

In the Senate of the United States,

November 2, 1995.

Resolved, That the bill from the House of Representatives (H.R. 2546) 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, 1996, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *District of Columbia for the fiscal year ending September*
4 *30, 1996, and for other purposes, namely:*

5 *TITLE I*

6 *FISCAL YEAR 1996 APPROPRIATIONS*

7 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

8 *For payment to the District of Columbia for the fiscal*
9 *year ending September 30, 1996, \$660,000,000, as author-*

1 ized by section 502(a) of the District of Columbia Self-Gov-
2 ernment and Governmental Reorganization Act, Public
3 Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

4 *FEDERAL CONTRIBUTION TO RETIREMENT FUNDS*

5 *For the Federal contribution to the Police Officers and*
6 *Fire Fighters', Teachers', and Judges' Retirement Funds,*
7 *as authorized by the District of Columbia Retirement Re-*
8 *form Act, approved November 17, 1979 (93 Stat. 866; Pub-*
9 *lic Law 96-122), \$52,000,000.*

10 *DIVISION OF EXPENSES*

11 *The following amounts are appropriated for the Dis-*
12 *trict of Columbia for the current fiscal year out of the gen-*
13 *eral fund of the District of Columbia, except as otherwise*
14 *specifically provided.*

15 *GOVERNMENTAL DIRECTION AND SUPPORT*

16 *Governmental direction and support, \$150,721,000*
17 *and 1,465 full-time equivalent positions (end of year): Pro-*
18 *vided, That not to exceed \$2,500 for the Mayor, \$2,500 for*
19 *the Chairman of the Council of the District of Columbia,*
20 *and \$2,500 for the City Administrator shall be available*
21 *from this appropriation for expenditures for official pur-*
22 *poses: Provided further, That any program fees collected*
23 *from the issuance of debt shall be available for the payment*
24 *of expenses of the debt management program of the District*
25 *of Columbia: Provided further, That no revenues from Fed-*

1 eral sources shall be used to support the operations or ac-
2 tivities of the Statehood Commission and Statehood Com-
3 pact Commission: Provided further, That the District of Co-
4 lumbia shall identify the sources of funding for Admission
5 to Statehood from its own locally-generated revenues: Pro-
6 vided further, That \$29,500,000 is used for a pay-as-you-
7 go capital project of which \$28,000,000 is available to de-
8 velop and implement a new financial management infor-
9 mation system and \$1,500,000 is available for a needs as-
10 sessment study: Provided further, That the District of Co-
11 lumbia Financial Responsibility and Management Assist-
12 ance Authority shall have given prior approval to the work
13 plan and procurement documents for necessary hardware
14 and software before work on phase 3, as described in the
15 Authority's August 15, 1995 report, is begun.

16 *ECONOMIC DEVELOPMENT AND REGULATION*

17 *Economic development and regulation, \$142,711,000*
18 *and 1,692 full-time equivalent positions (end-of-year): Pro-*
19 *vided, That the District of Columbia Housing Finance*
20 *Agency, established by section 201 of the District of Colum-*
21 *bia Housing Finance Agency Act, effective March 3, 1979*
22 *(D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its*
23 *capability of repayments as determined each year by the*
24 *Council of the District of Columbia from the Housing Fi-*
25 *nance Agency's annual audited financial statements to the*

1 *Council of the District of Columbia, shall repay to the gen-*
2 *eral fund an amount equal to the appropriated administra-*
3 *tive costs plus interest at a rate of four percent per annum*
4 *for a term of 15 years, with a deferral of payments for the*
5 *first three years: Provided further, That notwithstanding*
6 *the foregoing provision, the obligation to repay all or part*
7 *of the amounts due shall be subject to the rights of the own-*
8 *ers of any bonds or notes issued by the Housing Finance*
9 *Agency and shall be repaid to the District of Columbia gov-*
10 *ernment only from available operating revenues of the*
11 *Housing Finance Agency that are in excess of the amounts*
12 *required for debt service, reserve funds, and operating ex-*
13 *penses: Provided further, That upon commencement of the*
14 *debt service payments, such payments shall be deposited*
15 *into the general fund of the District of Columbia.*

16 *PUBLIC SAFETY AND JUSTICE*

17 *Public safety and justice, including purchase of 135*
18 *passenger-carrying vehicles for replacement only, including*
19 *130 for police-type use and five for fire-type use, without*
20 *regard to the general purchase price limitation for the cur-*
21 *rent fiscal year, \$960,747,000 and 11,544 full-time equiva-*
22 *lent positions (end-of-year): Provided, That the Metropoli-*
23 *tan Police Department is authorized to replace not to exceed*
24 *25 passenger-carrying vehicles and the Fire Department of*
25 *the District of Columbia is authorized to replace not to ex-*

1 *ceed five passenger-carrying vehicles annually whenever the*
2 *cost of repair to any damaged vehicle exceeds three-fourths*
3 *of the cost of the replacement: Provided further, That not*
4 *to exceed \$500,000 shall be available from this appropria-*
5 *tion for the Chief of Police for the prevention and detection*
6 *of crime: Provided further, That the Metropolitan Police*
7 *Department shall provide quarterly reports to the Commit-*
8 *tees on Appropriations of the House and Senate on efforts*
9 *to increase efficiency and improve the professionalism in*
10 *the department: Provided further, That notwithstanding*
11 *any other provision of law, or Mayor's Order 86-45, issued*
12 *March 18, 1986, the Metropolitan Police Department's dele-*
13 *gated small purchase authority shall be \$500,000: Provided*
14 *further, That the District of Columbia government may not*
15 *require the Metropolitan Police Department to submit to*
16 *any other procurement review process, or to obtain the ap-*
17 *proval of or be restricted in any manner by any official*
18 *or employee of the District of Columbia government, for*
19 *purchases that do not exceed \$500,000: Provided further,*
20 *That \$250,000 is used for the Georgetown Summer Detail;*
21 *\$200,000 is used for East of the River Detail; \$100,000 is*
22 *used for Adams Morgan Detail; and \$100,000 is used for*
23 *the Capitol Hill Summer Detail: Provided further, That the*
24 *Metropolitan Police Department shall employ an authorized*
25 *level of sworn officers not to be less than 3,800 sworn officers*

1 *for the fiscal year ending September 30, 1996: Provided fur-*
2 *ther, That the District of Columbia shall house no more*
3 *than 1,000 inmates in its community correctional centers,*
4 *District operated or contracted, on any given date: Provided*
5 *further, That funds appropriated for expenses under the*
6 *District of Columbia Criminal Justice Act, approved Sep-*
7 *tember 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C.*
8 *Code, sec. 11-2601 et seq.), for the fiscal year ending Sep-*
9 *tember 30, 1996, shall be available for obligations incurred*
10 *under the Act in each fiscal year since inception in the fis-*
11 *cal year 1975: Provided further, That funds appropriated*
12 *for expenses under the District of Columbia Neglect Rep-*
13 *resentation Equity Act of 1984, effective March 13, 1985*
14 *(D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal*
15 *year ending September 30, 1996, shall be available for obli-*
16 *gations incurred under the Act in each fiscal year since in-*
17 *ception in the fiscal year 1985: Provided further, That*
18 *funds appropriated for expenses under the District of Co-*
19 *lumbia Guardianship, Protective Proceedings, and Durable*
20 *Power of Attorney Act of 1986, effective February 27, 1987*
21 *(D.C. Law 6-204; D. C. Code, sec. 21-2060), for the fiscal*
22 *year ending September 30, 1996, shall be available for obli-*
23 *gations incurred under the Act in each fiscal year since in-*
24 *ception in fiscal year 1989: Provided further, That not to*
25 *exceed \$1,500 for the Chief Judge of the District of Colum-*

1 *bia Court of Appeals, \$1,500 for the Chief Judge of the Su-*
2 *perior Court of the District of Columbia, and \$1,500 for*
3 *the Executive Officer of the District of Columbia Courts*
4 *shall be available from this appropriation for official pur-*
5 *poses: Provided further, That the District of Columbia shall*
6 *operate and maintain a free, 24-hour telephone information*
7 *service whereby residents of the area surrounding Lorton*
8 *prison in Fairfax County, Virginia, can promptly obtain*
9 *information from District of Columbia government officials*
10 *on all disturbances at the prison, including escapes, fires,*
11 *riots, and similar incidents: Provided further, That the Dis-*
12 *trict of Columbia government shall also take steps to pub-*
13 *licize the availability of the 24-hour telephone information*
14 *service among the residents of the area surrounding the*
15 *Lorton prison: Provided further, That not to exceed*
16 *\$100,000 of this appropriation shall be used to reimburse*
17 *Fairfax County, Virginia, and Prince William County,*
18 *Virginia, for expenses incurred by the counties during the*
19 *fiscal year ending September 30, 1996, in relation to the*
20 *Lorton prison complex: Provided further, That such reim-*
21 *bursments shall be paid in all instances in which the Dis-*
22 *trict requests the counties to provide police, fire, rescue, and*
23 *related services to help deal with escapes, riots, and similar*
24 *disturbances involving the prison: Provided further, That*
25 *the Mayor shall reimburse the District of Columbia Na-*

1 *tional Guard for expenses incurred in connection with serv-*
2 *ices that are performed in emergencies by the National*
3 *Guard in a militia status and are requested by the Mayor,*
4 *in amounts that shall be jointly determined and certified*
5 *as due and payable for these services by the Mayor and the*
6 *Commanding General of the District of Columbia National*
7 *Guard: Provided further, That such sums as may be nec-*
8 *essary for reimbursement to the District of Columbia Na-*
9 *tional Guard under the preceding proviso shall be available*
10 *from this appropriation, and the availability of the sums*
11 *shall be deemed as constituting payment in advance for*
12 *emergency services involved.*

13 *PUBLIC EDUCATION SYSTEM*

14 *Public education system, including the development of*
15 *national defense education programs, \$800,080,000 and*
16 *11,670 full-time equivalent positions (end-of-year), to be al-*
17 *located as follows: \$585,956,000 and 10,167 full-time equiv-*
18 *alent positions for the public schools of the District of Co-*
19 *lumbia; \$109,175,000 shall be allocated for the District of*
20 *Columbia Teachers' Retirement Fund; \$81,940,000 and*
21 *1,079 full-time equivalent positions for the University of the*
22 *District of Columbia; \$20,742,000 and 415 full-time equiva-*
23 *lent positions for the Public Library; \$2,267,000 and 9 full-*
24 *time equivalent positions for the Commission on the Arts*
25 *and Humanities: Provided, That the public schools of the*

1 *District of Columbia are authorized to accept not to exceed*
2 *31 motor vehicles for exclusive use in the driver education*
3 *program: Provided further, That not to exceed \$2,500 for*
4 *the Superintendent of Schools, \$2,500 for the President of*
5 *the University of the District of Columbia, and \$2,000 for*
6 *the Public Librarian shall be available from this appropri-*
7 *ation for expenditures for official purposes: Provided further,*
8 *That this appropriation shall not be available to subsidize*
9 *the education of nonresidents of the District of Columbia*
10 *at the University of the District of Columbia, unless the*
11 *Board of Trustees of the University of the District of Colum-*
12 *bia adopts, for the fiscal year ending September 30, 1996,*
13 *a tuition rate schedule that will establish the tuition rate*
14 *for nonresident students at a level no lower than the non-*
15 *resident tuition rate charged at comparable public institu-*
16 *tions of higher education in the metropolitan area.*

17 *HUMAN SUPPORT SERVICES*

18 *Human support services, \$1,859,622,000 and 6,469*
19 *full-time equivalent positions (end-of-year): Provided, That*
20 *\$26,000,000 of this appropriation, to remain available*
21 *until expended, shall be available solely for District of Co-*
22 *lumbia employees' disability compensation: Provided fur-*
23 *ther, That the District shall not provide free government*
24 *services such as water, sewer, solid waste disposal or collec-*
25 *tion, utilities, maintenance, repairs, or similar services to*

1 *any legally constituted private nonprofit organization (as*
2 *defined in section 411(5) of Public Law 100-77, approved*
3 *July 22, 1987) providing emergency shelter services in the*
4 *District, if the District would not be qualified to receive*
5 *reimbursement pursuant to the Stewart B. McKinney*
6 *Homeless Assistance Act, approved July 22, 1987 (101 Stat.*
7 *485; Public Law 100-77; 42 U.S.C. 11301 et seq.).*

8 *PUBLIC WORKS*

9 *Public works, including rental of one passenger-carry-*
10 *ing vehicle for use by the Mayor and three passenger-carry-*
11 *ing vehicles for use by the Council of the District of Colum-*
12 *bia and purchase of passenger-carrying vehicles for replace-*
13 *ment only, \$297,568,000 and 1,914 full-time equivalent po-*
14 *sitions (end-of-year): Provided, That this appropriation*
15 *shall not be available for collecting ashes or miscellaneous*
16 *refuse from hotels and places of business.*

17 *WASHINGTON CONVENTION CENTER TRANSFER PAYMENT*

18 *For the Washington Convention Center Fund,*
19 *\$5,400,000.*

20 *REPAYMENT OF LOANS AND INTEREST*

21 *For reimbursement to the United States of funds*
22 *loaned in compliance with an Act to provide for the estab-*
23 *lishment of a modern, adequate, and efficient hospital cen-*
24 *ter in the District of Columbia, approved August 7, 1946*
25 *(60 Stat. 896; Public Law 79-648); section 1 of an Act*

1 *to authorize the Commissioners of the District of Columbia*
2 *to borrow funds for capital improvement programs and to*
3 *amend provisions of law relating to Federal Government*
4 *participation in meeting costs of maintaining the Nation's*
5 *Capital City, approved June 6, 1958 (72 Stat. 183; Public*
6 *Law 85-451; D.C. Code, sec. 9-219); section 4 of an Act*
7 *to authorize the Commissioners of the District of Columbia*
8 *to plan, construct, operate, and maintain a sanitary sewer*
9 *to connect the Dulles International Airport with the Dis-*
10 *trict of Columbia system, approved June 12, 1960 (74 Stat.*
11 *211; Public Law 86-515); sections 723 and 743(f) of the*
12 *District of Columbia Self-Government and Governmental*
13 *Reorganization Act of 1973, approved December 24, 1973,*
14 *as amended (87 Stat. 821; Public Law 93-198; D.C. Code,*
15 *sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C.*
16 *Code, sec. 9-219, note), including interest as required there-*
17 *by, \$257,787,000.*

18 *REPAYMENT OF GENERAL FUND RECOVERY DEBT*

19 *For the purpose of eliminating the \$331,589,000 gen-*
20 *eral fund accumulated deficit as of September 30, 1990,*
21 *\$38,678,000, as authorized by section 461(a) of the District*
22 *of Columbia Self-Government and Governmental Reorga-*
23 *nization Act, approved December 24, 1973, as amended*
24 *(105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-*
25 *321(a)).*

1 *REPAYMENT OF INTEREST ON SHORT-TERM BORROWING*

2 *For repayment of interest on short-term borrowing,*
3 *\$9,698,000.*

4 *PAY RENEGOTIATION OR REDUCTION IN COMPENSATION*

5 *The Mayor shall reduce appropriations and expendi-*
6 *tures for personal services in the amount of \$46,409,000,*
7 *by decreasing rates of compensation for District government*
8 *employees; such decreased rates are to be realized for em-*
9 *ployees who are subject to collective bargaining agreements*
10 *to the extent possible through the renegotiation of existing*
11 *collective bargaining agreements.*

12 *RAINY DAY FUND*

13 *For mandatory unavoidable expenditures within one*
14 *or several of the various appropriation headings of this Act,*
15 *to be allocated to the budgets for personal services and*
16 *nonpersonal services as requested by the Mayor and ap-*
17 *proved by the Council pursuant to the procedures in section*
18 *4 of the Reprogramming Policy Act of 1980, effective Sep-*
19 *tember 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363),*
20 *\$4,563,000: Provided, That the District of Columbia shall*
21 *provide to the Committees on Appropriations of the House*
22 *of Representatives and the Senate quarterly reports by the*
23 *15th day of the month following the end of the quarter show-*
24 *ing how monies provided under this fund are expended with*
25 *a final report providing a full accounting of the fund due*

1 *October 15, 1995 or not later than 15 days after the last*
2 *amount remaining in the fund is disbursed.*

3 *INCENTIVE BUYOUT PROGRAM*

4 *For the purpose of funding costs associated with the*
5 *incentive buyout program, to be apportioned by the Mayor*
6 *of the District of Columbia within the various appropria-*
7 *tion headings in this Act from which costs are properly*
8 *payable, \$19,000,000.*

9 *BOARDS AND COMMISSIONS*

10 *The Mayor shall reduce appropriations and expendi-*
11 *tures for boards and commissions under the various head-*
12 *ings in this Act in the amount of \$500,000.*

13 *GOVERNMENT RE-ENGINEERING PROGRAM*

14 *If a sufficient reduction from employees who are sub-*
15 *ject to collective bargaining agreements is not realized*
16 *through renegotiating existing agreements, the Mayor shall*
17 *decrease the rates of compensation for such employees, not-*
18 *withstanding the provisions of any collective bargaining*
19 *agreements: Provided, That the Mayor shall reduce appro-*
20 *priations and expenditures for personal and nonpersonal*
21 *services in the amount of \$16,000,000 within one or several*
22 *of the various appropriation headings in this Act.*

23 *OUTPLACEMENT*

24 *For outplacement \$1,500,000.*

1 *payable to the debt service fund for repayment of loans and*
2 *interest incurred for capital improvement projects.*

3 *LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND*

4 *For the Lottery and Charitable Games Enterprise*
5 *Fund, established by the District of Columbia Appropria-*
6 *tion Act for the Fiscal Year ending September 30, 1982,*
7 *approved December 4, 1981 (95 Stat. 1174, 1175; Public*
8 *Law 97-91), as amended, for the purpose of implementing*
9 *the Law to Legalize Lotteries, Daily Numbers Games, and*
10 *Bingo and Raffles for Charitable Purposes in the District*
11 *of Columbia, effective March 10, 1981 (D.C. Law 3-172;*
12 *D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.),*
13 *\$229,950,000 and 88 full-time equivalent positions (end of*
14 *year), to be derived from non-Federal District of Columbia*
15 *revenues: Provided, That the District of Columbia shall*
16 *identify the source of funding for this appropriation title*
17 *from the District's own locally-generated revenues: Provided*
18 *further, That no revenues from Federal sources shall be used*
19 *to support the operations or activities of the Lottery and*
20 *Charitable Games Control Board.*

21 *CABLE TELEVISION ENTERPRISE FUND*

22 *For the Cable Television Enterprise Fund, established*
23 *by the Cable Television Communications Act of 1981, effec-*
24 *tive October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-*
25 *1801 et seq.), \$2,351,000 and 8 full-time equivalent posi-*

1 tions (end of year), of which \$572,000 shall be transferred
2 to the General Fund of the District of Columbia.

3 *STARPLEX FUND*

4 *For the Starplex Fund, \$6,580,000 for the expenses in-*
5 *curred by the Armory Board in the exercise of its powers*
6 *granted by An Act To Establish a District of Columbia Ar-*
7 *mory Board, and for other purposes, approved June 4, 1948*
8 *(62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District*
9 *of Columbia Stadium Act of 1957, approved September 7,*
10 *1957 (71 Stat. 619; Public Law 85-300; D. C. Code, sec.*
11 *2-321 et seq.): Provided, That the Mayor shall submit a*
12 *budget for the Armory Board for the forthcoming fiscal year*
13 *as required by section 442(b) of the District of Columbia*
14 *Self-Government and Governmental Reorganization Act,*
15 *approved December 24, 1973 (87 Stat. 824; Public Law 93-*
16 *198; D.C. Code, sec. 47-301(b)).*

17 *D.C. GENERAL HOSPITAL*

18 *For the District of Columbia General Hospital, estab-*
19 *lished by the Reorganization Order No. 57 of the Board of*
20 *Commissioners, effective August 15, 1953, \$115,034,000, of*
21 *which \$56,735,000 shall be derived by transfer from the gen-*
22 *eral fund.*

23 *D.C. RETIREMENT BOARD*

24 *For the D.C. Retirement Board, established by section*
25 *121 of the District of Columbia Comprehensive Retirement*

1 *Reform Act of 1989, approved November 17, 1989 (93 Stat.*
2 *866; D.C. Code, sec. 1-711), \$13,440,000 to pay legal, man-*
3 *agement, investment, and other fees and administrative ex-*
4 *penses of the District of Columbia Retirement Board and*
5 *11 full-time equivalent positions (end of year): Provided,*
6 *That the District of Columbia Retirement Board shall pro-*
7 *vide to the Congress and to the Council of the District of*
8 *Columbia a quarterly report of the allocations of charges*
9 *by fund and of expenditures of all funds: Provided further,*
10 *That the District of Columbia Retirement Board shall pro-*
11 *vide the Mayor, for transmittal to the Council of the Dis-*
12 *trict of Columbia, an item accounting of the planned use*
13 *of appropriated funds in time for each annual budget sub-*
14 *mission and the actual use of such funds in time for each*
15 *annual audited financial report.*

16 *CORRECTIONAL INDUSTRIES*

17 *For the Correctional Industries Fund, established by*
18 *the District of Columbia Correctional Industries Establish-*
19 *ment Act, approved October 3, 1964 (78 Stat. 1000; Public*
20 *Law 88-622), \$10,516,000 and 66 full-time equivalent posi-*
21 *tions (end of year).*

22 *DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND*
23 *MANAGEMENT ASSISTANCE AUTHORITY*

24 *For the District of Columbia Financial Responsibility*
25 *and Management Assistance Authority, established by sec-*

1 *tion 101(a) of the District of Columbia Financial Respon-*
2 *sibility and Management Assistance Act of 1995, approved*
3 *April 17, 1995 (109 Stat. 97; Public Law 104–8),*
4 *\$3,500,000.*

5 *WASHINGTON CONVENTION CENTER ENTERPRISE FUND*
6 *For the Washington Convention Center Enterprise*
7 *Fund, \$37,957,000, of which \$5,400,000 shall be derived by*
8 *transfer from the general fund.*

9 *PERSONAL SERVICES ADJUSTMENT*

10 *The Mayor, in consultation with the Council and the*
11 *District of Columbia Financial Responsibility and Man-*
12 *agement Assistance Authority, shall reduce appropriations*
13 *and expenditures for personal services costs in the amount*
14 *of \$11,264,000 within one or several of the various appro-*
15 *priations headings in this Act.*

16 *GENERAL PROVISIONS*

17 *Sec. 101. The expenditure of any appropriation under*
18 *this Act for any consulting service through procurement*
19 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
20 *those contracts where such expenditures are a matter of pub-*
21 *lic record and available for public inspection, except where*
22 *otherwise provided under existing law, or under existing*
23 *Executive order issued pursuant to existing law.*

24 *Sec. 102. Except as otherwise provided in this Act, all*
25 *vouchers covering expenditures of appropriations contained*

1 *in this Act shall be audited before payment by the des-*
2 *ignated certifying official and the vouchers as approved*
3 *shall be paid by checks issued by the designated disbursing*
4 *official.*

5 *Sec. 103. Whenever in this Act, an amount is specified*
6 *within an appropriation for particular purposes or objects*
7 *of expenditure, such amount, unless otherwise specified,*
8 *shall be considered as the maximum amount that may be*
9 *expended for said purpose or object rather than an amount*
10 *set apart exclusively therefor.*

11 *Sec. 104. Appropriations in this Act shall be available,*
12 *when authorized by the Mayor, for allowances for privately*
13 *owned automobiles and motorcycles used for the perform-*
14 *ance of official duties at rates established by the Mayor:*
15 *Provided, That such rates shall not exceed the maximum*
16 *prevailing rates for such vehicles as prescribed in the Fed-*
17 *eral Property Management Regulations 101-7 (Federal*
18 *Travel Regulations).*

19 *SEC. 105. Appropriations in this Act shall be available*
20 *for expenses of travel and for the payment of dues of organi-*
21 *zations concerned with the work of the District of Columbia*
22 *government, when authorized by the Mayor: Provided, That*
23 *the Council of the District of Columbia and the District*
24 *of Columbia Courts may expend such funds without author-*
25 *ization by the Mayor.*

1 *SEC. 106. There are appropriated from the applicable*
2 *funds of the District of Columbia such sums as may be nec-*
3 *essary for making refunds and for the payment of judg-*
4 *ments that have been entered against the District of Colum-*
5 *bia government: Provided, That nothing contained in this*
6 *section shall be construed as modifying or affecting the pro-*
7 *visions of section 11(c)(3) of title XII of the District of Co-*
8 *lumbia Income and Franchise Tax Act of 1947, approved*
9 *March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C.*
10 *Code, sec. 47-1812.11(c)(3)).*

11 *SEC. 107. Appropriations in this Act shall be available*
12 *for the payment of public assistance without reference to*
13 *the requirement of section 544 of the District of Columbia*
14 *Public Assistance Act of 1982, effective April 6, 1982 (D.C.*
15 *Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Fed-*
16 *eral share of funds necessary to qualify for Federal assist-*
17 *ance under the Juvenile Delinquency Prevention and Con-*
18 *trol Act of 1968, approved July 31, 1968 (82 Stat. 462;*
19 *Public Law 90-445; 42 U.S.C. 3801 et seq.).*

20 *SEC. 108. No part of any appropriation contained in*
21 *this Act shall remain available for obligation beyond the*
22 *current fiscal year unless expressly so provided herein.*

23 *SEC. 109. No funds appropriated in this Act for the*
24 *District of Columbia government for the operation of edu-*
25 *cational institutions, the compensation of personnel, or for*

1 *other educational purposes may be used to permit, encour-*
2 *age, facilitate, or further partisan political activities. Noth-*
3 *ing herein is intended to prohibit the availability of school*
4 *buildings for the use of any community or partisan politi-*
5 *cal group during non-school hours.*

6 *SEC. 110. The annual budget for the District of Colum-*
7 *bia government for the fiscal year ending September 30,*
8 *1997, shall be transmitted to the Congress no later than*
9 *April 15, 1996.*

10 *SEC. 111. None of the funds appropriated in this Act*
11 *shall be made available to pay the salary of any employee*
12 *of the District of Columbia government whose name, title,*
13 *grade, salary, past work experience, and salary history are*
14 *not available for inspection by the House and Senate Com-*
15 *mittees on Appropriations, the House Committee on Gov-*
16 *ernment Reform and Oversight, District of Columbia Sub-*
17 *committee, the Subcommittee on General Services, Federal-*
18 *ism, and the District of Columbia, of the Senate Committee*
19 *on Governmental Affairs, and the Council of the District*
20 *of Columbia, or their duly authorized representative: Pro-*
21 *vided, That none of the funds contained in this Act shall*
22 *be made available to pay the salary of any employee of the*
23 *District of Columbia government whose name and salary*
24 *are not available for public inspection.*

1 *SEC. 112. There are appropriated from the applicable*
2 *funds of the District of Columbia such sums as may be nec-*
3 *essary for making payments authorized by the District of*
4 *Columbia Revenue Recovery Act of 1977, effective Septem-*
5 *ber 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et*
6 *seq.).*

7 *SEC. 113. No part of this appropriation shall be used*
8 *for publicity or propaganda purposes or implementation of*
9 *any policy including boycott designed to support or defeat*
10 *legislation pending before Congress or any State legislature.*

11 *SEC. 114. At the start of the fiscal year, the Mayor*
12 *shall develop an annual plan, by quarter and by project,*
13 *for capital outlay borrowings: Provided, That within a rea-*
14 *sonable time after the close of each quarter, the Mayor shall*
15 *report to the Council of the District of Columbia and the*
16 *Congress the actual borrowing and spending progress com-*
17 *pared with projections.*

18 *SEC. 115. The Mayor shall not borrow any funds for*
19 *capital projects unless the Mayor has obtained prior ap-*
20 *proval from the Council of the District of Columbia, by reso-*
21 *lution, identifying the projects and amounts to be financed*
22 *with such borrowings.*

23 *SEC. 116. The Mayor shall not expend any moneys*
24 *borrowed for capital projects for the operating expenses of*
25 *the District of Columbia government.*

1 *SEC. 117. None of the funds appropriated by this Act*
2 *may be obligated or expended by reprogramming except*
3 *pursuant to advance approval of the reprogramming grant-*
4 *ed according to the procedure set forth in the Joint Explan-*
5 *atory Statement of the Committee of Conference (House Re-*
6 *port No. 96-443), which accompanied the District of Co-*
7 *lumbia Appropriation Act, 1980, approved October 30,*
8 *1979 (93 Stat. 713; Public Law 96-93), as modified in*
9 *House Report No. 98-265, and in accordance with the*
10 *Reprogramming Policy Act of 1980, effective September 16,*
11 *1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): Pro-*
12 *vided, That for the fiscal year ending September 30, 1996*
13 *the above shall apply except as modified by Public Law*
14 *104-8.*

15 *SEC. 118. None of the Federal funds provided in this*
16 *Act shall be obligated or expended to provide a personal*
17 *cook, chauffeur, or other personal servants to any officer or*
18 *employee of the District of Columbia.*

19 *SEC. 119. None of the Federal funds provided in this*
20 *Act shall be obligated or expended to procure passenger*
21 *automobiles as defined in the Automobile Fuel Efficiency*
22 *Act of 1980, approved October 10, 1980 (94 Stat. 1824;*
23 *Public Law 96-425; 15 U.S.C. 2001(2)), with an Environ-*
24 *mental Protection Agency estimated miles per gallon aver-*
25 *age of less than 22 miles per gallon: Provided, That this*

1 *section shall not apply to security, emergency rescue, or ar-*
2 *mored vehicles.*

3 *SEC. 120. (a) Notwithstanding section 422(7) of the*
4 *District of Columbia Self-Government and Governmental*
5 *Reorganization Act of 1973, approved December 24, 1973*
6 *(87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-*
7 *242(7)), the City Administrator shall be paid, during any*
8 *fiscal year, a salary at a rate established by the Mayor,*
9 *not to exceed the rate established for level IV of the Execu-*
10 *tive Schedule under 5 U.S.C. 5315.*

11 *(b) For purposes of applying any provision of law lim-*
12 *iting the availability of funds for payment of salary or pay*
13 *in any fiscal year, the highest rate of pay established by*
14 *the Mayor under subsection (a) of this section for any posi-*
15 *tion for any period during the last quarter of calendar year*
16 *1995 shall be deemed to be the rate of pay payable for that*
17 *position for September 30, 1995.*

18 *(c) Notwithstanding section 4(a) of the District of Co-*
19 *lumbia Redevelopment Act of 1945, approved August 2,*
20 *1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec.*
21 *5-803(a)), the Board of Directors of the District of Colum-*
22 *bia Redevelopment Land Agency shall be paid, during any*
23 *fiscal year, per diem compensation at a rate established by*
24 *the Mayor.*

1 *SEC. 121. Notwithstanding any other provisions of*
2 *law, the provisions of the District of Columbia Government*
3 *Comprehensive Merit Personnel Act of 1978, effective March*
4 *3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.),*
5 *enacted pursuant to section 422(3) of the District of Colum-*
6 *bia Self-Government and Governmental Reorganization Act*
7 *of 1973, approved December 24, 1973 (87 Stat. 790; Public*
8 *Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with*
9 *respect to the compensation of District of Columbia employ-*
10 *ees: Provided, That for pay purposes, employees of the Dis-*
11 *trict of Columbia government shall not be subject to the pro-*
12 *visions of title 5 of the United States Code.*

13 *SEC. 122. The Director of the Department of Adminis-*
14 *trative Services may pay rentals and repair, alter, and im-*
15 *prove rented premises, without regard to the provisions of*
16 *section 322 of the Economy Act of 1932 (Public Law 72-*
17 *212; 40 U.S.C. 278a), upon a determination by the Direc-*
18 *tor, that by reason of circumstances set forth in such deter-*
19 *mination, the payment of these rents and the execution of*
20 *this work, without reference to the limitations of section*
21 *322, is advantageous to the District in terms of economy,*
22 *efficiency, and the District's best interest.*

23 *SEC. 123. No later than 30 days after the end of the*
24 *first quarter of the fiscal year ending September 30, 1996,*
25 *the Mayor of the District of Columbia shall submit to the*

1 *Council of the District of Columbia the new fiscal year 1996*
2 *revenue estimates as of the end of the first quarter of fiscal*
3 *year 1996. These estimates shall be used in the budget re-*
4 *quest for the fiscal year ending September 30, 1997. The*
5 *officially revised estimates at midyear shall be used for the*
6 *midyear report.*

7 *SEC. 124. Section 466(b) of the District of Columbia*
8 *Self-Government and Governmental Reorganization Act of*
9 *1973, approved December 24, 1973 (87 Stat. 806; Public*
10 *Law 93-198; D.C. Code, sec. 47-326), as amended, is*
11 *amended by striking “sold before October 1, 1995” and in-*
12 *serting “sold before October 1, 1996”.*

13 *SEC. 125. No sole source contract with the District of*
14 *Columbia government or any agency thereof may be re-*
15 *newed or extended without opening that contract to the*
16 *competitive bidding process as set forth in section 303 of*
17 *the District of Columbia Procurement Practices Act of 1985,*
18 *effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec.*
19 *1-1183.3), except that the District of Columbia Public*
20 *Schools may renew or extend sole source contracts for which*
21 *competition is not feasible or practical, provided that the*
22 *determination as to whether to invoke the competitive bid-*
23 *ding process has been made in accordance with duly pro-*
24 *mulgated Board of Education rules and procedures.*

1 *SEC. 126. For purposes of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985, approved December*
3 *12, 1985 (99 Stat. 1037; Public Law 99–177), as amended,*
4 *the term “program, project, and activity” shall be synony-*
5 *mous with and refer specifically to each account appro-*
6 *priating Federal funds in this Act, and any sequestration*
7 *order shall be applied to each of the accounts rather than*
8 *to the aggregate total of those accounts: Provided, That se-*
9 *questration orders shall not be applied to any account that*
10 *is specifically exempted from sequestration by the Balanced*
11 *Budget and Emergency Deficit Control Act of 1985, ap-*
12 *proved December 12, 1985 (99 Stat. 1037; Public Law 99–*
13 *177), as amended.*

14 *SEC. 127. In the event a sequestration order is issued*
15 *pursuant to the Balanced Budget and Emergency Deficit*
16 *Control Act of 1985, approved December 12, 1985 (99 Stat.*
17 *1037; Public Law 99–177), as amended, after the amounts*
18 *appropriated to the District of Columbia for the fiscal year*
19 *involved have been paid to the District of Columbia, the*
20 *Mayor of the District of Columbia shall pay to the Sec-*
21 *retary of the Treasury, within 15 days after receipt of a*
22 *request therefor from the Secretary of the Treasury, such*
23 *amounts as are sequestered by the order: Provided, That the*
24 *sequestration percentage specified in the order shall be ap-*
25 *plied proportionately to each of the Federal appropriation*

1 *accounts in this Act that are not specifically exempted from*
2 *sequestration by the Balanced Budget and Emergency Defi-*
3 *cit Control Act of 1985, approved December 12, 1985 (99*
4 *Stat. 1037; Public Law 99–177), as amended.*

5 *SEC. 128. For the fiscal year ending September 30,*
6 *1996, the District of Columbia shall pay interest on its*
7 *quarterly payments to the United States that are made*
8 *more than 60 days from the date of receipt of an itemized*
9 *statement from the Federal Bureau of Prisons of amounts*
10 *due for housing District of Columbia convicts in Federal*
11 *penitentiaries for the preceding quarter.*

12 *SEC. 129. Nothing in this Act shall be construed to*
13 *authorize any office, agency or entity to expend funds for*
14 *programs or functions for which a reorganization plan is*
15 *required but has not been approved by the Council pursuant*
16 *to section 422(12) of the District of Columbia Self-Govern-*
17 *ment and Governmental Reorganization Act of 1973, ap-*
18 *proved December 24, 1973 (87 Stat. 790; Public Law 93–*
19 *198; D.C. Code, sec. 1–242(12)) and the Governmental Re-*
20 *organization Procedures Act of 1981, effective October 17,*
21 *1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7).*
22 *Appropriations made by this Act for such programs or*
23 *functions are conditioned on the approval by the Council,*
24 *prior to October 1, 1995, of the required reorganization*
25 *plans.*

1 *SEC 130. (a) An entity of the District of Columbia*
2 *government may accept and use a gift or donation during*
3 *fiscal year 1996 if—*

4 *(1) the Mayor approves the acceptance and use*
5 *of the gift or donation: Provided, That the Council of*
6 *the District of Columbia may accept and use gifts*
7 *without prior approval by the Mayor; and*

8 *(2) the entity uses the gift or donation to carry*
9 *out its authorized functions or duties.*

10 *(b) Each entity of the District of Columbia government*
11 *shall keep accurate and detailed records of the acceptance*
12 *and use of any gift or donation under subsection (a) of this*
13 *section, and shall make such records available for audit and*
14 *public inspection.*

15 *(c) For the purposes of this section, the term “entity*
16 *of the District of Columbia government” includes an inde-*
17 *pendent agency of the District of Columbia.*

18 *(d) This section shall not apply to the District of Co-*
19 *lumbia Board of Education, which may, pursuant to the*
20 *laws and regulations of the District of Columbia, accept*
21 *and use gifts to the public schools without prior approval*
22 *by the Mayor.*

23 *SEC. 131. None of the Federal funds provided in this*
24 *Act may be used by the District of Columbia to provide*
25 *for salaries, expenses, or other costs associated with the of-*

1 *fices of United States Senator or United States Representa-*
 2 *tives under section 4(d) of the District of Columbia State-*
 3 *hood Constitutional Convention Initiatives of 1979, effective*
 4 *March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-*
 5 *113(d)).*

6 *SEC. 132. None of the Federal funds appropriated*
 7 *under this Act shall be expended for any abortion except*
 8 *when it is made known to the entity or official to which*
 9 *funds are appropriated under this Act that such procedure*
 10 *is necessary to save the life of the mother or that the preg-*
 11 *nancy is the result of an act of rape or incest.*

12 *COMPENSATION FOR THE COMMISSION ON JUDICIAL DIS-*
 13 *ABILITIES AND TENURE AND FOR THE JUDICIAL NOM-*
 14 *INATION COMMISSION*

15 *SEC. 133. Sections 431(f) and 433(b)(5) of the District*
 16 *of Columbia Self-Government and Governmental Reorga-*
 17 *nization Act, approved December 24, 1973 (87 Stat. 813;*
 18 *Public Law 93-198; D.C. Code, secs. 11-1524 and title II,*
 19 *App. 433), are amended to read as follows:*

20 *(a) Section 431(f) (D.C. Code, sec. 11-1524) is*
 21 *amended to read as follows:*

22 *“(f) Members of the Tenure Commission shall serve*
 23 *without compensation for services rendered in connection*
 24 *with their official duties on the Commission.”.*

25 *(b) Section 433(b)(5)(title 11, App. 433) is*
 26 *amended to read as follows:*

1 *(in accordance with criteria established by act of the Coun-*
 2 *cil). The Council shall be required to take affirmative action*
 3 *to approve the contract within 45 calendar days. If no ac-*
 4 *tion is taken to approve the contract within 45 calendar*
 5 *days, the contract shall be deemed disapproved.”.*

6 *CALCULATED REAL PROPERTY TAX RATE RESCISSION AND*
 7 *REAL PROPERTY TAX FREEZE*

8 *SEC. 135. The District of Columbia Real Property Tax*
 9 *Revision Act of 1974, approved September 3, 1974 (88 Stat.*
 10 *1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:*

11 *(1) Section 412 (D.C. Code, sec. 47–812) is*
 12 *amended as follows:*

13 *(A) Subsection (a) is amended by striking*
 14 *the third and fourth sentences and inserting the*
 15 *following sentences in their place: “If the Council*
 16 *does extend the time for establishing the rates of*
 17 *taxation on real property, it must establish those*
 18 *rates for the tax year by permanent legislation.*
 19 *If the Council does not establish the rates of tax-*
 20 *ation of real property by October 15, and does*
 21 *not extend the time for establishing rates, the*
 22 *rates of taxation applied for the prior year shall*
 23 *be the rates of taxation applied during the tax*
 24 *year.”.*

25 *(B) A new subsection (a–2) is added to read*
 26 *as follows:*

1 *ken out on the basis of control center, responsibility*
2 *center, and object class, and for appropriated funds,*
3 *nonappropriated funds, and capital financing;*

4 *(2) a breakdown of FTE positions and all em-*
5 *ployees for the most current pay period broken out on*
6 *the basis of control center and responsibility center,*
7 *for appropriated funds, nonappropriated funds, and*
8 *capital funds.*

9 *(3) a list of each account for which spending is*
10 *frozen and the amount of funds frozen, broken out by*
11 *control center, responsibility center, detailed object,*
12 *and for all funding sources;*

13 *(4) a list of all active contracts in excess of*
14 *\$10,000 annually, which contains: the name of each*
15 *contractor; the budget to which the contract is charged*
16 *broken out on the basis of control center and respon-*
17 *sibility center, and contract identifying codes used by*
18 *the University of the District of Columbia; payments*
19 *made in the last month and year-to-date, the total*
20 *amount of the contract and total payments made for*
21 *the contract and any modifications, extensions, re-*
22 *newals; and specific modifications made to each con-*
23 *tract in the last month;*

24 *(5) all reprogramming requests and reports that*
25 *have been made by the University of the District of*

1 *Columbia within the last month in compliance with*
2 *applicable law; and*

3 *(6) changes made in the last month to the orga-*
4 *nizational structure of the University of the District*
5 *of Columbia, displaying previous and current control*
6 *centers and responsibility centers, the names of the or-*
7 *ganizational entities that have been changed, the*
8 *name of the staff member supervising each entity af-*
9 *ected, and the reasons for the structural change.*

10 *SEC. 140. None of the Federal funds appropriated*
11 *under this Act shall be used to implement or enforce any*
12 *system of registration of unmarried, cohabiting couples*
13 *whether they are homosexual, lesbian, heterosexual, includ-*
14 *ing but not limited to registration for the purpose of extend-*
15 *ing employment, health, or governmental benefits to such*
16 *couples on the same basis that such benefits are extended*
17 *to legally married couples; nor shall any funds made avail-*
18 *able pursuant to any provision of this Act otherwise be used*
19 *to implement or enforce D.C. Act 9–188, signed by the*
20 *Mayor of the District of Columbia on April 15, 1992.*

21 *ANNUAL REPORTING REQUIREMENTS*

22 *SEC. 141. (a) The Board of Education of the District*
23 *of Columbia and the University of the District of Columbia*
24 *shall annually compile an accurate and verifiable report*
25 *on the positions and employees in the public school system*

1 *and the university, respectively. The annual report shall set*
2 *forth—*

3 (1) *the number of validated schedule A positions*
4 *in the District of Columbia Public Schools and the*
5 *University of the District of Columbia for fiscal year*
6 *1995, fiscal year 1996, and thereafter on full-time*
7 *equivalent basis, including a compilation of all posi-*
8 *tions by control center, responsibility center, funding*
9 *source, position type, position title, pay plan, grade,*
10 *and annual salary; and*

11 (2) *a compilation of all employees in the District*
12 *of Columbia Public Schools and the University of the*
13 *District of Columbia as of the preceding December 31,*
14 *verified as to its accuracy in accordance with the*
15 *functions that each employee actually performs, by*
16 *control center, responsibility center, agency reporting*
17 *code, program (including funding source), activity,*
18 *location for accounting purposes, job title, grade and*
19 *classification, annual salary, and position control*
20 *number.*

21 (b) *The annual report required by subsection (a) of*
22 *this section shall be submitted to the Congress, the Mayor*
23 *and Council of the District of Columbia, by not later than*
24 *February 8 of each year.*

1 *ANNUAL BUDGETS AND BUDGET REVISIONS*

2 *SEC. 142. (a) Not later than October 1, 1995, or within*
3 *15 calendar days after the date of the enactment of the Dis-*
4 *trict of Columbia Appropriations Act, 1996, whichever oc-*
5 *curs first, and each succeeding year, the Board of Education*
6 *and the University of the District of Columbia shall submit*
7 *to the Congress, the Mayor, and Council of the District of*
8 *Columbia, a revised appropriated funds operating budget*
9 *for the public school system and the University of the Dis-*
10 *trict of Columbia for such fiscal year that is in the total*
11 *amount of the approved appropriation and that realigns*
12 *budgeted data for personal services and other than personal*
13 *services, respectively, with anticipated actual expenditures.*

14 *(b) The revised budget required by subsection (a) of*
15 *this section shall be submitted in the format of the budget*
16 *that the Board of Education and the University of the Dis-*
17 *trict of Columbia submit to the Mayor of the District of*
18 *Columbia for inclusion in the Mayor's budget submission*
19 *to the Council of the District of Columbia pursuant to sec-*
20 *tion 442 of the District of Columbia Self-Government and*
21 *Governmental Reorganization Act, Public Law 93-198, as*
22 *amended (D.C. Code, sec. 47-301).*

23 *BUDGET APPROVAL*

24 *SEC. 143. The Board of Education, the Board of Trust-*
25 *ees of the University of the District of Columbia, the Board*
26 *of Library Trustees, and the Board of Governors of the D.C.*

1 *School of Law shall vote on and approve their respective*
2 *annual or revised budgets before submission to the Mayor*
3 *of the District of Columbia for inclusion in the Mayor's*
4 *budget submission to the Council of the District of Columbia*
5 *in accordance with section 442 of the District of Columbia*
6 *Self-Government and Governmental Reorganization Act,*
7 *Public Law 93-198, as amended (D.C. Code, sec. 47-301),*
8 *or before submitting their respective budgets directly to the*
9 *Council.*

10 *PUBLIC SCHOOL EMPLOYEE EVALUATIONS*

11 *SEC. 144. Notwithstanding any other provision of law,*
12 *rule, or regulation, the evaluation process and instruments*
13 *for evaluating District of Columbia Public Schools employ-*
14 *ees shall be a non-negotiable item for collective bargaining*
15 *purposes.*

16 *POSITION VACANCIES*

17 *SEC. 145. (a) No agency, including an independent*
18 *agency, shall fill a position wholly funded by appropria-*
19 *tions authorized by this Act, which is vacant on October*
20 *1, 1995, or becomes vacant between October 1, 1995, and*
21 *September 30, 1996, unless the Mayor or independent agen-*
22 *cy submits a proposed resolution of intent to fill the vacant*
23 *position to the Council. The Council shall be required to*
24 *take affirmative action on the Mayor's resolution within 30*
25 *legislative days. If the Council does not affirmatively ap-*

1 *prove the resolution within 30 legislative days, the resolu-*
2 *tion shall be deemed disapproved.*

3 (b) *No reduction in the number of full-time equivalent*
4 *positions or reduction-in-force due to privatization or con-*
5 *tracting out shall occur if the District of Columbia Finan-*
6 *cial Responsibility and Management Assistance Authority,*
7 *established by section 101(a) of the District of Columbia*
8 *Financial Responsibility and Management Assistance Act*
9 *of 1995, approved April 17, 1995 (109 Stat. 97; Public Law*
10 *104–8), disallows the full-time equivalent position reduction*
11 *provided in this Act in meeting the maximum ceiling of*
12 *39,778 for the fiscal year ending September 30, 1996.*

13 (c) *This section shall not prohibit the appropriate per-*
14 *sonnel authority from filling a vacant position with a Dis-*
15 *trict government employee currently occupying a position*
16 *that is funded with appropriated funds.*

17 (d) *This section shall not apply to local school-based*
18 *teachers, school-based officers, or school-based teachers'*
19 *aides.*

20 *CAPITAL PROJECT EMPLOYEES*

21 *SEC. 146. (a) Not later than 15 days after the end of*
22 *every fiscal quarter (beginning October 1, 1995), the Mayor*
23 *shall submit to the Council and the Committees on Appro-*
24 *priations of the Senate and House of Representatives a re-*
25 *port with respect to the employees on the capital project*
26 *budget for the previous quarter.*

1 (b) *Each report submitted pursuant to subsection (a)*
 2 *of this section shall include the following information—*

3 (1) *a list of all employees by position, title,*
 4 *grade and step;*

5 (2) *a job description, including the capital*
 6 *project for which each employee is working;*

7 (3) *the date that each employee began working*
 8 *on the capital project and the ending date that each*
 9 *employee completed or is projected to complete work*
 10 *on the capital project; and*

11 (4) *a detailed explanation justifying why each*
 12 *employee is being paid with capital funds.*

13 *MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-*
 14 *FORCE PROCEDURES*

15 *SEC. 147. The District of Columbia Government Com-*
 16 *prehensive Merit Personnel Act of 1978, effective March 3,*
 17 *1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.),*
 18 *is amended as follows:*

19 (a) *Section 301 (D.C. Code, sec. 1.603.1) is*
 20 *amended as follows:*

21 (1) *A new paragraph (13A) is added to*
 22 *read as follows:*

23 “(13A) ‘Nonschool-based personnel’ means any
 24 *employee of the District of Columbia Public Schools*
 25 *who is not based at a local school or who does not*
 26 *provide direct services to individual students.’”*

1 (2) *A new paragraph (15A) is added to*
2 *read as follows:*

3 “(15A) ‘School administrators’ means prin-
4 cipals, assistant principals, school program directors,
5 coordinators, instructional supervisors, and support
6 personnel of the District of Columbia Public
7 Schools.”.

8 (b) *Section 801A(b)(2) (D.C. Code, sec.*
9 *1-609.1(b) (2)) is amended as follows:*

10 (1) *By striking the semicolon at the end of*
11 *subparagraph (L).*

12 (2) *By adding a new subparagraph (L-i) to*
13 *read as follows:*

14 “(L-i) *Notwithstanding any other provision*
15 *of law, the Board of Education shall not issue*
16 *rules that require or permit nonschool-based per-*
17 *sonnel or school administrators to be assigned or*
18 *reassigned to the same competitive level as class-*
19 *room teachers;”*

20 (c) *Section 2402 (D.C. Code, sec. 1-625.2) is*
21 *amended by adding a new subsection (f) to read as*
22 *follows:*

23 “(f) *Notwithstanding any other provision of law, the*
24 *Board of Education shall not require or permit non-school*
25 *based personnel or school administrators to be assigned or*

1 *reassigned to the same competitive level as classroom teach-*
2 *ers.”.*

3 *SEC. 148. (a) Notwithstanding any other provision of*
4 *law, rule, or regulation, an employee of the District of Co-*
5 *lumbia Public Schools shall be—*

6 *(1) classified as an Educational Service em-*
7 *ployee;*

8 *(2) placed under the personnel authority of the*
9 *Board of Education; and*

10 *(3) subject to all Board of Education rules.*

11 *(b) School-based personnel shall constitute a separate*
12 *competitive area from non-school based personnel who shall*
13 *not compete with school-based personnel for retention pur-*
14 *poses.*

15 *MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES*

16 *SEC. 149. The District of Columbia Government Com-*
17 *prehensive Merit Personnel Act of 1978, effective March 3,*
18 *1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.),*
19 *is amended as follows:*

20 *(a) Section 2401 (D.C. Code, sec. 1–625.1) is*
21 *amended by amending the third sentence to read as*
22 *follows: “A personnel authority may establish lesser*
23 *competitive areas within an agency on the basis of all*
24 *or a clearly identifiable segment of an agency’s mis-*
25 *sion or a division or major subdivision of an agen-*
26 *cy.”.*

1 (b) *A new section 2406 is added to read as fol-*
2 *lows:*

3 ***“SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR***
4 ***1996.***

5 “(a) *Notwithstanding any other provision of law, regu-*
6 *lation, or collective bargaining agreement either in effect*
7 *or to be negotiated while this legislation is in effect for the*
8 *fiscal year ending September 30, 1996, each agency head*
9 *is authorized, within the agency head’s discretion, to iden-*
10 *tify positions for abolishment.*

11 “(b) *Prior to February 1, 1996, each personnel author-*
12 *ity shall make a final determination that a position within*
13 *the personnel authority is to be abolished.*

14 “(c) *Notwithstanding any rights or procedures estab-*
15 *lished by any other provision of this title, any District gov-*
16 *ernment employee, regardless of date of hire, who encumbers*
17 *a position identified for abolishment shall be separated*
18 *without competition or assignment rights, except as pro-*
19 *vided in this section.*

20 “(d) *An employee effected by the abolishment of a posi-*
21 *tion pursuant to this section who, but for this section would*
22 *be entitled to compete for retention, shall be entitled to one*
23 *round of lateral competition pursuant to Chapter 24 of the*
24 *District of Columbia Personnel Manual, which shall be lim-*
25 *ited to positions in the employee’s competitive level.*

1 “(e) *Each employee who is a bona fide resident of the*
2 *District of Columbia shall have added 5 years to his or her*
3 *creditable service for reduction-in-force purposes. For pur-*
4 *poses of this subsection only, a nonresident District em-*
5 *ployee who was hired by the District government prior to*
6 *January 1, 1980, and has not had a break in service since*
7 *that date, or a former employee of the U.S. Department of*
8 *Health and Human Services at Saint Elizabeths Hospital*
9 *who accepted employment with the District government on*
10 *October 1, 1987, and has not had a break in service since*
11 *that date, shall be considered a District resident.*

12 “(f) *Each employee selected for separation pursuant to*
13 *this section shall be given written notice of at least 30 days*
14 *before the effective date of his or her separation.*

15 “(g) *Neither the establishment of a competitive area*
16 *smaller than an agency, nor the determination that a spe-*
17 *cific position is to be abolished, nor separation pursuant*
18 *to this section shall be subject to review except as follows:*

19 “(1) *An employee may file a complaint contest-*
20 *ing a determination or a separation pursuant to title*
21 *XV of this Act or section 303 of the Human Rights*
22 *Act of 1977, effective December 13, 1977 (D.C. Law*
23 *2–38; D.C. Code, sec. 1–2543); and*

24 “(2) *An employee may file with the Office of*
25 *Employee Appeals an appeal contesting that the sepa-*

1 *ration procedures of subsections (d) and (f) of this*
2 *section were not properly applied.*

3 *“(h) An employee separated pursuant to this section*
4 *shall be entitled to severance pay in accordance with title*
5 *XI of this Act, except that the following shall be included*
6 *in computing creditable service for severance pay for em-*
7 *ployees separated pursuant to this section:*

8 *“(1) Four years for an employee who qualified*
9 *for veteran’s preference under this Act, and*

10 *“(2) Three years for an employee who qualified*
11 *for residency preference under this Act.*

12 *“(i) Separation pursuant to this section shall not af-*
13 *fect an employee’s rights under either the Agency Reemploy-*
14 *ment Priority Program or the Displaced Employee Pro-*
15 *gram established pursuant to Chapter 24 of the District*
16 *Personnel Manual.*

17 *“(j) The Mayor shall submit to the Council a listing*
18 *of all positions to be abolished by agency and responsibility*
19 *center by March 1, 1996, or upon the delivery of termi-*
20 *nation notices to individual employees.*

21 *“(k) Notwithstanding the provisions of section 1708 or*
22 *section 2402(d), the provisions of this act shall not be*
23 *deemed negotiable.*

24 *“(l) A personnel authority shall cause a 30-day termi-*
25 *nation notice to be served, no later than September 1, 1996,*

1 *on any incumbent employee remaining in any position*
2 *identified to be abolished pursuant to subsection (b) of this*
3 *section.”.*

4 *DELAY IN CONVEYANCE OF PROPERTY TO COLUMBIA HOS-*
5 *PITAL FOR WOMEN FOR NATIONAL WOMEN’S HEALTH*
6 *RESOURCE CENTER*

7 *SEC. 150. Effective as if included in the enactment of*
8 *Public Law 103–67, section 1(e)(1) of Public Law 103–67*
9 *(107 Stat. 687) is amended by striking “1 year” and insert-*
10 *ing “3 years”.*

11 *This title may be cited as the “District of Columbia*
12 *Appropriations Act, 1996”.*

13 ***TITLE II—DISTRICT OF COLUM-***
14 ***BIA SCHOOLS IMPROVEMENT***
15 ***ACT***

16 ***Subtitle A—Establishment and Or-***
17 ***ganization of Commission on***
18 ***Consensus Reform in the District***
19 ***of Columbia Public Schools***

20 ***SEC. 201. DEFINITIONS.***

21 *For purposes of this subtitle—*

22 *(1) COMMISSION.—The term “Commission”*
23 *means the Commission on Consensus Reform in the*
24 *District of Columbia Public Schools.*

1 (2) *BOARD OF EDUCATION OR BOARD.*—The term
2 “Board of Education” or “Board” means the Board
3 of Education of the District of Columbia.

4 (3) *AUTHORITY.*—The term “Authority” means
5 the District of Columbia Financial Responsibility
6 and Management Assistance Authority.

7 (4) *EDUCATIONAL PLAN.*—The term “Edu-
8 cational Plan” means the System-Wide Educational
9 Reform Goals and Objectives Plan developed and im-
10 plemented under this Act.

11 (5) *MAYOR.*—The term “Mayor” means the
12 Mayor of the District of Columbia.

13 (6) *COUNCIL.*—The term “Council” means the
14 Council of the District of Columbia.

15 **SEC. 202. COMMISSION ON CONSENSUS REFORM IN THE**
16 **DISTRICT OF COLUMBIA PUBLIC SCHOOLS.**

17 (a) *ESTABLISHMENT.*—

18 (1) *IN GENERAL.*—There is hereby established the
19 Commission on Consensus Reform in the District of
20 Columbia Public Schools, consisting of 7 members to
21 be appointed in accordance with paragraph (2).

22 (2) *MEMBERSHIP.*—The Commission shall con-
23 sist of the following members:

1 (A) 1 member to be appointed by the Presi-
2 dent chosen from a list of 3 proposed members
3 submitted by the Majority Leader of the Senate;

4 (B) 1 member to be appointed by the Presi-
5 dent chosen from a list of 3 proposed members
6 submitted by the Speaker of the House of Rep-
7 resentatives;

8 (C) 2 members to be appointed by the Presi-
9 dent, 1 who shall represent the local business
10 community and 1 who is a teacher in the Dis-
11 trict of Columbia public schools.

12 (D) The President of the District of Colum-
13 bia Congress of Parents and Teachers.

14 (E) The President of the District of Colum-
15 bia Board of Education.

16 (F) The Superintendent of Public Schools of
17 the District of Columbia.

18 (G) The Mayor and Council Chairman shall
19 each name one non-voting *ex-officio* member.

20 (H) The Chief of the National Guard Bu-
21 reau who shall be an *ex officio* member.

22 (3) *TERMS OF SERVICE.*—The members of the
23 Commission appointed under subparagraphs (A), (B),
24 and (C) of paragraph (2) shall appointed for a term
25 of 3 years.

1 (4) *VACANCIES.*—*Any vacancy in the member-*
2 *ship of the Commission shall be filled by the appoint-*
3 *ment of a new member in the same manner as pro-*
4 *vided for the vacated membership. A member ap-*
5 *pointed under this paragraph shall serve the remain-*
6 *ing term of the vacated membership.*

7 (5) *QUALIFICATIONS.*—*Members of the Commis-*
8 *sion appointed under subparagraphs (A), (B), and*
9 *(C) of paragraph (2) shall be city residents with a*
10 *knowledge of education.*

11 (6) *CHAIR.*—*The chair of the Commission shall*
12 *be chosen by the Commission from among its mem-*
13 *bers, except that the President of the Board of Edu-*
14 *cation and the Superintendent of Public Schools shall*
15 *not be eligible to serve as chair.*

16 (7) *NO COMPENSATION FOR SERVICE.*—*Members*
17 *of the Commission shall serve without pay, but may*
18 *receive reimbursement for any reasonable and nec-*
19 *essary expenses incurred by reason of service on the*
20 *Commission.*

21 (b) *EXECUTIVE DIRECTOR.*—*The Commission shall*
22 *have an Executive Director who shall be appointed by the*
23 *Chair with the consent of the Commission. The Executive*
24 *Director shall be paid at a rate determined by the Commis-*

1 sion, except that such rate may not exceed the highest rate
2 of pay payable for level EG16 of the Educational Service.

3 (c) *STAFF.*—With the approval of the Chair, the Exec-
4 utive Director may appoint and fix the pay of additional
5 personnel as the Executive Director considers appropriate,
6 except that no individual appointed by the Executive Direc-
7 tor may be paid at a rate greater than the rate of pay for
8 the Executive Director.

9 (d) The Board shall reprogram such funds, as the
10 chairman of the Commission shall in writing request, from
11 amounts available to the Board.

12 **SEC. 203. GENERAL POWERS.**

13 (a) *IN GENERAL.*—The Commission shall have the fol-
14 lowing powers:

15 (1) *Financial control over the District of Colum-*
16 *bia public schools exercised through the Authority.*

17 (2) *To approve and monitor the development*
18 *and implementation of the Board's Educational Plan.*

19 (3) *To exercise its authority, as provided in this*
20 *subtitle, as necessary to facilitate implementation of*
21 *the Board's Educational Plan.*

22 (4) *To promulgate rules concerning the manage-*
23 *ment and direction of the Board, as deemed nec-*
24 *essary, to address obstacles to the development or im-*
25 *plementation of the Educational Plan.*

1 (b) *LIMITATION.*—*Except as otherwise provided in this*
 2 *subtitle, the Commission shall have no powers to involve*
 3 *itself in the management or operation of the Board in the*
 4 *implementation of the Educational Plan.*

5 **SEC. 204. SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND**
 6 **OBJECTIVES PLAN.**

7 (a) *BOARD PLAN.*—*The Board shall develop, adopt,*
 8 *and submit to the Commission on or before March 1, 1996,*
 9 *a System-Wide Educational Reform Goals and Objectives*
 10 *Plan with respect to the 1996–1997 school year. Thereafter,*
 11 *the Board shall develop, adopt and submit to the Commis-*
 12 *sion on or before March 1 of each year an Educational Plan*
 13 *for the coming school year. The Board shall have an Edu-*
 14 *cational Plan for every year.*

15 (b) *COMMISSION APPROVAL.*—*The Commission shall*
 16 *approve or reject, in whole or in part, the Educational Plan*
 17 *submitted to it by the Board within 30 days of its receipt.*
 18 *No Educational Plan shall have force or effect without ap-*
 19 *proval of the Commission.*

20 (c) *DEVELOPMENT AND CENTERS FOR APPROVAL*
 21 *PLAN.*—*Each Educational Plan shall be developed, submit-*
 22 *ted, approved, and monitored in accordance with the follow-*
 23 *ing procedures:*

24 (1) *Each Educational Plan shall include specific*
 25 *provisions designed to accomplish the following objec-*

1 *tives and reflect the cumulative effect of the Local*
2 *School Restructuring Team (LSRT) in terms of stu-*
3 *dent needs, financial requirements, and timeliness for*
4 *implementation:*

5 *(A) To ensure, to the extent possible with*
6 *available categorical funds designated for this*
7 *purpose, the provision of education services to all*
8 *eligible children for the 1997–1998 school year*
9 *and thereafter.*

10 *(B) To increase the level of parental in-*
11 *volvement in the education of their children.*

12 *(C) To enhance the range of authority, re-*
13 *sponsibility, and accountability of principals.*

14 *(D) To restructure the relationship of the*
15 *Board and its administrative staff to local*
16 *schools so that the relationship is characterized*
17 *by less centralized control.*

18 *(E) To ensure that all personnel have access*
19 *to appropriate training opportunities.*

20 *(F) To ensure the provision of sufficient*
21 *staff and facility resources for compliance with*
22 *court orders.*

23 *(G) To ensure the equitable distribution*
24 *among the schools and programs of funds budg-*

1 *eted by the Board in accordance with applicable*
2 *laws, rules and regulations.*

3 *(H) To ensure that more schools are given*
4 *the opportunity to operate with more autonomy.*

5 *(I) To ensure a new, fair, demanding eval-*
6 *uation process and more and better opportunities*
7 *for teacher preparation.*

8 *(J) To generate a sense of urgency in the*
9 *business and philanthropic community and en-*
10 *list them in targeted support for very particular,*
11 *concrete school reform goals.*

12 *(K) To address the school governance issue,*
13 *and to recommend, within 1 year from the date*
14 *of the appointment of the members of the Com-*
15 *mission constituting a quorum, to the Council,*
16 *the Mayor, and the relevant committees of the*
17 *Congress an alternative to the current structure*
18 *that will eliminate the division of responsibility*
19 *and accountability among the Board of Edu-*
20 *cation, the District Council and the Mayor.*

21 *(2) Each Educational Plan shall include specific*
22 *provisions to ensure the best possible utilization of*
23 *public school space, including provisions—*

24 *(A) to prepare a plan for adaptive reuse of*
25 *schools and consolidation;*

1 (B) to develop a five-year capital improve-
2 ment plan to carry out an approved facilities
3 master plan which provides for a system-wide
4 modernization of public schools;

5 (C) to institute management systems to sup-
6 port the implementation of the capital plan, in
7 consultation and cooperation with the Mayor
8 and Authority; and

9 (D) to identify and develop revenue sources
10 for the approved capital improvement plan.

11 **SEC. 205. ELEMENTS OF THE SYSTEM-WIDE EDUCATIONAL**
12 **REFORM GOALS AND OBJECTIVES PLAN.**

13 (a) *PLAN GOALS.*—Each Educational Plan shall con-
14 tain a detailed description, including estimates of financial
15 costs and expected dates of completion, of—

16 (1) the Board’s school reform goals and objec-
17 tives;

18 (2) the Board’s strategy for implementing its
19 school reform goals and objectives;

20 (3) the Board’s plans and strategy for imple-
21 menting applicable District laws enacted to affect
22 school reform;

23 (4) the Board’s strategy for developing and im-
24 plementing district-wide guidelines, rules, and proce-
25 dures with respect to local school decision making as

1 *provided by applicable District law enacted as part*
2 *of any school reform legislation;*

3 (5) *the Board's goals and objectives for the 2-*
4 *year period subsequent to the school year for which*
5 *the Educational Plan applies, as prescribed by the*
6 *Commission; and*

7 (6) *such other information and detail as may be*
8 *prescribed by the Commission.*

9 (b) *STANDARDS AND PROCEDURES.—The Commission*
10 *may prescribe any reasonable time, standards, procedures,*
11 *or forms for preparation and submission of the Educational*
12 *Plan.*

13 (c) *APPROVAL CRITERIA.—The Commission shall ap-*
14 *prove an Educational Plan submitted by the Board if, in*
15 *the Commission's judgment, the Educational Plan is—*

16 (1) *complete;*

17 (2) *reasonably capable of being achieved;*

18 (3) *supported by demonstrably sufficient and*
19 *available funding;*

20 (4) *responsive to any Commission directives or*
21 *requirements;*

22 (5) *consistent with applicable District laws en-*
23 *acted to affect school reform; and*

24 (6) *reasonably capable of achieving substantial*
25 *progress toward improving the educational achieve-*

1 *ment of the students and is consistent with the Bring-*
2 *ing Educational Services to Students (BESST) agen-*
3 *da, the District of Columbia Reform Agenda, and the*
4 *District of Columbia Public Schools Goals 2000 Plan.*

5 *(d) REJECTION AND REVISION.—If the Commission re-*
6 *jects an Educational Plan submitted by the Board, the*
7 *Commission may prescribe a procedure and standards for*
8 *revision and resubmission of the Educational Plan by the*
9 *Board. If, within 60 days after the Commission notifies the*
10 *Board of the Commission’s rejection of the Board’s Edu-*
11 *cational Plan and of the procedures and standards for revi-*
12 *sion and resubmission, the Board fails to approve and re-*
13 *submit a revised plan acceptable to the Commission, the*
14 *Commission may make revisions and adopt a final Edu-*
15 *cational Plan and direct the Superintendent to implement.*

16 *(e) REPORTING REQUIREMENTS.—The Board shall re-*
17 *port to the Commission, at such times and in such manner*
18 *as the Commission may direct, concerning the Board’s im-*
19 *plementation of each approved Educational Plan. The Com-*
20 *mission may review the Board’s operations, obtain edu-*
21 *cational and financial data, require the Board to produce*
22 *reports, and have access to any other information in the*
23 *possession of the Board that it deems relevant. The Commis-*
24 *sion may issue recommendations or directives within its*
25 *powers to the Board for the implementation of the approved*

1 *Educational Plan. The Board shall produce such reports*
2 *and other information and comply with such directives.*

3 (f) *NOTICE OF MODIFICATION.*—*After approval of each*
4 *Educational Plan, the Board shall promptly notify the*
5 *Commission of any material change in any matter con-*
6 *tained in the approved Educational Plan. The Board may*
7 *submit to the Commission or the Commission may require*
8 *the Board to submit, a modified Educational Plan based*
9 *upon revised information. The Commission shall approve*
10 *or reject each modified Educational Plan pursuant to sub-*
11 *section (c).*

12 **SEC. 206. CONSISTENCY WITH SYSTEM-WIDE EDUCATIONAL**
13 **REFORM GOALS AND OBJECTIVES PLAN.**

14 (a) *LIMITS ON CONTRACTING.*—*The Board shall not*
15 *enter into any contract, agreement, or other obligation un-*
16 *less it is consistent with the Educational Plan in effect.*

17 (b) *COMMISSION AUTHORITY OVER CONTRACTING.*—
18 *The Commission shall have no power to impair any exist-*
19 *ing contract or obligation of the Board; except, however,*
20 *that the Commission may direct the Board to modify or*
21 *amend the Board rules or policies that the Commission*
22 *deems necessary to facilitate development or implementa-*
23 *tion of the Educational Plan.*

24 (c) *REVIEW OF CONTRACTS.*—*The Commission may*
25 *request that the Authority review proposed or existing con-*

1 *tracts or leases pursuant to section 203(b) of the District*
2 *of Columbia Financial Responsibility and Management As-*
3 *sistance Act of 1995 (Public Law 104–8; 109 Stat. 118).*

4 ***SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.***

5 *The Commission may examine and audit records of*
6 *the Board or require the Board to examine and audit its*
7 *records at such time and in such manner as the Commis-*
8 *sion may prescribe to assure, monitor, and evaluate the per-*
9 *formance of the Board with respect to compliance with an*
10 *approved Educational Plan and its overall educational*
11 *achievement. The Commission shall conduct an annual*
12 *audit of the educational performance of the Board with re-*
13 *spect to meeting the goals of the Educational Plan for such*
14 *year. The audit technique, content, and procedures shall be*
15 *determined by the Commission. The Board shall cooperate*
16 *and assist in the audit as requested by the Commission.*

17 ***SEC. 208. INVESTIGATIVE POWERS.***

18 *The Commission may investigate any action or activ-*
19 *ity which may hinder the progress of any part of an ap-*
20 *proved Educational Plan. The Board shall cooperate and*
21 *assist the Commission in any investigation. Reports of the*
22 *findings of any such investigation shall be provided to the*
23 *Board, Superintendent of the District of Columbia Public*
24 *Schools, the Mayor, the Council, the Authority, the Commit-*

1 *tees on Appropriations of the Senate and House of Rep-*
2 *resentatives.*

3 **SEC. 209. RECOMMENDATIONS OF THE COMMISSION.**

4 (a) *IN GENERAL.*—*The Commission may at any time*
5 *submit recommendations to the Board, Mayor, the Council,*
6 *and the Congress on actions the District government or the*
7 *Federal Government should take to ensure implementation*
8 *of the approved Educational Plan.*

9 (b) *RESPONSE TO RECOMMENDATIONS FOR ACTIONS*
10 *WITHIN AUTHORITY OF THE BOARD OF EDUCATION.*—

11 (1) *IN GENERAL.*—*In the case of any rec-*
12 *ommendations submitted under subsection (a) which*
13 *are within the authority of the District of Columbia*
14 *government to adopt, not later than 90 days after re-*
15 *ceiving the recommendations, the Board, shall submit*
16 *a statement to the Commission which provides notice*
17 *as to whether the Board will adopt the recommenda-*
18 *tions.*

19 (2) *IMPLEMENTATION PLAN REQUIRED FOR*
20 *ADOPTED RECOMMENDATIONS.*—*If the Board notifies*
21 *the Commission under paragraph (1) that the Board*
22 *will adopt any of the recommendations submitted*
23 *under subsection (a), the Board shall include in the*
24 *statement a written plan to implement the rec-*
25 *ommendation which includes—*

1 (A) *specific performance measures to deter-*
2 *mine the extent to which the Board has adopted*
3 *the recommendation; and*

4 (B) *a schedule for auditing the Board's*
5 *compliance with the plan.*

6 (3) *EXPLANATIONS REQUIRED FOR REC-*
7 *OMMENDATIONS NOT ADOPTED.—If the Board notifies*
8 *the Commission under paragraph (1) that the Board*
9 *will not adopt any recommendation submitted under*
10 *subsection (a) which the Board has authority to*
11 *adopt, the Board shall include in the statement expla-*
12 *nations for the rejection of the recommendations.*

13 (4) *COMMISSION REACTION TO NONRESPONSE*
14 *FROM BOARD OR REJECTION OF RECOMMENDATION.—*

15 (A) *In the instance where there is no response from*
16 *the Board at the end of 90 days the Commission shall*
17 *immediately notify, including the written rec-*
18 *ommendation submitted under subsection (a) to the*
19 *Board, the other elements of the District of Columbia*
20 *government and the Committee on Governmental Af-*
21 *airs of the Senate, the Committee on Government Re-*
22 *form and Oversight of the House of Representatives,*
23 *and the Committees on Appropriations of the Senate*
24 *and the House of Representatives.*

1 (B) *The Commission may then direct the Super-*
2 *intendent to carry out such recommendation.*

3 **SEC. 210. VACANCY IN SUPERINTENDENT OF PUBLIC**
4 **SCHOOLS.**

5 (a) *Notwithstanding any other provision of law, the*
6 *Board shall notify the Commission within 10 days of the*
7 *occurrence of a vacancy in the Superintendent of Public*
8 *Schools.*

9 (b) *Upon receipt of the notice described in (a) the Com-*
10 *mission shall, as soon as is practicable, conduct a search*
11 *for candidates for the office of Superintendent of Public*
12 *Schools and submit the names of 3 candidates to the Board.*

13 (c) *Within 30 days of the receipt of the names described*
14 *in (b) the Board shall choose one to be the Superintendent*
15 *of the District of Columbia Public Schools.*

16 **SEC. 211. IMPROVING ORDER AND DISCIPLINE.**

17 (a) *DRESS CODE.—*

18 (1) *IN GENERAL.—Not later than the first day of*
19 *the 1996-1997 school year, the Commission shall de-*
20 *velop and implement, through the Board of Education*
21 *and the Superintendent of Schools, a uniform dress*
22 *code for the District of Columbia Public Schools.*

23 (2) *CONSIDERATIONS.—The dress code—*

24 (A) *shall include a prohibition of gang*
25 *membership symbols;*

1 (B) shall take into account the relative costs
2 of any policy for each student; and

3 (C) may include a requirement that stu-
4 dents wear uniforms.

5 (b) *COMMUNITY SERVICE REQUIREMENT FOR SUS-*
6 *PENDED STUDENTS.*—

7 (1) *IN GENERAL.*—Any student suspended from
8 classes at a District of Columbia Public School who
9 is required to serve the suspension outside the school
10 shall perform community service for the period of sus-
11 pension. The community service required by this sub-
12 section shall be subject to rules and regulations pro-
13 mulgated by the Mayor.

14 (2) *EFFECTIVE DATE.*—This subsection shall take
15 effect beginning on the first day of the 1996-1997
16 school year.

17 (c) *EXPIRATION DATE.*—This section and the member-
18 ship provided in section 202(a)(2)(H) shall expire on the
19 last day of the 1997–1998 school year.

20 (d) *REPORT.*—The Commission shall study the effec-
21 tiveness of the policies implemented pursuant to this section
22 in improving order and discipline in schools and report
23 its findings to the appropriate committees of Congress 60
24 days before the last day of the 1997–1998 school year.

1 **SEC. 212. EXPIRATION DATE.**

2 *This subtitle shall expire on September 30, 2016.*

3 ***Subtitle B—Charter Schools***

4 **SEC. 213. PURPOSE.**

5 *The purpose of this subtitle is to permit the District*
6 *of Columbia to establish charter schools to improve the edu-*
7 *cation of students and encourage community involvement*
8 *in education.*

9 **SEC. 214. DEFINITIONS.**

10 *For purposes of this subtitle—*

11 *(1) CHARTER SCHOOL.—The term “charter*
12 *school” means a public school that—*

13 *(A) operates under a charter granted for a*
14 *period of 5 years by the Commission on Consen-*
15 *sus Reform in the District of Columbia Public*
16 *Schools or the Board of Education of the District*
17 *of Columbia and functions independently of the*
18 *D.C. Public Schools as a local education agency*
19 *and is exempted from significant local rules that*
20 *inhibit the flexible operation and management of*
21 *public schools, but not from any rules relating to*
22 *other requirements under this subtitle;*

23 *(B) is created by a developer as a public*
24 *school, or is adapted by a developer from an ex-*
25 *isting public school, or an existing non-Public*

1 *School, and is operated under public supervision*
2 *and direction;*

3 *(C) operates in pursuit of a specific set of*
4 *educational objectives determined by the school's*
5 *developer and agreed to by the authorized public*
6 *chartering agency;*

7 *(D) provides a program of elementary or*
8 *secondary or both;*

9 *(E) is nonsectarian in its programs, admis-*
10 *sions policies, employment practices, and all*
11 *other operations, and is not affiliated with a sec-*
12 *tarian school or religious institution;*

13 *(F) does not charge tuition;*

14 *(G) is governed by a Board of Trustees;*

15 *(H) complies with the Age Discrimination*
16 *Act of 1975, title VI of the Civil Rights Act of*
17 *1964, title IX of the Education Amendments of*
18 *1972, section 504 of the Rehabilitation Act of*
19 *1973, and part B of the Individuals With Dis-*
20 *abilities Education Act;*

21 *(I) admits students on the basis of a lottery,*
22 *if more students apply for admission than can*
23 *be accommodated;*

24 *(J) agrees to comply with the same Federal*
25 *and District of Columbia audit requirements as*

1 *do other elementary and secondary schools in the*
2 *District of Columbia, unless such requirements*
3 *are specifically waived for the purpose of this*
4 *program; and*

5 *(K) meets all applicable Federal and local*
6 *health and safety requirements.*

7 (2) *DEVELOPER.*—*The term “developer” means*
8 *an individual or group of individuals (including a*
9 *public or private organization) which may include*
10 *teachers, administrators and other school staff, par-*
11 *ents, or other members of the local community in*
12 *which a charter school project will be carried out.*

13 (3) *ELIGIBLE APPLICANT.*—*The term “eligible*
14 *applicant” means an authorized public chartering*
15 *agency participating in a partnership with a devel-*
16 *oper to establish a charter school.*

17 (4) *PUBLIC CHARTERING AGENCY.*—*The term*
18 *“public chartering agency” means the Commission on*
19 *Consensus Public School Reform and the District of*
20 *Columbia Board of Education.*

21 **SEC. 215. APPLICATION.**

22 (a) *IN GENERAL.*—*A petition for a public school char-*
23 *ter shall be a written proposed agreement between an eligi-*
24 *ble applicant seeking to establish a public charter school*
25 *and an eligible chartering agency.*

1 (b) *CONTENTS OF APPLICATION.*—*The application*
2 *shall contain—*

3 (1) *a description of the objectives of the Local*
4 *Educational Agency’s charter school grant program*
5 *and a description of how such objectives will be ful-*
6 *filled, including steps taken by the local educational*
7 *agency to inform teachers, parents, and communities*
8 *of the local educational agency’s charter school grant*
9 *program;*

10 (2) *a description of how the program will enable*
11 *all students to meet challenging student performance*
12 *standards as established by the local educational*
13 *agency;*

14 (3) *the grade levels or ages of children to be*
15 *served;*

16 (4) *the curriculum and instructional practices to*
17 *be used;*

18 (5) *a description as to how the charter school*
19 *will be managed;*

20 (6) *a description of the charter school’s objectives*
21 *and the methods by which the charter school will de-*
22 *termine its progress toward achieving those objectives;*

23 (7) *a description of the administrative relation-*
24 *ship between the charter school and the authorized*
25 *public chartering agency;*

1 (8) a description of how parents and other mem-
2 bers of the community will be involved in the design
3 and implementation of the charter school;

4 (9) a request and justification for waivers of any
5 Federal statutory or regulatory provisions that the
6 applicant believes are necessary for the successful op-
7 eration of the charter school, and a description of any
8 local rules, generally applicable to public schools, that
9 will be waived for, or otherwise not apply, to the
10 school;

11 (10) a description of how students in the commu-
12 nity will be informed about the charter school and
13 given an equal opportunity to attend the charter
14 school; and

15 (11) an assurance that the eligible applicant will
16 annually provide the Secretary of Education, the
17 Congress, and the local educational agency such infor-
18 mation as may be required to determine if the charter
19 school is making satisfactory progress.

20 **SEC. 216. SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.**

21 Charter schools shall be selected by the public charter-
22 ing agency by taking the following factors into consider-
23 ation:

24 (1) The quality of the proposed curriculum and
25 instructional practices.

1 (2) *The degree of flexibility afforded by the local*
2 *educational agency.*

3 (3) *The extent of community support for the ap-*
4 *plication.*

5 (4) *The ambitiousness of the objectives for the*
6 *charter school.*

7 (5) *The quality of the strategy for assessing*
8 *achievement of those objectives.*

9 (6) *The likelihood that the charter school will*
10 *meet those objectives and improve educational results*
11 *for students.*

12 ***TITLE III—MISCELLANEOUS***
13 ***PROVISIONS***

14 *SEC. 301. None of the funds provided in this Act may*
15 *be used directly or indirectly for the renovation of the prop-*
16 *erty located at 227 7th Street Southeast (commonly known*
17 *as Eastern Market), except that funds provided in this Act*
18 *may be used for the regular maintenance and upkeep of*
19 *the current structure and grounds located at such property.*

20 ***SEC. 302. ENERGY SAVINGS AT DISTRICT OF COLUMBIA FA-***
21 ***CILITIES.***

22 *(a) REDUCTION IN FACILITIES ENERGY COSTS.—*

23 (1) *IN GENERAL.—The head of each agency of*
24 *the District of Columbia for which funds are made*
25 *available under this Act shall—*

1 (A) take all actions necessary to achieve
2 during fiscal year 1996 a 5 percent reduction,
3 from fiscal year 1995 levels, in the energy costs
4 of the facilities used by the agency; or

5 (B) enter into a sufficient number of energy
6 savings performance contracts with private sec-
7 tor energy service companies under title VIII of
8 the National Energy Conservation Policy Act (42
9 U.S.C. 8287 et seq.) to achieve during fiscal year
10 1996 at least a 5 percent reduction, from fiscal
11 year 1995 levels, in the energy use of the facili-
12 ties used by the agency.

13 (2) GOAL.—The activities described in para-
14 graph (1) should be a key component of agency pro-
15 grams that will by the year 2000 result in a 20 per-
16 cent reduction, from fiscal year 1985 levels, in the en-
17 ergy use of the facilities used by the agency, as re-
18 quired by section 543 of the National Energy Con-
19 servation Policy Act (42 U.S.C. 8253).

20 (b) USE OF COST SAVINGS.—An amount equal to the
21 amount of cost savings realized by an agency under sub-
22 section (a) shall remain available for obligation through the
23 end of fiscal year 2000, without further authorization or
24 appropriation, as follows:

1 (1) *CONSERVATION MEASURES.*—*Fifty percent of*
2 *the amount shall remain available for the implemen-*
3 *tation of additional energy conservation measures*
4 *and for water conservation measures at such facilities*
5 *used by the agency as are designated by the head of*
6 *the agency.*

7 (2) *OTHER PURPOSES.*—*Fifty percent of the*
8 *amount shall remain available for use by the agency*
9 *for such purposes as are designated by the head of the*
10 *agency, consistent with applicable law.*

11 *(c) REPORTS.*—

12 (1) *BY AGENCY HEADS.*—*The head of each agen-*
13 *cy for which funds are made available under this Act*
14 *shall include in each report of the agency to the Sec-*
15 *retary of Energy under section 548(a) of the National*
16 *Energy Conservation Policy Act (42 U.S.C. 8258(a))*
17 *a description of the results of the activities carried out*
18 *under subsection (a) and recommendations concerning*
19 *how to further reduce energy costs and energy con-*
20 *sumption in the future.*

21 (2) *BY SECRETARY OF ENERGY.*—*The reports re-*
22 *quired under paragraph (1) shall be included in the*
23 *annual reports required to be submitted to Congress*
24 *by the Secretary of Energy under section 548(b) of the*
25 *Act (42 U.S.C. 8258(b)).*

1 (3) *CONTENTS.*—*With respect to the period since*
2 *the date of the preceding report, a report under para-*
3 *graph (1) or (2) shall—*

4 (A) *specify the total energy costs of the fa-*
5 *cilities used by the agency;*

6 (B) *identify the reductions achieved;*

7 (C) *specify the actions that resulted in the*
8 *reductions;*

9 (D) *with respect to the procurement proce-*
10 *dures of the agency, specify what actions have*
11 *been taken to—*

12 (i) *implement the procurement au-*
13 *thorities provided by subsections (a) and (c)*
14 *of section 546 of the National Energy Con-*
15 *servaion Policy Act (42 U.S.C. 8256); and*

16 (ii) *incorporate directly, or by ref-*
17 *erence, the requirements of the regulations*
18 *issued by the Secretary of Energy under*
19 *title VIII of the Act (42 U.S.C. 8287 et*
20 *seq.); and*

21 (E) *specify—*

22 (i) *the actions taken by the agency to*
23 *achieve the goal specified in subsection*
24 *(a)(2);*

1 (ii) the procurement procedures and
2 methods used by the agency under section
3 546(a)(2) of the Act (42 U.S.C. 8256(a)(2));
4 and

5 (iii) the number of energy savings per-
6 formance contracts entered into by the agen-
7 cy under title VIII of the Act (42 U.S.C.
8 8287 et seq.).

9 **SEC. 303. PAY OF MEMBERS OF CONGRESS AND THE PRESI-**
10 **DENT DURING GOVERNMENT SHUTDOWNS.**

11 (a) *IN GENERAL.*—Members of Congress and the Presi-
12 dent shall not receive basic pay for any period in which—

13 (1) there is more than a 24 hour lapse in appro-
14 priations for any Federal agency or department as a
15 result of a failure to enact a regular appropriations
16 bill or continuing resolution; or

17 (2) the Federal Government is unable to make
18 payments or meet obligations because the public debt
19 limit under section 3101 of title 31, United States
20 Code has been reached.

1 *(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited*
2 *in accordance with subsection (a) may be paid retro-*
3 *actively.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 2546

AMENDMENT

HR 2546 EAS—2
HR 2546 EAS—3
HR 2546 EAS—4
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