

In a final act of patriotism, Sergeant Billig mustered all of his strength to return Major Harris' salute. His eyes brightened as he recognized the great honors being paid to him by those gathered about him. Following that salute, his hand dropped to his side, still holding it in the salute position and soon his eyes closed, never to open again.

Sergeant Billig was discharged from the Army 25 years ago. He had been actively working to obtain his medals for the last 17 months, but to no avail. Letters were answered with form responses that they were working on it. Carl's body wasted and weakened with lung cancer and knowing his time was short, he chose to stay at home during his final days. But Carl continued to express his great desire to receive his military medals before his death. He told friends and family he wished to be buried in full military uniform, complete with all medals and ribbons.

Hospice nurse Lori Olsen Marks overheard him express this dying wish and on September 14 contacted my office to see if I could help in any way. She sensed the urgency of Carl's wish and said his physicians felt there might only be 3 to 4 weeks left to obtain his honors. My office immediately contacted the U.S. Army. In her typical, caring style, Margaret Tyler, Congressional Liaison for the Army, began work on the request. On September 19, Carl's son Tom called to say it appeared to be only a matter of hours. His father was in great pain and was having increasing difficulty breathing.

Another call was made to the Army. Margaret Tyler contacted Gail Goers-Wurmb and Vicki Ramoni in Philadelphia and St. Louis. Within the hour, these women had obtained all authorizations and worked into the night to locate all of the awards and thoughtfully had Carl Billig's name engraved on each medal. An overnight carrier was located, and almost in miracle fashion, the package arrived the next morning in Idaho Falls.

An awards ceremony was quickly scheduled. Major Harris of the Idaho National Guard, hospice administrator, Keith Hale, Ina Gillies of Veterans Affairs, and Dixie Richardson of my office prepared the presentation.

Carl Billig's family says he lived by his motto, "You do whatever must be done, in order to accomplish a task * * * especially when you have been given an assignment to do something for your country." Carl Billig lived doing whatever needed to be done, and in his final hours, many people pulled together to honor this fine man.

Carl Billig's family have expressed their deepest appreciation many times for the kindness and concern shown by all who answered a man's dying wish with such expediency. They say their faith in people, and in their government have been renewed.●

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1996

The text of the bill (S. 1244) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, as passed by the Senate on September 22, 1995, is as follows:

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

FISCAL YEAR 1996 APPROPRIATIONS FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$150,721,000 and 1,465 full-time equivalent positions (end of year): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That \$29,500,000 is used for a pay-as-you-go capital project of which \$28,000,000 is available to develop and implement a new financial management information system and \$1,500,000 is available for a needs assessment study: *Provided further*, That the District of Columbia Financial Responsibility and Management Assistance Authority shall have given prior approval to the work plan and procurement documents for necessary hardware and software before work on phase 3, as described in the Authority's August 15, 1995 report, is begun.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$142,711,000 and 1,692 full-time equivalent po-

sitions (end-of-year): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$960,747,000 and 11,544 full-time equivalent positions (end-of-year): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That \$250,000 is used for the Georgetown Summer Detail; \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: *Provided further*, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further*, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-

2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$800,080,000 and 11,670 full-time equivalent positions (end-of-year), to be allocated as follows: \$585,956,000 and 10,167 full-time equivalent positions for the public schools of the District of Columbia; \$109,175,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; \$81,940,000 and 1,079 full-time equivalent positions for the University of the District of Columbia; \$20,742,000 and 415 full-time equivalent positions for the Public Library; \$2,267,000 and 9 full-time equivalent positions for the Commission on

the Arts and Humanities: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for non-resident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, \$1,859,622,000 and 6,469 full-time equivalent positions (end-of-year): *Provided*, That \$26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$297,568,000 and 1,914 full-time equivalent positions (end-of-year): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER TRANSFER PAYMENT

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

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with an Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of an Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156;

Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$257,787,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

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

REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

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

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of \$46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363), \$4,563,000: *Provided*, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1995 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, \$19,000,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of \$500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

If a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease the rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: *Provided*, That the Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of \$16,000,000 within one or several of the various appropriation headings in this Act.

OUTPLACEMENT

For outplacement \$1,500,000.

CAPITAL OUTLAY

For construction projects, \$82,850,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved

April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That \$105,660,000 appropriated under this heading in prior fiscal years is rescinded.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, \$243,853,000 and 1,024 full-time equivalent positions (end of year), of which \$41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

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

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,351,000 and 8 full-time equivalent positions (end of year), of which \$572,000 shall be transferred to the General Fund of the District of Columbia.

STARPLEX FUND

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

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by the Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$115,034,000, of which \$56,735,000 shall be derived by transfer from the general fund.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), \$13,440,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board and 11 full-time equivalent positions (end of year): *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$10,516,000 and 66 full-time equivalent positions (end of year).

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,500,000.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$37,957,000, of which \$5,400,000 shall be derived by transfer from the general fund.

PERSONAL SERVICES ADJUSTMENT

The Mayor, in consultation with the Council and the District of Columbia Financial Responsibility and Management Assistance Authority, shall reduce appropriations and expenditures for personal services costs in the amount of \$11,264,000 within one or several of the various appropriations headings in this Act.

GENERAL PROVISIONS

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

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

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

Sec. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the per-

formance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

Sec. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

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

Sec. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

Sec. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

Sec. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

Sec. 113. No part of this appropriation shall be used for publicity or propaganda purposes

or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

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

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): *Provided*, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104-8.

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

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

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

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

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

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979

(D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1995" and inserting "sold before October 1, 1996".

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

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the

Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

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

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

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

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

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

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

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 131. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 132. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved

December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title II, App. 433), are amended to read as follows:

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

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

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

“(5) Member of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.”.

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

“(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

“(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

“(A) appropriations originally available for the performance of the contract concerned;

“(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

“(C) funds appropriated for those payments.

“(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 calendar days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.”.

CALCULATED REAL PROPERTY TAX RATE

RESCISSION AND REAL PROPERTY TAX FREEZE

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

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: “If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.”.

(B) A new subsection (a-2) is added to read as follows:

“(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.”.

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and insert-

ing the phrase “or not for-profit organizations” in its place.

REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, ARC, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and ARC within each responsibility center, for appropriated funds, nonappropriated funds, and capital funds;

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

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and ARC; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

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

(6) changes made in the last month to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENT—

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for appropriated funds, nonappropriated funds, and capital funds.

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

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 140. None of the Federal funds appropriated under this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

ANNUAL REPORTING REQUIREMENTS

SEC. 141. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

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

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

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

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 142. (a) Not later than October 1, 1995, or within 15 calendar days after the date of

the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs first, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other than personal services, respectively, with anticipated actual expenditures.

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

BUDGET APPROVAL

SEC. 143. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 144. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

POSITION VACANCIES

SEC. 145. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

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

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

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

CAPITAL PROJECT EMPLOYEES

SEC. 146. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council and the Committees on Appropriations of the Senate and House of Representatives a report with respect to the employees on the capital project budget for the previous quarter.

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

- (1) a list of all employees by position, title, grade and step;
- (2) a job description, including the capital project for which each employee is working;
- (3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and
- (4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

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

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

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

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

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

“(15A) ‘School administrators’ means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.”

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

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

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

“(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”

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

“(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit non-school based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”

SEC. 148. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

- (1) classified as an Educational Service employee;
 - (2) placed under the personnel authority of the Board of Education; and
 - (3) subject to all Board of Education rules.
- (b) School-based personnel shall constitute a separate competitive area from non-school based personnel who shall not compete with school-based personnel for retention purposes.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of

1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: ‘‘A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.’’.

(b) A new section 2406 is added to read as follows:

“SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1996.

“(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

“(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

“(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

“(d) An employee effected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

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

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

“(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

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

“(2) An employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

“(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:

“(1) Four years for an employee who qualified for veteran's preference under this Act, and

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

“(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

“(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

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

“(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section”.

DELAY IN CONVEYANCE OF PROPERTY TO COLUMBIA HOSPITAL FOR WOMEN FOR NATIONAL WOMEN'S HEALTH RESOURCE CENTER

SEC. 150. Effective as if included in the enactment of Public Law 103-67, section 1(c)(1) of Public Law 103-67 (107 Stat. 687) is amended by striking “1 year” and inserting “3 years”.

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

TITLE II—DISTRICT OF COLUMBIA SCHOOLS IMPROVEMENT ACT

Subtitle A—Establishment and Organization of Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 201. DEFINITIONS.

For purposes of this subtitle—

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

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

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

(4) EDUCATIONAL PLAN.—The term “Educational Plan” means the System-Wide Educational Reform Goals and Objectives Plan developed and implemented under this Act.

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

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

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

(a) ESTABLISHMENT.—

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

(2) MEMBERSHIP.—The Commission shall consist of the following members:

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

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives;

(C) 2 members to be appointed by the President, 1 who shall represent the local business community and 1 who is a teacher in the District of Columbia public schools.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the District of Columbia Board of Education.

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

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

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

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

(4) VACANCIES.—Any vacancy in the membership of the Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) QUALIFICATIONS.—Members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be city residents with a knowledge of education.

(6) CHAIR.—The chair of the Commission shall be chosen by the Commission from among its members, except that the President of the Board of Education and the Superintendent of Public Schools shall not be eligible to serve as chair.

(7) NO COMPENSATION FOR SERVICE.—Members of the Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Commission.

(b) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Commission. The Executive Director shall be paid at a rate determined by the Commission, except that such rate may not exceed the highest rate of pay payable for level EG16 of the Educational Service.

(c) STAFF.—With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

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

SEC. 203. GENERAL POWERS.

(a) IN GENERAL.—The Commission shall have the following powers:

(1) Financial control over the District of Columbia public schools exercised through the Authority.

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

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

(4) To promulgate rules concerning the management and direction of the Board, as deemed necessary, to address obstacles to the development or implementation of the Educational Plan.

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

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

(a) BOARD PLAN.—The Board shall develop, adopt, and submit to the Commission on or before March 1, 1996, a System-Wide Educational Reform Goals and Objectives Plan with respect to the 1996-1997 school year. Thereafter, the Board shall develop, adopt and submit to the Commission on or before March 1 of each year an Educational Plan for the coming school year. The Board shall have an Educational Plan for every year.

(b) COMMISSION APPROVAL.—The Commission shall approve or reject, in whole or in part, the Educational Plan submitted to it by the Board within 30 days of its receipt. No Educational Plan shall have force or effect without approval of the Commission.

(c) DEVELOPMENT AND CENTERS FOR APPROVAL PLAN.—Each Educational Plan shall be developed, submitted, approved, and monitored in accordance with the following procedures:

(1) Each Educational Plan shall include specific provisions designed to accomplish the following objectives and reflect the cumulative effect of the Local School Restructuring Team (LSRT) in terms of student needs, financial requirements, and timeliness for implementation:

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

(B) To increase the level of parental involvement in the education of their children.

(C) To enhance the range of authority, responsibility, and accountability of principals.

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

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

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

(G) To ensure the equitable distribution among the schools and programs of funds budgeted by the Board in accordance with applicable laws, rules and regulations.

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

(I) To ensure a new, fair, demanding evaluation process and more and better opportunities for teacher preparation.

(J) To generate a sense of urgency in the business and philanthropic community and enlist them in targeted support for very particular, concrete school reform goals.

(K) To address the school governance issue, and to recommend, within 1 year from the date of the appointment of the members of the Commission constituting a quorum, to the Council, the Mayor, and the relevant committees of the Congress an alternative to the current structure that will eliminate the division of responsibility and accountability among the Board of Education, the District Council and the Mayor.

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

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

(B) to develop a five-year capital improvement plan to carry out an approved facilities master plan which provides for a system-wide modernization of public schools;

(C) to institute management systems to support the implementation of the capital plan, in consultation and cooperation with the Mayor and Authority; and

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

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

(a) PLAN GOALS.—Each Educational Plan shall contain a detailed description, including estimates of financial costs and expected dates of completion, of—

(1) the Board's school reform goals and objectives;

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

(3) the Board's plans and strategy for implementing applicable District laws enacted to affect school reform;

(4) the Board's strategy for developing and implementing district-wide guidelines, rules, and procedures with respect to local school decision making as provided by applicable District law enacted as part of any school reform legislation;

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

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

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

(c) **APPROVAL CRITERIA.**—The Commission shall approve an Educational Plan submitted by the Board if, in the Commission's judgment, the Educational Plan is—

(1) complete;

(2) reasonably capable of being achieved;

(3) supported by demonstrably sufficient and available funding;

(4) responsive to any Commission directives or requirements;

(5) consistent with applicable District laws enacted to affect school reform; and

(6) reasonably capable of achieving substantial progress toward improving the educational achievement of the students and is consistent with the Bringing Educational Services to Students (BESST) agenda, the District of Columbia Reform Agenda, and the District of Columbia Public Schools Goals 2000 Plan.

(d) **REJECTION AND REVISION.**—If the Commission rejects an Educational Plan submitted by the Board, the Commission may prescribe a procedure and standards for revision and resubmission of the Educational Plan by the Board. If, within 60 days after the Commission notifies the Board of the Commission's rejection of the Board's Educational Plan and of the procedures and standards for revision and resubmission, the Board fails to approve and resubmit a revised plan acceptable to the Commission, the Commission may make revisions and adopt a final Educational Plan and direct the Superintendent to implement.

(e) **REPORTING REQUIREMENTS.**—The Board shall report to the Commission, at such times and in such manner as the Commission may direct, concerning the Board's implementation of each approved Educational Plan. The Commission may review the Board's operations, obtain educational and financial data, require the Board to produce reports, and have access to any other information in the possession of the Board that it deems relevant. The Commission may issue recommendations or directives within its powers to the Board for the implementation of the approved Educational Plan. The Board shall produce such reports and other information and comply with such directives.

(f) **NOTICE OF MODIFICATION.**—After approval of each Educational Plan, the Board shall promptly notify the Commission of any material change in any matter contained in the approved Educational Plan. The Board may submit to the Commission or the Commission may require the Board to submit, a modified Educational Plan based upon revised information. The Commission shall approve or reject each modified Educational Plan pursuant to subsection (c).

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

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

(b) **COMMISSION AUTHORITY OVER CONTRACTING.**—The Commission shall have no power to impair any existing contract or obligation of the Board; except, however, that the Commission may direct the Board to modify or amend the Board rules or policies that the Commission deems necessary to facilitate development or implementation of the Educational Plan.

(c) **REVIEW OF CONTRACTS.**—The Commission may request that the Authority review proposed or existing contracts or leases pursuant to section 203(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 118).

SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.

The Commission may examine and audit records of the Board or require the Board to examine and audit its records at such time and in such manner as the Commission may prescribe to assure, monitor, and evaluate the performance of the Board with respect to compliance with an approved Educational Plan and its overall educational achievement. The Commission shall conduct an annual audit of the educational performance of the Board with respect to meeting the goals of the Educational Plan for such year. The audit technique, content, and procedures shall be determined by the Commission. The Board shall cooperate and assist in the audit as requested by the Commission.

SEC. 208. INVESTIGATIVE POWERS.

The Commission may investigate any action or activity which may hinder the progress of any part of an approved Educational Plan. The Board shall cooperate and assist the Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board, Superintendent of the District of Columbia Public Schools, the Mayor, the Council, the Authority, the Committees on Appropriations of the Senate and House of Representatives.

SEC. 209. RECOMMENDATIONS OF THE COMMISSION.

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

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

(1) **IN GENERAL.**—In the case of any recommendations submitted under subsection (a) which are within the authority of the District of Columbia government to adopt, not later than 90 days after receiving the recommendations, the Board, shall submit a statement to the Commission which provides notice as to whether the Board will adopt the recommendations.

(2) **IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.**—If the Board notifies the Commission under paragraph (1) that the Board will adopt any of the recommendations submitted under subsection (a), the Board shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the Board has adopted the recommendation; and

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

(3) **EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.**—If the Board notifies the Commission under paragraph (1) that the Board will not adopt any recommendation submitted under subsection (a) which the Board has authority to adopt, the Board shall include in the statement expla-

nations for the rejection of the recommendations.

(4) **COMMISSION REACTION TO NONRESPONSE FROM BOARD OR REJECTION OF RECOMMENDATION.**—(A) In the instance where there is no response from the Board at the end of 90 days the Commission shall immediately notify, including the written recommendation submitted under subsection (a) to the Board, the other elements of the District of Columbia government and the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

(B) The Commission may then direct the Superintendent to carry out such recommendation.

SEC. 210. VACANCY IN SUPERINTENDENT OF PUBLIC SCHOOLS.

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

(b) Upon receipt of the notice described in (a) the Commission shall, as soon as is practicable, conduct a search for candidates for the office of Superintendent of Public Schools and submit the names of 3 candidates to the Board.

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

SEC. 211. IMPROVING ORDER AND DISCIPLINE.

(a) **DRESS CODE.**—

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

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

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

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

(C) may include a requirement that students wear uniforms.

(b) **COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.**—

(1) **IN GENERAL.**—Any student suspended from classes at a District of Columbia Public School who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

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

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

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

SEC. 212. EXPIRATION DATE.

This subtitle shall expire on September 30, 2016.

Subtitle B—Charter Schools

SEC. 213. PURPOSE.

The purpose of this subtitle is to permit the District of Columbia to establish charter schools to improve the education of students and encourage community involvement in education.

SEC. 214. DEFINITIONS.

For purposes of this subtitle—

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

(A) operates under a charter granted for a period of 5 years by the Commission on Consensus Reform in the District of Columbia Public Schools or the Board of Education of the District of Columbia and functions independently of the D.C. Public Schools as a local education agency and is exempted from significant local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to other requirements under this subtitle;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, or an existing non-Public School, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

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

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) is governed by a Board of Trustees;

(H) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

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

(J) agrees to comply with the same Federal and District of Columbia audit requirements as do other elementary and secondary schools in the District of Columbia, unless such requirements are specifically waived for the purpose of this program; and

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

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

(3) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means an authorized public chartering agency participating in a partnership with a developer to establish a charter school.

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

SEC. 215. APPLICATION.

(a) **IN GENERAL.**—A petition for a public school charter shall be a written proposed agreement between an eligible applicant seeking to establish a public charter school and an eligible chartering agency.

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

(1) a description of the objectives of the Local Educational Agency’s charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the local educational agency to inform teachers, parents, and communities of the local educational agency’s charter school grant program;

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

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

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

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

(6) a description of the charter school’s objectives and the methods by which the charter school will determine its progress toward achieving those objectives;

(7) a description of the administrative relationship between the charter school and the authorized public chartering agency;

(8) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

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

(10) a description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school; and

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

SEC. 216. SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.

Charter schools shall be selected by the public chartering agency by taking the following factors into consideration:

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

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

(3) The extent of community support for the application.

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

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

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

TITLE III—MISCELLANEOUS PROVISIONS

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

SEC. 302. ENERGY SAVINGS AT DISTRICT OF COLUMBIA FACILITIES.

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

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

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

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) **GOAL.**—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

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

(1) **CONSERVATION MEASURES.**—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

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

(c) REPORTS.—

(1) **BY AGENCY HEADS.**—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

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

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

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

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

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

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

SEC. 303. PAY OF MEMBERS OF CONGRESS AND THE PRESIDENT DURING GOVERNMENT SHUTDOWNS.

(a) **IN GENERAL.**—Members of Congress and the President shall not receive basic pay for any period in which—

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

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

(b) **RETROACTIVE PAY PROHIBITED.**—No pay forfeited in accordance with subsection (a) may be paid retroactively.