SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as ''America Recycles Day.''

SENATE RESOLUTION 124

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 124, a resolution to state the sense of the Senate that members of the Khmer Rouge who participated in the Cambodian genocide should be brought to justice before an international tribunal for crimes against humanity.

AMENDMENT NO. 1253

At the request of Mr. MACK the names of the Senator from Rhode Island [Mr. REED] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of amendment No. 1253 proposed to S. 1156, an original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENTS SUBMITTED

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

JEFFORDS AMENDMENT NO. 1226

Mr. JEFFORDS proposed an amendment to the bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end of the bill, add the following:

DIVISION 2—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING IMPROVEMENT ACT OF 1997

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Metropolitan Washington Education and Workforce Training Improvement Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Greater Washington Metropolitan Area has an expanding regional economy but suffers from a serious regional labor market shortage that threatens economic growth;

(2) the region's education and training systems, particularly in the District of Columbia, fail to provide many youths and adults with the skills necessary to be competitive in the regional labor market;

(3) the need for a better skilled area workforce makes it imperative that the region's businesses, educational institutions, and governments work together to provide youth and adults with the education and training necessary to meet the needs of the 21st century;

(4) the condition of school facilities is a major impediment to improving the quality of education in the District of Columbia and their repair and modernization is a necessary step in making the District's public schools a full partner in preparing students for the regional labor market;

(5) the University of the District of Columbia, as well as other area institutions of post-secondary education, have an important role to play in providing skills training to meet the needs of the regional labor market;

(6) although the present revenues for the District of Columbia public school system provide sufficient operating funds, as with other public school systems in the metropolitan region, there are insufficient revenues for programs to prepare students to compete in the global economy and or to provide students with the skills demanded by the local market: and

(7) the Greater Washington Metropolitan Area has an opportunity to set a national example of regional cooperation in engaging in education reform and workforce training.

(b) PURPOSE.—

(1) IN GENERAL.—It is the purpose of this division to foster the development of a regional workforce investment system that will bring about improvements in education and workforce preparation by—

(A) creating a metropolitan partnership through which area businesses, school systems, postsecondary institutions, and governments can cooperate in charting a course for reforms and investments in education and workforce training; and

(B) providing the Greater Washington Metropolitan Area with the resources necessary to lead the Nation in improving its capacity to provide for a highly educated and skilled workforce.

(2) NONRESIDENT TAX.—The purpose of imposing the tax established by title II is to—

(A) fund the repair and modernization of District of Columbia public schools; and

(B) provide resources to carry out the activities of a Washington metropolitan partnership as described in title I.

TITLE I—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING GRANTS

SEC. 101. DEFINITIONS.

In this title:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL.—The terms ''elementary school'', ''local educational agency'', and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) METROPOLITAN REGION.—The term ''metropolitan region'' means the Washington, D.C. metropolitan area, as defined by the Secretaries.

(3) POSTSECONDARY INSTITUTION.—The term ''postsecondary institution'' has the meaning given the term ''institution of higher education'' in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088).

(4) PRINCIPAL.—The term ''principal'' means an elementary school or secondary school principal.

(5) SECRETARIES.—The term ''Secretaries'' means the Secretary of Education and the Secretary of Labor, acting jointly.

(6) TEACHER.—The term ''teacher'' means an elementary school or secondary school teacher.

SEC. 102. GRANTS.

(a) IN GENERAL.—Using funds made available from the Metropolitan Washington Education and Workforce Training Trust Fund, established in section 208, the Secretaries shall make grants to agencies and organizations to assist the agencies and organizations in carrying out the education and workforce training activities described in subsection (c) in the metropolitan region.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall be a local educational agency, or a public or private organization with demonstrated ability and experience in carrying out the education and workforce training activities.

(2) WORKFORCE TRAINING.—To be eligible to receive a grant under this section to provide services described in subsection (c)(5), an entity shall—

(A) be an postsecondary institution, business, or another provider of workforce training, such as literacy services, in the metropolitan region; and

(B) have demonstrated ability and experience in providing workforce training.

(c) USE OF FUNDS.—An agency or organization that receives a grant under subsection (a) shall use funds made available through the grant to carry out activities in the metropolitan region that consist of—

(1) providing professional development activities, including access to model professional development programs, for teachers and principals;

(2) developing apprenticeships and other programs that provide business experience to teachers who are participating in vocational training or technology training;

(3) constructing, renovating, repairing, or improving elementary schools, secondary schools, or other educational facilities for workforce training programs;

(4) developing partnerships between businesses, and vocational education or vocational training providers, to carry out student internship programs;

(5) providing youth and adult workforce training with remedial help such as literacy services;

(6) establishing model benchmarks to be used in the development of rigorous education and workforce training curricula;

(7) providing for both annual and long-term evaluation and assessment of other education and workforce training activities described in this subsection, including evaluation and assessment of—

(A) the degree to which expenditures of funds made available through the grant result in improvements in the activities;

(B) the extent to which the activities succeed in preparing participants for entry into postsecondary education, further learning, or high-skill, high-wage careers;

(C) the effect of benchmarks, performance measures, and other measures of accountability on the delivery of the activities; and

(D) the extent to which vocational training enhances the employment and earning potential of participants, reduces income support costs, and increases the level of employment in the metropolitan region;

(8) assisting in the development of individual mentoring and parental involvement programs and career path records for elementary and secondary school students;

(9) establishing—

(A) voluntary skill standards for participants in workforce training; and

(B) a methodology to assess the participants and certify attainment of the standards;

(10) assessing the need for, and utilization of, educational technology in the metropolitan region, including assessment of the potential for linkages among—

(A) elementary schools or secondary schools;

(B) workforce training providers; and

(C) businesses;

(11) improving educational technology in elementary schools or secondary schools; or

(12) providing resources to extend a school year or school day for any elementary school or secondary school that elects to make such an extension.

(d) APPLICATION.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretaries at such time, in such manner, and containing such information as the Secretaries may require.

(e) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—In making grants under subsection (a), the Secretaries shall, to the extent practicable, ensure that the funds made available through the grants are equitably distributed among the jurisdictions in the metropolitan region.

(2) SPECIAL RULE FOR THE DISTRICT OF COLUMBIA.—Any grants awarded to District of Columbia public schools under this section shall be expended in a manner consistent with section 2101(b)(1) of Public Law 104–134.

(f) MAINTENANCE OF EFFORT.—

(1) DEFINITION.—As used in this subsection, the term ''covered activities'' means education and workforce training activities described in subsection (c) and carried out in the District of Columbia.

(2) IN GENERAL.—Except as provided in paragraphs (3) and (4), no payments shall be made under this title for any fiscal year to an agency or organization for covered activities, unless the Secretaries determine that the fiscal effort per participant or the aggregate expenditures of the agency or organization for the activities for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded the effort or expenditures for the activities for the second fiscal year preceding the fiscal year for which the determination is made.

(3) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to paragraph (2), the Secretaries shall exclude capital expenditures, special one-time project costs, similar windfalls, and the cost of pilot programs.

(4) DECREASE IN FEDERAL SUPPORT.—If the amount made available for covered activities under this title for a fiscal year is less than the amount made available for the activities under this title the preceding fiscal year, then the fiscal effort per participant or the aggregate expenditures of the agency or organization required by paragraph (2) for the preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(g) TECHNICAL ASSISTANCE FOR SKILL STANDARDS AND METHODOLOGY.—If the Secretaries make a grant to an agency or organization under this section to establish the standards and methodology described in subsection (c)(7), the National Skill Standards Board established under section 503 of the National Skill Standards Act of 1994 (29 U.S.C. 5933) shall provide technical assistance to the agency or organization.

SEC. 103. METROPOLITAN PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the Department of Labor and the Department of Education a Metropolitan Washington Education and Workforce Training Partnership (referred to in this title as the ''Metropolitan Partnership''), under the joint control of the Secretary of Labor and the Secretary of Education.

(b) ADMINISTRATION.—Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled ''An Act To Create a Department of Labor'', approved March 4, 1913 (29 U.S.C. 551 et seq.), and section 169 of the Job Training Partnership Act (29 U.S.C. 1579), the Secretaries shall provide for, and exercise final authority over, the effective and efficient administration of this title and the officers and employees of the Metropolitan Partnership.

(c) RESPONSIBILITIES OF SECRETARIES.—The Secretaries, working through the Metropolitan Partnership, shall approve the applications, and make the grants, described in section 102.

SEC. 104. METROPOLITAN BOARD.

(a) METROPOLITAN BOARD.—

(1) COMPOSITION.—There is established, in the Metropolitan Partnership, a Metropolitan Washington Education and Workforce Training Board (referred to in this title as the ''Metropolitan Board'') that shall be composed of 13 individuals, including—

(A) 7 individuals who are representative of business and industry in the metropolitan region, appointed by the President;

(B) 3 individuals who are representative of providers of secondary education, postsecondary education, and workforce training in the metropolitan region, appointed by the President; and

(C) 3 individuals who are representative of local government officers and employees in the metropolitan region, including at least 1 representative of a local government in Maryland, 1 representative of a local government in Virginia, and 1 representative of the local government of the District of Columbia, appointed by the President.

(2) TERMS.—Each member of the Metropolitan Board shall serve for a term of 3 years, except that, as designated by the President—

(A) 5 of the members first appointed to the Metropolitan Board shall serve for a term of 2 years;

(B) 4 of the members first appointed to the Metropolitan Board shall serve for a term of 3 years; and

(C) 4 of the members first appointed to the Metropolitan Board shall serve for a term of 4 years.

(3) VACANCIES.—Any vacancy in the Metropolitan Board shall not affect the powers of the Metropolitan Board, but shall be filled in the same manner as the original appointment. Any member appointed to fill such a vacancy shall serve for the remainder of the term for which the predecessor of such member was appointed.

(4) DUTIES AND POWERS OF THE METROPOLITAN BOARD.—The Metropolitan Board shall—

(A) provide advice to the Secretary of Labor and the Secretary of Education regarding reviewing and approving applications, and making grants, described in section 102; and

(B) prepare and submit to the appropriate committees of Congress an annual report on the activities of the Metropolitan Partnership.

(5) CHAIRPERSON.—The position of Chairperson of the Metropolitan Board shall rotate annually among the appointed members described in paragraph (1)(A).

(6) MEETINGS.—The Metropolitan Board shall meet at the call of the Chairperson but not less often than 4 times during each calendar year. Seven members of the Metropolitan Board shall constitute a quorum. All decisions of the Metropolitan Board with respect to the exercise of the duties and powers of the Metropolitan Board shall be made by a majority vote of the members of the Metropolitan Board.

(7) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Metropolitan Board shall serve without compensation. Notwithstanding section 1342 of title 31, United States Code, the Secretaries may accept the voluntary and uncompensated services of members of the Metropolitan Board.

(B) EXPENSES.—The members of the Metropolitan Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Metropolitan Board.

(8) DATE OF APPOINTMENT.—The Metropolitan Board shall be appointed not later than 120 days after the date of enactment of this Act.

(9) NONTERMINATION OF BOARD.—Section 14 of the Federal Advisory Committee Act shall not apply to the Metropolitan Board.

(b) DIRECTOR.—

(1) IN GENERAL.—There shall be in the Metropolitan Partnership a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) DUTIES.—The Director shall carry out the administrative duties of the Metropolitan Partnership.

(4) DATE OF APPOINTMENT.—The Director shall be appointed not later than 120 days after the date of enactment of this Act.

(c) PERSONNEL.—

(1) APPOINTMENTS.—The Director may appoint and fix the compensation of 2 employees to carry out the functions of the Metropolitan Partnership. Except as otherwise provided by law, such employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Director may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director may pay experts and consultants who are serving away from their homes or regular places of business travel

expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Metropolitan Partnership without reimbursement, and such detail shall be without interruption or loss of civil service or privilege.

(4) USE OF VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Labor and the Secretary of Education are authorized to accept voluntary and uncompensated services in furtherance of the objectives of this title.

(5) MONETARY CONTRIBUTIONS.—Notwithstanding any other provision of law, the Metropolitan Partnership may accept monetary contributions to defray expenses.

TITLE II—METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING TAX

SEC. 201. TAX ON INCOME OF NONRESIDENTS.

(a) DEFINITION.—

(1) IN GENERAL.—Title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1803.1—47–1803.2) is amended by adding at the end thereof the following new section:

''SEC. 4. GROSS INCOME AND EXCLUSION THEREFROM IN THE CASE OF NONRESIDENTS.—(a) In the case of nonresidents, the words 'gross income' shall include—

''(1) gains, profits, and income derived from salaries, wages, or compensation for personal services performed within the District of whatever kind and in whatever form paid, including salaries, wages, and compensation paid by the United States to its officers and employees, or income derived from any trade or business carried on within the District within the meaning of title X of this article or sales or dealings in property located within the District, whether real or personal, including capital assets as defined in this article, growing out of the ownership, or sale of, or interest in, such property; and

''(2) income derived from rent, on such property located within the District, or transactions of any trade or business carried on within the District within the meaning of title X of this article for gain or profit, or gains or profits.

''(b) In the case of nonresidents, the words 'gross income' shall not include any of the income described in subsection (b) of section 2 of this title.''.

(2) CONFORMING AMENDMENT.—Section 2 of such title III (D.C. Code, sec. 47–1803.2) is amended by striking out ''.—(a) The'' and inserting in lieu thereof ''IN THE CASE OF RESIDENTS.—(a) In the case of residents, the''.

(b) INCOME TAX ON NONRESIDENTS.—

(1) IN GENERAL.—The District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1801.1—47–1816.3) is amended by adding at the end thereof the following new title:

''TITLE XVII—INCOME TAX ON NONRESIDENTS

''SEC. 1. INCOME TAX ON NONRESIDENTS.—(a) For each taxable year, there is imposed on the taxable income of each nonresident an income tax determined at a rate equal to one-third of the rate applicable in the case of a resident under title VI of this article.

''(b) In computing the net income of a nonresident for purposes of this title, such nonresident shall be allowed a deduction equal to that portion of the deductions which would be allowed under any paragraph of section 3(a) of title III of this article to the nonresident if such nonresident were a resident which bears the same ratio to the sum of such deductions as the income of such nonresident subject to tax under this title bears to the gross income of such nonresident from all sources.

''(c) In computing taxable income for purposes of this title, there shall be allowed to nonresidents as credits against net income the personal exemptions allowed to residents under section 2 of title VI.

''SEC. 2. LIMITATION ON AUTHORITY OF THE COUNCIL TO REVISE TAX ON NONRESIDENTS.—The Council of the District of Columbia may not—

''(1) amend or otherwise revise this title so as to impose any additional or greater tax on the whole or any portion of the personal income of any nonresident unless at the same time it also amends or revises title VI of this article so as to impose the same proportion of additional or greater tax on the whole or portion of the personal income of any resident as was imposed on the whole or portion of the personal income of a nonresident; or

''(2) provide any deductions or personal exemptions to residents which are not also available, in accordance with section 1 of this title, in the case of nonresidents.

''SEC. 3. DISPOSITION OF REVENUES.—The District of Columbia shall allocate the revenues received under this title as follows:

''(1) One-third of the revenues shall be transferred to the District of Columbia Financial Responsibility and Management Assistance Authority for the purpose of funding the repair and modernization of public schools in the District of Columbia.

''(2) Two-thirds of the revenues shall be transferred to the Metropolitan Washington Education and Workforce Training Trust Fund established by section 208 of the Metropolitan Washington Education and Workforce Training Improvement Act of 1997.''.

(2) PHASE-IN OF TAX.—The income tax imposed by title XVII of the District of Columbia Income and Franchise Tax Act of 1947 (as added by paragraph (1) of this subsection) shall be phased in as follows:

(A) In the calendar year beginning after the date of enactment of this Act, the rate shall be ½ of the rate imposed and revenues received shall be expended as provided in section 3(1) of title XVII.

(B) In the calendar year beginning after the calendar year referred to in subparagraph (A), the rate shall be the full rate imposed and revenues received shall be expended ⅓ as provided in section 3(1) and ⅔ as provided in section 3(2) of title XVII.

(3) EXISTING TAX ON NONRESIDENTS.—Title VI of such Act is amended—

(A) in the title heading, by striking out ''AND NONRESIDENTS''; and

(B) in section 1 (D.C. Code, sec. 47–1806.1)—

(i) by striking out ''every resident'' and inserting in lieu thereof ''an individual'', and

(ii) by inserting ''in the case of residents and by section 1(c) of title XVII in the case of nonresidents'' immediately after ''this title''.

SEC. 202. REPEAL OF UNINCORPORATED BUSINESS TAX.

(a) IN GENERAL.—Title VIII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1808.1—47–1808.7) is amended—

(1) in the title heading, by striking out ''TAX ON'' and inserting in lieu thereof ''NET INCOME OF''; and

(2) by repealing sections 2 through 6 and inserting in lieu thereof the following:

''SEC. 2. NET INCOME OF UNINCORPORATED BUSINESSES.—(a) An unincorporated business as such shall not be subject to tax under this article. Individuals carrying on a trade or business as an unincorporated business shall be liable in their individual capacity, under title VI of this article in the case of residents and under title XVII of this article in the case of nonresidents, for tax with respect to their distributive share, whether distributed or not, of the net income of such unincorporated business derived from sources within the District within the meaning of title X of this article. If an individual entitled to a distributive share of such net income of an unincorporated business computes his income tax under this article upon the basis of a period different from that upon the basis of which the net income of the unincorporated business is computed, then his distributive share of the net income of the unincorporated business for any accounting period of the unincorporated business ending within the taxable year upon the basis of which such individual's income tax is computed shall be included in computing such tax.

''(b) If the deductions which are allowed or allowable to an unincorporated business under section 3(a) of title III of this article exceed the gross income of such unincorporated business derived from sources within the District within the meaning of title X of this article, the distributive shares of such excess deductions shall be allowed as deductions to the individuals entitled thereto in determining their individual tax liability under title VI of this article in the case of residents and under title XVII of this article in the case of nonresidents, except that in the case of a nonresident such excess deductions shall be allowed to the nonresident only to the extent provided in section 1(b) of such title XVII. If an individual entitled to a distributive share of the excess deductions of an unincorporated business computes his income tax under this article upon the basis of a period different from that upon the basis of which the net income of the unincorporated business is computed, then his distributive share of the excess deductions of the unincorporated business for any accounting period of the unincorporated business ending within the taxable year upon the basis of which such individual's income tax is computed shall be included in computing such tax.

''(c) In computing the net income or the excess deductions of an unincorporated business for purposes of this title, the full amount of the deductions described in section 3(a) of title III of this article shall be allowed to such unincorporated business notwithstanding that a nonresident may be entitled to a distributive share of such net income or excess deductions.''.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 1 of title III of such Act (D.C. Code, sec. 47–1803.1) is amended by inserting ''or unincorporated business, as the case may be,'' immediately after ''taxpayer''.

(B) Paragraph (11) of section 3(a) of such title (D.C. Code, sec. 47–1803.3(a)(11)) is amended to read as follows:

''(11) REASONABLE ALLOWANCE FOR SALARY.—A reasonable allowance for salaries or other compensation for personal services actually rendered. Nothing in this paragraph shall be construed to exempt any salary or other compensation for personal services from taxation as part of the taxable income of the person receiving such salary or other compensation.''.

(C) Such section 3(a) (D.C. Code, sec. 47–1803.3(a)) is further amended by adding at the end thereof the following new paragraph:

''(15) EXCESS DEDUCTIONS OF AN UNINCORPORATED BUSINESS.—In the case of an individual, the distributive share of any excess deductions for an unincorporated business to which the individual is entitled under section 2(b) of title VIII of this article.''.

(D) Paragraph (5) of section 3(b) of such title (D.C. Code, sec. 47–1803.3(b)(5)) is repealed.

(2)(A) Paragraph (f) of such section (D.C. Code, sec. 47–1805.2(6)) is amended—

(i) in the first sentence, by striking out ''having a gross income of more than $12,000, regardless of whether or not it has a net income''; and

(ii) in the second sentence, by striking out ''the taxpayer or taxpayers liable for payment of the tax'' and inserting in lieu thereof ''the individual or individuals who would be entitled to share in the net income of the unincorporated business, if distributed, and shall include the name and address of each such individual and the amount of the distributive share of each such individual in the net income of the unincorporated business or, if the allowable deductions of the unincorporated business exceed its gross income, the allocation among such individuals of such excess allowable deductions''.

(B) Paragraph (g) of such section (D.C. Code, sec. 47–1805.2(7)) is amended by striking out ''other than partnerships subject to the taxes imposed by title VIII of this article on unincorporated businesses, engaged in any trade or business, or'' and inserting in lieu thereof ''not required to file a return under paragraph (f), which is''.

(3) Section 1 of title VI of such Act (D.C. Code, sec. 47–1806.1) is amended by striking out ''and that portion of the entire net income of every nonresident which is subject to tax under title VIII of this article''.

(4) Section 1 of title X of such Act (D.C. Code, sec. 47–1810.1) is amended by striking ''and (2) a franchise tax upon every corporation and unincorporated business'' and inserting ''(2) an income tax on certain income of nonresidents which is derived from sources within the District, and (3) a franchise tax upon every corporation''.

(5)(A) Section 8(a) of title XII of such Act (D.C. Code, sec. 47–1812.8(a)) is amended by striking out ''or unincorporated business'' each place it appears.

(B) Section 14 of such title (D.C. Code, sec. 47–1812.14–1) is amended—

(i) in the section caption, by striking out ''AND UNINCORPORATED BUSINESSES'';

(ii) in the first sentence of subsection (a), by striking out ''and unincorporated business''; and

(iii) in subsection (b)—

(I) in the subsection caption, by striking out ''OR UNINCORPORATED BUSINESS'', and

(II) in paragraph (1), by striking out ''or an unincorporated business''.

(6) The first sentence of section 1(a) of title XIV of such Act (D.C. Code, sec. 47–1814.1(a)) is amended by striking out ''which is excluded from the imposition of the District of Columbia tax on unincorporated businesses under the definition set forth in section 1 of title VIII of this article''.

SEC. 203. WITHHOLDING AND RETURNS.

(a) WITHHOLDING.—

(1) Section 8(b)(1) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1812.8(b)(1)) is amended by inserting before the first sentence the following: ''Every employer making payment of wages to a nonresident shall deduct and withhold a tax upon such wages in accordance with regulations which the Council of the District of Columbia shall promulgate.''.

(2) Section 8(i)(1) of such title (D.C. Code, sec. 47–1812.8(i)(1)) is amended to read as follows:

''(1)(A) Every person residing or domiciled in the District at the times prescribed in paragraph (4) of this subsection shall, at such times, make a declaration of his estimated tax for the taxable year if—

''(i) the gross income for the taxable year can reasonably be expected to consist of wages and of not more than $1,000 from sources other than such wages, and can reasonably be expected to exceed the total amount of the personal exemptions to which he is entitled under this article plus $5,000; or

''(ii) the gross income can reasonably be expected to include more than $1,000 which is not subject to the withholding provisions of this article, and can reasonably be expected to exceed the personal exemptions to which he is entitled under this article, plus $500.

''(B) Every person not residing or domiciled in the District at the times prescribed in paragraph (4) of this subsection shall, at such times, make a declaration of his estimated tax for the taxable year if such person can reasonably be expected to have more than $4,500 in taxable income, as determined under section 1 of title XVII of this article, for the taxable year which is not subject to withholding under the regulations promulgated by the Council of the District of Columbia pursuant to the first sentence of subsection (b).

''(C) Under this article, a declaration of estimated tax shall be considered a return of income.''.

(b) FEDERAL WITHHOLDING.—Section 5516(a) of title 5, United States Code, is amended to read as follows:

''(a)(1) The Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the District of Columbia Financial Responsibility and Management Assistance Authority, which agreement shall provide that the head of each agency of the United States shall comply with the requirements of the District of Columbia Income and Franchise Tax Act of 1947 in the case of employees of the agency who are subject to income taxes imposed by such Act and whose regular place of employment is within the District of Columbia. The agreement may not apply to pay for service as a member of the Armed Forces.

''(2) For purposes of this section—

''(A) the term 'agency' means—

''(i) any executive agency, including any independent establishment or wholly owned instrumentality of the Federal Government;

''(ii) the Administrative Office of the United States Courts;

''(iii) the General Accounting Office;

''(iv) the Library of Congress;

''(v) the Botanic Garden;

''(vi) the Government Printing Office; and

''(vii) the Office of the Architect of the Capitol; and

''(B) the term 'employee' means any employee and any officer of the United States and includes the President and Vice President and any justice or judge of the United States.''.

SEC. 204. CREDIT FOR STATE INCOME TAX PAYMENTS.

Section 5(a) of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1806.4(a)), as amended by section 3(b)(3)(B) of this Act, is further amended—

(1) by inserting ''(1)'' immediately before ''The'' in the first sentence; and

(2) by adding at the end thereof the following new paragraph:

''(2) If any income of a resident which is subject to taxation under this title is also subject to an income tax under the laws of another State, the income tax payable on such income to such other State shall be allowed as a credit to the resident against the tax imposed by this title, except that (A) the credit allowed under this paragraph may not exceed the amount of tax which would be payable under this title on such income, and (B) no credit shall be allowed under this paragraph if the other State allows a credit against the income tax imposed by such State for the tax paid under this title. Proof of payment of income tax to another State shall be required before credit for such tax is allowed under this paragraph.''.

SEC. 205. TECHNICAL AMENDMENT.

The table of contents for the District of Columbia Revenue Act of 1947 (article I of which constitutes the District of Columbia Income and Franchise Tax Act of 1947) is amended as follows:

(1)(A) In the item relating to section 2 of title III of article I, insert ''in the case of residents'' immediately before the period.

(B) Immediately after the item relating to section 3(b) of such title, insert the following:

''Sec. 4. Gross income and exclusion therefrom in the case of nonresidents.''.

(2) In the item relating to the title heading for title VI of article I, striking out ''AND NONRESIDENTS''.

(3)(A) In the item relating to the title heading for title VIII of article I, strike out ''TAX ON'' and insert in lieu thereof ''NET INCOME OF''.

(B) Strike out the items relating to sections 2 through 6 of such title VIII and insert in lieu thereof the following:

''Sec. 2. Net income of unincorporated businesses.''.

(4)(A) In the item relating to subsection 14 of title XII of article I, strike out ''and unincorporated businesses''.

(B) In the item relating to subsection (b) of such section, strike out ''or unincorporated business''.

(5) Immediately after the item relating to title XVI of article I, insert the following new item:

''TITLE XVII—INCOME TAX ON NONRESIDENTS

''Sec. 1. Income tax on nonresidents.

''Sec. 2. Limitation on authority of the Council to revise tax on nonresidents.''.

SEC. 206. RECIPROCAL TAX COLLECTION.

(a) IN GENERAL.—Any State, territory, or possession, by and through its lawfully authorized officials, shall have the right to sue in the Superior Court of the District of Columbia to recover any tax lawfully due and owing to it when the reciprocal right is accorded to the District by such State, territory, or possession, whether such right is granted by statutory authority or as a matter of comity.

(b) PROOF.—The certificate of the Secretary of State or other authorized official of any State, territory, or possession, or subdivision thereof, to the effect that the official instituting the suit for collection of taxes in the Superior Court of the District of Columbia has the authority to institute such suit and collect such taxes shall be conclusive proof of that authority.

(c) DEFINITION.—For the purposes of this section, the term ''taxes'' includes—

(1) any and all tax assessments lawfully made, whether they be based upon a return or other disclosure of the taxpayer, or upon the information and belief of the taxing authority, or otherwise;

(2) any and all penalties lawfully imposed pursuant to a taxing statute, ordinance, or regulation; and

(3) interest charges lawfully added to the tax liability which constitutes the subject of the suit.

(d) AUTHORIZATION OF SUIT.—The Corporation Council or any of his assistants is authorized to bring suit in the name of the District of Columbia in the courts of States, territories, and possessions, and subdivisions thereof, to collect taxes lawfully due the District. The District of Columbia Financial Responsibility and Management Assistance Authority is authorized to procure professional and other services, at such rates as may be usual and customary for such services in the

jurisdiction concerned, when he deems it necessary for the prosecution of any suit authorized by this section.

SEC. 207. METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Metropolitan Washington Education and Workforce Training Trust Fund (hereafter in this section referred to as the ''Trust Fund''), consisting of such amounts as are transferred to the Trust Fund under subsection (b)(1) of this section and any interest earned on investment of amounts in the Trust Fund under subsection (c)(2) of this section.

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN TARIFFS.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority shall transfer to the Trust Fund an amount equal to ⅔ of the revenues received by the District of Columbia from the tax imposed by title XVII of the District of Columbia Income and Franchise Tax Act of 1947 (as added by section 201 of this division).

(2) EFFECTIVE DATE.—The transfers required by paragraph (1) shall begin at the end of the first quarter of the calendar year beginning after the calendar year referred to in section 201(b)(2)(A).

(3) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the District of Columbia to the Trust Fund on the basis of estimates made by the District of Columbia Financial Responsibility and Management Assistance Authority. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) OBLIGATIONS FROM TRUST FUND.—The Secretary of Labor and the Secretary of Education are authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) for grants as provided in section 101 of this division.

(e) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Labor or the regional authority, as appropriate) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

SEC. 208. EFFECTIVE DATE.

The amendments made by this title and this title shall take effect at the beginning of the calendar year beginning after the date of enactment of this Act, and shall apply with respect to taxable years beginning on or after such date.

BYRD AMENDMENTS NOS. 1267–1269

Mr. BYRD proposed three amendments to the bill, S. 1156, supra; as follows:

AMENDMENT NO. 1267

At the appropriate place, insert the following:

SEC. . (a) Chapter 29 of title 12A of the District of Columbia Municipal Regulations (D.C. Building Code Supplement of 1992; 39 DCR 8833) is amended by adding the following 2 new sections 2915 and 2916 to read as follows:

''Section 2915.0 Alcoholic Beverage Advertisements.

''2915.1 Notwithstanding any other law or regulation, no person may place any sign, poster, placard, device, graphic display, or any other form of alcoholic beverage advertisements in publicly visible locations. For the purposes of this section 'publicly visible location' includes outdoor billboards, sides of buildings, and freestanding signboards.

''2915.2 This section shall not apply to the placement of signs, including advertisements, inside any licensed premises used by a holder of a licensed premises, on commercial vehicles used for transporting alcoholic beverages, or in conjunction with a one-day alcoholic beverage license or a temporary license.

''2915.3 This section shall not apply to any sign that contains the name or slogan of the licensed premises that has been placed for the purpose of identifying the licensed premises.

''2915.4 This section shall not apply to any sign that contains a generic description of beer, wine, liquor, or spirits, or any other generic description of alcoholic beverages.

''2915.5 This section shall not apply to any neon or electrically charged sign on a licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverages.

''2915.6 This section shall not apply to any sign on a WMATA public transit vehicle or a taxicab.

''2915.7 This section shall not apply to any sign on property owned, leased, or operated by the Armory Board.

''2915.8 This section shall not apply to any sign on property adjacent to an interstate highway.

''2915.9 This section shall not apply to any sign located in a commercial or industrial zone.

''2915.10 Any person who violates any provision of this section shall be fined $500. Every person shall be deemed guilty of a separate offense for every day that violation continues.''.

(b) The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 1268

On page 49, between lines 13 and 14, insert the following:

SEC. 148. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Control Board. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

AMENDMENT NO. 1269

At the appropriate place, insert the following:

SEC. . (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

THE ENERGY POLICY AND CONSERVATION ACT EXTENSION ACT OF 1997

MURKOWSKI AMENDMENT NO. 1270

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act; as follows:

Strike all after the enacting clause and insert in lieu thereof:

''SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

''The Energy Policy and Conservation Act is amended—

''(1) in section 166 (42 U.S.C. 6246) by striking ''for fiscal year'' and inserting in lieu thereof ''through October 31,'';

''(2) in section 181 (42 U.S.C. 6251) by striking ''September 30'' both places it appears and inserting in lieu thereof ''October 31''; and

''(3) in section 281 (42 U.S.C. 6285) by striking ''September 30'' both places it appears and inserting in lieu thereof ''October 31''.''.