

Calendar No. 537

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4380**

**AN ACT**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

AUGUST 31, 1998

Received; read twice and placed on the calendar

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105<sup>TH</sup> CONGRESS  
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IN THE SENATE OF THE UNITED STATES

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**AN ACT**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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, 1999, and for other purposes, namely:

## 5 **TITLE I—APPROPRIATIONS**

### 6 **FEDERAL FUNDS**

#### 7 **METRORAIL IMPROVEMENTS AND EXPANSION**

8 For a Federal contribution to the Washington Metro-  
9 politan Area Transit Authority for improvements and ex-  
10 pansion of the Mount Vernon Square Metrorail station lo-  
11 cated at the site of the proposed Washington Convention  
12 Center project, \$25,000,000, to remain available until ex-  
13 pended.

#### 14 **NATION'S CAPITAL INFRASTRUCTURE FUND**

15 For a Federal contribution to the District of Colum-  
16 bia towards the costs of infrastructure needs, which shall  
17 be deposited into an escrow account of the District of Co-  
18 lumbia Financial Responsibility and Management Assist-  
19 ance Authority and disbursed by the Authority from such  
20 account for the repair and maintenance of roads, high-  
21 ways, bridges, and transit in the District of Columbia,  
22 \$21,000,000, to remain available until expended.

1 ENVIRONMENTAL STUDY AND RELATED ACTIVITIES AT  
2 LORTON CORRECTIONAL COMPLEX

3 For a Federal contribution for an environmental  
4 study and related activities at the property on which the  
5 Lorton Correctional Complex is located, to be transferred  
6 to the Federal agency with authority over the Complex,  
7 \$7,000,000, to remain available until expended.

8 OFFENDER SUPERVISION, DEFENDER, AND COURT  
9 SERVICES AGENCY

10 For a Federal contribution for the District of Colum-  
11 bia Offender Supervision, Defender, and Court Services  
12 Agency for establishment of a residential sanctions center  
13 and drug testing, intervention, and treatment, to be used  
14 to ensure adequate response to persons who violate condi-  
15 tions of supervision and to implement recommendations  
16 of the District of Columbia Truth-in-Sentencing Commis-  
17 sion, \$4,000,000.

18 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
19 CORRECTIONS TRUSTEE OPERATIONS

20 For payment to the District of Columbia Corrections  
21 Trustee, \$184,800,000 for the administration and oper-  
22 ation of correctional facilities and for the administrative  
23 operating costs of the Office of the Corrections Trustee,  
24 as authorized by section 11202 of the National Capital

1 Revitalization and Self-Government Improvement Act of  
2 1997 (Public Law 105–33).

3 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
4 COURTS

5 Notwithstanding any other provision of law,  
6 \$142,000,000 for payment to the Joint Committee on Ju-  
7 dicial Administration in the District of Columbia; of which  
8 not to exceed \$121,000,000 shall be for District of Colum-  
9 bia Courts operation, and not to exceed \$21,000,000, to  
10 remain available until September 30, 2001, shall be for  
11 capital improvements for District of Columbia courthouse  
12 facilities: *Provided*, That said sums shall be paid quarterly  
13 by the Treasury of the United States based on quarterly  
14 apportionments approved by the Office of Management  
15 and Budget, with payroll and financial services to be pro-  
16 vided on a contractual basis with the General Services Ad-  
17 ministration, said services to include the preparation and  
18 submission of monthly financial reports to the President  
19 and the Committees on Appropriations of the Senate and  
20 House of Representatives, the Committee on Govern-  
21 mental Affairs of the Senate, and the Committee on Gov-  
22 ernment Reform and Oversight of the House of Represent-  
23 atives.

1 DISTRICT OF COLUMBIA OFFENDER SUPERVISION,  
2 DEFENDER, AND COURT SERVICES AGENCY

3 For payment to the District of Columbia Offender  
4 Supervision, Defender, and Court Services Agency,  
5 \$59,400,000, as authorized by the National Capital Revi-  
6 talization and Self-Government Improvement Act of 1997,  
7 Public Law 105–33; of which \$33,802,000 shall be for  
8 necessary expenses of Parole Revocation, Adult Probation  
9 and Offender Supervision, \$14,486,000 shall be available  
10 to the Public Defender Service, and \$11,112,000 shall be  
11 available to the Pretrial Services Agency.

12 FEDERAL PAYMENT FOR METROPOLITAN POLICE  
13 DEPARTMENT

14 For payment to the Metropolitan Police Department,  
15 \$1,200,000, for the administration and operating costs of  
16 the Citizen Complaint Review Office.

17 FEDERAL PAYMENT FOR FIRE DEPARTMENT

18 For payment to the Fire Department, \$3,240,000,  
19 for a 5.5 percent pay increase to be effective and paid to  
20 firefighters beginning October 1, 1998.

21 FEDERAL PAYMENT FOR BOYS TOWN U.S.A.

22 For a Federal contribution to the Board of Trustees  
23 of Boys Town U.S.A. for expansion of the operations of  
24 Boys Town of Washington, located at 4801 Sargent Road,  
25 Northeast, \$4,000,000, to remain available until ex-

7 For a Federal payment to the Historical Society of  
8 Washington, D.C., for the establishment and operation of  
9 a Museum of the City of Washington, D.C. at the Carne-  
10 gie Library at Mount Vernon Square, \$2,000,000, to re-  
11 main available until expended, to be deposited in a sepa-  
12 rate account of the Society used exclusively for the estab-  
13 lishment and operation of such Museum: *Provided*, That  
14 the Secretary of the Treasury shall make such payment  
15 in quarterly installments, and the amount of the install-  
16 ment for a quarter shall be equal to the amount of match-  
17 ing funds that the Society has deposited into such account  
18 for the quarter (as certified by the Inspector General of  
19 the District of Columbia): *Provided further*, That notwith-  
20 standing any other provision of law, not later than Janu-  
21 ary 1, 1999, the District of Columbia shall enter into an  
22 agreement with the Society under which the District of  
23 Columbia shall lease the Carnegie Library at Mount Ver-  
24 non Square to the Society beginning on such date for 99  
25 years at a rent of \$1 per year for use as a city museum.

1 UNITED STATES PARK POLICE

2 For a Federal payment to the United States Park  
3 Police, \$8,500,000, to acquire, modify and operate a heli-  
4 copter and to make necessary capital expenditures to the  
5 Park Police aviation unit base.

6 FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS

7 For a Federal payment to the District of Columbia  
8 Department of Housing and Community Development for  
9 a study by the U.S. Army Corps of Engineers of necessary  
10 improvements to the Southwest Waterfront in the District  
11 of Columbia (including upgrading marina dock pilings and  
12 paving and restoring walkways in the marina and fish  
13 market areas) for the portions of Federal property in the  
14 Southwest quadrant of the District of Columbia that con-  
15 sist of Lots 847 and 848, a portion of Lot 846, and the  
16 unassessed Federal real property adjacent to Lot 848 in  
17 Square 473, and for carrying out the improvements rec-  
18 ommended by the study, \$3,000,000: *Provided*, That no  
19 portion of such funds shall be available to the District of  
20 Columbia for carrying out such improvements unless the  
21 District of Columbia executes a 30-year lease with the ex-  
22 isting lessees, or with their successors in interest, of such  
23 portions of property not later than 90 days after the date  
24 of enactment of this Act.



## 1       FEDERAL PAYMENT FOR MENTORING SERVICES

2       For a Federal payment to the International Youth  
3 Service and Development Corps, Inc. for a mentoring pro-  
4 gram for at-risk children in the District of Columbia,  
5 \$200,000: *Provided*, That the International Youth Service  
6 and Development Corps, Inc. shall submit to the Commit-  
7 tees on Appropriations of the House of Representatives  
8 and the Senate an annual report on the activities carried  
9 out with such funds due November 30 of each year.

## 10       FEDERAL PAYMENT FOR HOTLINE SERVICES

11       For a Federal payment to the International Youth  
12 Service and Development Corps, Inc. for the operation of  
13 a resource hotline for low-income individuals in the Dis-  
14 trict of Columbia, \$50,000: *Provided*, That the Inter-  
15 national Youth Service and Development Corps, Inc. shall  
16 submit to the Committees on Appropriations of the House  
17 of Representatives and the Senate an annual report on  
18 the activities carried out with such funds due November  
19 30 of each year.

## 20       FEDERAL PAYMENT FOR PUBLIC EDUCATION

21       For a Federal contribution to the public education  
22 system for public charter schools, \$20,391,000.

1 DISTRICT OF COLUMBIA FUNDS  
2 OPERATING EXPENSES  
3 DIVISION OF EXPENSES

4 The following amounts are appropriated for the Dis-  
5 trict of Columbia for the current fiscal year out of the  
6 general fund of the District of Columbia, except as other-  
7 wise specifically provided.

8 GOVERNMENTAL DIRECTION AND SUPPORT

9 Governmental direction and support, \$164,144,000  
10 (including \$136,485,000 from local funds, \$13,955,000  
11 from Federal funds, and \$13,704,000 from other funds):  
12 *Provided*, That not to exceed \$2,500 for the Mayor,  
13 \$2,500 for the Chairman of the Council of the District  
14 of Columbia, and \$2,500 for the Chief Management Offi-  
15 cer shall be available from this appropriation for official  
16 purposes: *Provided further*, That any program fees col-  
17 lected from the issuance of debt shall be available for the  
18 payment of expenses of the debt management program of  
19 the District of Columbia: *Provided further*, That no reve-  
20 nues from Federal sources shall be used to support the  
21 operations or activities of the Statehood Commission and  
22 Statehood Compact Commission: *Provided further*, That  
23 the District of Columbia shall identify the sources of fund-  
24 ing for Admission to Statehood from its own locally-gen-  
25 erated revenues: *Provided further*, That all employees per-

1 manently assigned to work in the Office of the Mayor shall  
2 be paid from funds allocated to the Office of the Mayor.

3 ECONOMIC DEVELOPMENT AND REGULATION

4 Economic development and regulation, \$159,039,000  
5 (including \$45,162,000 from local funds, \$83,365,000  
6 from Federal funds, and \$30,512,000 from other funds),  
7 of which \$12,000,000 collected by the District of Colum-  
8 bia in the form of BID tax revenue shall be paid to the  
9 respective BIDS pursuant to the Business Improvement  
10 Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec.  
11 1–2271 et seq.), and the Business Improvement Districts  
12 Temporary Amendment Act of 1997 (D.C. Law 12–23):  
13 *Provided*, That such funds are available for acquiring serv-  
14 ices provided by the Federal General Services Administra-  
15 tion: *Provided further*, That Business Improvement Dis-  
16 tricts shall be exempt from taxes levied by the District  
17 of Columbia.

18 PUBLIC SAFETY AND JUSTICE

19 Public safety and justice, including purchase or lease  
20 of 135 passenger-carrying vehicles for replacement only,  
21 including 130 for police-type use and five for fire-type use,  
22 without regard to the general purchase price limitation for  
23 the current fiscal year, \$755,786,000 (including  
24 \$531,660,000 from local funds, \$30,327,000 from Federal  
25 funds, and \$193,799,000 from other funds): *Provided*,

1 That the Metropolitan Police Department is authorized to  
2 replace not to exceed 25 passenger-carrying vehicles and  
3 the Department of Fire and Emergency Medical Services  
4 of the District of Columbia is authorized to replace not  
5 to exceed five passenger-carrying vehicles annually when-  
6 ever the cost of repair to any damaged vehicle exceeds  
7 three-fourths of the cost of the replacement: *Provided fur-*  
8 *ther*, That not to exceed \$500,000 shall be available from  
9 this appropriation for the Chief of Police for the preven-  
10 tion and detection of crime: *Provided further*, That the  
11 Metropolitan Police Department shall provide quarterly  
12 reports to the Committees on Appropriations of the House  
13 and Senate on efforts to increase efficiency and improve  
14 the professionalism in the department: *Provided further*,  
15 That notwithstanding any other provision of law, or May-  
16 or's Order 86-45, issued March 18, 1986, the Metropoli-  
17 tan Police Department's delegated small purchase author-  
18 ity shall be \$500,000: *Provided further*, That the District  
19 of Columbia government may not require the Metropolitan  
20 Police Department to submit to any other procurement re-  
21 view process, or to obtain the approval of or be restricted  
22 in any manner by any official or employee of the District  
23 of Columbia government, for purchases that do not exceed  
24 \$500,000: *Provided further*, That the Mayor shall reim-  
25 burse the District of Columbia National Guard for ex-

1 penses incurred in connection with services that are per-  
2 formed in emergencies by the National Guard in a militia  
3 status and are requested by the Mayor, in amounts that  
4 shall be jointly determined and certified as due and pay-  
5 able for these services by the Mayor and the Commanding  
6 General of the District of Columbia National Guard: *Pro-*  
7 *vided further*, That such sums as may be necessary for  
8 reimbursement to the District of Columbia National  
9 Guard under the preceding proviso shall be available from  
10 this appropriation, and the availability of the sums shall  
11 be deemed as constituting payment in advance for emer-  
12 gency services involved: *Provided further*, That the Metro-  
13 politan Police Department is authorized to maintain 3,800  
14 sworn officers, with leave for a 50 officer attrition: *Pro-*  
15 *vided further*, That no more than 15 members of the Met-  
16 ropolitan Police Department shall be detailed or assigned  
17 to the Executive Protection Unit, until the Chief of Police  
18 submits a recommendation to the Council for its review:  
19 *Provided further*, That \$100,000 shall be available for in-  
20 mates released on medical and geriatric parole: *Provided*  
21 *further*, That commencing on December 31, 1998, the  
22 Metropolitan Police Department shall provide to the Com-  
23 mittees on Appropriations of the Senate and House of  
24 Representatives, the Committee on Governmental Affairs  
25 of the Senate, and the Committee on Government Reform

1 and Oversight of the House of Representatives, quarterly  
2 reports on the status of crime reduction in each of the  
3 83 police service areas established throughout the District  
4 of Columbia: *Provided further*, That funds appropriated  
5 for expenses under the District of Columbia Criminal Jus-  
6 tice Act, approved September 3, 1974 (88 Stat. 1090;  
7 Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for  
8 the fiscal year ending September 30, 1999, shall be avail-  
9 able for obligations incurred under the Act in each fiscal  
10 year since inception in the fiscal year 1975: *Provided fur-*  
11 *ther*, That funds appropriated for expenses under the Dis-  
12 trict of Columbia Neglect Representation Equity Act of  
13 1984, effective March 13, 1985 (D.C. Law 5–129; D.C.  
14 Code, sec. 16–2304), for the fiscal year ending September  
15 30, 1999, shall be available for obligations incurred under  
16 the Act in each fiscal year since inception in the fiscal  
17 year 1985: *Provided further*, That funds appropriated for  
18 expenses under the District of Columbia Guardianship,  
19 Protective Proceedings, and Durable Power of Attorney  
20 Act of 1986, effective February 27, 1987 (D.C. Law 6–  
21 204; D.C. Code, sec. 21–2060), for the fiscal year ending  
22 September 30, 1999, shall be available for obligations in-  
23 curred under the Act in each fiscal year since inception  
24 in fiscal year 1989.

## 1 PUBLIC EDUCATION SYSTEM

2 Public education system, including the development  
3 of national defense education programs, \$793,725,000 (in-  
4 cluding \$640,135,000 from local funds, \$130,638,000  
5 from Federal funds, and \$22,952,000 from other funds),  
6 to be allocated as follows: \$644,805,000 (including  
7 \$545,000,000 from local funds, \$95,121,000 from Federal  
8 funds, and \$4,684,000 from other funds), for the public  
9 schools of the District of Columbia, \$18,600,000 from  
10 local funds for the District of Columbia Teachers' Retire-  
11 ment Fund, \$32,626,000 (including \$12,235,000 from  
12 local funds and \$20,391,000 from Federal funds not in-  
13 cluding funds already made available for District of Co-  
14 lumbia public schools) for public charter schools: *Provided*,  
15 That if the entirety of this allocation has not been pro-  
16 vided as payments to any public charter schools currently  
17 in operation through the per pupil funding formula, the  
18 funds shall be available for new public charter schools on  
19 a per pupil basis: *Provided further*, That \$485,000 be  
20 available to the District of Columbia Public Charter  
21 School Board for administrative costs: *Provided further*,  
22 That if the entirety of this allocation has not been pro-  
23 vided as payment to one or more public charter schools  
24 by May 1, 1999, and remains unallocated, the funds shall  
25 be deposited into a special revolving loan fund described

1 in section 172 of Public Law 95–100 (111 Stat. 2191),  
2 to be used solely to assist existing or new public charter  
3 schools in meeting startup and operating costs: *Provided*  
4 *further*, That the Emergency Transitional Education  
5 Board of Trustees of the District of Columbia shall report  
6 to Congress not later than 120 days after the date of en-  
7 actment of this Act on the capital needs of each public  
8 charter school and whether the current per pupil funding  
9 formula should reflect these needs: *Provided further*, That  
10 until the Emergency Transitional Education Board of  
11 Trustees reports to Congress as provided in the preceding  
12 proviso, the Emergency Transitional Education Board of  
13 Trustees shall take appropriate steps to provide public  
14 charter schools with assistance to meet capital expenses  
15 in a manner that is equitable with respect to assistance  
16 provided to other District of Columbia public schools: *Pro-*  
17 *vided further*, That the Emergency Transitional Education  
18 Board of Trustees shall report to Congress not later than  
19 November 1, 1998, on the implementation of their policy  
20 to give preference to newly created District of Columbia  
21 public charter schools for surplus public school property,  
22 \$72,088,000 (including \$40,148,000 from local funds,  
23 \$14,079,000 from Federal funds, and \$17,861,000 from  
24 other funds) for the University of the District of Colum-  
25 bia, \$23,419,000 (including \$22,326,000 from local funds,



1 \$686,000 from Federal funds and \$407,000 from other  
2 funds) for the Public Library, \$2,187,000 (including  
3 \$1,826,000 from local funds and \$361,000 from Federal  
4 funds) for the Commission on the Arts and Humanities:  
5 *Provided further*, That the public schools of the District  
6 of Columbia are authorized to accept not to exceed 31  
7 motor vehicles for exclusive use in the driver education  
8 program: *Provided further*, That not to exceed \$2,500 for  
9 the Superintendent of Schools, \$2,500 for the President  
10 of the University of the District of Columbia, and \$2,000  
11 for the Public Librarian shall be available from this appro-  
12 priation for official purposes: *Provided further*, That in  
13 using funds for repair and improvement of the District  
14 of Columbia's public school facilities made available under  
15 this or any other Act, the District of Columbia Financial  
16 Responsibility and Management Assistance Authority (or  
17 its designee) may place orders for engineering and con-  
18 struction and related services with the U.S. Army Corps  
19 of Engineers: *Provided further*, That the U.S. Army Corps  
20 of Engineers may accept such orders on a reimbursable  
21 basis and may provide any part of the services under such  
22 orders by contract. In providing such services, the U.S.  
23 Army Corps of Engineers shall follow the Federal Acquisi-  
24 tions Regulation and the implementing regulations of the  
25 Department of Defense: *Provided further*, That \$244,078

1 shall be used to reimburse the National Capital Area  
2 Council of the Boy Scouts of America for services provided  
3 on behalf of 12,600 students at 39 public schools in the  
4 District of Columbia during fiscal year 1998 (including  
5 staff, curriculum, and support materials): *Provided fur-*  
6 *ther*, That the Inspector General of the District of Colum-  
7 bia shall certify not later than 30 days after the date of  
8 the enactment of this Act whether or not the services were  
9 so provided: *Provided further*, That the reimbursement  
10 shall be made not later than 15 days after the Inspector  
11 General certifies that the services were provided: *Provided*  
12 *further*, That up to \$500,000 shall be available for services  
13 provided by the National Capital Area Council of the Boy  
14 Scouts of America for services provided at 78 schools in  
15 the District of Columbia during fiscal year 1999 (includ-  
16 ing staff, curriculum, and support materials): *Provided*  
17 *further*, That none of the funds contained in this Act may  
18 be made available to pay the salaries of any District of  
19 Columbia Public School teacher, principal, administrator,  
20 official, or employee who provides false enrollment or at-  
21 tendance information under article II, section 5 of the Act  
22 entitled “An Act to provide for compulsory school attend-  
23 ance, for the taking of a school census in the District of  
24 Columbia, and for other purposes”, approved February 4,  
25 1925 (D.C. Code, sec. 31–401 et seq.): *Provided further*,

1 That funds in this Act shall not be available for pay raises  
2 to teachers in the District of Columbia Public Schools who  
3 have not passed competency tests in literacy, communica-  
4 tions, and subject matter skills: *Provided further*, That  
5 this appropriation shall not be available to subsidize the  
6 education of any nonresident of the District of Columbia  
7 at any District of Columbia public elementary or second-  
8 ary school during fiscal year 1999 unless the nonresident  
9 pays tuition to the District of Columbia at a rate that  
10 covers 100 percent of the costs incurred by the District  
11 of Columbia which are attributable to the education of the  
12 nonresident (as established by the Superintendent of the  
13 District of Columbia Public Schools): *Provided further*,  
14 That this appropriation shall not be available to subsidize  
15 the education of nonresidents of the District of Columbia  
16 at the University of the District of Columbia, unless the  
17 Board of Trustees of the University of the District of Co-  
18 lumbia adopts, for the fiscal year ending September 30,  
19 1999, a tuition rate schedule that will establish the tuition  
20 rate for nonresident students at a level no lower than the  
21 nonresident tuition rate charged at comparable public in-  
22 stitutions of higher education in the metropolitan area.

#### 23 HUMAN SUPPORT SERVICES

24 Human support services, \$1,514,751,000 (including  
25 \$614,679,000 from local funds, \$886,682,000 from Fed-

1 eral funds, and \$13,390,000 from other funds): *Provided*,  
 2 That \$21,089,000 of this appropriation, to remain avail-  
 3 able until expended, shall be available solely for District  
 4 of Columbia employees' disability compensation: *Provided*  
 5 *further*, That a peer review committee shall be established  
 6 to review medical payments and the type of service re-  
 7 ceived by a disability compensation claimant: *Provided fur-*  
 8 *ther*, That the District of Columbia shall not provide free  
 9 government services such as water, sewer, solid waste dis-  
 10 posal or collection, utilities, maintenance, repairs, or simi-  
 11 lar services to any legally constituted private nonprofit or-  
 12 ganization, as defined in section 411(5) of the Stewart B.  
 13 McKinney Homeless Assistance Act (Public Law 100–77;  
 14 42 U.S.C. 11371), providing emergency shelter services in  
 15 the District, if the District would not be qualified to re-  
 16 ceive reimbursement pursuant to such Act (101 Stat. 485;  
 17 Public Law 100–77; 42 U.S.C. 11301 et seq.).

## 18 PUBLIC WORKS

19 Public works, including rental of one passenger-car-  
 20 rying vehicle for use by the Mayor and three passenger-  
 21 carrying vehicles for use by the Council of the District of  
 22 Columbia and leasing of passenger-carrying vehicles,  
 23 \$266,912,000 (including \$257,242,000 from local funds,  
 24 \$3,216,000 from Federal funds, and \$6,454,000 from  
 25 other funds): *Provided*, That this appropriation shall not

1 be available for collecting ashes or miscellaneous refuse  
2 from hotels and places of business.

3 WASHINGTON CONVENTION CENTER FUND TRANSFER  
4 PAYMENT

5 For payment to the Washington Convention Center,  
6 \$5,400,000 from local funds.

7 REPAYMENT OF LOANS AND INTEREST

8 For reimbursement to the United States of funds  
9 loaned in compliance with the Act entitled “An Act to pro-  
10 vide for the establishment of a modern, adequate, and effi-  
11 cient hospital center in the District of Columbia”, ap-  
12 proved August 7, 1946 (60 Stat. 896; Public Law 79–  
13 648); section 1 of the Act entitled “An Act to authorize  
14 the Commissioners of the District of Columbia to borrow  
15 funds for capital improvement programs and to amend  
16 provisions of law relating to Federal Government partici-  
17 pation in meeting costs of maintaining the Nation’s Cap-  
18 ital City”, approved June 6, 1958 (72 Stat. 183; Public  
19 Law 85–451; D.C. Code, sec. 9–219); section 4 of the Act  
20 entitled “An Act to authorize the Commissioners of the  
21 District of Columbia to plan, construct, operate, and  
22 maintain a sanitary sewer to connect the Dulles Inter-  
23 national Airport with the District of Columbia system”,  
24 approved June 12, 1960 (74 Stat. 211; Public Law 86–  
25 515); sections 723 and 743(f) of the District of Columbia

1 Home Rule Act, approved December 24, 1973, as amend-  
 2 ed (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–  
 3 321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code,  
 4 sec. 9–219, note), including interest as required thereby,  
 5 \$382,170,000 from local funds.

#### 6 REPAYMENT OF GENERAL FUND RECOVERY DEBT

7 For the purpose of eliminating the \$331,589,000  
 8 general fund accumulated deficit as of September 30,  
 9 1990, \$38,453,000 from local funds, as authorized by sec-  
 10 tion 461(a) of the District of Columbia Home Rule Act,  
 11 approved December 24, 1973, as amended (105 Stat. 540;  
 12 Public Law 102–106; D.C. Code, sec. 47–321(a)(1)).

#### 13 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

14 For payment of interest on short-term borrowing,  
 15 \$11,000,000.

#### 16 CERTIFICATES OF PARTICIPATION

17 For lease payments in accordance with the Certifi-  
 18 cates of Participation involving the land site underlying  
 19 the building located at One Judiciary Square, \$7,926,000.

#### 20 HUMAN RESOURCES DEVELOPMENT

21 For human resources development, \$6,674,000.

#### 22 PRODUCTIVITY SAVINGS

23 The Chief Financial Officer of the District of Colum-  
 24 bia shall, under the direction of the District of Columbia  
 25 Financial Responsibility and Management Assistance Au-

1 thority, make reductions of \$10,000,000 in local funds to  
2 one or more of the appropriation headings in this Act for  
3 productivity savings.

#### 4 RECEIVERSHIP PROGRAMS

5 For agencies of the District of Columbia government  
6 under court ordered receivership, \$318,979,000 (including  
7 \$188,439,000 from local funds, \$96,691,000 from Federal  
8 funds, and \$33,849,000 from other funds).

#### 9 DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY

#### 10 AND MANAGEMENT ASSISTANCE AUTHORITY

11 For the District of Columbia Financial Responsibility  
12 and Management Assistance Authority, established by sec-  
13 tion 101(a) of the District of Columbia Financial Respon-  
14 sibility and Management Assistance Act of 1995, approved  
15 April 17, 1995 (109 Stat. 97; Public Law 104–8),  
16 \$7,840,000: *Provided*, That none of the funds contained  
17 in this Act may be used to pay the compensation of the  
18 Executive Director or General Counsel of the Authority  
19 during any period after April 1, 1999, for which such indi-  
20 vidual has not repaid the Treasury of the District of Co-  
21 lumbia for compensation paid during any fiscal year which  
22 is determined by the Comptroller General (as described  
23 in GAO letter report B–279095.2) to have been paid in  
24 excess of the maximum rate of compensation which may  
25 be paid to such individual during such year under section

1 102 of such Act: *Provided further*, That none of the funds  
2 contained in this Act may be used to pay any compensa-  
3 tion of the Executive Director or General Counsel of the  
4 Authority at a rate in excess of the maximum rate of com-  
5 pensation which may be paid to such individual during fis-  
6 cal year 1999 under section 102 of such Act, as deter-  
7 mined by the Comptroller General (as described in GAO  
8 letter report B-279095.2): *Provided further*, That not  
9 later than 5 calendar days after the end of each month  
10 (beginning with September 1998), the Authority shall pro-  
11 vide to the Chief Financial Officer of the District of Co-  
12 lumbia a statement of the balance of each account held  
13 by the Authority as of the end of the month, together with  
14 a description of the activities within each such account  
15 during the month: *Provided further*, That none of the  
16 funds contained in this or any other Act may be used to  
17 pay the salary or expenses of any officer or employee of  
18 the Authority who is required to provide information  
19 under the preceding proviso and who fails to provide such  
20 information in accordance with such proviso.

21 WATER AND SEWER AUTHORITY AND THE WASHINGTON

22 AQUEDUCT

23 For the Water and Sewer Authority and the Wash-  
24 ington Aqueduct, \$273,314,000 from other funds (includ-  
25 ing \$239,493,000 for the Water and Sewer Authority and



1 \$33,821,000 for the Washington Aqueduct) of which  
 2 \$39,933,000 shall be apportioned and payable to the Dis-  
 3 trict's debt service fund for repayment of loans and inter-  
 4 est incurred for capital improvement projects.

#### 5 LOTTERY AND CHARITABLE GAMES CONTROL BOARD

6 For the Lottery and Charitable Games Control  
 7 Board, established by the District of Columbia Appropria-  
 8 tion Act for the fiscal year ending September 30, 1982,  
 9 approved December 4, 1981 (95 Stat. 1174, 1175; Public  
 10 Law 97-91), as amended, for the purpose of implementing  
 11 the Law to Legalize Lotteries, Daily Numbers Games, and  
 12 Bingo and Raffles for Charitable Purposes in the District  
 13 of Columbia, effective March 10, 1981 (D.C. Law 3-172;  
 14 D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.),  
 15 \$225,200,000: *Provided*, That the District of Columbia  
 16 shall identify the source of funding for this appropriation  
 17 title from the District's own locally generated revenues:  
 18 *Provided further*, That no revenues from Federal sources  
 19 shall be used to support the operations or activities of the  
 20 Lottery and Charitable Games Control Board.

#### 21 CABLE TELEVISION ENTERPRISE FUND

22 For the Cable Television Enterprise Fund, estab-  
 23 lished by the Cable Television Communications Act of  
 24 1981, effective October 22, 1983 (D.C. Law 5-36; D.C.  
 25 Code, sec. 43-1801 et seq.), \$2,108,000 from other funds.

## 1 PUBLIC SERVICE COMMISSION

2 For the Public Service Commission, \$5,026,000 (in-  
3 cluding \$252,000 from Federal funds and \$4,774,000  
4 from other funds).

## 5 OFFICE OF THE PEOPLE'S COUNSEL

6 For the Office of the People's Counsel, \$2,501,000  
7 from other funds.

## 8 DEPARTMENT OF INSURANCE AND SECURITIES

## 9 REGULATION

10 For the Department of Insurance and Securities Reg-  
11 ulation, \$7,001,000 from other funds.

## 12 OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

13 For the Office of Banking and Financial Institutions,  
14 \$640,000 (including \$390,000 from local funds and  
15 \$250,000 from other funds).

## 16 STARPLEX FUND

17 For the Starplex Fund, \$8,751,000 from other funds  
18 for expenses incurred by the Armory Board in the exercise  
19 of its powers granted by the Act entitled "An Act To Es-  
20 tablish A District of Columbia Armory Board, and for  
21 other purposes", approved June 4, 1948 (62 Stat. 339;  
22 D.C. Code, sec. 2-301 et seq.) and the District of Colum-  
23 bia Stadium Act of 1957, approved September 7, 1957  
24 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-  
25 321 et seq.): *Provided*, That the Mayor shall submit a

1 budget for the Armory Board for the forthcoming fiscal  
 2 year as required by section 442(b) of the District of Co-  
 3 lumbia Home Rule Act, approved December 24, 1973 (87  
 4 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-  
 5 301(b)).

6           D.C. GENERAL HOSPITAL (PUBLIC BENEFIT  
 7   CORPORATION)

8           For the District of Columbia General Hospital, estab-  
 9 lished by Reorganization Order No. 57 of the Board of  
 10 Commissioners, effective August 15, 1953, \$113,599,000  
 11 of which \$46,835,000 shall be derived by transfer from  
 12 the general fund, and \$66,764,000 shall be derived from  
 13 other funds.

14                                   D.C. RETIREMENT BOARD

15           For the D.C. Retirement Board, established by sec-  
 16 tion 121 of the District of Columbia Retirement Reform  
 17 Act of 1979, approved November 17, 1979 (93 Stat. 866;  
 18 D.C. Code, sec. 1-711), \$18,202,000 from the earnings  
 19 of the applicable retirement funds to pay legal, manage-  
 20 ment, investment, and other fees and administrative ex-  
 21 penses of the District of Columbia Retirement Board: *Pro-*  
 22 *vided*, That the District of Columbia Retirement Board  
 23 shall provide to the Congress and to the Council of the  
 24 District of Columbia a quarterly report of the allocations  
 25 of charges by fund and of expenditures of all funds: *Pro-*

1 *vided further*, That the District of Columbia Retirement  
 2 Board shall provide the Mayor, for transmittal to the  
 3 Council of the District of Columbia, an itemized account-  
 4 ing of the planned use of appropriated funds in time for  
 5 each annual budget submission and the actual use of such  
 6 funds in time for each annual audited financial report.

#### 7 CORRECTIONAL INDUSTRIES FUND

8 For the Correctional Industries Fund, established by  
 9 the District of Columbia Correctional Industries Estab-  
 10 lishment Act, approved October 3, 1964 (78 Stat. 1000;  
 11 Public Law 88-622), \$3,332,000 from other funds.

#### 12 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

13 For the Washington Convention Center Enterprise  
 14 Fund, \$53,539,000, of which \$5,400,000 shall be derived  
 15 by transfer from the general fund.

#### 16 CAPITAL OUTLAY

##### 17 (INCLUDING RESCISSIONS)

18 For construction projects, a net increase of  
 19 \$1,711,160,737 (including a rescission of \$114,430,742 of  
 20 which \$24,437,811 is from local funds and \$89,992,931  
 21 is from highway trust funds appropriated under this head-  
 22 ing in prior fiscal years, and an additional \$1,825,591,479  
 23 of which \$718,234,161 is from local funds, \$24,452,538  
 24 is from the highway trust fund, and \$1,082,904,780 is  
 25 from Federal funds), to remain available until expended:

1 *Provided*, That funds for use of each capital project imple-  
 2 menting agency shall be managed and controlled in ac-  
 3 cordance with all procedures and limitations established  
 4 under the Financial Management System: *Provided fur-*  
 5 *ther*, That all funds provided by this appropriation title  
 6 shall be available only for the specific projects and pur-  
 7 poses intended: *Provided further*, That notwithstanding  
 8 the foregoing, all authorizations for capital outlay  
 9 projects, except those projects covered by the first sen-  
 10 tence of section 23(a) of the Federal-Aid Highway Act of  
 11 1968, approved August 23, 1968 (82 Stat. 827; Public  
 12 Law 90–495; D.C. Code, sec. 7–134, note), for which  
 13 funds are provided by this appropriation title, shall expire  
 14 on September 30, 2000, except authorizations for projects  
 15 as to which funds have been obligated in whole or in part  
 16 prior to September 30, 2000: *Provided further*, That upon  
 17 expiration of any such project authorization the funds pro-  
 18 vided herein for the project shall lapse.

#### 19 GENERAL PROVISIONS

20 SEC. 101. The expenditure of any appropriation  
 21 under this Act for any consulting service through procure-  
 22 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
 23 to those contracts where such expenditures are a matter  
 24 of public record and available for public inspection, except

1 where otherwise provided under existing law, or under ex-  
2 isting Executive order issued pursuant to existing law.

3 SEC. 102. Except as otherwise provided in this Act,  
4 all vouchers covering expenditures of appropriations con-  
5 tained in this Act shall be audited before payment by the  
6 designated certifying official and the vouchers as approved  
7 shall be paid by checks issued by the designated disbursing  
8 official.

9 SEC. 103. Whenever in this Act, an amount is speci-  
10 fied within an appropriation for particular purposes or ob-  
11 jects of expenditure, such amount, unless otherwise speci-  
12 fied, shall be considered as the maximum amount that  
13 may be expended for said purpose or object rather than  
14 an amount set apart exclusively therefor.

15 SEC. 104. Appropriations in this Act shall be avail-  
16 able, when authorized by the Mayor, for allowances for  
17 privately owned automobiles and motorcycles used for the  
18 performance of official duties at rates established by the  
19 Mayor: *Provided*, That such rates shall not exceed the  
20 maximum prevailing rates for such vehicles as prescribed  
21 in the Federal Property Management Regulations 101-7  
22 (Federal Travel Regulations).

23 SEC. 105. Appropriations in this Act shall be avail-  
24 able for expenses of travel and for the payment of dues  
25 of organizations concerned with the work of the District

1 of Columbia government, when authorized by the Mayor:  
2 *Provided*, That the Council of the District of Columbia  
3 and the District of Columbia Courts may expend such  
4 funds without authorization by the Mayor.

5 SEC. 106. There are appropriated from the applicable  
6 funds of the District of Columbia such sums as may be  
7 necessary for making refunds and for the payment of  
8 judgments that have been entered against the District of  
9 Columbia government: *Provided*, That of such appropria-  
10 tions, the District of Columbia is directed to refund by  
11 September 30, 1999, up to \$17,800,000 of overpayments  
12 collected by the District of Columbia Department of Pub-  
13 lic Works for parking ticket violations as reported by the  
14 District of Columbia Auditor in a report dated March 19,  
15 1998: *Provided further*, That nothing contained in this  
16 section shall be construed as modifying or affecting the  
17 provisions of section 11(c)(3) of title XII of the District  
18 of Columbia Income and Franchise Tax Act of 1947, ap-  
19 proved March 31, 1956 (70 Stat. 78; Public Law 84-460;  
20 D.C. Code, sec. 47-1812.11(c)(3)).

21 SEC. 107. Appropriations in this Act shall be avail-  
22 able for the payment of public assistance without reference  
23 to the requirement of section 544 of the District of Colum-  
24 bia Public Assistance Act of 1982, effective April 6, 1982  
25 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the

1 non-Federal share of funds necessary to qualify for Fed-  
2 eral assistance under the Juvenile Delinquency Prevention  
3 and Control Act of 1968, approved July 31, 1968 (82  
4 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

5 SEC. 108. No part of any appropriation contained in  
6 this Act shall remain available for obligation beyond the  
7 current fiscal year unless expressly so provided herein.

8 SEC. 109. No funds appropriated in this Act for the  
9 District of Columbia government for the operation of edu-  
10 cational institutions, the compensation of personnel, or for  
11 other educational purposes may be used to permit, encour-  
12 age, facilitate, or further partisan political activities.  
13 Nothing herein is intended to prohibit the availability of  
14 school buildings for the use of any community or partisan  
15 political group during non-school hours.

16 SEC. 110. None of the funds appropriated in this Act  
17 shall be made available to pay the salary of any employee  
18 of the District of Columbia government whose name, title,  
19 grade, salary, past work experience, and salary history are  
20 not available for inspection by the House and Senate Com-  
21 mittees on Appropriations, the Subcommittee on the Dis-  
22 trict of Columbia of the House Committee on Government  
23 Reform and Oversight, the Subcommittee on Oversight of  
24 Government Management, Restructuring and the District  
25 of Columbia of the Senate Committee on Governmental



1 Affairs, and the Council of the District of Columbia, or  
2 their duly authorized representative.

3 SEC. 111. There are appropriated from the applicable  
4 funds of the District of Columbia such sums as may be  
5 necessary for making payments authorized by the District  
6 of Columbia Revenue Recovery Act of 1977, effective Sep-  
7 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-  
8 421 et seq.).

9 SEC. 112. No part of this appropriation shall be used  
10 for publicity or propaganda purposes or implementation  
11 of any policy including boycott designed to support or de-  
12 feat legislation pending before Congress or any State legis-  
13 lature.

14 SEC. 113. At the start of the fiscal year, the Mayor  
15 shall develop an annual plan, by quarter and by project,  
16 for capital outlay borrowings: *Provided*, That within a rea-  
17 sonable time after the close of each quarter, the Mayor  
18 shall report to the Council of the District of Columbia and  
19 the Congress the actual borrowings and spending progress  
20 compared with projections.

21 SEC. 114. The Mayor shall not borrow any funds for  
22 capital projects unless the Mayor has obtained prior ap-  
23 proval from the Council of the District of Columbia, by  
24 resolution, identifying the projects and amounts to be fi-  
25 nanced with such borrowings.

1        SEC. 115. The Mayor shall not expend any moneys  
2 borrowed for capital projects for the operating expenses  
3 of the District of Columbia government.

4        SEC. 116. None of the funds appropriated by this Act  
5 may be obligated or expended by reprogramming except  
6 pursuant to advance approval of the reprogramming  
7 granted according to the procedure set forth in the Joint  
8 Explanatory Statement of the Committee of Conference  
9 (House Report No. 96-443), which accompanied the Dis-  
10 trict of Columbia Appropriation Act, 1980, approved Octo-  
11 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-  
12 fied in House Report No. 98-265, and in accordance with  
13 the Reprogramming Policy Act of 1980, effective Septem-  
14 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361  
15 et seq.): *Provided*, That for the fiscal year ending Septem-  
16 ber 30, 1999 the above shall apply except as modified by  
17 Public Law 104-8.

18        SEC. 117. None of the Federal funds provided in this  
19 Act shall be obligated or expended to provide a personal  
20 cook, chauffeur, or other personal servants to any officer  
21 or employee of the District of Columbia.

22        SEC. 118. None of the Federal funds provided in this  
23 Act shall be obligated or expended to procure passenger  
24 automobiles as defined in the Automobile Fuel Efficiency  
25 Act of 1980, approved October 10, 1980 (94 Stat. 1824;

1 Public Law 96–425; 15 U.S.C. 2001(2)), with an Environ-  
2 mental Protection Agency estimated miles per gallon aver-  
3 age of less than 22 miles per gallon: *Provided*, That this  
4 section shall not apply to security, emergency rescue, or  
5 armored vehicles.

6 SEC. 119. (a) Notwithstanding section 422(7) of the  
7 District of Columbia Home Rule Act, approved December  
8 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code,  
9 sec. 1–242(7)), the City Administrator shall be paid, dur-  
10 ing any fiscal year, a salary at a rate established by the  
11 Mayor, not to exceed the rate established for level IV of  
12 the Executive Schedule under section 5315 of title 5,  
13 United States Code.

14 (b) For purposes of applying any provision of law lim-  
15 iting the availability of funds for payment of salary or pay  
16 in any fiscal year, the highest rate of pay established by  
17 the Mayor under subsection (a) of this section for any po-  
18 sition for any period during the last quarter of calendar  
19 year 1998 shall be deemed to be the rate of pay payable  
20 for that position for September 30, 1998.

21 (c) Notwithstanding section 4(a) of the District of  
22 Columbia Redevelopment Act of 1945, approved August  
23 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code,  
24 sec. 5–803(a)), the Board of Directors of the District of  
25 Columbia Redevelopment Land Agency shall be paid, dur-

1 ing any fiscal year, per diem compensation at a rate estab-  
2 lished by the Mayor.

3 SEC. 120. Notwithstanding any other provisions of  
4 law, the provisions of the District of Columbia Govern-  
5 ment Comprehensive Merit Personnel Act of 1978, effec-  
6 tive March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–  
7 601.1 et seq.), enacted pursuant to section 422(3) of the  
8 District of Columbia Home Rule Act, approved December  
9 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code,  
10 sec. 1–242(3)), shall apply with respect to the compensa-  
11 tion of District of Columbia employees: *Provided*, That for  
12 pay purposes, employees of the District of Columbia gov-  
13 ernment shall not be subject to the provisions of title 5,  
14 United States Code.

15 SEC. 121. The Director of the Office of Property  
16 Management may pay rentals and repair, alter, and im-  
17 prove rented premises, without regard to the provisions  
18 of section 322 of the Economy Act of 1932 (Public Law  
19 72–212; 40 U.S.C. 278a), based upon a determination by  
20 the Director, that by reason of circumstances set forth in  
21 such determination, the payment of these rents and the  
22 execution of this work, without reference to the limitations  
23 of section 322, is advantageous to the District in terms  
24 of economy, efficiency, and the District’s best interest.

1        SEC. 122. No later than 30 days after the end of the  
2 first quarter of the fiscal year ending September 30, 1999,  
3 the Mayor of the District of Columbia shall submit to the  
4 Council of the District of Columbia the new fiscal year  
5 1999 revenue estimates as of the end of the first quarter  
6 of fiscal year 1999. These estimates shall be used in the  
7 budget request for the fiscal year ending September 30,  
8 2000. The officially revised estimates at midyear shall be  
9 used for the midyear report.

10       SEC. 123. No sole source contract with the District  
11 of Columbia government or any agency thereof may be re-  
12 newed or extended without opening that contract to the  
13 competitive bidding process as set forth in section 303 of  
14 the District of Columbia Procurement Practices Act of  
15 1985, effective February 21, 1986 (D.C. Law 6–85; D.C.  
16 Code, sec. 1–1183.3), except that the District of Columbia  
17 government or any agency thereof may renew or extend  
18 sole source contracts for which competition is not feasible  
19 or practical: *Provided*, That the determination as to  
20 whether to invoke the competitive bidding process has  
21 been made in accordance with duly promulgated rules and  
22 procedures and said determination has been reviewed and  
23 approved by the District of Columbia Financial Respon-  
24 sibility and Management Assistance Authority.

1        SEC. 124. For purposes of the Balanced Budget and  
2    Emergency Deficit Control Act of 1985, approved Decem-  
3    ber 12, 1985 (99 Stat. 1037; Public Law 99–177), as  
4    amended, the term “program, project, and activity” shall  
5    be synonymous with and refer specifically to each account  
6    appropriating Federal funds in this Act, and any seques-  
7    tration order shall be applied to each of the accounts rath-  
8    er than to the aggregate total of those accounts: *Provided*,  
9    That sequestration orders shall not be applied to any ac-  
10   count that is specifically exempted from sequestration by  
11   the Balanced Budget and Emergency Deficit Control Act  
12   of 1985, approved December 12, 1985 (99 Stat. 1037;  
13   Public Law 99–177), as amended.

14       SEC. 125. 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  
17   Stat. 1037; Public Law 99–177), as amended, after the  
18   amounts appropriated to the District of Columbia for the  
19   fiscal year involved have been paid to the District of Co-  
20   lumbia, the Mayor of the District of Columbia shall pay  
21   to the Secretary of the Treasury, within 15 days after re-  
22   ceipt of a request therefor from the Secretary of the  
23   Treasury, such amounts as are sequestered by the order:  
24   *Provided*, That the sequestration percentage specified in  
25   the order shall be applied proportionately to each of the

1 Federal appropriation accounts in this Act that are not  
2 specifically exempted from sequestration by the Balanced  
3 Budget and Emergency Deficit Control Act of 1985, ap-  
4 proved December 12, 1985 (99 Stat. 1037; Public Law  
5 99–177), as amended.

6 SEC. 126. (a) An entity of the District of Columbia  
7 government may accept and use a gift or donation during  
8 fiscal year 1999 if—

9 (1) the Mayor approves the acceptance and use  
10 of the gift or donation, except that the Council of  
11 the District of Columbia may accept and use gifts  
12 without prior approval by the Mayor; and

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

15 (b) Each entity of the District of Columbia govern-  
16 ment shall keep accurate and detailed records of the ac-  
17 ceptance and use of any gift or donation under subsection  
18 (a) of this section, and shall make such records available  
19 for audit and public inspection.

20 (c) For the purposes of this section, the term “entity  
21 of the District of Columbia government” includes an inde-  
22 pendent agency of the District of Columbia.

23 (d) This section shall not apply to the District of Co-  
24 lumbia Board of Education, which may, pursuant to the  
25 laws and regulations of the District of Columbia, accept

1 and use gifts to the public schools without prior approval  
2 by the Mayor.

3 SEC. 127. None of the Federal funds provided in this  
4 Act may be used by the District of Columbia to provide  
5 for salaries, expenses, or other costs associated with the  
6 offices of United States Senator or United States Rep-  
7 resentative under section 4(d) of the District of Columbia  
8 Statehood Constitutional Convention Initiatives of 1979,  
9 effective March 10, 1981 (D.C. Law 3–171; D.C. Code,  
10 sec. 1–113(d)).

11 SEC. 128. The University of the District of Columbia  
12 shall submit to the Congress, the Mayor, the District of  
13 Columbia Financial Responsibility and Management As-  
14 sistance Authority, and the Council of the District of Co-  
15 lumbia no later than 15 calendar days after the end of  
16 each month a report that sets forth—

17 (1) current month expenditures and obligations,  
18 year-to-date expenditures and obligations, and total  
19 fiscal year expenditure projections versus budget  
20 broken out on the basis of control center, respon-  
21 sibility center, and object class, and for all funds,  
22 non-appropriated funds, and capital financing;

23 (2) a list of each account for which spending is  
24 frozen and the amount of funds frozen, broken out



1 by control center, responsibility center, detailed ob-  
2 ject, and for all funding sources;

3 (3) a list of all active contracts in excess of  
4 \$10,000 annually, which contains the name of each  
5 contractor; the budget to which the contract is  
6 charged, broken out on the basis of control center  
7 and responsibility center, and contract identifying  
8 codes used by the University of the District of Co-  
9 lumbia; payments made in the last month and year-  
10 to-date, the total amount of the contract and total  
11 payments made for the contract and any modifica-  
12 tions, extensions, renewals; and specific modifica-  
13 tions made to each contract in the last month;

14 (4) all reprogramming requests and reports  
15 that have been made by the University of the Dis-  
16 trict of Columbia within the last month in compli-  
17 ance with applicable law; and

18 (5) changes made in the last month to the orga-  
19 nizational structure of the University of the District  
20 of Columbia, displaying previous and current control  
21 centers and responsibility centers, the names of the  
22 organizational entities that have been changed, the  
23 name of the staff member supervising each entity af-  
24 fected, and the reasons for the structural change.

1        SEC. 129. Funds authorized or previously appro-  
2        priated to the government of the District of Columbia by  
3        this or any other Act to procure the necessary hardware  
4        and installation of new software, conversion, testing, and  
5        training to improve or replace its financial management  
6        system are also available for the acquisition of accounting  
7        and financial management services and the leasing of nec-  
8        essary hardware, software or any other related goods or  
9        services, as determined by the District of Columbia Finan-  
10       cial Responsibility and Management Assistance Authority.

11       SEC. 130. (a) None of the funds contained in this  
12       Act may be made available to pay the fees of an attorney  
13       who represents a party who prevails in an action brought  
14       against the District of Columbia Public Schools under the  
15       Individuals with Disabilities Education Act (20 U.S.C.  
16       1400 et seq.) if—

17                (1) the hourly rate of compensation of the at-  
18       torney exceeds the hourly rate of compensation  
19       under section 11–2604(a), District of Columbia  
20       Code; or

21                (2) the maximum amount of compensation of  
22       the attorney exceeds the maximum amount of com-  
23       pensation under section 11–2604(b)(1), District of  
24       Columbia Code, except that compensation and reim-  
25       bursement in excess of such maximum may be ap-

1       proved for extended or complex representation in ac-  
2       cordance with section 11–2604(c), District of Co-  
3       lumbia Code.

4       (b) None of the funds contained in this Act may be  
5       made available to pay the fees of an attorney who rep-  
6       resents a party who prevails in an administrative proceed-  
7       ing under the Individuals with Disabilities Education Act  
8       (20 U.S.C. 1400 et seq.).

9       SEC. 131. None of the funds appropriated under this  
10      Act shall be expended for any abortion except where the  
11      life of the mother would be endangered if the fetus were  
12      carried to term or where the pregnancy is the result of  
13      an act of rape or incest.

14      SEC. 132. None of the funds made available in this  
15      Act may be used to implement or enforce the Health Care  
16      Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C.  
17      Code, sec. 36–1401 et seq.) or to otherwise implement or  
18      enforce any system of registration of unmarried, cohabit-  
19      ing couples (whether homosexual, heterosexual, or les-  
20      bian), including but not limited to registration for the pur-  
21      pose of extending employment, health, or governmental  
22      benefits to such couples on the same basis that such bene-  
23      fits are extended to legally married couples.

24      SEC. 133. The Emergency Transitional Education  
25      Board of Trustees shall submit to the Congress, the

1 Mayor, the District of Columbia Financial Responsibility  
2 and Management Assistance Authority, and the Council  
3 of the District of Columbia no later than 15 calendar days  
4 after the end of each month a report that sets forth—

5           (1) current month expenditures and obligations,  
6           year-to-date expenditures and obligations, and total  
7           fiscal year expenditure projections versus budget  
8           broken out on the basis of control center, respon-  
9           sibility center, agency reporting code, and object  
10          class, and for all funds, including capital financing;

11          (2) a list of each account for which spending is  
12          frozen and the amount of funds frozen, broken out  
13          by control center, responsibility center, detailed ob-  
14          ject, and agency reporting code, and for all funding  
15          sources;

16          (3) a list of all active contracts in excess of  
17          \$10,000 annually, which contains the name of each  
18          contractor; the budget to which the contract is  
19          charged broken, out on the basis of control center,  
20          responsibility center, and agency reporting code; and  
21          contract identifying codes used by the D.C. Public  
22          Schools; payments made in the last month and year-  
23          to-date, the total amount of the contract and total  
24          payments made for the contract and any modifica-

1        tions, extensions, renewals; and specific modifica-  
2        tions made to each contract in the last month;

3            (4) all reprogramming requests and reports  
4        that are required to be, and have been, submitted to  
5        the Board of Education; and

6            (5) changes made in the last month to the orga-  
7        nizational structure of the D.C. Public Schools, dis-  
8        playing previous and current control centers and re-  
9        sponsibility centers, the names of the organizational  
10       entities that have been changed, the name of the  
11       staff member supervising each entity affected, and  
12       the reasons for the structural change.

13       SEC. 134. (a) IN GENERAL.—The Emergency Tran-  
14       sitional Education Board of Trustees of the District of  
15       Columbia and the University of the District of Columbia  
16       shall annually compile an accurate and verifiable report  
17       on the positions and employees in the public school system  
18       and the university, respectively. The annual report shall  
19       set forth—

20            (1) the number of validated schedule A posi-  
21       tions in the District of Columbia public schools and  
22       the University of the District of Columbia for fiscal  
23       year 1998, fiscal year 1999, and thereafter on full-  
24       time equivalent basis, including a compilation of all  
25       positions by control center, responsibility center,

1 funding source, position type, position title, pay  
2 plan, grade, and annual salary; and

3 (2) a compilation of all employees in the Dis-  
4 trict of Columbia public schools and the University  
5 of the District of Columbia as of the preceding De-  
6 cember 31, verified as to its accuracy in accordance  
7 with the functions that each employee actually per-  
8 forms, by control center, responsibility center, agen-  
9 cy reporting code, program (including funding  
10 source), activity, location for accounting purposes,  
11 job title, grade and classification, annual salary, and  
12 position control number.

13 (b) SUBMISSION.—The annual report required by  
14 subsection (a) of this section shall be submitted to the  
15 Congress, the Mayor, the District of Columbia Council,  
16 the Consensus Commission, and the Authority, not later  
17 than February 15 of each year.

18 SEC. 135. (a) No later than October 1, 1998, or with-  
19 in 15 calendar days after the date of the enactment of  
20 this Act, which ever occurs later, and each succeeding  
21 year, the Emergency Transitional Education Board of  
22 Trustees and the University of the District of Columbia  
23 shall submit to the appropriate congressional committees,  
24 the Mayor, the District of Columbia Council, the Consen-  
25 sus Commission, and the District of Columbia Financial

1 Responsibility and Management Assistance Authority, a  
2 revised appropriated funds operating budget for the public  
3 school system and the University of the District of Colum-  
4 bia for such fiscal year that is in the total amount of the  
5 approved appropriation and that realigns budgeted data  
6 for personal services and other-than-personal services, re-  
7 spectively, with anticipated actual expenditures.

8       (b) The revised budget required by subsection (a) of  
9 this section shall be submitted in the format of the budget  
10 that the Emergency Transition Education Board of Trust-  
11 ees and the University of the District of Columbia submit  
12 to the Mayor of the District of Columbia for inclusion in  
13 the Mayor's budget submission to the Council of the Dis-  
14 trict of Columbia pursuant to section 442 of the District  
15 of Columbia Home Rule Act, Public Law 93-198, as  
16 amended (D.C. Code, sec. 47-301).

17       SEC. 136. The Emergency Transitional Education  
18 Board of Trustees, the Board of Trustees of the Univer-  
19 sity of the District of Columbia, the Board of Library  
20 Trustees, and the Board of Governors of the University  
21 of the District of Columbia School of Law shall vote on  
22 and approve their respective annual or revised budgets be-  
23 fore submission to the Mayor of the District of Columbia  
24 for inclusion in the Mayor's budget submission to the  
25 Council of the District of Columbia in accordance with sec-

tion 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 137. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1999 under the caption “Division of Expenses” shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) \$5,216,689,000 (of which \$132,912,000 shall be from intra-District funds and \$2,865,763,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or



1                   (ii) after notification to the Council,  
2                   additional expenditures which the Chief Fi-  
3                   nancial Officer of the District of Columbia  
4                   certifies will produce additional revenues  
5                   during such fiscal year at least equal to  
6                   200 percent of such additional expendi-  
7                   tures, and that are approved by the Au-  
8                   thority.

9                   (2) RESERVE FUND.—To the extent that the  
10                  sum of the total revenues of the District of Colum-  
11                  bia for such fiscal year exceed the total amount pro-  
12                  vided for in paragraph (2)(B), the Chief Financial  
13                  Officer of the District of Columbia, with the ap-  
14                  proval of the Authority, may credit up to 10 percent  
15                  of the amount of such difference, not to exceed  
16                  \$3,300,000, to a reserve fund which may be ex-  
17                  pended for operating purposes in future fiscal years,  
18                  in accordance with the financial plans and budgets  
19                  for such years.

20                  (3) ENFORCEMENT.—The Chief Financial Offi-  
21                  cer of the District of Columbia and the Authority  
22                  shall take such steps as are necessary to assure that  
23                  the District of Columbia meets the requirements of  
24                  this section, including the apportioning by the Chief  
25                  Financial Officer of the appropriations and funds

1       made available to the District during fiscal year  
2       1999, except that the Chief Financial Officer may  
3       not reprogram for operating expenses any funds de-  
4       rived from bonds, notes, or other obligations issued  
5       for capital projects.

6       (b) ACCEPTANCE AND USE OF GRANTS NOT IN-  
7       CLUDED IN CEILING.—

8               (1) IN GENERAL.—Notwithstanding subsection  
9       (a), the Mayor, in consultation with the Chief Finan-  
10      cial Officer, during a control year, as defined in sec-  
11      tion 305(4) of the District of Columbia Financial  
12      Responsibility and Management Assistance Act of  
13      1995, approved April 17, 1995 (Public Law 104–8;  
14      109 Stat. 152), may accept, obligate, and expend  
15      Federal, private, and other grants received by the  
16      District government that are not reflected in the  
17      amounts appropriated in this Act.

18              (2) REQUIREMENT OF CHIEF FINANCIAL OFFI-  
19      CER REPORT AND AUTHORITY APPROVAL.—No such  
20      Federal, private, or other grant may be accepted, ob-  
21      ligated, or expended pursuant to paragraph (1)  
22      until—

23                      (A) the Chief Financial Officer of the Dis-  
24                      trict of Columbia submits to the Authority a re-

1 port setting forth detailed information regard-  
2 ing such grant; and

3 (B) the Authority has reviewed and ap-  
4 proved the acceptance, obligation, and expendi-  
5 ture of such grant in accordance with review  
6 and approval procedures consistent with the  
7 provisions of the District of Columbia Financial  
8 Responsibility and Management Assistance Act  
9 of 1995.

10 (3) PROHIBITION ON SPENDING IN ANTICIPA-  
11 TION OF APPROVAL OR RECEIPT.—No amount may  
12 be obligated or expended from the general fund or  
13 other funds of the District government in anticipa-  
14 tion of the approval or receipt of a grant under  
15 paragraph (2)(B) of this subsection or in anticipa-  
16 tion of the approval or receipt of a Federal, private,  
17 or other grant not subject to such paragraph.

18 (4) MONTHLY REPORTS.—The Chief Financial  
19 Officer of the District of Columbia shall prepare a  
20 monthly report setting forth detailed information re-  
21 garding all Federal, private, and other grants sub-  
22 ject to this subsection. Each such report shall be  
23 submitted to the Council of the District of Columbia,  
24 and to the Committees on Appropriations of the  
25 House of Representatives and the Senate, not later

1       than 15 days after the end of the month covered by  
2       the report.

3       (c) REPORT ON EXPENDITURES BY FINANCIAL RE-  
4       SPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHOR-  
5       ITY.—Not later than 20 calendar days after the end of  
6       each fiscal quarter starting October 1, 1998, the Authority  
7       shall submit a report to the Committees on Appropriations  
8       of the House of Representatives and the Senate, the Com-  
9       mittee on Government Reform and Oversight of the  
10      House, and the Committee on Governmental Affairs of the  
11      Senate providing an itemized accounting of all non-appro-  
12      priated funds obligated or expended by the Authority for  
13      the quarter. The report shall include information on the  
14      date, amount, purpose, and vendor name, and a descrip-  
15      tion of the services or goods provided with respect to the  
16      expenditures of such funds.

17      (d) APPLICATION OF EXCESS REVENUES.—Local  
18      revenues collected in excess of amounts required to sup-  
19      port appropriations in this Act for operating expenses for  
20      the District of Columbia for fiscal year 1999 under the  
21      caption “Division of Expenses” shall be applied first to  
22      the elimination of the general fund accumulated deficit;  
23      second to a reserve account not to exceed \$250,000,000  
24      to be used to finance seasonal cash needs (in lieu of short  
25      term borrowings); third to accelerate repayment of cash

1 borrowed from the Water and Sewer Fund; and fourth to  
2 reduce the outstanding long-term debt.

3 SEC. 138. The District of Columbia Emergency  
4 Transitional Education Board of Trustees shall, subject  
5 to the contract approval provisions of the District of Co-  
6 lumbia Financial Responsibility and Management Assist-  
7 ance Act of 1995 (Public Law 104–8)—

8 (1) develop a comprehensive plan to identify  
9 and accomplish energy conservation measures to  
10 achieve maximum cost-effective energy and water  
11 savings;

12 (2) enter into innovate financing and contrac-  
13 tual mechanisms including, but not limited to, utility  
14 demand-side management programs, and energy sav-  
15 ings performance contracts and water conservation  
16 performance contracts so long as the terms of such  
17 contracts do not exceed 25 years; and

18 (3) permit and encourage each department or  
19 agency and other instrumentality of the District of  
20 Columbia to participate in programs conducted by  
21 any gas, electric or water utility of the management  
22 of electricity or gas demand or for energy or water  
23 conservation.

1        SEC. 139. (a) Notwithstanding any other provision  
2 of law, rule, or regulation, an employee of the District of  
3 Columbia public schools shall be—

4            (1) classified as an Educational Service em-  
5 ployee;

6            (2) placed under the personnel authority of the  
7 Board of Education; and

8            (3) subject to all Board of Education rules.

9        (b) School-based personnel shall constitute a separate  
10 competitive area from nonschool-based personnel who shall  
11 not compete with school-based personnel for retention pur-  
12 poses.

13        SEC. 140. (a) RESTRICTIONS ON USE OF OFFICIAL  
14 VEHICLES.—(1) None of the funds made available by this  
15 Act or by any other Act may be used to provide any officer  
16 or employee of the District of Columbia with an official  
17 vehicle unless the officer or employee uses the vehicle only  
18 in the performance of the officer's or employee's official  
19 duties. For purposes of this paragraph, the term “official  
20 duties” does not include travel between the officer's or em-  
21 ployee's residence and workplace (except in the case of a  
22 police officer who resides in the District of Columbia).

23            (2) The Chief Financial Officer of the District of Co-  
24 lumbia shall submit, by November 15, 1998, an inventory,  
25 as of September 30, 1998, of all vehicles owned, leased

1 or operated by the District of Columbia government. The  
2 inventory shall include, but not be limited to, the depart-  
3 ment to which the vehicle is assigned; the year and make  
4 of the vehicle; the acquisition date and cost; the general  
5 condition of the vehicle; annual operating and mainte-  
6 nance costs; current mileage; and whether the vehicle is  
7 allowed to be taken home by a District officer or employee  
8 and if so, the officer or employee's title and resident loca-  
9 tion.

10 (b) SOURCE OF PAYMENT FOR EMPLOYEES DE-  
11 TAILED WITHIN GOVERNMENT.—For purposes of deter-  
12 mining the amount of funds expended by any entity within  
13 the District of Columbia government during fiscal year  
14 1999 and each succeeding fiscal year, any expenditures  
15 of the District government attributable to any officer or  
16 employee of the District government who provides services  
17 which are within the authority and jurisdiction of the en-  
18 tity (including any portion of the compensation paid to  
19 the officer or employee attributable to the time spent in  
20 providing such services) shall be treated as expenditures  
21 made from the entity's budget, without regard to whether  
22 the officer or employee is assigned to the entity or other-  
23 wise treated as an officer or employee of the entity.

24 SEC. 141. (a) COMPLIANCE WITH BUY AMERICAN  
25 ACT.—None of the funds made available in this Act may

1 be expended by an entity unless the entity agrees that in  
2 expending the funds the entity will comply with the Buy  
3 American Act (41 U.S.C. 10a–10c).

4 (b) SENSE OF THE CONGRESS; REQUIREMENT RE-  
5 GARDING NOTICE.—

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

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

22 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
23 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—  
24 If it has been finally determined by a court or Federal  
25 agency that any person intentionally affixed a label bear-



1 ing a “Made in America” inscription, or any inscription  
2 with the same meaning, to any product sold in or shipped  
3 to the United States that is not made in the United  
4 States, the person shall be ineligible to receive any con-  
5 tract or subcontract made with funds made available in  
6 this Act, pursuant to the debarment, suspension, and ineli-  
7 gibility procedures described in sections 9.400 through  
8 9.409 of title 48, Code of Federal Regulations.

9       SEC. 142. Notwithstanding any provision of any fed-  
10 erally granted charter or any other provision of law, the  
11 real property of the National Education Association lo-  
12 cated in the District of Columbia shall be subject to tax-  
13 ation by the District of Columbia in the same manner as  
14 any similar organization.

15       SEC. 143. None of the funds contained in this or any  
16 other Act may be used to pay the salary or expenses of  
17 any officer or employee of any department or agency of  
18 the District of Columbia government or of any entity with-  
19 in the District of Columbia government who fails to pro-  
20 vide information requested by the Chief Financial Officer  
21 of the District of Columbia.

22       SEC. 144. None of the funds contained in this Act  
23 may be used for purposes of the annual independent audit  
24 of the District of Columbia government (including the Dis-

1 trict of Columbia Financial Responsibility and Manage-  
2 ment Assistance Authority) for fiscal year 1999 unless—

3 (1) the audit is conducted (either directly or by  
4 contract) by the Inspector General of the District of  
5 Columbia; and

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

10 SEC. 145. Nothing in this Act shall be construed to  
11 authorize any office, agency or entity to expend funds for  
12 programs or functions for which a reorganization plan is  
13 required but has not been approved by the District of Co-  
14 lumbia Financial Responsibility and Management Assist-  
15 ance Authority (hereafter in this section referred to as  
16 “Authority”). Appropriations made by this Act for such  
17 programs or functions are conditioned only on the ap-  
18 proval by the Authority of the required reorganization  
19 plans.

20 SEC. 146. Notwithstanding any other provision of  
21 law, rule, or regulation, the evaluation process and instru-  
22 ments for evaluating District of Columbia public schools  
23 employees shall be a non-negotiable item for collective bar-  
24 gaining purposes.

1        SEC. 147. None of the funds contained in this Act  
2 may be used by the District of Columbia Corporation  
3 Counsel or any other officer or entity of the District gov-  
4 ernment to provide assistance for any petition drive or civil  
5 action which seeks to require Congress to provide for vot-  
6 ing representation in Congress for the District of Colum-  
7 bia.

8        SEC. 148. The Residency Requirement Reinstatement  
9 Amendment Act of 1998 (D.C. Act 12–340) is hereby re-  
10 pealed.

11       SEC. 149. Notwithstanding any other provision of  
12 this Act, no Federal funds appropriated under this Act  
13 shall be used to carry out any program of distributing  
14 sterile needles or syringes for the hypodermic injection of  
15 any illegal drug.

16       SEC. 150. None of the funds contained in this Act  
17 may be used to transfer or confine inmates classified above  
18 the medium security level, as defined by the Federal Bu-  
19 reau of Prisons classification instrument, to the Northeast  
20 Ohio Correctional Center located in Youngstown, Ohio.

21       SEC. 151. None of the funds contained in this Act  
22 may be used to conduct any ballot initiative which seeks  
23 to legalize or otherwise reduce penalties associated with  
24 the possession, use, or distribution of any schedule I sub-

1 stance under the Controlled Substances Act (21 U.S.C.  
2 802) or any tetrahydrocannabinols derivative.

3 SEC. 152. None of the funds contained in this Act  
4 may be used for any program of distributing sterile nee-  
5 dles or syringes for the hypodermic injection of any illegal  
6 drug, or for any payment to any individual or entity who  
7 carries out any such program.

8 SEC. 153. None of the funds contained in this Act  
9 may be used to carry out any joint adoption of a child  
10 between individuals who are not related by blood or mar-  
11 riage.

12 BANNING POSSESSION OF TOBACCO PRODUCTS BY  
13 MINORS

14 SEC. 154. (a) IN GENERAL.—It shall be unlawful for  
15 any individual under 18 years of age to possess any ciga-  
16 rette or other tobacco product in the District of Columbia.

17 (b) EXCEPTION FOR POSSESSION IN COURSE OF EM-  
18 PLOYMENT.—Subsection (a) shall not apply with respect  
19 to an individual making a delivery of cigarettes or tobacco  
20 products in pursuance of employment.

21 (c) PENALTIES.—Any individual who violates sub-  
22 section (a) shall be subject to the following penalties:

23 (1) For any violation, the individual may be re-  
24 quired to perform community service or attend a to-  
25 bacco cessation program.

1           (2) Upon the first violation, the individual shall  
2       be subject to a civil penalty not to exceed \$50.

3           (3) Upon the second and each subsequent viola-  
4       tion, the individual shall be subject to a civil penalty  
5       not to exceed \$100.

6           (4) Upon the third and each subsequent viola-  
7       tion, the individual may have his or her driving  
8       privileges in the District of Columbia suspended for  
9       a period of 90 consecutive days.

10 **TITLE II—DISTRICT OF COLUM-**  
11 **BIA STUDENT OPPORTUNITY**  
12 **SCHOLARSHIPS**

13 **SEC. 201. DEFINITIONS.**

14       As used in this title—

15           (1) the term “Board” means the Board of Di-  
16       rectors of the Corporation established under section  
17       202(b)(1);

18           (2) the term “Corporation” means the District  
19       of Columbia Scholarship Corporation established  
20       under section 202(a);

21           (3) the term “eligible institution”—

22                (A) in the case of an eligible institution  
23       serving a student who receives a tuition scholar-  
24       ship under section 203(c)(1), means a public,

1 private, or independent elementary or secondary  
 2 school; and

3 (B) in the case of an eligible institution  
 4 serving a student who receives an enhanced  
 5 achievement scholarship under section  
 6 203(c)(2), means an elementary or secondary  
 7 school, or an entity that provides services to a  
 8 student enrolled in an elementary or secondary  
 9 school to enhance such student's achievement  
 10 through instruction described in section  
 11 203(c)(2);

12 (4) the term “parent” includes a legal guardian  
 13 or other person standing in loco parentis; and

14 (5) the term “poverty line” means the income  
 15 official poverty line (as defined by the Office of Man-  
 16 agement and Budget, and revised annually in ac-  
 17 cordance with section 673(2) of the Community  
 18 Services Block Grant Act (42 U.S.C. 9902(2)) appli-  
 19 cable to a family of the size involved.

20 **SEC. 202. DISTRICT OF COLUMBIA SCHOLARSHIP COR-**  
 21 **PORATION.**

22 (a) GENERAL REQUIREMENTS.—

23 (1) IN GENERAL.—There is authorized to be es-  
 24 tablished a private, nonprofit corporation, to be  
 25 known as the “District of Columbia Scholarship

1 Corporation”, which is neither an agency nor estab-  
2 lishment of the United States Government or the  
3 District of Columbia Government.

4 (2) DUTIES.—The Corporation shall have the  
5 responsibility and authority to administer, publicize,  
6 and evaluate the scholarship program in accordance  
7 with this title, and to determine student and school  
8 eligibility for participation in such program.

9 (3) CONSULTATION.—The Corporation shall ex-  
10 ercise its authority—

11 (A) in a manner consistent with maximiz-  
12 ing educational opportunities for the maximum  
13 number of interested families; and

14 (B) in consultation with the District of Co-  
15 lumbia Board of Education or entity exercising  
16 administrative jurisdiction over the District of  
17 Columbia Public Schools, the Superintendent of  
18 the District of Columbia Public Schools, and  
19 other school scholarship programs in the Dis-  
20 trict of Columbia.

21 (4) APPLICATION OF PROVISIONS.—The Cor-  
22 poration shall be subject to the provisions of this  
23 title, and, to the extent consistent with this title, to  
24 the District of Columbia Nonprofit Corporation Act  
25 (D.C. Code, sec. 29–501 et seq.).

1           (5) RESIDENCE.—The Corporation shall have  
2           its place of business in the District of Columbia and  
3           shall be considered, for purposes of venue in civil ac-  
4           tions, to be a resident of the District of Columbia.

5           (6) FUND.—There is established in the Treas-  
6           ury a fund that shall be known as the District of  
7           Columbia Scholarship Fund, to be administered by  
8           the Secretary of the Treasury.

9           (7) DISBURSEMENT.—The Secretary of the  
10          Treasury shall make available and disburse to the  
11          Corporation, before October 15 of each fiscal year or  
12          not later than 15 days after the date of enactment  
13          of an Act making appropriations for the District of  
14          Columbia for such year, whichever occurs later, such  
15          funds as have been appropriated to the District of  
16          Columbia Scholarship Fund for the fiscal year in  
17          which such disbursement is made.

18          (8) AVAILABILITY.—Funds authorized to be ap-  
19          propriated under this title shall remain available  
20          until expended.

21          (9) USES.—Funds authorized to be appro-  
22          priated under this title shall be used by the Corpora-  
23          tion in a prudent and financially responsible man-  
24          ner, solely for scholarships, contracts, and adminis-  
25          trative costs.



1 (10) AUTHORIZATION.—

2 (A) IN GENERAL.—There are authorized to  
3 be appropriated to the District of Columbia  
4 Scholarship Fund—

5 (i) \$7,000,000 for fiscal year 1999;

6 (ii) \$8,000,000 for fiscal year 2000;

7 and

8 (iii) \$10,000,000 for each of fiscal  
9 years 2001 through 2003.

10 (B) LIMITATION.—Not more than 7.5 per-  
11 cent of the amount appropriated to carry out  
12 this title for any fiscal year may be used by the  
13 Corporation for salaries and administrative  
14 costs.

15 (b) ORGANIZATION AND MANAGEMENT; BOARD OF  
16 DIRECTORS.—

17 (1) BOARD OF DIRECTORS; MEMBERSHIP.—

18 (A) IN GENERAL.—The Corporation shall  
19 have a Board of Directors (referred to in this  
20 title as the “Board”), comprised of seven mem-  
21 bers with six members of the Board appointed  
22 by the President not later than 30 days after  
23 receipt of nominations from the Speaker of the  
24 House of Representatives and the Majority  
25 Leader of the Senate.

1           (B) HOUSE NOMINATIONS.—The President  
2           shall appoint three of the members from a list  
3           of nine individuals nominated by the Speaker of  
4           the House of Representatives in consultation  
5           with the Minority Leader of the House of Rep-  
6           resentatives.

7           (C) SENATE NOMINATIONS.—The Presi-  
8           dent shall appoint three members from a list of  
9           nine individuals nominated by the Majority  
10          Leader of the Senate in consultation with the  
11          Minority Leader of the Senate.

12          (D) DEADLINE.—The Speaker of the  
13          House of Representatives and Majority Leader  
14          of the Senate shall submit their nominations to  
15          the President not later than 30 days after the  
16          date of the enactment of this Act.

17          (E) APPOINTEE OF MAYOR.—The Mayor  
18          shall appoint one member of the Board not  
19          later than 60 days after the date of the enact-  
20          ment of this Act.

21          (F) POSSIBLE INTERIM MEMBERS.—If the  
22          President does not appoint the six members of  
23          the Board in the 30-day period described in  
24          subparagraph (A), then the Speaker of the  
25          House of Representatives and the Majority

1           Leader of the Senate shall each appoint two  
2           members of the Board, and the Minority Lead-  
3           er of the House of Representatives and the Mi-  
4           nority Leader of the Senate shall each appoint  
5           one member of the Board, from among the indi-  
6           viduals nominated pursuant to subparagraphs  
7           (A) and (B), as the case may be. The ap-  
8           pointees under the preceding sentence together  
9           with the appointee of the Mayor, shall serve as  
10          an interim Board with all the powers and other  
11          duties of the Board described in this title, until  
12          the President makes the appointments as de-  
13          scribed in this subsection.

14          (2) POWERS.—All powers of the Corporation  
15          shall vest in and be exercised under the authority of  
16          the Board.

17          (3) ELECTIONS.—Members of the Board annu-  
18          ally shall elect one of the members of the Board to  
19          be the Chairperson of the Board.

20          (4) RESIDENCY.—All members appointed to the  
21          Board shall be residents of the District of Columbia  
22          at the time of appointment and while serving on the  
23          Board.

24          (5) NONEMPLOYEE.—No member of the Board  
25          may be an employee of the United States Govern-

1       ment or the District of Columbia Government when  
2       appointed to or during tenure on the Board, unless  
3       the individual is on a leave of absence from such a  
4       position while serving on the Board.

5           (6) INCORPORATION.—The members of the ini-  
6       tial Board shall serve as incorporators and shall take  
7       whatever steps are necessary to establish the Cor-  
8       poration under the District of Columbia Nonprofit  
9       Corporation Act (D.C. Code, sec. 29–501 et seq.).

10          (7) GENERAL TERM.—The term of office of  
11       each member of the Board shall be 5 years, except  
12       that any member appointed to fill a vacancy occur-  
13       ring prior to the expiration of the term for which the  
14       predecessor was appointed shall be appointed for the  
15       remainder of such term.

16          (8) CONSECUTIVE TERM.—No member of the  
17       Board shall be eligible to serve in excess of 2 con-  
18       secutive terms of 5 years each. A partial term shall  
19       be considered as 1 full term. Any vacancy on the  
20       Board shall not affect the Board’s power, but shall  
21       be filled in a manner consistent with this title.

22          (9) NO BENEFIT.—No part of the income or as-  
23       sets of the Corporation shall inure to the benefit of  
24       any Director, officer, or employee of the Corpora-

1       tion, except as salary or reasonable compensation for  
2       services.

3           (10) POLITICAL ACTIVITY.—The Corporation  
4       may not contribute to or otherwise support any po-  
5       litical party or candidate for elective public office.

6           (11) NO OFFICERS OR EMPLOYEES.—The mem-  
7       bers of the Board shall not, by reason of such mem-  
8       bership, be considered to be officers or employees of  
9       the United States Government or of the District of  
10      Columbia Government.

11          (12) STIPENDS.—The members of the Board,  
12      while attending meetings of the Board or while en-  
13      gaged in duties related to such meetings or other ac-  
14      tivities of the Board pursuant to this title, shall be  
15      provided a stipend. Such stipend shall be at the rate  
16      of \$150 per day for which the member of the Board  
17      is officially recorded as having worked, except that  
18      no member may be paid a total stipend amount in  
19      any calendar year in excess of \$5,000.

20      (c) OFFICERS AND STAFF.—

21          (1) EXECUTIVE DIRECTOR.—The Corporation  
22      shall have an Executive Director, and such other  
23      staff, as may be appointed by the Board for terms  
24      and at rates of compensation, not to exceed level

1 EG-16 of the Educational Service of the District of  
2 Columbia, to be fixed by the Board.

3 (2) STAFF.—With the approval of the Board,  
4 the Executive Director may appoint and fix the sal-  
5 ary of such additional personnel as the Executive  
6 Director considers appropriate.

7 (3) ANNUAL RATE.—No staff of the Corpora-  
8 tion may be compensated by the Corporation at an  
9 annual rate of pay greater than the annual rate of  
10 pay of the Executive Director.

11 (4) SERVICE.—All officers and employees of the  
12 Corporation shall serve at the pleasure of the Board.

13 (5) QUALIFICATION.—No political test or quali-  
14 fication may be used in selecting, appointing, pro-  
15 moting, or taking other personnel actions with re-  
16 spect to officers, agents, or employees of the Cor-  
17 poration.

18 (d) POWERS OF THE CORPORATION.—

19 (1) GENERALLY.—The Corporation is author-  
20 ized to obtain grants from, and make contracts with,  
21 individuals and with private, State, and Federal  
22 agencies, organizations, and institutions.

23 (2) HIRING AUTHORITY.—The Corporation may  
24 hire, or accept the voluntary services of, consultants,

1 experts, advisory boards, and panels to aid the Cor-  
2 poration in carrying out this title.

3 (e) FINANCIAL MANAGEMENT AND RECORDS.—

4 (1) AUDITS.—The financial statements of the  
5 Corporation shall be—

6 (A) maintained in accordance with gen-  
7 erally accepted accounting principles for non-  
8 profit corporations; and

9 (B) audited annually by independent cer-  
10 tified public accountants.

11 (2) REPORT.—The report for each such audit  
12 shall be included in the annual report to Congress  
13 required by section 210(c).

14 (f) ADMINISTRATIVE RESPONSIBILITIES.—

15 (1) SCHOLARSHIP APPLICATION SCHEDULE AND  
16 PROCEDURES.—Not later than 30 days after the ini-  
17 tial Board is appointed and the first Executive Di-  
18 rector of the Corporation is hired under this title,  
19 the Corporation shall implement a schedule and pro-  
20 cedures for processing applications for, and award-  
21 ing, student scholarships under this title. The sched-  
22 ule and procedures shall include establishing a list of  
23 certified eligible institutions, distributing scholarship  
24 information to parents and the general public (in-  
25 cluding through a newspaper of general circulation),

1 and establishing deadlines for steps in the scholar-  
2 ship application and award process.

3 (2) INSTITUTIONAL APPLICATIONS AND ELIGI-  
4 BILITY.—

5 (A) IN GENERAL.—An eligible institution  
6 that desires to participate in the scholarship  
7 program under this title shall file an application  
8 with the Corporation for certification for par-  
9 ticipation in the scholarship program under this  
10 that title shall—

11 (i) demonstrate that the eligible insti-  
12 tution has operated with not less than 25  
13 students during the 3 years preceding the  
14 year for which the determination is made  
15 unless the eligible institution is applying  
16 for certification as a new eligible institu-  
17 tion under subparagraph (C);

18 (ii) contain an assurance that the eli-  
19 gible institution will comply with all appli-  
20 cable requirements of this title;

21 (iii) contain an annual statement of  
22 the eligible institution's budget; and

23 (iv) describe the eligible institution's  
24 proposed program, including personnel  
25 qualifications and fees.



1 (B) CERTIFICATION.—

2 (i) IN GENERAL.—Except as provided  
3 in subparagraph (C), not later than 60  
4 days after receipt of an application in ac-  
5 cordance with subparagraph (A), the Cor-  
6 poration shall certify an eligible institution  
7 to participate in the scholarship program  
8 under this title.

9 (ii) CONTINUATION.—An eligible insti-  
10 tution's certification to participate in the  
11 scholarship program shall continue unless  
12 such eligible institution's certification is re-  
13 voked in accordance with subparagraph  
14 (D).

15 (C) NEW ELIGIBLE INSTITUTION.—

16 (i) IN GENERAL.—An eligible institu-  
17 tion that did not operate with at least 25  
18 students in the 3 years preceding the year  
19 for which the determination is made may  
20 apply for a 1-year provisional certification  
21 to participate in the scholarship program  
22 under this title for a single year by provid-  
23 ing to the Corporation not later than July  
24 1 of the year preceding the year for which  
25 the determination is made—

1 (I) a list of the eligible institu-  
2 tion's board of directors;

3 (II) letters of support from not  
4 less than 10 members of the commu-  
5 nity served by such eligible institution;

6 (III) a business plan;

7 (IV) an intended course of study;

8 (V) assurances that the eligible  
9 institution will begin operations with  
10 not less than 25 students;

11 (VI) assurances that the eligible  
12 institution will comply with all appli-  
13 cable requirements of this title; and

14 (VII) a statement that satisfies  
15 the requirements of clauses (ii) and  
16 (iv) of subparagraph (A).

17 (ii) CERTIFICATION.—Not later than  
18 60 days after the date of receipt of an ap-  
19 plication described in clause (i), the Cor-  
20 poration shall certify in writing the eligible  
21 institution's provisional certification to  
22 participate in the scholarship program  
23 under this title unless the Corporation de-  
24 termines that good cause exists to deny  
25 certification.

1 (iii) RENEWAL OF PROVISIONAL CER-  
2 TIFICATION.—After receipt of an applica-  
3 tion under clause (i) from an eligible insti-  
4 tution that includes a statement of the eli-  
5 gible institution's budget completed not  
6 earlier than 12 months before the date  
7 such application is filed, the Corporation  
8 shall renew an eligible institution's provi-  
9 sional certification for the second and third  
10 years of the school's participation in the  
11 scholarship program under this title unless  
12 the Corporation finds—

13 (I) good cause to deny the re-  
14 newal, including a finding of a pattern  
15 of violation of requirements described  
16 in paragraph (3)(A); or

17 (II) consistent failure of 25 per-  
18 cent or more of the students receiving  
19 scholarships under this title and at-  
20 tending such school to make appro-  
21 priate progress (as determined by the  
22 Corporation) in academic achieve-  
23 ment.

24 (iv) DENIAL OF CERTIFICATION.—If  
25 provisional certification or renewal of pro-

visional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this title for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written ex-

1 planation of the Corporation's decision to  
2 such eligible institution and require a pro  
3 rata refund of the proceeds of the scholar-  
4 ship funds received under this title.

5 (3) PARTICIPATION REQUIREMENTS FOR ELIGI-  
6 BLE INSTITUTIONS.—

7 (A) REQUIREMENTS.—Each eligible insti-  
8 tution participating in the scholarship program  
9 under this title shall—

10 (i) provide to the Corporation not  
11 later than June 30 of each year the most  
12 recent annual statement of the eligible in-  
13 stitution's budget; and

14 (ii) charge a student that receives a  
15 scholarship under this title not more than  
16 the cost of tuition and mandatory fees for,  
17 and transportation to attend, such eligible  
18 institution as other students who are resi-  
19 dents of the District of Columbia and en-  
20 rolled in such eligible institution.

21 (B) COMPLIANCE.—The Corporation may  
22 require documentation of compliance with the  
23 requirements of subparagraph (A), but neither  
24 the Corporation nor any governmental entity  
25 may impose requirements upon an eligible insti-

1           tution as a condition for participation in the  
2           scholarship program under this title, other than  
3           requirements established under this title.

4 **SEC. 203. SCHOLARSHIPS AUTHORIZED.**

5           (a) **ELIGIBLE STUDENTS.**—The Corporation is au-  
6           thorized to award tuition scholarships under subsection  
7           (c)(1) and enhanced achievement scholarships under sub-  
8           section (c)(2) to students in kindergarten through  
9           grade 12—

10           (1) who are residents of the District of Colum-  
11           bia; and

12           (2) whose family income does not exceed 185  
13           percent of the poverty line.

14           (b) **SCHOLARSHIP PRIORITY.**—

15           (1) **FIRST.**—The Corporation first shall award  
16           scholarships to students described in subsection (a)  
17           who—

18           (A) are enrolled in a District of Columbia  
19           public school or preparing to enter a District of  
20           Columbia public kindergarten, except that this  
21           subparagraph shall apply only for academic  
22           years 1998–1999, 1999–2000, and 2000–2001;  
23           or

24           (B) have received a scholarship from the  
25           Corporation for the academic year preceding

1           the academic year for which the scholarship is  
2           awarded.

3           (2) SECOND.—If funds remain for a fiscal year  
4           for awarding scholarships after awarding scholar-  
5           ships under paragraph (1), the Corporation shall  
6           award scholarships to students who are described in  
7           subsection (a), not described in paragraph (1), and  
8           otherwise eligible for a scholarship under this title.

9           (3) LOTTERY SELECTION.—The Corporation  
10          shall award scholarships to students under this sub-  
11          section using a lottery selection process whenever the  
12          amount made available to carry out this title for a  
13          fiscal year is insufficient to award a scholarship to  
14          each student who is eligible to receive a scholarship  
15          under this title for the fiscal year.

16         (c) USE OF SCHOLARSHIP.—

17                 (1) TUITION SCHOLARSHIPS.—A tuition schol-  
18                 arship may be used for the payment of the cost of  
19                 the tuition and mandatory fees for, and transpor-  
20                 tation to attend, an eligible institution located within  
21                 the geographic boundaries of the District of Colum-  
22                 bia; Montgomery County, Maryland; Prince Georges  
23                 County, Maryland; Arlington County, Virginia; Alex-  
24                 andria City, Virginia; Falls Church City, Virginia;  
25                 Fairfax City, Virginia; or Fairfax County, Virginia.

1           (2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—

2           An enhanced achievement scholarship may be used  
3           only for the payment of the costs of tuition and  
4           mandatory fees for, and transportation to attend, a  
5           program of instruction provided by an eligible insti-  
6           tution which enhances student achievement of the  
7           core curriculum and is operated outside of regular  
8           school hours to supplement the regular school pro-  
9           gram.

10          (e) NOT SCHOOL AID.—A scholarship under this title  
11       shall be considered assistance to the student and shall not  
12       be considered assistance to an eligible institution.

13       **SEC. 204. SCHOLARSHIP AWARDS.**

14          (a) AWARDS.—From the funds made available under  
15       this title, the Corporation shall award a scholarship to a  
16       student and make scholarship payments in accordance  
17       with section 205.

18          (b) NOTIFICATION.—Each eligible institution that re-  
19       ceives the proceeds of a scholarship payment under sub-  
20       section (a) shall notify the Corporation not later than 10  
21       days after—

22               (1) the date that a student receiving a scholar-  
23               ship under this title is enrolled, of the name, ad-  
24               dress, and grade level of such student;



1           (2) the date of the withdrawal or expulsion of  
2           any student receiving a scholarship under this title,  
3           of the withdrawal or expulsion; and

4           (3) the date that a student receiving a scholar-  
5           ship under this title is refused admission, of the rea-  
6           sons for such a refusal.

7           (c) TUITION SCHOLARSHIP.—

8           (1) EQUAL TO OR BELOW POVERTY LINE.—For  
9           a student whose family income is equal to or below  
10          the poverty line, a tuition scholarship may not ex-  
11          ceed the lesser of—

12                 (A) the cost of tuition and mandatory fees  
13                 for, and transportation to attend, an eligible in-  
14                 stitution; or

15                 (B) \$3,200 for fiscal year 1999, with such  
16                 amount adjusted in proportion to changes in  
17                 the Consumer Price Index for all urban con-  
18                 sumers published by the Department of Labor  
19                 for each of fiscal years 2000 through 2003.

20          (2) ABOVE POVERTY LINE.—For a student  
21          whose family income is greater than the poverty line,  
22          but not more than 185 percent of the poverty line,  
23          a tuition scholarship may not exceed the lesser of—

1 (A) 75 percent of the cost of tuition and  
2 mandatory fees for, and transportation to at-  
3 tend, an eligible institution; or

4 (B) \$2,400 for fiscal year 1999, with such  
5 amount adjusted in proportion to changes in  
6 the Consumer Price Index for all urban con-  
7 sumers published by the Department of Labor  
8 for each of fiscal years 2000 through 2003.

9 (d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An  
10 enhanced achievement scholarship may not exceed the  
11 lesser of—

12 (1) the costs of tuition and mandatory fees for,  
13 and transportation to attend, a program of instruc-  
14 tion at an eligible institution; or

15 (2) \$500 for 1999, with such amount adjusted  
16 in proportion to changes in the Consumer Price  
17 Index for all urban consumers published by the De-  
18 partment of Labor for each of fiscal years 2000  
19 through 2003.

20 **SEC. 205. SCHOLARSHIP PAYMENTS.**

21 (a) PAYMENTS.—The Corporation shall make schol-  
22 arship payments to the parent of a student awarded a  
23 scholarship under this title.

24 (b) DISTRIBUTION OF SCHOLARSHIP FUNDS.—Schol-  
25 arship funds may be distributed by check, or another form

1 of disbursement, issued by the Corporation and made pay-  
 2 able directly to a parent of a student awarded a scholar-  
 3 ship under this title. The parent may use the scholarship  
 4 funds only for payment of tuition, mandatory fees, and  
 5 transportation costs as described in this title.

6 (c) PRO RATA AMOUNTS FOR STUDENT WITH-  
 7 DRAWAL.—If a student receiving a scholarship under this  
 8 title withdraws or is expelled from an eligible institution  
 9 after the proceeds of a scholarship is paid to the eligible  
 10 institution, then the eligible institution shall refund to the  
 11 Corporation on a pro rata basis the proportion of any such  
 12 proceeds received for the remaining days of the school  
 13 year. Such refund shall occur not later than 30 days after  
 14 the date of the withdrawal or expulsion of the student.

15 **SEC. 206. CIVIL RIGHTS.**

16 (a) IN GENERAL.—An eligible institution participat-  
 17 ing in the scholarship program under this title shall not  
 18 discriminate on the basis of race, color, national origin,  
 19 or sex in carrying out the provisions of this title.

20 (b) APPLICABILITY AND CONSTRUCTION WITH RE-  
 21 SPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

22 (1) APPLICABILITY.—With respect to discrimi-  
 23 nation on the basis of sex, subsection (a) shall not  
 24 apply to an eligible institution that is controlled by  
 25 a religious organization if the application of sub-

1       section (a) is inconsistent with the religious tenets of  
2       the eligible institution.

3           (2) CONSTRUCTION.—With respect to discrimi-  
4       nation on the basis of sex, nothing in subsection (a)  
5       shall be construed to require any person, or public  
6       or private entity to provide or pay, or to prohibit any  
7       such person or entity from providing or paying, for  
8       any benefit or service, including the use of facilities,  
9       related to an abortion. Nothing in the preceding sen-  
10      tence shall be construed to permit a penalty to be  
11      imposed on any person or individual because such  
12      person or individual is seeking or has received any  
13      benefit or service related to a legal abortion.

14           (3) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVI-  
15      TIES.—With respect to discrimination on the basis  
16      of sex, nothing in subsection (a) shall be construed  
17      to prevent a parent from choosing, or an eligible in-  
18      stitution from offering, a single-sex school, class, or  
19      activity.

20           (c) REVOCATION.—Notwithstanding       section  
21   202(f)(2)(D), if the Corporation determines that an eligi-  
22   ble institution participating in the scholarship program  
23   under this title is in violation of subsection (a), then the  
24   Corporation shall revoke such eligible institution’s certifi-  
25   cation to participate in the program.

1 **SEC. 207. CHILDREN WITH DISABILITIES.**

2       Nothing in this title shall affect the rights of stu-  
3 dents, or the obligations of the District of Columbia public  
4 schools, under the Individuals with Disabilities Education  
5 Act (20 U.S.C. 1400 et seq.).

6 **SEC. 208. RULE OF CONSTRUCTION.**

7       (a) IN GENERAL.—Nothing in this title shall be con-  
8 strued to prevent any eligible institution which is operated  
9 by, supervised by, controlled by, or connected to, a reli-  
10 gious organization from employing, admitting, or giving  
11 preference to, persons of the same religion to the extent  
12 determined by such institution to promote the religious  
13 purpose for which the eligible institution is established or  
14 maintained.

15       (b) SECTARIAN PURPOSES.—Nothing in this title  
16 shall be construed to prohibit the use of funds made avail-  
17 able under this title for sectarian educational purposes,  
18 or to require an eligible institution to remove religious art,  
19 icons, scripture, or other symbols.

20 **SEC. 209. REPORTING REQUIREMENTS.**

21       (a) IN GENERAL.—An eligible institution participat-  
22 ing in the scholarship program under this title shall report  
23 to the Corporation not later than July 30 of each year  
24 in a manner prescribed by the Corporation, the following  
25 data:

1           (1) Student achievement in the eligible institu-  
2           tion's programs.

3           (2) Grade advancement for scholarship stu-  
4           dents.

5           (3) Disciplinary actions taken with respect to  
6           scholarship students.

7           (4) Graduation, college admission test scores,  
8           and college admission rates, if applicable for scholar-  
9           ship students.

10          (5) Types and amounts of parental involvement  
11          required for all families of scholarship students.

12          (6) Student attendance for scholarship and  
13          nonscholarship students.

14          (7) General information on curriculum, pro-  
15          grams, facilities, credentials of personnel, and dis-  
16          ciplinary rules at the eligible institution.

17          (8) Number of scholarship students enrolled.

18          (9) Such other information as may be required  
19          by the Corporation for program appraisal.

20          (b) CONFIDENTIALITY.—No personal identifiers may  
21          be used in such report, except that the Corporation may  
22          request such personal identifiers solely for the purpose of  
23          verification.

1 **SEC. 210. PROGRAM APPRAISAL.**

2 (a) STUDY.—Not later than 4 years after the date  
3 of enactment of this Act, the Comptroller General shall  
4 enter into a contract, with an evaluating agency that has  
5 demonstrated experience in conducting evaluations, for an  
6 independent evaluation of the scholarship program under  
7 this title, including—

8 (1) a comparison of test scores between scholar-  
9 ship students and District of Columbia public school  
10 students of similar backgrounds, taking into account  
11 the students' academic achievement at the time of  
12 the award of their scholarships and the students'  
13 family income level;

14 (2) a comparison of graduation rates between  
15 scholarship students and District of Columbia public  
16 school students of similar backgrounds, taking into  
17 account the students' academic achievement at the  
18 time of the award of their scholarships and the stu-  
19 dents' family income level;

20 (3) the satisfaction of parents of scholarship  
21 students with the scholarship program; and

22 (4) the impact of the scholarship program on  
23 the District of Columbia public schools, including  
24 changes in the public school enrollment, and any im-  
25 provement in the academic performance of the public  
26 schools.

1       (b) PUBLIC REVIEW OF DATA.—All data gathered in  
2 the course of the study described in subsection (a) shall  
3 be made available to the public upon request except that  
4 no personal identifiers shall be made public.

5       (c) REPORT TO CONGRESS.—Not later than Septem-  
6 ber 1 of each year, the Corporation shall submit a progress  
7 report on the scholarship program to the appropriate com-  
8 mittees of Congress. Such report shall include a review  
9 of how scholarship funds were expended, including the ini-  
10 tial academic achievement levels of students who have par-  
11 ticipated in the scholarship program.

12       (d) AUTHORIZATION.—There are authorized to be ap-  
13 propriated for the study described in subsection (a),  
14 \$250,000, which shall remain available until expended.

15 **SEC. 211. JUDICIAL REVIEW.**

16       (a) JURISDICTION.—

17           (1) IN GENERAL.—The United States District  
18 Court for the District of Columbia shall have juris-  
19 diction in any action challenging the constitutional-  
20 ity of the scholarship program under this title and  
21 shall provide expedited review.

22           (2) STANDING.—The parent of any student eli-  
23 gible to receive a scholarship under this title shall  
24 have standing in an action challenging the constitu-  
25 tionality of the scholarship program under this title.



1 (b) APPEAL TO SUPREME COURT.—Notwithstanding  
 2 any other provision of law, any order of the United States  
 3 District Court for the District of Columbia which is issued  
 4 pursuant to an action brought under subsection (a) shall  
 5 be reviewable by appeal directly to the Supreme Court of  
 6 the United States.

7 **SEC. 212. EFFECTIVE DATE.**

8 This title shall be effective for each of the fiscal years  
 9 1999 through 2003.

10 **SEC. 213. APPROPRIATION OF INITIAL FEDERAL CON-**  
 11 **TRIBUTION TO FUND.**

12 There are hereby appropriated, out of any money in  
 13 the Treasury not otherwise appropriated, \$5,400,000 for  
 14 the District of Columbia Scholarship Fund.

15 This Act may be cited as the “District of Columbia  
 16 Appropriations Act, 1999”.

Passed the House of Representatives August 7 (leg-  
 islative day, August 6), 1998.

Attest:

ROBIN H. CARLE,  
*Clerk.*