1,000,000 of said amount shall be used for the establishment of a private adoptive family resource center in the District of Columbia to provide ongoing information, education and support to adoptive families: Provided further, That \$1,000,000 of said amount shall be used for adoption incentives and support for children with special needs."

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106-522 for the District of Columbia Public Schools (114 Stat. 2441) and the Metropolitan Police Department (114 Stat. 2441) such funds may remain available for the purposes intended until September 30, 2002: Provided, That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2002: Provided further, That funds made available in such Act for Brownfield Remediation (114 Stat. 2445), shall remain available until expended.

DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,051,646,000 (of which \$124,163,000 shall be from intra-District funds and \$3,553,300,000 shall be from local funds): Provided further, That this amount may be increased by (i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (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: Provided further, That

such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in this act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$307,117,000 (including \$228,471,000 from local funds, \$61,367,000 from Federal funds, and \$17,279,000 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 notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: Provided further, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: Provided further, That not less than \$50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: Provided further, That not less than \$50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: Provided further, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.03), is amended as follows:

(1) Subsection (c) is amended by striking the phrase "shall receive, in addition to the compensation to which he is entitled as a member of the Council, \$10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman".

(2) A new subsection (d) is added to read as follows:

"(d) Notwithstanding subsection (a) of this section, as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to \$10,000 less than the compensation of the Mayor."

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$230,878,000 (including \$60,786,000 from local funds, \$96,199,000 from Federal funds, and \$73,893,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amend-

ment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That the Department of Consumer and Regulatory Affairs use \$50,000 of the receipts from the net proceeds from the contractor that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: Provided further, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5-513 fund to be used to implement the provisions in D.C. Act 13-578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees established and collected pursuant to D.C. Act 13-578 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: Provided further, That 18 percent of the annual total amount in the 5-513 fund, up to \$500,000, deposited into the 5-513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13-578: Provided further, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide in consultation with its newly hired human resources professional manager, and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department, in fiscal year 2001 to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$632,668,000 (including \$593,618,000 from local funds, \$8,298,000 from Federal funds, and \$30,752,000 from other funds): Provided, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That no less than \$173,000,000 shall be available to the Metropolitan Police Department for salaries in support of 3,800 sworn officers: Provided further, That no less than \$100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: Provided further, That no less than \$296,000 shall be available to support the Child Fatality Review Committee: Provided further, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Official Code, sec. 47-1812.11(c)(3)): Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of

the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$1,108,915,000 (including \$894,494,000 from local funds, \$187,794,000 from Federal funds, and \$26,627,000 from other funds), to be allocated as follows: \$813,292,000 (including \$658,624,000 from local funds, \$147,380,000 from Federal funds, and \$7,288,000 from other funds), for the public schools of the District of Columbia; \$47,370,000 (including \$19,911,000 from local funds, \$26,917,000 from Federal funds, \$542,000 from other funds), for the State Education Office; \$17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be necessary to be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and \$142,257,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104-134; D.C. Official Code, sec. 38-1804.03(A)(2)(D)): Provided further, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That \$76,542,000 (including \$45,912,000 from local funds, \$12,539,000 from Federal funds, and \$18,091,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That \$27,256,000 (including \$26,030,000 from local funds, \$560,000 from Federal funds and \$666,000 other funds) for the Public Library: Provided further, That the \$1,007,000 enhancement shall be allocated such that \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000 for 13 FTEs for the continuation of the Homework Helpers Program, \$143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to licensed day care homes, and \$129,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That \$2,198,000 (including \$1,760,000 from local funds, \$398,000 from Federal funds and \$40,000 from other funds) shall be available 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 none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled

"An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Official Code, sec. 38-201 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): 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, 2002, 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 the District of Columbia Public Schools shall spend \$1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: Provided further, That no less than \$200,000 be available for adult education: Provided further, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.41), is amended to read as follows: "However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.": Provided further, That the first paragraph under the heading "Public Education System" in Public Law 107-20, approved July 24, 2001, is amended to read as follows: "For an additional amount for 'Public Education System', \$1,000,000 from local funds to remain available until expended, for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and \$12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session."

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, \$1,803,923,000 (including \$711,072,000 from local funds, \$1,075,960,000 from Federal funds, and \$16,891,000 from other funds): Provided, That \$27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That \$75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14-144; \$90,000,000 available under the District of Columbia Appropriations Act, 2001 (Public Law 106-522) to the Public Benefit Corporation for restructuring shall be made available to the Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until expended: Provided further, That no less than \$7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7-3003): Provided further, That no less than \$500,000 of the \$7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: Provided further, That no less than \$2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: Provided further, That no less than \$60,000 be available for a D.C. Energy Office Matching Grant: Provided further, That no less than \$2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14-144).

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, \$300,151,000 (including \$286,334,000 from local funds, \$4,392,000 from Federal funds, and \$9,425,000 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 no less than \$650,000 be available for a mechanical alley sweeping program: Provided further, That no less than \$6,400,000 be available for residential parking enforcement: Provided further, That no less than \$100,000 be available for a General Counsel to the Department of Public Works: Provided further, That no less than \$3,600,000 be available for ticket processing: Provided further, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: Provided further, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: Provided further, That no less than \$262,000 be available for taxicab enforcement activities: Provided further, That no less than \$241,000 be available for a taxicab driver security revolving fund: Provided further, That no less than \$30,084,000 in local appropriations be available to the Division of

Transportation, within the Department of Public Works: Provided further, That no less than \$12,000,000 in rights-of-way fees shall be available for the Local Roads, Construction and Maintenance Fund: Provided further, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: Provided further, That no less than \$313,000 be available for handicapped parking enforcement: Provided further, That no less than \$190,000 be available for the Ignition Interlock Device Program: Provided further, That no less than \$473,000 be available for the Motor Vehicle Insurance Enforcement Program: Provided further, That \$11,000,000 shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available: Provided further, That \$1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106-522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$403,868,000 (including \$250,015,000 from local funds, \$134,839,000 from Federal funds, and \$19,014,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, \$42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, \$120,000,000 from local funds.

RESERVE RELIEF

For reserve relief, \$30,000,000, for the purpose of spending funds made available through the reduction from \$150,000,000 to \$120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8: Provided, That \$12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: Provided further, That \$18,000,000 shall be available pursuant to a local District law: Provided further, That of the \$30,000,000, funds shall only be expended upon: (i) certification by the Chief Financial Officer of the District of Columbia that the funds are available and not required to address potential deficits, (ii) enactment of local District law detailing the purpose for the expenditure, (iii) prior notification by the Mayor to the Committees on Appropriations of both the Senate and House of Representatives in writing 30 days in advance of any such expenditure: Provided further, That the \$18,000,000 provided pursuant to local law shall be expended only when the Emergency Reserve established pursuant to Section 450A(a) of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(a)), has a minimum balance in the amount of \$150,000,000.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A of the District of Columbia Home Rule Act (Public Law

93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit the proceeds required pursuant to Section 159(a) of Public Law 106–522 and Section 404(c) of Public Law 106–554 in the Contingency Reserve Fund beginning in fiscal year 2002 if the minimum emergency reserve balance requirement established in Section 450A(c) has been met.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), \$247,902,000 from local funds: Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance \$14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That \$4,440,000 shall be for the Fire and Emergency Medical Services Department, \$2,010,000 shall be for the Department of Parks and Recreation, and \$7,850,000 shall be for the Department of Public Works: Provided further, That no less than \$533,000 be available for trash transfer capital debt service. Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the “District of Columbia Emergency Assistance Act of 2001”: Provided, That the District of Columbia shall use local funds for any payments under this heading: Provided further, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$500,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,859,000 from local funds.

EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia’s right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106–554 to the Emergency and Contingency Reserve Funds established pursuant to section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)).

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, \$5,799,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$244,978,000 from other funds for fiscal year 2002 of which \$44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects (\$17,953,000 payable to the District’s debt service fund and \$26,291,000 payable for other debt service).

For construction projects, \$152,114,000, in the following capital programs: \$52,600,000 for the Blue Plains Wastewater Treatment Plant, \$11,148,000 for the sewer program, \$109,000 for the combined sewer program, \$118,000 for the stormwater program, \$77,957,000 for the water program, \$10,182,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$46,510,000 from other funds for fiscal year 2002.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,100,000 from other funds for fiscal year 2002.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), \$229,688,000: 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.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$9,127,000 from other funds: 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 (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), \$13,388,000 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 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, \$57,278,000 from other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, \$4,711,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$2,673,000 from other funds.

CAPITAL OUTLAY (INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,550,786,700 of which \$1,348,782,387 shall be from local funds, \$44,431,135 shall be from the Highway Trust Fund, and \$157,573,178 shall be from Federal funds, and a rescission of \$476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,074,604,269 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 the capital budget of \$83,400,000 for the Department of Health shall not be available until the District of Columbia Council’s Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: 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 (82 Stat. 827; Public Law 90–495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: Provided further, That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL-MA2 in the fiscal year 2002 Budget Request, no local funds may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons unit until such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia: Provided further, That none of the conditions set forth in this paragraph shall interfere with the operations of any Federal agency.

GENERAL PROVISIONS

SEC. 101. 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. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act

of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 104. 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. 105. 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. 106. None of the Federal funds appropriated in this Act 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. 107. 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. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming or transfer of funds which transfers any local funds from one appropriation title to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the reprogramming or transfer, except that in no event may the amount of any funds reprogrammed or transferred exceed four percent of the local funds.

SEC. 109. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the com-

ensation 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. 111. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2002, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2002 revenue estimates as of the end of the first quarter of fiscal year 2002. These estimates shall be used in the budget request for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 113. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 115. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

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

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—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), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—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) EXCEPTION FOR BOARD OF EDUCATION.—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. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 117. 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. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. ACCEPTANCE AND USE OF GRANTS. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, 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. No such Federal, private, or other grant may be accepted, obligated, or expended until (1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant, and (2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant, such approval contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the report shall be deemed to be approved, and (B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the report by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such report shall be deemed to be approved. 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 or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the

performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Chief Financial Officer of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

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

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

SEC. 123. (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 THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

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

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

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

SEC. 124. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

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

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

SEC. 125. None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 126. No later than November 1, 2001, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 127. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

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

SEC. 128. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in

any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

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

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001, and would have qualified for interest payment under this section.

SEC. 132. *The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and (7) indicators of child well-being.*

RESERVE FUNDS

SEC. 133. (a) *IN GENERAL.—Section 202(j) of Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:*

“(j) RESERVE FUNDS.—

“(1) BUDGET RESERVE.—

“(A) *IN GENERAL.—For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:*

“(i) \$120,000,000, in the case of fiscal year 2002.

“(ii) \$70,000,000, in the case of fiscal year 2003.

“(B) *AVAILABILITY OF FUNDS.—Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.*

“(C) *AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.*

“(2) *CUMULATIVE CASH RESERVE.—In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of \$50,000,000.*

“(3) *CONDITIONS ON USE.—The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:*

“(A) *The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.*

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

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

“(D) *The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.*

“(4) *REPLENISHMENT.—Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2)*

which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.”

(b) *EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.*

(c) *CONFORMING AMENDMENTS.—Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2482) is amended to read as follows:*

“(c) *EFFECTIVE DATE.—*

“(1) *IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2000.*

“(2) *REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—The amendment made by subsection (b)(2) shall take effect October 1, 1999.*

“(3) *TRANSFER OF FUNDS.—All funds identified by the District government pursuant to section 148 of Public Law 106-113, as reflected in the certified annual financial report for fiscal year 2000, shall be deposited during fiscal year 2002 into the Emergency and Contingency Reserve Funds established pursuant to Section 159 of Public Law 106-522, during fiscal year 2002.”*

(d) *CONTINGENCY RESERVE FUND.—Section 450A(b) of the Home Rule Act (Public Law 93-198) is amended—*

(1) *by striking paragraph (1) and inserting the following:*

“(1) *IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the ‘contingency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2002) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).”*; and

(2) *by striking subparagraph (B) of paragraph 2 and inserting the following:*

“(B) *APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:*

“(i) *For fiscal year 2002, 0 percent.*

“(ii) *For fiscal year 2003, 0 percent.*

“(iii) *For fiscal year 2004, 0 percent.*

“(iv) *For fiscal year 2005, 1 percent.*

“(v) *For fiscal year 2006, 2 percent.”*

SEC. 134. *INTEGRATED PRODUCT TEAM. No funds appropriated by this Act shall be available for an Integrated Product Team until reorganization plans for the Integrated Product Team and a Capital Construction Services Administration have been approved, or deemed approved, by the Council: Provided, That this paragraph shall not apply to funds appropriated for the Office of Contracting and Procurement.*

SEC. 135. *CORPORATION COUNSEL ANTITRUST, ANTIFRAUD, CONSUMER PROTECTION FUNDS. All funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3-169; D.C. Code §28-4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code §1-1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13-172; D.C. Code §28-3911), are hereby appropriated for the*

use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

SEC. 136. *RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than \$10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code §2-402).*

SEC. 137. *To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001 (D.C. Act 14-106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.*

SEC. 138. (a) *None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—*

(1) *the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code; or*

(2) *the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code; and*

(3) *in no case may the compensation limits in paragraphs (1) and (2) exceed \$3,000.*

(b) *Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.*

(c) *Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C. §794a, or any other law, none of the funds appropriated under this Act, or in appropriations Acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorneys' fees by prior appropriations Acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. §1400 et seq.).*

SEC. 139. *The limitation on attorneys' fees paid by the District of Columbia for actions brought under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (sec. 138) shall not apply if the plaintiff is a child who is—*

(1) *from a family with an annual income of less than \$17,600; or*

(2) *from a family where one of the parents is a disabled veteran; or*

(3) where the child has been adjudicated as neglected or abused.

SEC. 140. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES. (a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking “(b) PRODUCTION OF MANIFEST.—Any manifest” and inserting the following:

“(b) PRODUCTION OF MANIFEST.—

“(1) IN GENERAL.—Any manifest”;

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

“(2) ADDITIONAL INFORMATION.—

“(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

“(i) The port of arrival or departure, whichever is applicable.

“(ii) The carrier code, prefix code, or, both.

“(iii) The flight or trip number.

“(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

“(v) The request for permit to proceed to the destination, if applicable.

“(vi) The numbers and quantities from the master and house air waybill or bills of lading.

“(vii) The first port of lading of the cargo.

“(viii) A description and weight of the cargo.

“(ix) The shippers name and address from all air waybills or bills of lading.

“(x) The consignee name and address from all air waybills or bills of lading.

“(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

“(xii) Transfer or transit information.

“(xiii) Warehouse or other location of the cargo.

“(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)”.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

“(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master,

operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

“(b) INFORMATION.—The information specified in this subsection with respect to a person is—

“(1) full name;

“(2) date of birth and citizenship;

“(3) sex;

“(4) passport number and country of issuance;

“(5) United States visa number or resident alien card number, as applicable;

“(6) passenger name record; and

“(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

“(t) AIR CARRIER.—The term ‘air carrier’ means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SEC. 141. The General Accounting Office, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on the District of Columbia, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations Acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.): Provided, That such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

This Act may be cited as the “District of Columbia Appropriations Act, 2002”.

Ms. LANDRIEU. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. LANDRIEU, Mr. DURBIN, Mr. REED, Mr. INOUE, Mr. DEWINE, Mrs. HUTCHISON, and Mr. STEVENS conferees on the part of the Senate.

Ms. LANDRIEU. Madam 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators allowed to speak for up to 10 minutes each.

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

SEPTEMBER 11 VICTIMS' TAX LEGISLATION

Mr. TORRICELLI. Madam President, nearly 2 months have passed since the events of September 11. The tragedy and its ramifications have been part of the life of every American family in the weeks that have followed. Even American schoolchildren can recount not only the images but recite the numbers of the dead, the cost, and the consequences.

In my State there are hundreds of people who did not come home on that night. The changes experienced by average Americans cannot obviously be compared with the families themselves—wives and husbands, children, brothers and sisters who are rebuilding shattered lives. They wake up every day reminding themselves of the new reality that will follow them throughout their lives.

Recently, Senator CORZINE and I met with a number of the widows and widowers. You can only imagine, if this entire Nation has found it difficult to accept the reality of these circumstances, what it is like for a young mother still recoiling from the experience of informing her children, or a father, now left to raise children alone.

The pain of September 11 is measured on many scales. It has changed the finances of this Government. It has forever impacted our national sense of safety. But for these few thousand families, it has changed lives in ways we could never hope to understand.

There is little in terms of the things that matter that any of us can do to generally offer comfort or consolation. But in the ways that Government can measure compassion, there are things we must try to do.

Families that JON CORZINE and I met with indicated to us that when they are not dealing with the pain or the trauma, life has returned to much more mundane things: A woman who even as she buries her husband thinks about next month's mortgage; the young family who even when they are consoling their children are dealing with colleges or grade schools on next year's tuition; the young family who may have just started life together and bought a home or rented an apartment