

104TH CONGRESS  
1ST SESSION

# H. R. 2546

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 1995

Ordered to be printed with the amendments of the Senate numbered

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## AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

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

3 ~~(1) That the following sums are appropriated, out of any~~  
4 ~~money in the Treasury not otherwise appropriated, for the~~  
5 ~~District of Columbia for the fiscal year ending September~~  
6 ~~30, 1996, and for other purposes, namely:~~

7 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

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

1 thORIZED by section 502(a) of the District of Columbia  
2 Self-Government and Governmental Reorganization Act,  
3 Public Law 93-198, as amended (D.C. Code, sec. 47-  
4 3406.1).

5 FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

6 For the Federal contribution to the Police Officers  
7 and Fire Fighters', Teachers', and Judges' Retirement  
8 Funds, as authorized by the District of Columbia Retire-  
9 ment Reform Act, approved November 17, 1979 (93 Stat.  
10 866; Public Law 96-122), \$52,000,000.

11 DIVISION OF EXPENSES

12 The following amounts are appropriated for the Dis-  
13 trict of Columbia for the current fiscal year out of the  
14 general fund of the District of Columbia, except as other-  
15 wise specifically provided.

16 GOVERNMENTAL DIRECTION AND SUPPORT

17 Governmental direction and support, \$149,793,000  
18 and 1,465 full-time equivalent positions (end of year) (in-  
19 cluding \$118,167,000 and 1,125 full-time equivalent posi-  
20 tions from local funds, \$2,464,000 and 5 full-time equiva-  
21 lent positions from Federal funds, \$4,474,000 and 71 full-  
22 time equivalent positions from other funds, and  
23 \$24,688,000 and 264 full-time equivalent positions from  
24 intra-District funds): *Provided*, That not to exceed \$2,500  
25 for the Mayor, \$2,500 for the Chairman of the Council

1 of the District of Columbia, and \$2,500 for the City Ad-  
2 ministrator shall be available from this appropriation for  
3 expenditures for official purposes: *Provided further,* That  
4 any program fees collected from the issuance of debt shall  
5 be available for the payment of expenses of the debt man-  
6 agement program of the District of Columbia: *Provided*  
7 *further,* That \$29,500,000 is used for pay-as-you-go cap-  
8 ital projects of which \$1,500,000 shall be used for a cap-  
9 ital needs assessment study, and \$28,000,000 shall be  
10 used for a new financial management system of which  
11 \$2,000,000 shall be used to develop a needs analysis and  
12 assessment of the existing financial management environ-  
13 ment, and the remaining \$26,000,000 shall be used to  
14 procure the necessary hardware and installation of new  
15 software, conversion, testing and training: *Provided fur-*  
16 *ther,* That the \$26,000,000 shall not be obligated or ex-  
17 pended until: (1) the District of Columbia Financial Re-  
18 sponsibility and Management Assistance Authority sub-  
19 mits a report to the General Accounting Office within 90  
20 days after the date of enactment of this Act reporting the  
21 results of the needs analysis and assessment of the exist-  
22 ing financial management environment, specifying the de-  
23 ficiencies in, and recommending necessary improvements  
24 to or replacement of the District's financial management  
25 system including a detailed explanation of each rec-

1 ommendation and its estimated cost; (2) the General Ac-  
 2 counting Office reviews the Authority's report and for-  
 3 wards it along with such comments or recommendations  
 4 as deemed appropriate on any matter contained therein  
 5 to the Committees on Appropriations of the House and  
 6 the Senate; the Committee on Governmental Reform and  
 7 Oversight of the House; and the Committee on Govern-  
 8 mental Affairs of the Senate within 60 days from receipt  
 9 of the report; and (3) 30 days lapse after receipt by Con-  
 10 gress of the General Accounting Office's comments or rec-  
 11 ommendations.

#### 12 ECONOMIC DEVELOPMENT AND REGULATION

13 Economic development and regulation, \$139,285,000  
 14 and 1,692 full-time equivalent positions (end-of-year) (in-  
 15 cluding \$66,505,000 and 696 full-time equivalent posi-  
 16 tions from local funds, \$38,792,000 and 509 full-time  
 17 equivalent positions from Federal funds, \$17,658,000 and  
 18 260 full-time equivalent positions from other funds, and  
 19 \$16,330,000 and 227 full-time equivalent positions from  
 20 intra-District funds): *Provided*, That the District of Co-  
 21 lumbia Housing Finance Agency, established by section  
 22 201 of the District of Columbia Housing Finance Agency  
 23 Act, effective March 3, 1979 (D.C. Law 2-135; D.C.  
 24 Code, sec. 45-2111), based upon its capability of repay-  
 25 ments as determined each year by the Council of the Dis-

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

18 PUBLIC SAFETY AND JUSTICE

19 Public safety and justice, including purchase of 135  
20 passenger-carrying vehicles for replacement only, includ-  
21 ing 130 for police-type use and five for fire-type use, with-  
22 out regard to the general purchase price limitation for the  
23 current fiscal year, \$954,106,000 and 11,544 full-time  
24 equivalent positions (end-of-year) (including \$930,889,000  
25 and 11,365 full-time equivalent positions from local funds,

1 \$8,942,000 and 70 full-time equivalent positions from  
2 Federal funds, \$5,160,000 and 4 full-time equivalent posi-  
3 tions from other funds, and \$9,115,000 and 105 full-time  
4 equivalent positions from intra-District funds): *Provided*,  
5 That the Metropolitan Police Department is authorized to  
6 replace not to exceed 25 passenger-carrying vehicles and  
7 the Fire Department of the District of Columbia is au-  
8 thorized to replace not to exceed five passenger-carrying  
9 vehicles annually whenever the cost of repair to any dam-  
10 aged vehicle exceeds three-fourths of the cost of the re-  
11 placement: *Provided further*, That not to exceed \$500,000  
12 shall be available from this appropriation for the Chief of  
13 Police for the prevention and detection of crime: *Provided*  
14 *further*, That the Metropolitan Police Department shall  
15 provide quarterly reports to the Committees on Appropria-  
16 tions of the House and Senate on efforts to increase effi-  
17 ciency and improve the professionalism in the department:  
18 *Provided further*, That notwithstanding any other provi-  
19 sion of law, or Mayor's Order 86-45, issued March 18,  
20 1986, the Metropolitan Police Department's delegated  
21 small purchase authority shall be \$500,000: *Provided fur-*  
22 *ther*, That the District of Columbia government may not  
23 require the Metropolitan Police Department to submit to  
24 any other procurement review process, or to obtain the ap-  
25 proval of or be restricted in any manner by any official

1 or employee of the District of Columbia government, for  
2 purchases that do not exceed \$500,000: *Provided further,*  
3 That the Metropolitan Police Department shall employ an  
4 authorized level of sworn officers not to be less than 3,800  
5 sworn officers for the fiscal year ending September 30,  
6 1996: *Provided further,* That funds appropriated for ex-  
7 penses under the District of Columbia Criminal Justice  
8 Act, approved September 3, 1974 (88 Stat. 1090; Public  
9 Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the  
10 fiscal year ending September 30, 1996, shall be available  
11 for obligations incurred under the Act in each fiscal year  
12 since inception in the fiscal year 1975: *Provided further,*  
13 That funds appropriated for expenses under the District  
14 of Columbia Neglect Representation Equity Act of 1984,  
15 effective March 13, 1985 (D.C. Law 5-129; D.C. Code,  
16 sec. 16-2304), for the fiscal year ending September 30,  
17 1996, shall be available for obligations incurred under the  
18 Act in each fiscal year since inception in the fiscal year  
19 1985: *Provided further,* That funds appropriated for ex-  
20 penses under the District of Columbia Guardianship, Pro-  
21 tective Proceedings, and Durable Power of Attorney Act  
22 of 1986, effective February 27, 1987 (D.C. Law 6-204;  
23 D.C. Code, sec. 21-2060), for the fiscal year ending Sep-  
24 tember 30, 1996, shall be available for obligations in-  
25 curred under the Act in each fiscal year since inception

1 in fiscal year 1989: *Provided further,* That not to exceed  
2 \$1,500 for the Chief Judge of the District of Columbia  
3 Court of Appeals, \$1,500 for the Chief Judge of the Supe-  
4 rior Court of the District of Columbia, and \$1,500 for the  
5 Executive Officer of the District of Columbia Courts shall  
6 be available from this appropriation for official purposes:  
7 *Provided further,* That the District of Columbia shall oper-  
8 ate and maintain a free, 24-hour telephone information  
9 service whereby residents of the area surrounding Lorton  
10 prison in Fairfax County, Virginia, can promptly obtain  
11 information from District of Columbia government offi-  
12 cials on all disturbances at the prison, including escapes,  
13 riots, and similar incidents: *Provided further,* That the  
14 District of Columbia government shall also take steps to  
15 publicize the availability of the 24-hour telephone informa-  
16 tion service among the residents of the area surrounding  
17 the Lorton prison: *Provided further,* That not to exceed  
18 \$100,000 of this appropriation shall be used to reimburse  
19 Fairfax County, Virginia, and Prince William County, Vir-  
20 ginia, for expenses incurred by the counties during the fis-  
21 cal year ending September 30, 1996, in relation to the  
22 Lorton prison complex: *Provided further,* That such reim-  
23 bursements shall be paid in all instances in which the Dis-  
24 trict requests the counties to provide police, fire, rescue,  
25 and related services to help deal with escapes, fires, riots,

1 and similar disturbances involving the prison: *Provided*  
 2 *further*, That the Mayor shall reimburse the District of  
 3 Columbia National Guard for expenses incurred in connec-  
 4 tion with services that are performed in emergencies by  
 5 the National Guard in a militia status and are requested  
 6 by the Mayor, in amounts that shall be jointly determined  
 7 and certified as due and payable for these services by the  
 8 Mayor and the Commanding General of the District of Co-  
 9 lumbia National Guard: *Provided further*, That such sums  
 10 as may be necessary for reimbursement to the District of  
 11 Columbia National Guard under the preceding proviso  
 12 shall be available from this appropriation, and the avail-  
 13 ability of the sums shall be deemed as constituting pay-  
 14 ment in advance for emergency services involved.

#### 15 PUBLIC EDUCATION SYSTEM

16 Public education system, including the development  
 17 of national defense education programs, \$788,983,000  
 18 and 11,670 full-time equivalent positions (end-of-year)  
 19 (including \$670,833,000 and 9,996 full-time equivalent  
 20 positions from local funds, \$87,385,000 and 1,227 full-  
 21 time equivalent positions from Federal funds,  
 22 \$21,719,000 and 234 full-time equivalent positions from  
 23 other funds, and \$9,046,000 and 213 full-time equivalent  
 24 positions from intra-District funds), to be allocated as fol-  
 25 lows: \$577,242,000 and 10,167 full-time equivalent posi-

1 tions (including \$494,556,000 and 9,014 full-time equiva-  
2 lent positions from local funds, \$75,786,000 and 1,058  
3 full-time equivalent positions from Federal funds,  
4 \$4,343,000 and 44 full-time equivalent positions from  
5 other funds, and \$2,557,000 and 51 full-time equivalent  
6 positions from intra-District funds), for the public schools  
7 of the District of Columbia; \$109,175,000 from local  
8 funds shall be allocated for the District of Columbia  
9 Teachers' Retirement Fund; \$79,269,000 and 1,079 full-  
10 time equivalent positions (including \$45,250,000 and 572  
11 full-time equivalent positions from local funds,  
12 \$10,611,000 and 156 full-time equivalent positions from  
13 Federal funds, \$16,922,000 and 189 full-time equivalent  
14 positions from other funds, and \$6,486,000 and 162 full-  
15 time equivalent positions from intra-District funds) for the  
16 University of the District of Columbia; \$21,062,000 and  
17 415 full-time equivalent positions (including \$20,159,000  
18 and 408 full-time equivalent positions from local funds,  
19 \$446,000 and 6 full-time equivalent positions from Fed-  
20 eral funds, \$454,000 and 1 full-time equivalent position  
21 from other funds, and \$3,000 from intra-District funds)  
22 for the Public Library; \$2,267,000 and 9 full-time equiva-  
23 lent positions (including \$1,725,000 and 2 full-time equiv-  
24 alent positions from local funds and \$542,000 and 7 full-  
25 time equivalent positions from Federal funds) for the

1 Commission on the Arts and Humanities; \$64,000 from  
 2 local funds for the District of Columbia School of Law  
 3 and a reduction of \$96,000 for the Education Licensure  
 4 Commission: *Provided*, That the public schools of the Dis-  
 5 trict of Columbia are authorized to accept not to exceed  
 6 31 motor vehicles for exclusive use in the driver education  
 7 program: *Provided further*, That not to exceed \$2,500 for  
 8 the Superintendent of Schools, \$2,500 for the President  
 9 of the University of the District of Columbia, and \$2,000  
 10 for the Public Librarian shall be available from this appro-  
 11 priation for expenditures for official purposes: *Provided*  
 12 *further*, That this appropriation shall not be available to  
 13 subsidize the education of nonresidents of the District of  
 14 Columbia at the University of the District of Columbia,  
 15 unless the Board of Trustees of the University of the Dis-  
 16 trict of Columbia adopts, for the fiscal year ending Sep-  
 17 tember 30, 1996, a tuition rate schedule that will establish  
 18 the tuition rate for nonresident students at a level no  
 19 lower than the nonresident tuition rate charged at com-  
 20 parable public institutions of higher education in the met-  
 21 ropolitan area.

## 22 HUMAN SUPPORT SERVICES

23 Human support services, \$1,845,638,000 and 6,469  
 24 full-time equivalent positions (end-of-year) (including  
 25 \$1,067,516,000 and 3,650 full-time equivalent positions

1 from local funds, \$726,685,000 and 2,639 full-time equiv-  
 2 alent positions from Federal funds, \$46,763,000 and 66  
 3 full-time equivalent positions from other funds, and  
 4 \$4,674,000 and 114 full-time equivalent positions from  
 5 intra-District funds): *Provided*, That \$26,000,000 of this  
 6 appropriation, to remain available until expended, shall be  
 7 available solely for District of Columbia employees' dis-  
 8 ability compensation: *Provided further*, That the District  
 9 shall not provide free government services such as water,  
 10 sewer, solid waste disposal or collection, utilities, mainte-  
 11 nance, repairs, or similar services to any legally con-  
 12 stituted private nonprofit organization (as defined in sec-  
 13 tion 411(5) of Public Law 100-77, approved July 22,  
 14 1987) providing emergency shelter services in the District,  
 15 if the District would not be qualified to receive reimburse-  
 16 ment pursuant to the Stewart B. McKinney Homeless As-  
 17 sistance Act, approved July 22, 1987 (101 Stat. 485; Pub-  
 18 lic Law 100-77; 42 U.S.C. 11301 et seq.).

19 PUBLIC WORKS

20 Public works, including rental of one passenger-car-  
 21 rying vehicle for use by the Mayor and three passenger-  
 22 carrying vehicles for use by the Council of the District of  
 23 Columbia and purchase of passenger-carrying vehicles for  
 24 replacement only, \$297,326,000 and 1,914 full-time equiv-  
 25 alent positions (end-of-year) (including \$225,673,000 and

1 1,158 full-time equivalent positions from local funds,  
 2 \$2,682,000 and 32 full-time equivalent positions from  
 3 Federal funds, \$18,342,000 and 68 full-time equivalent  
 4 positions from other funds, and \$50,629,000 and 656 full-  
 5 time equivalent positions from intra-District funds): *Pro-*  
 6 *vided*, That this appropriation shall not be available for  
 7 collecting ashes or miscellaneous refuse from hotels and  
 8 places of business.

9           WASHINGTON CONVENTION CENTER FUND

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

12           REPAYMENT OF LOANS AND INTEREST

13         For reimbursement to the United States of funds  
 14 loaned in compliance with An Act to provide for the estab-  
 15 lishment of a modern, adequate, and efficient hospital cen-  
 16 ter in the District of Columbia, approved August 7, 1946  
 17 (60 Stat. 896; Public Law 79-648); section 1 of An Act  
 18 to authorize the Commissioners of the District of Colum-  
 19 bia to borrow funds for capital improvement programs and  
 20 to amend provisions of law relating to Federal Govern-  
 21 ment participation in meeting costs of maintaining the  
 22 Nation's Capital City, approved June 6, 1958 (72 Stat.  
 23 183; Public Law 85-451; D.C. Code, sec. 9-219); section  
 24 4 of An Act to authorize the Commissioners of the District  
 25 of Columbia to plan, construct, operate, and maintain a

1 sanitary sewer to connect the Dulles International Airport  
 2 with the District of Columbia system, approved June 12,  
 3 1960 (74 Stat. 211; Public Law 86-515); sections 723  
 4 and 743(f) of the District of Columbia Self-Government  
 5 and Governmental Reorganization Act of 1973, approved  
 6 December 24, 1973, as amended (87 Stat. 821; Public  
 7 Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat.  
 8 1156; Public Law 95-131; D.C. Code, sec. 9-219, note),  
 9 including interest as required thereby, \$327,787,000 from  
 10 local funds.

11       REPAYMENT OF GENERAL FUND RECOVERY DEBT

12       For the purpose of eliminating the \$331,589,000  
 13 general fund accumulated deficit as of September 30,  
 14 1990, \$38,678,000 from local funds, as authorized by sec-  
 15 tion 461(a) of the District of Columbia Self-Government  
 16 and Governmental Reorganization Act, approved Decem-  
 17 ber 24, 1973, as amended (105 Stat. 540; Public Law  
 18 102-106; D.C. Code, sec. 47-321(a)).

19                       SHORT-TERM BORROWING

20       For short-term borrowing, \$9,698,000 from local  
 21 funds.

22                       PAY RENEGOTIATION OR REDUCTION  
 23                       IN COMPENSATION

24       The Mayor shall reduce appropriations and expendi-  
 25 tures for personal services in the amount of \$46,409,000,

1 by decreasing rates of compensation for District govern-  
2 ment employees; such decreased rates are to be realized  
3 for employees who are subject to collective bargaining  
4 agreements to the extent possible through the renegoti-  
5 ation of existing collective bargaining agreements: *Pro-*  
6 *vided*, That, if a sufficient reduction from employees who  
7 are subject to collective bargaining agreements is not real-  
8 ized through renegotiating existing agreements, the Mayor  
9 shall decrease rates of compensation for such employees,  
10 notwithstanding the provisions of any collective bargaining  
11 agreements.

#### 12 RAINY DAY FUND

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

1 viding a full accounting of the fund due October 15, 1996  
2 or not later than 15 days after the last amount remaining  
3 in the fund is disbursed.

4                                   INCENTIVE BUYOUT PROGRAM

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

10                                   OUTPLACEMENT SERVICES

11         For the purpose of funding outplacement services for  
12 employees who leave the District of Columbia government  
13 involuntarily, \$1,500,000.

14                                   BOARDS AND COMMISSIONS

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

18                                   GOVERNMENT RE-ENGINEERING PROGRAM

19         The Mayor shall reduce appropriations and expendi-  
20 tures for personal and nonpersonal services in the amount  
21 of \$16,000,000 within one or several of the various approp-  
22 riation headings in this Act.

1           PERSONAL AND NONPERSONAL SERVICES  
2                           ADJUSTMENTS

3           Notwithstanding any other provision of law, the  
4 Mayor shall adjust appropriations and expenditures for  
5 personal and nonpersonal services, together with the relat-  
6 ed full-time equivalent positions, in accordance with the  
7 direction of the District of Columbia Financial Respon-  
8 sibility and Management Assistance Authority such that  
9 there is a net reduction of \$148,411,000, within or among  
10 one or several of the various appropriation headings in this  
11 Act, pursuant to section 208 of Public Law 104-8, ap-  
12 proved April 17, 1995 (109 Stat. 134).

13                           CAPITAL OUTLAY  
14                           (INCLUDING RESCISSIONS)

15           For construction projects, \$168,222,000, as author-  
16 ized by An Act authorizing the laying of water mains and  
17 service sewers in the District of Columbia, the levying of  
18 assessments therefor, and for other purposes, approved  
19 April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C.  
20 Code, secs. 43-1512 through 43-1519); the District of  
21 Columbia Public Works Act of 1954, approved May 18,  
22 1954 (68 Stat. 101; Public Law 83-364); An Act to au-  
23 thorize the Commissioners of the District of Columbia to  
24 borrow funds for capital improvement programs and to  
25 amend provisions of law relating to Federal Government

1 participation in meeting costs of maintaining the Nation's  
2 Capital City, approved June 6, 1958 (72 Stat. 183; Public  
3 Law 85-451; including acquisition of sites, preparation of  
4 plans and specifications, conducting preliminary surveys,  
5 erection of structures, including building improvement and  
6 alteration and treatment of grounds, to remain available  
7 until expended: *Provided*, That \$105,660,000 appro-  
8 priated under this heading in prior fiscal years is re-  
9 scinded: *Provided further*, That funds for use of each cap-  
10 ital project implementing agency shall be managed and  
11 controlled in accordance with all procedures and limita-  
12 tions established under the Financial Management Sys-  
13 tem: *Provided further*, That all funds provided by this ap-  
14 propriation title shall be available only for the specific  
15 projects and purposes intended: *Provided further*, That  
16 notwithstanding the foregoing, all authorizations for cap-  
17 ital outlay projects, except those projects covered by the  
18 first sentence of section 23(a) of the Federal Aid Highway  
19 Act of 1968, approved August 23, 1968 (82 Stat. 827;  
20 Public Law 90-495; D.C. Code, sec. 7-134, note), for  
21 which funds are provided by this appropriation title, shall  
22 expire on September 30, 1997, except authorizations for  
23 projects as to which funds have been obligated in whole  
24 or in part prior to September 30, 1997: *Provided further*,

1 That upon expiration of any such project authorization the  
 2 funds provided herein for the project shall lapse.

3 WATER AND SEWER ENTERPRISE FUND

4 For the Water and Sewer Enterprise Fund,  
 5 \$193,398,000 and 1,024 full-time equivalent positions  
 6 (end-of-year) (including \$188,221,000 and 924 full-time  
 7 equivalent positions from local funds, \$433,000 from other  
 8 funds, and \$4,744,000 and 100 full-time equivalent posi-  
 9 tions from intra-District funds), of which \$41,036,000  
 10 shall be apportioned and payable to the debt service fund  
 11 for repayment of loans and interest incurred for capital  
 12 improvement projects.

13 For construction projects, \$39,477,000, as author-  
 14 ized by An Act authorizing the laying of water mains and  
 15 service sewers in the District of Columbia, the levying of  
 16 assessments therefor, and for other purposes, approved  
 17 April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C.  
 18 Code, sec. 43-1512 et seq.): *Provided*, That the require-  
 19 ments and restrictions that are applicable to general fund  
 20 capital improvement projects and set forth in this Act  
 21 under the Capital Outlay appropriation title shall apply  
 22 to projects approved under this appropriation title.

23 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

24 For the Lottery and Charitable Games Enterprise  
 25 Fund, established by the District of Columbia Appropria-

1 tion Act for the fiscal year ending September 30, 1982,  
 2 approved December 4, 1981 (95 Stat. 1174, 1175; Public  
 3 Law 97-91), as amended, for the purpose of implementing  
 4 the Law to Legalize Lotteries, Daily Numbers Games, and  
 5 Bingo and Raffles for Charitable Purposes in the District  
 6 of Columbia, effective March 10, 1981 (D.C. Law 3-172;  
 7 D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.);  
 8 \$229,907,000 and 88 full-time equivalent positions (end-  
 9 of-year) (including \$8,099,000 and 88 full-time equivalent  
 10 positions for administrative expenses and \$221,808,000  
 11 for non-administrative expenses from revenue generated  
 12 by the Lottery Board), to be derived from non-Federal  
 13 District of Columbia revenues: *Provided*, That the District  
 14 of Columbia shall identify the source of funding for this  
 15 appropriation title from the District's own locally-gen-  
 16 erated revenues: *Provided further*, That no revenues from  
 17 Federal sources shall be used to support the operations  
 18 or activities of the Lottery and Charitable Games Control  
 19 Board.

20 CABLE TELEVISION ENTERPRISE FUND

21 For the Cable Television Enterprise Fund, estab-  
 22 lished by the Cable Television Communications Act of  
 23 1981, effective October 22, 1983 (D.C. Law 5-36; D.C.  
 24 Code, sec. 43-1801 et seq.), \$2,469,000 and 8 full-time  
 25 equivalent positions (end-of-year) (including \$2,137,000

1 and 8 full-time equivalent positions from local funds and  
 2 \$332,000 from other funds), of which \$690,000 shall be  
 3 transferred to the general fund of the District of Colum-  
 4 bia.

#### 5 STARPLEX FUND

6 For the Starplex Fund, \$8,637,000 from other funds  
 7 for the expenses incurred by the Armory Board in the ex-  
 8 ercise of its powers granted by An Act To Establish a Dis-  
 9 trict of Columbia Armory Board, and for other purposes,  
 10 approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-  
 11 301 et seq.) and the District of Columbia Stadium Act  
 12 of 1957, approved September 7, 1957 (71 Stat. 619; Pub-  
 13 lic Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*,  
 14 That the Mayor shall submit a budget for the Armory  
 15 Board for the forthcoming fiscal year as required by sec-  
 16 tion 442(b) of the District of Columbia Self-Government  
 17 and Governmental Reorganization Act, approved Decem-  
 18 ber 24, 1973 (87 Stat. 824; Public Law 93-198; D.C.  
 19 Code, sec. 47-301(b)).

#### 20 D.C. GENERAL HOSPITAL

21 For the District of Columbia General Hospital, estab-  
 22 lished by Reorganization Order No. 57 of the Board of  
 23 Commissioners, effective August 15, 1953, a reduction of  
 24 \$2,487,000 and a reduction of 180 full-time equivalent po-  
 25 sitions in intra-District funds.

## 1 D.C. RETIREMENT BOARD

2 For the D.C. Retirement Board, established by sec-  
3 tion ~~121~~ of the District of Columbia Comprehensive Re-  
4 tirement Reform Act of 1989, approved November 17,  
5 1989 (93 Stat. 866; D.C. Code, sec. 1-711), \$13,417,000  
6 and 11 full-time equivalent positions (end-of-year) from  
7 the earnings of the applicable retirement funds to pay  
8 legal, management, investment, and other fees and admin-  
9 istrative expenses of the District of Columbia Retirement  
10 Board: *Provided*, That the District of Columbia Retire-  
11 ment Board shall provide to the Congress and to the  
12 Council of the District of Columbia a quarterly report of  
13 the allocations of charges by fund and of expenditures of  
14 all funds: *Provided further*, That the District of Columbia  
15 Retirement Board shall provide the Mayor, for transmittal  
16 to the Council of the District of Columbia, an item ac-  
17 counting of the planned use of appropriated funds in time  
18 for each annual budget submission and the actual use of  
19 such funds in time for each annual audited financial re-  
20 port.

## 21 CORRECTIONAL INDUSTRIES FUND

22 For the Correctional Industries Fund, established by  
23 the District of Columbia Correctional Industries Estab-  
24 lishment Act, approved October 3, 1964 (78 Stat. 1000;  
25 Public Law 88-622), \$10,048,000 and 66 full-time equiv-

1 alent positions (end-of-year) (including \$3,415,000 and 22  
2 full-time equivalent positions from other funds and  
3 \$6,633,000 and 44 full-time equivalent positions from  
4 intra-District funds).

5 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

9 DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY

10 AND MANAGEMENT ASSISTANCE AUTHORITY

11 For the District of Columbia Financial Responsibility  
12 and Management Assistance Authority, established by sec-  
13 tion 101(a) of the District of Columbia Financial Respon-  
14 sibility and Management Assistance Act of 1995, approved  
15 April 17, 1995 (109 Stat. 97; Public Law 104-8),  
16 \$3,500,000.

17 GENERAL PROVISIONS

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

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

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

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

21       SEC. 105. Appropriations in this Act shall be avail-  
22 able for expenses of travel and for the payment of dues  
23 of organizations concerned with the work of the District  
24 of Columbia government, when authorized by the Mayor:  
25 *Provided*, That the Council of the District of Columbia

1 and the District of Columbia Courts may expend such  
2 funds without authorization by the Mayor.

3       SEC. 106. There are appropriated from the applicable  
4 funds of the District of Columbia such sums as may be  
5 necessary for making refunds and for the payment of  
6 judgments that have been entered against the District of  
7 Columbia government: *Provided*, That nothing contained  
8 in this section shall be construed as modifying or affecting  
9 the provisions of section 11(e)(3) of title XII of the Dis-  
10 trict of Columbia Income and Franchise Tax Act of 1947,  
11 approved March 31, 1956 (70 Stat. 78; Public Law 84-  
12 460; D.C. Code, sec. 47-1812.11(e)(3)).

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

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

1        ~~SEC. 109.~~ No funds appropriated in this Act for the  
2 District of Columbia government for the operation of edu-  
3 cational institutions, the compensation of personnel, or for  
4 other educational purposes may be used to permit, encour-  
5 age, facilitate, or further partisan political activities.  
6 Nothing herein is intended to prohibit the availability of  
7 school buildings for the use of any community or partisan  
8 political group during non-school hours.

9        ~~SEC. 110.~~ The annual budget for the District of Co-  
10 lumbia government for the fiscal year ending September  
11 30, 1997, shall be transmitted to the Congress no later  
12 than April 15, 1996.

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

1 ployee of the District of Columbia government whose name  
2 and salary are not available for public inspection.

3       SEC. 112. There are appropriated from the applicable  
4 funds of the District of Columbia such sums as may be  
5 necessary for making payments authorized by the District  
6 of Columbia Revenue Recovery Act of 1977, effective Sep-  
7 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-  
8 421 et seq.).

9       SEC. 113. No part of this appropriation shall be used  
10 for publicity or propaganda purposes or implementation  
11 of any policy including boycott designed to support or de-  
12 feat legislation pending before Congress or any State legis-  
13 lature.

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

21       SEC. 115. The Mayor shall not borrow any funds for  
22 capital projects unless the Mayor has obtained prior ap-  
23 proval from the Council of the District of Columbia, by  
24 resolution, identifying the projects and amounts to be fi-  
25 nanced with such borrowings.

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

4       SEC. 117. None of the funds appropriated by this Act  
5 may be obligated or expended by reprogramming except  
6 pursuant to advance approval of the reprogramming  
7 granted according to the procedure set forth in the Joint  
8 Explanatory Statement of the Committee of Conference  
9 (House Report No. 96-443), which accompanied the Dis-  
10 trict of Columbia Appropriation Act, 1980, approved Octo-  
11 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-  
12 fied in House Report No. 98-265, and in accordance with  
13 the Reprogramming Policy Act of 1980, effective Septem-  
14 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361  
15 et seq.).

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

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

1 age of less than 22 miles per gallon: *Provided*, That this  
2 section shall not apply to security, emergency rescue, or  
3 armored vehicles.

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

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

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

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

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

24        SEC. 123. No later than 30 days after the end of the  
25 first quarter of the fiscal year ending September 30, 1996,

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

8       SEC. 124. No sole source contract with the District  
9 of Columbia government or any agency thereof may be re-  
10 newed or extended without opening that contract to the  
11 competitive bidding process as set forth in section 303 of  
12 the District of Columbia Procurement Practices Act of  
13 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.  
14 Code, sec. 1-1183.3), except that the District of Columbia  
15 Public Schools may renew or extend sole source contracts  
16 for which competition is not feasible or practical, provided  
17 that the determination as to whether to invoke the com-  
18 petitive bidding process has been made in accordance with  
19 duly promulgated Board of Education rules and proce-  
20 dures.

21       SEC. 125. For purposes of the Balanced Budget and  
22 Emergency Deficit Control Act of 1985, approved Decem-  
23 ber 12, 1985 (99 Stat. 1037; Public Law 99-177), as  
24 amended, the term “program, project, and activity” shall  
25 be synonymous with and refer specifically to each account

1 appropriating Federal funds in this Act, and any seques-  
2 tration order shall be applied to each of the accounts rath-  
3 er than to the aggregate total of those accounts: *Provided*,  
4 That sequestration orders shall not be applied to any ac-  
5 count that is specifically exempted from sequestration by  
6 the Balanced Budget and Emergency Deficit Control Act  
7 of 1985, approved December 12, 1985 (99 Stat. 1037;  
8 Public Law 99-177), as amended.

9       SEC. 126. In the event a sequestration order is issued  
10 pursuant to the Balanced Budget and Emergency Deficit  
11 Control Act of 1985, approved December 12, 1985 (99  
12 Stat. 1037; Public Law 99-177), as amended, after the  
13 amounts appropriated to the District of Columbia for the  
14 fiscal year involved have been paid to the District of Co-  
15 lumbia, the Mayor of the District of Columbia shall pay  
16 to the Secretary of the Treasury, within 15 days after re-  
17 ceipt of a request therefor from the Secretary of the  
18 Treasury, such amounts as are sequestered by the order:  
19 *Provided*, That the sequestration percentage specified in  
20 the order shall be applied proportionately to each of the  
21 Federal appropriation accounts in this Act that are not  
22 specifically exempted from sequestration by the Balanced  
23 Budget and Emergency Deficit Control Act of 1985, ap-  
24 proved December 12, 1985 (99 Stat. 1037; Public Law  
25 99-177), as amended.

1       SEC. 127. For the fiscal year ending September 30,  
2 1996, the District of Columbia shall pay interest on its  
3 quarterly payments to the United States that are made  
4 more than 60 days from the date of receipt of an itemized  
5 statement from the Federal Bureau of Prisons of amounts  
6 due for housing District of Columbia convicts in Federal  
7 penitentiaries for the preceding quarter.

8       SEC. 128. Nothing in this Act shall be construed to  
9 authorize any office, agency or entity to expend funds for  
10 programs or functions for which a reorganization plan is  
11 required but has not been approved by the Council pursu-  
12 ant to section 422(12) of the District of Columbia Self-  
13 Government and Governmental Reorganization Act of  
14 1973, approved December 24, 1973 (87 Stat. 790; Public  
15 Law 93-198; D.C. Code, sec. 1-242(12)) and the Govern-  
16 mental Reorganization Procedures Act of 1981, effective  
17 October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-  
18 299.1 to 1-299.7). Appropriations made by this Act for  
19 such programs or functions are conditioned on the ap-  
20 proval by the Council, prior to October 1, 1995, of the  
21 required reorganization plans.

22       SEC. 129. (a) An entity of the District of Columbia  
23 government may accept and use a gift or donation during  
24 fiscal year 1996 if—

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

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

7           (b) Each entity of the District of Columbia govern-  
8           ment shall keep accurate and detailed records of the ac-  
9           ceptance and use of any gift or donation under subsection  
10          (a) of this section, and shall make such records available  
11          for audit and public inspection.

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

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

20          SEC. 130. None of the Federal funds provided in this  
21          Act may be used by the District of Columbia to provide  
22          for salaries, expenses, or other costs associated with the  
23          offices of United States Senator or United States Rep-  
24          resentatives under section 4(d) of the District of Columbia  
25          Statehood Constitutional Convention Initiatives of 1979,

1 effective March 10, 1981 (D.C. Law 3-171; D.C. Code,  
2 sec. 1-113(d)).

3 PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

4 SEC. 131. (a) IN GENERAL.—Section 602(a) of the  
5 District of Columbia Self-Government and Governmental  
6 Reorganization Act (sec. 1-233(a), D.C. Code), as amend-  
7 ed by section 108(b)(2) of the District of Columbia Finan-  
8 cial Responsibility and Management Assistance Act of  
9 1995, is amended—

10 (1) by striking “or” at the end of paragraph  
11 (9);

12 (2) by striking the period at the end of para-  
13 graph (10) and inserting “; or”; and

14 (3) by adding at the end the following new  
15 paragraph:

16 “(11) enact any act, resolution, or rule which  
17 obligates or expends funds of the District of Colum-  
18 bia (without regard to the source of such funds) for  
19 any abortion, or which appropriates funds to any fa-  
20 cility owned or operated by the District of Columbia  
21 in which any abortion is performed, except where the  
22 life of the mother would be endangered if the fetus  
23 were carried to term, or in cases of forcible rape re-  
24 ported within 30 days to a law enforcement agency,  
25 or cases of incest reported to a law enforcement

1 agency or child abuse agency prior to the perform-  
2 ance of the abortion.”.

3 (b) ~~EFFECTIVE DATE.~~—The amendment made by  
4 subsection (a) shall apply to acts, resolutions, or rules of  
5 the Council of the District of Columbia which take effect  
6 in fiscal years beginning with fiscal year 1996.

7 ~~SEC. 132.~~ None of the funds appropriated in this Act  
8 shall be obligated or expended on any proposed change in  
9 either the use or configuration of, or on any proposed im-  
10 provement to, the Municipal Fish Wharf until such pro-  
11 posed change or improvement has been reviewed and ap-  
12 proved by Federal and local authorities including, but not  
13 limited to, the National Capital Planning Commission, the  
14 Commission of Fine Arts, and the Council of the District  
15 of Columbia, in compliance with applicable local and Fed-  
16 eral laws which require public hearings, compliance with  
17 applicable environmental regulations including, but not  
18 limited to, any amendments to the Washington, D.C.  
19 urban renewal plan which must be approved by both the  
20 Council of the District of Columbia and the National Cap-  
21 ital Planning Commission.

22 ~~SEC. 133.~~ (a) ~~SENSE OF CONGRESS.~~—It is the sense  
23 of the Congress that, to the greatest extent practicable,  
24 all equipment and products purchased with funds made  
25 available in this Act should be American-made.

1           (b) NOTICE REQUIREMENT.—In providing financial  
2 assistance to, or entering into any contract with, any en-  
3 tity using funds made available in this Act, the head of  
4 each agency of the Federal or District of Columbia govern-  
5 ment, to the greatest extent practicable, shall provide to  
6 such entity a notice describing the statement made in sub-  
7 section (a) by the Congress.

8           SEC. 134. (a) No funds made available pursuant to  
9 any provision of this Act shall be used to implement or  
10 enforce any system of registration of unmarried, cohabit-  
11 ing couples whether they are homosexual, lesbian, or het-  
12 erosexual, including but not limited to registration for the  
13 purpose of extending employment, health, or governmental  
14 benefits to such couples on the same basis such benefits  
15 are extended to legally married couples.

16           (b) The Health Care Benefits Expansion Act (D.C.  
17 Law 9–114; sec. 36–1401 et seq., D.C. Code) is hereby  
18 repealed.

19           SEC. 135. Sections 431(f) and 433(b)(5) of the Dis-  
20 trict of Columbia Self-Government and Governmental Re-  
21 organization Act, approved December 24, 1973 (87 Stat.  
22 813; Public Law 93–198; D.C. Code, secs. 11–1524 and  
23 title 11, App. 433), are amended to read as follows:

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

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

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

6           “(5) Members of the Commission shall serve  
7 without compensation for services rendered in con-  
8 nection with their official duties on the Commis-  
9 sion.”.

10       SEC. 136. Section 451 of the District of Columbia  
11 Self-Government and Governmental Reorganization Act of  
12 1973, approved December 24, 1973 (87 Stat. 803; Public  
13 Law 93-198; D.C. Code, sec. 1-1130), is amended by  
14 adding a new subsection (e) to read as follows:

15       “(e)(1) The District may enter into multiyear con-  
16 tracts to obtain goods and services for which funds would  
17 otherwise be available for obligation only within the fiscal  
18 year for which appropriated.

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

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

1           ~~“(B) appropriations currently available for pro-~~  
 2           ~~curement of the type of acquisition covered by the~~  
 3           ~~contract, and not otherwise obligated; or~~

4           ~~“(C) funds appropriated for those payments.~~

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

13          ~~SEC. 137. The District of Columbia Real Property~~  
 14          ~~Tax Revision Act of 1974, approved September 3, 1974~~  
 15          ~~(88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amend-~~  
 16          ~~ed as follows:~~

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

19                         ~~(A) Subsection (a) is amended by striking~~  
 20                         ~~the third and fourth sentences and inserting the~~  
 21                         ~~following sentences in their place: “If the Coun-~~  
 22                         ~~cil does extend the time for establishing the~~  
 23                         ~~rates of taxation on real property, it must es-~~  
 24                         ~~tablish those rates for the tax year by perma-~~  
 25                         ~~nent legislation. If the Council does not estab-~~

1           lish the rates of taxation of real property by Oc-  
2           tober 15, and does not extend the time for es-  
3           tablishing rates, the rates of taxation applied  
4           for the prior year shall be the rates of taxation  
5           applied during the tax year.”.

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

8           “(a-2) Notwithstanding the provisions of subsection  
9           (a) of this section, the real property tax rates for taxable  
10          real property in the District of Columbia for the tax year  
11          beginning October 1, 1995, and ending September 30,  
12          1996, shall be the same rates in effect for the tax year  
13          beginning October 1, 1993, and ending September 30,  
14          1994.”.

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

17          SEC. 138. Title 18 U.S.C. 1761(b) is amended by  
18          striking the period at the end and inserting the phrase  
19          “or not-for-profit organizations.” in its place.

20          SEC. 139. Within 120 days of the effective date of  
21          this Act, the Mayor shall submit to the Congress and the  
22          Council a report delineating the actions taken by the execu-  
23          tive to effect the directives of the Council in this Act,  
24          including—

1           (1) negotiations with representatives of collec-  
2           tive bargaining units to reduce employee compensa-  
3           tion;

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

6           (3) actions to apportion the spending reductions  
7           anticipated by the directives of this Act to the execu-  
8           tive for unallocated reductions; and

9           (4) a list of any position that is backfilled in-  
10          cluding description, title, and salary of the position.

11         SEC. 140. The Board of Education shall submit to  
12         the Congress, Mayor, and Council of the District of Co-  
13         lumbia no later than fifteen (15) calendar days after the  
14         end of each month a report that sets forth—

15                 (1) current month expenditures and obligations,  
16                 year-to-date expenditures and obligations, and total  
17                 fiscal year expenditure projections vs. budget broken  
18                 out on the basis of control center, responsibility cen-  
19                 ter, agency reporting code, and object class, and for  
20                 all funds, including capital financing;

21                 (2) a breakdown of FTE positions and staff for  
22                 the most current pay period broken out on the basis  
23                 of control center, responsibility center, and agency  
24                 reporting code within each responsibility center, for  
25                 all funds, including capital funds;

1           (3) a list of each account for which spending is  
2 frozen and the amount of funds frozen, broken out  
3 by control center, responsibility center, detailed ob-  
4 ject, and agency reporting code, and for all funding  
5 sources;

6           (4) a list of all active contracts in excess of  
7 \$10,000 annually, which contains; the name of each  
8 contractor; the budget to which the contract is  
9 charged broken out on the basis of control center,  
10 responsibility center, and agency reporting code; and  
11 contract identifying codes used by the D.C. Public  
12 Schools; payments made in the last month and year-  
13 to-date, the total amount of the contract and total  
14 payments made for the contract and any modifica-  
15 tions, extensions, renewals; and specific modifica-  
16 tions made to each contract in the last month;

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

20           (6) changes made in the last month to the orga-  
21 nizational structure of the D.C. Public Schools, dis-  
22 playing previous and current control centers and re-  
23 sponsibility centers, the names of the organizational  
24 entities that have been changed; the name of the

1 staff member supervising each entity affected, and  
2 the reasons for the structural change.

3 SEC. 141. The University of the District of Columbia  
4 shall submit to the Congress, Mayor, and Council of the  
5 District of Columbia no later than fifteen (15) calendar  
6 days after the end of each month a report that sets  
7 forth—

8 (1) current month expenditures and obligations,  
9 year-to-date expenditures and obligations, and total  
10 fiscal year expenditure projections vs. budget broken  
11 out on the basis of control center, responsibility cen-  
12 ter, and object class, and for all funds, including  
13 capital financing;

14 (2) a breakdown of FTE positions and all em-  
15 ployees for the most current pay period broken out  
16 on the basis of control center and responsibility cen-  
17 ter, for all funds, including capital funds.

18 (3) a list of each account for which spending is  
19 frozen and the amount of funds frozen, broken out  
20 by control center, responsibility center, detailed ob-  
21 ject, and for all funding sources;

22 (4) a list of all active contracts in excess of  
23 \$10,000 annually, which contains: the name of each  
24 contractor; the budget to which the contract is  
25 charged broken out on the basis of control center

1 and responsibility center, and contract identifying  
2 codes used by the University of the District of Co-  
3 lumbia; payments made in the last month and year-  
4 to-date; the total amount of the contract and total  
5 payments made for the contract and any modifica-  
6 tions; extensions; renewals; and specific modifica-  
7 tions made to each contract in the last month;

8 (5) all reprogramming requests and reports  
9 that have been made by the University of the Dis-  
10 trict of Columbia within the last month in compli-  
11 ance with applicable law; and

12 (6) changes made in the last month to the orga-  
13 nizational structure of the University of the District  
14 of Columbia; displaying previous and current control  
15 centers and responsibility centers; the names of the  
16 organizational entities that have been changed; the  
17 name of the staff member supervising each entity af-  
18 fected; and the reasons for the structural change.

19 SEC. 142. (a) The Board of Education of the District  
20 of Columbia and the University of the District of Colum-  
21 bia shall annually compile an accurate and verifiable re-  
22 port on the positions and employees in the public school  
23 system and the university, respectively. The annual report  
24 shall set forth—

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

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

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

23          SEC. 143. (a) Not later than October 1, 1995, or  
24          within 15 calendar days after the date of the enactment  
25          of the District of Columbia Appropriations Act, 1996,

1 whichever occurs later, and each succeeding year, the  
2 Board of Education and the University of the District of  
3 Columbia shall submit to the Congress, the Mayor, and  
4 Council of the District of Columbia, a revised appropriated  
5 funds operating budget for the public school system and  
6 the University of the District of Columbia for such fiscal  
7 year that is in the total amount of the approved appropria-  
8 tion and that realigns budgeted data for personal services  
9 and other than personal services, respectively, with antici-  
10 pated actual expenditures.

11 (b) The revised budget required by subsection (a) of  
12 this section shall be submitted in the format of the budget  
13 that the Board of Education and the University of the  
14 District of Columbia submit to the Mayor of the District  
15 of Columbia for inclusion in the Mayor's budget submis-  
16 sion to the Council of the District of Columbia pursuant  
17 to section 442 of the District of Columbia Self-Govern-  
18 ment and Governmental Reorganization Act, Public Law  
19 93-198, as amended (D.C. Code, sec. 47-301).

20 SEC. 144. The Board of Education, the Board of  
21 Trustees of the University of the District of Columbia, the  
22 Board of Library Trustees, and the Board of Governors  
23 of the D.C. School of Law shall vote on and approve their  
24 respective annual or revised budgets before submission to  
25 the Mayor of the District of Columbia for inclusion in the

1 Mayor's budget submission to the Council of the District  
2 of Columbia in accordance with section 442 of the District  
3 of Columbia Self-Government and Governmental Reorga-  
4 nization Act, Public Law 93-198, as amended (D.C. Code,  
5 sec. 47-301), or before submitting their respective budgets  
6 directly to the Council.

7       SEC. 145. Notwithstanding any other provision of  
8 law, rule, or regulation, the evaluation process and instru-  
9 ments for evaluating District of Columbia Public Schools  
10 employees shall be a non-negotiable item for collective bar-  
11 gaining purposes.

12       SEC. 146. (a) No agency, including an independent  
13 agency, shall fill a position wholly funded by appropria-  
14 tions authorized by this Act, which is vacant on October  
15 1, 1995, or becomes vacant between October 1, 1995, and  
16 September 30, 1996, unless the Mayor or independent  
17 agency submits a proposed resolution of intent to fill the  
18 vacant position to the Council. The Council shall be re-  
19 quired to take affirmative action on the Mayor's resolution  
20 within 30 legislative days. If the Council does not affirma-  
21 tively approve the resolution within 30 legislative days, the  
22 resolution shall be deemed disapproved.

23       (b) No reduction in the number of full-time equiva-  
24 lent positions or reduction-in-force due to privatization or  
25 contracting out shall occur if the District of Columbia Fi-

1 nancial Responsibility and Management Assistance Au-  
2 thority, established by section 101(a) of the District of Co-  
3 lumbia Financial Responsibility and Management Assist-  
4 ance Act of 1995, approved April 17, 1995 (109 Stat. 97;  
5 Public Law 104–8), disallows the full-time equivalent posi-  
6 tion reduction provided in this act in meeting the maxi-  
7 mum ceiling of 35,771 for the fiscal year ending Septem-  
8 ber 30, 1996.

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

13 (d) This section shall not apply to local school-based  
14 teachers, school-based officers, or school-based teachers'  
15 aides; or court personnel covered by title 11 of the D.C.  
16 Code, except chapter 23.

17 SEC. 147. (a) Not later than 15 days after the end  
18 of every fiscal quarter (beginning October 1, 1995), the  
19 Mayor shall submit to the Council a report with respect  
20 to the employees on the capital project budget for the pre-  
21 vious quarter.

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

24 (1) a list of all employees by position, title,  
25 grade and step;

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

3           (3) the date that each employee began working  
4 on the capital project and the ending date that each  
5 employee completed or is projected to complete work  
6 on the capital project; and

7           (4) a detailed explanation justifying why each  
8 employee is being paid with capital funds.

9       SEC. 148. The District of Columbia Government  
10 Comprehensive Merit Personnel Act of 1978, effective  
11 March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1  
12 et seq.), is amended as follows:

13           (a) Section 301 (D.C. Code, sec. 1-603.1) is  
14 amended as follows:

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

17           “(13A) ‘Non-school-based personnel’ means any  
18 employee of the District of Columbia Public Schools  
19 who is not based at a local school or who does not  
20 provide direct services to individual students.”.

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

23           “(15A) ‘School administrators’ means prin-  
24 cipals, assistant principals, school program directors,  
25 coordinators, instructional supervisors, and support

1 personnel of the District of Columbia Public  
2 Schools.”.

3 (b) Section 801A(b)(2) (D.C. Code, sec. 1–  
4 609.1(b)(2)) is amended by adding a new subpara-  
5 graph (L-i) to read as follows:

6 “(L-i) Notwithstanding any other provi-  
7 sion of law, the Board of Education shall not  
8 issue rules that require or permit nonschool-  
9 based personnel or school administrators to be  
10 assigned or reassigned to the same competitive  
11 level as classroom teachers;”

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

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

20 SEC. 149. (a) Notwithstanding any other provision  
21 of law, rule, or regulation, an employee of the District of  
22 Columbia Public Schools shall be—

23 (1) classified as an Educational Service em-  
24 ployee’

1           ~~(2)~~ placed under the personnel authority of the  
2       Board of Education; and

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

4       ~~(b)~~ School-based personnel shall constitute a separate  
5 competitive area from nonschool-based personnel who shall  
6 not compete with school-based personnel for retention pur-  
7 poses.

8       SEC. 150. The District of Columbia Government  
9 Comprehensive Merit Personnel Act of 1978, effective  
10 March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1  
11 et seq.), is amended as follows:

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

19           ~~(b)~~ A new section 2406 is added to read as fol-  
20 lows:

21       “SEC. 2406. Abolishment of positions for Fiscal Year  
22 1996.

23       “(a) Notwithstanding any other provision of law, reg-  
24 ulation, or collective bargaining agreement either in effect  
25 or to be negotiated while this legislation is in effect for

1 the fiscal year ending September 30, 1996, each agency  
2 head is authorized, within the agency head's discretion,  
3 to identify positions for abolishment.

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

7       “(c) Notwithstanding any rights or procedures estab-  
8 lished by any other provision of this title, any District gov-  
9 ernment employee, regardless of date of hire, who encum-  
10 bers a position identified for abolishment shall be sepa-  
11 rated without competition or assignment rights, except as  
12 provided in this section.

13       “(d) An employee effected by the abolishment of a  
14 position pursuant to this section who, but for this section  
15 would be entitled to compete for retention, shall be entitled  
16 to 1 round of lateral competition pursuant to Chapter 24  
17 of the District of Columbia Personnel Manual, which shall  
18 be limited to positions in the employee's competitive level.

19       “(e) Each employee who is a bona fide resident of  
20 the District of Columbia shall have added 5 years to his  
21 or her creditable service for reduction-in-force purposes.  
22 For purposes of this subsection only, a nonresident Dis-  
23 trict employee who was hired by the District government  
24 prior to January 1, 1980, and has not had a break in  
25 service since that date, or a former employee of the U.S.

1 Department of Health and Human Services at Saint Eliz-  
2 abeths Hospital who accepted employment with the Dis-  
3 trict government on October 1, 1987, and has not had  
4 a break in service since that date, shall be considered a  
5 District resident.

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

9 “(g) Neither the establishment of a competitive area  
10 smaller than an agency, nor the determination that a spe-  
11 cific position is to be abolished, nor separation pursuant  
12 to this section shall be subject to review except as fol-  
13 lows—

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

19 “(2) an employee may file with the Office of  
20 Employee Appeals an appeal contesting that the sep-  
21 aration procedures of subsections (d) and (f) of this  
22 section were not properly applied.

23 “(h) An employee separated pursuant to this section  
24 shall be entitled to severance pay in accordance with title  
25 XI of this Act, except that the following shall be included

1 in computing creditable service for severance pay for em-  
2 ployees separated pursuant to this section—

3           “(1) four years for an employee who qualified  
4           for veteran’s preference under this act, and

5           “(2) three years for an employee who qualified  
6           for residency preference under this act.

7           “(i) Separation pursuant to this section shall not af-  
8           fect an employee’s rights under either the Agency Reem-  
9           ployment Priority Program or the Displaced Employee  
10          Program established pursuant to Chapter 24 of the Dis-  
11          trict Personnel Manual.

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

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

19          “(l) A personnel authority shall cause a 30-day termi-  
20          nation notice to be served, no later than September 1,  
21          1996, on any incumbent employee remaining in any posi-  
22          tion identified to be abolished pursuant to subsection (b)  
23          of this section”.

24          SEC. 151. Notwithstanding any other provision of  
25          law, the total amount appropriated in this Act for operat-

1 ing expenses for the District of Columbia for fiscal year  
2 1996 under the caption "Division of Expenses" shall not  
3 exceed \$4,867,283,000.

4 REQUIRING DEVELOPMENT OF PLAN TO CLOSE LORTON  
5 CORRECTIONAL COMPLEX

6 SEC. 152. (a) DEVELOPMENT OF PLAN.—

7 (1) IN GENERAL.—Not later than February 15,  
8 1996, the District of Columbia shall develop a plan  
9 for closing the Lorton Correctional Complex over a  
10 transition period not to exceed 5 years in length.

11 (2) REQUIREMENTS OF PLAN.—The plan devel-  
12 oped by the District of Columbia under paragraph  
13 (1) shall meet the following requirements:

14 (A) Under the plan, the Lorton Corre-  
15 ctional Complex will be closed by the expiration  
16 of the transition period.

17 (B) Under the plan, the District of Colum-  
18 bia may not operate any correctional facilities  
19 on the Federal property known as the Lorton  
20 Complex located in Fairfax County, Virginia,  
21 after the expiration of the transition period.

22 (C) The plan shall include provisions speci-  
23 fying how and to what extent the District will  
24 utilize alternative management, including the  
25 private sector, for the operation of correctional  
26 facilities for the District, and shall include pro-

1           visions describing the treatment under such al-  
2           ternative management (including under con-  
3           tracts) of site selection, design, financing, con-  
4           struction, and operation of correctional facilities  
5           for the District.

6           (D) The plan shall include an implementa-  
7           tion schedule, together with specific perform-  
8           ance measures and timelines to determine the  
9           extent to which the District is meeting the  
10          schedule during the transition period.

11          (E) Under the plan, the Mayor of the Dis-  
12          trict of Columbia shall submit a semi-annual re-  
13          port to the President, Congress, and the Dis-  
14          trict of Columbia Financial Responsibility and  
15          Management Assistance Authority describing  
16          the actions taken by the District under the  
17          plan, and in addition shall regularly report to  
18          the President, Congress, and the District of Co-  
19          lumbia Financial Responsibility and Manage-  
20          ment Assistance Authority on all significant  
21          measures taken under the plan as soon as such  
22          measures are taken.

23          (b) **CONSISTENCY WITH FINANCIAL PLAN AND**  
24          **BUDGET.**—In developing the plan under subsection (a),  
25          the District of Columbia shall ensure that for each of the

1 years during which the plan is in effect, the plan shall  
 2 be consistent with the financial plan and budget for the  
 3 District of Columbia for the year under subtitle A of title  
 4 II of the District of Columbia Financial Responsibility and  
 5 Management Assistance Act of 1995.

6 (c) SUBMISSION OF PLAN.—Upon completing the de-  
 7 velopment of the plan under subsection (a), the District  
 8 of Columbia shall submit the plan to the President, Con-  
 9 gress, and the District of Columbia Financial Responsibil-  
 10 ity and Management Assistance Authority.

11 PROHIBITION AGAINST ADOPTION BY UNMARRIED

12 COUPLES

13 SEC. 153. (a) IN GENERAL.—Section 16–302, D.C.  
 14 Code, is amended—

15 (1) by striking “Any person” and inserting “(a)  
 16 Subject to subsection (b), any person”; and

17 (2) by adding at the end the following sub-  
 18 section:

19 “(b) No person may join in a petition under this sec-  
 20 tion unless the person is the spouse of the petitioner.”.

21 (b) NO EFFECT ON PETITIONS FOR ADOPTION  
 22 FILED BY INDIVIDUAL UNMARRIED PETITIONER.—Noth-  
 23 ing in section 16–302(b), D.C. Code (as added by sub-  
 24 section (a)) shall be construed to affect the ability of any  
 25 unmarried person to file a petition for adoption in the Su-

1 perior Court of the District of Columbia where no other  
 2 person joins in the petition.

3 TECHNICAL CORRECTIONS TO FINANCIAL

4 RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

5 SEC. 154. (a) REQUIRING GSA TO PROVIDE SUP-  
 6 PORT SERVICES.—Section 103(f) of the District of Colum-  
 7 bia Financial Responsibility and Management Assistance  
 8 Act of 1995 is amended by striking “may provide” and  
 9 inserting “shall promptly provide”.

10 (b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS  
 11 FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AU-  
 12 THORITY.—

13 (1) FORMER FEDERAL EMPLOYEES.—Sub-  
 14 section (c) of section 102 of such Act is amended to  
 15 read as follows:

16 “(c) PRESERVATION OF RETIREMENT AND CERTAIN  
 17 OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME  
 18 EMPLOYED BY THE AUTHORITY.—

19 “(1) IN GENERAL.—Any Federal employee who  
 20 becomes employed by the Authority—

21 “(A) may elect, for the purposes set forth  
 22 in paragraph (2)(A), to be treated, for so long  
 23 as that individual remains continuously em-  
 24 ployed by the Authority, as if such individual  
 25 had not separated from service with the Federal  
 26 Government, subject to paragraph (3); and

1           “(B) shall, if such employee subsequently  
2 becomes reemployed by the Federal Govern-  
3 ment, be entitled to have such individual’s serv-  
4 ice with the Authority treated, for purposes of  
5 determining the appropriate leave accrual rate,  
6 as if it had been service with the Federal Gov-  
7 ernment.

8           “(2) EFFECT OF AN ELECTION.—An election  
9 made by an individual under the provisions of para-  
10 graph (1)(A)—

11           “(A) shall qualify such individual for the  
12 treatment described in such provisions for pur-  
13 poses of—

14           “(i) chapter 83 or 84 of title 5, Unit-  
15 ed States Code, as appropriate (relating to  
16 retirement), including the Thrift Savings  
17 Plan;

18           “(ii) chapter 87 of such title (relating  
19 to life insurance); and

20           “(iii) chapter 89 of such title (relating  
21 to health insurance); and

22           “(B) shall disqualify such individual, while  
23 such election remains in effect, from participat-  
24 ing in the programs offered by the government  
25 of the District of Columbia (if any) correspond-

1           ing to the respective programs referred to in  
2           subparagraph (A).

3           ~~“(3) CONDITIONS FOR AN ELECTION TO BE EF-~~  
4           ~~FECTIVE.—An election made by an individual under~~  
5           ~~paragraph (1)(A) shall be ineffective unless—~~

6                   ~~“(A) it is made before such individual sep-~~  
7                   ~~arates from service with the Federal Govern-~~  
8                   ~~ment; and~~

9                   ~~“(B) such individual’s service with the Au-~~  
10                  ~~thority commences within 3 days after so sepa-~~  
11                  ~~rating (not counting any holiday observed by~~  
12                  ~~the government of the District of Columbia).~~

13           ~~“(4) CONTRIBUTIONS.—If an individual makes~~  
14           ~~an election under paragraph (1)(A), the Authority~~  
15           ~~shall, in accordance with applicable provisions of law~~  
16           ~~referred to in paragraph (2)(A), be responsible for~~  
17           ~~making the same deductions from pay and the same~~  
18           ~~agency contributions as would be required if it were~~  
19           ~~a Federal agency.~~

20           ~~“(5) REGULATIONS.—Any regulations necessary~~  
21           ~~to carry out this subsection shall be prescribed by—~~

22                   ~~“(A) the Office of Personnel Management,~~  
23                   ~~to the extent that any program administered by~~  
24                   ~~the Office is involved;~~

1           “(B) the appropriate office or agency of  
2           the government of the District of Columbia, to  
3           the extent that any program administered by  
4           such office or agency is involved; and

5           “(C) the Executive Director referred to in  
6           section 8474 of title 5, United States Code, to  
7           the extent that the Thrift Savings Plan is in-  
8           volved.”.

9           (2) OTHER INDIVIDUALS.—Section 102 of such  
10          Act is further amended by adding at the end the fol-  
11          lowing:

12          “(f) FEDERAL BENEFITS FOR OTHERS.—

13                 “(1) IN GENERAL.—The Office of Personnel  
14          Management, in conjunction with each correspond-  
15          ing office or agency of the government of the Dis-  
16          trict of Columbia, shall prescribe regulations under  
17          which any individual who becomes employed by the  
18          Authority (under circumstances other than as de-  
19          scribed in subsection (e)) may elect either—

20                         “(A) to be deemed a Federal employee for  
21          purposes of the programs referred to in sub-  
22          section (e)(2)(A)(i)-(iii); or

23                         “(B) to participate in 1 or more of the cor-  
24          responding programs offered by the government  
25          of the District of Columbia.

1           “(2) EFFECT OF AN ELECTION.—An individual  
2           who elects the option under subparagraph (A) or (B)  
3           of paragraph (1) shall be disqualified, while such  
4           election remains in effect, from participating in any  
5           of the programs referred to in the other such sub-  
6           paragraph.

7           “(3) DEFINITION OF ‘CORRESPONDING OFFICE  
8           OR AGENCY’.—For purposes of paragraph (1), the  
9           term ‘corresponding office or agency of the govern-  
10          ment of the District of Columbia’ means, with re-  
11          spect to any program administered by the Office of  
12          Personnel Management, the office or agency respon-  
13          sible for administering the corresponding program  
14          (if any) offered by the government of the District of  
15          Columbia.

16          “(4) THRIFT SAVINGS PLAN.—To the extent  
17          that the Thrift Savings Plan is involved, the preced-  
18          ing provisions of this subsection shall be applied by  
19          substituting ‘the Executive Director referred to in  
20          section 8474 of title 5, United States Code’ for ‘the  
21          Office of Personnel Management’.”

22          (3) EFFECTIVE DATE; ADDITIONAL ELECTION  
23          FOR FORMER FEDERAL EMPLOYEES SERVING ON  
24          DATE OF ENACTMENT; ELECTION FOR EMPLOYEES  
25          APPOINTED DURING INTERIM PERIOD.—

1           (A) EFFECTIVE DATE.—Not later than 6  
2 months after the date of enactment of this Act,  
3 there shall be prescribed (and take effect)—

4           (i) regulations to carry out the  
5 amendments made by this subsection; and

6           (ii) any other regulations necessary to  
7 carry out this subsection.

8           (B) ADDITIONAL ELECTION FOR FORMER  
9 FEDERAL EMPLOYEES SERVING ON DATE OF  
10 ENACTMENT.—

11           (i) IN GENERAL.—Any former Federal  
12 employee employed by the Authority on the  
13 effective date of the regulations referred to  
14 in subparagraph (A)(i) may, within such  
15 period as may be provided for under those  
16 regulations, make an election similar, to  
17 the maximum extent practicable, to the  
18 election provided for under section 102(e)  
19 of the District of Columbia Financial Re-  
20 sponsibility and Management Assistance  
21 Act of 1995, as amended by this sub-  
22 section. Such regulations shall be pre-  
23 scribed jointly by the Office of Personnel  
24 Management and each corresponding office  
25 or agency of the government of the District

1 of Columbia (in the same manner as pro-  
2 vided for in section 102(f) of such Act, as  
3 so amended).

4 (ii) EXCEPTION.—An election under  
5 this subparagraph may not be made by  
6 any individual who—

7 (I) is not then participating in a  
8 retirement system for Federal employ-  
9 ees (disregarding Social Security); or

10 (II) is then participating in any  
11 program of the government of the  
12 District of Columbia referred to in  
13 section 102(e)(2)(B) of such Act (as  
14 so amended).

15 (C) ELECTION FOR EMPLOYEES AP-  
16 POINTED DURING INTERIM PERIOD.—

17 (i) FROM THE FEDERAL GOVERN-  
18 MENT.—Subsection (e) of section 102 of  
19 the District of Columbia Financial Respon-  
20 sibility and Management Assistance Act of  
21 1995 (as last in effect before the date of  
22 enactment of this Act) shall be deemed to  
23 have remained in effect for purposes of any  
24 Federal employee who becomes employed  
25 by the District of Columbia Financial Re-

1           sponsibility and Management Assistance  
2           Authority during the period beginning on  
3           such date of enactment and ending on the  
4           day before the effective date of the regula-  
5           tions prescribed to carry out subparagraph  
6           (B).

7           (ii) OTHER INDIVIDUALS.—The regu-  
8           lations prescribed to carry out subsection  
9           (f) of section 102 of the District of Colum-  
10          bia Financial Responsibility and Manage-  
11          ment Assistance Act of 1995 (as amended  
12          by this subsection) shall include provisions  
13          under which an election under such sub-  
14          section shall be available to any individual  
15          who—

16                (I) becomes employed by the Dis-  
17                trict of Columbia Financial Respon-  
18                sibility and Management Assistance  
19                Authority during the period beginning  
20                on the date of enactment of this Act  
21                and ending on the day before the ef-  
22                fective date of such regulations;

23                (II) would have been eligible to  
24                make an election under such regula-  
25                tions had those regulations been in ef-

1                   fect when such individual became so  
2                   employed; and

3                   (HH) is not then participating in  
4                   any program of the government of the  
5                   District of Columbia referred to in  
6                   subsection (f)(1)(B) of such section  
7                   102 (as so amended).

8           (e) EXEMPTION FROM LIABILITY FOR CLAIMS FOR  
9 AUTHORITY EMPLOYEES.—Section 104 of such Act is  
10 amended—

11           (1) by striking “the Authority and its mem-  
12           bers” and inserting “the Authority, its members,  
13           and its employees”; and

14           (2) by striking “the District of Columbia” and  
15           inserting “the Authority or its members or employ-  
16           ees or the District of Columbia”.

17           (d) PERMITTING REVIEW OF EMERGENCY LEGISLA-  
18 TION.—Section 203(a)(3) of such Act is amended by strik-  
19 ing subparagraph (C).

20                   **TITLE II—DISTRICT OF**  
21                   **COLUMBIA SCHOOL REFORM**

22           **SEC. 2001. SHORT TITLE.**

23           This title may be cited as the “District of Columbia  
24 School Reform Act of 1995”.

1 **SEC. 2002. DEFINITIONS.**

2 Except as otherwise provided, for purposes of this  
3 title:

4 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
5 **TEES.**—The term “appropriate congressional com-  
6 mittees” means—

7 (A) the Committee on Appropriations of  
8 the House of Representatives and the Commit-  
9 tee on Appropriations of the Senate;

10 (B) the Committee on Economic and Edu-  
11 cational Opportunities of the House of Rep-  
12 resentatives and the Committee on Labor and  
13 Human Resources of the Senate; and

14 (C) the Committee on Government Reform  
15 and Oversight of the House of Representatives  
16 and the Committee on Governmental Affairs of  
17 the Senate.

18 (2) **AUTHORITY.**—The term “Authority” means  
19 the District of Columbia Financial Responsibility  
20 and Management Assistance Authority established  
21 under section 101(a) of the District of Columbia Fi-  
22 nancial Responsibility and Management Assistance  
23 Act of 1995 (Public Law 104–8).

24 (3) **AVERAGE DAILY ATTENDANCE.**—The term  
25 “average daily attendance”, when used with respect  
26 to a school and a period of time, means the aggre-

1       gate attendance of the school during the period di-  
2       vided by the number of days during the period on  
3       which—

4               (A) the school is in session; and

5               (B) the pupils of the school are under the  
6       guidance and direction of teachers.

7       (4) AVERAGE DAILY MEMBERSHIP.—

8               (A) INDIVIDUAL SCHOOL.—The term “av-  
9       erage daily membership”, when used with re-  
10      spect to a school and a period of time, means  
11      the aggregate enrollment of the school during  
12      the period divided by the number of days dur-  
13      ing the period on which—

14              (i) the school is in session; and

15              (ii) the pupils of the school are under  
16      the guidance and direction of teachers.

17              (B) GROUPS OF SCHOOLS.—The term “av-  
18      erage daily membership”, when used with re-  
19      spect to a group of schools and a period of  
20      time, means the average of the average daily  
21      memberships during the period of the individual  
22      schools that constitute the group.

23       (5) BOARD OF EDUCATION.—The term “Board  
24      of Education” means the Board of Education of the  
25      District of Columbia.

1           (6) BOARD OF TRUSTEES.—The term “Board  
2 of Trustees” means the governing board of a public  
3 charter school, the members of which board have  
4 been selected pursuant to the charter granted to the  
5 school and in a manner consistent with this title.

6           (7) CONTROL PERIOD.—The term “control pe-  
7 riod” means a period of time described in section  
8 209 of the District of Columbia Financial Respon-  
9 sibility and Management Assistance Act of 1995  
10 (Public Law 104–8).

11           (8) CORE CURRICULUM.—The term “core cur-  
12 riculum” means the concepts, factual knowledge,  
13 and skills that students in the District of Columbia  
14 should learn in kindergarten through 12th grade in  
15 academic content areas, including, at a minimum,  
16 English, mathematics, science, and history.

17           (9) DISTRICT OF COLUMBIA COUNCIL.—The  
18 term “District of Columbia Council” means the  
19 Council of the District of Columbia established pur-  
20 suant to section 401 of the District of Columbia  
21 Self-Government and Governmental Reorganization  
22 Act (D.C. Code, sec. 1–221).

23           (10) DISTRICT OF COLUMBIA GOVERNMENT.—

1           (A) IN GENERAL.—The term “District of  
2 Columbia government” means the government  
3 of the District of Columbia, including—

4           (i) any department, agency, or instru-  
5 mentality of the government of the District  
6 of Columbia;

7           (ii) any independent agency of the  
8 District of Columbia established under  
9 part F of title IV of the District of Colum-  
10 bia Self-Government and Governmental  
11 Reorganization Act;

12           (iii) any other agency, board, or com-  
13 mission established by the Mayor or the  
14 District of Columbia Council;

15           (iv) the courts of the District of Co-  
16 lumbia;

17           (v) the District of Columbia Council;  
18 and

19           (vi) any other agency, public author-  
20 ity, or public benefit corporation that has  
21 the authority to receive monies directly or  
22 indirectly from the District of Columbia  
23 (other than monies received from the sale  
24 of goods, the provision of services, or the

1           loaning of funds to the District of Colum-  
2           bia):

3           (B) EXCEPTIONS.—The term “District of  
4           Columbia government” does not include the fol-  
5           lowing:

6                   (i) The Authority.

7                   (ii) A public charter school.

8           (11) DISTRICT OF COLUMBIA GOVERNMENT RE-  
9           TIREMENT SYSTEM.—The term “District of Colum-  
10          bia government retirement system” means the re-  
11          tirement programs authorized by the District of Co-  
12          lumbia Council or the Congress for employees of the  
13          District of Columbia government.

14          (12) DISTRICT OF COLUMBIA PUBLIC  
15          SCHOOL.—

16                   (A) IN GENERAL.—The term “District of  
17          Columbia public school” means a public school  
18          in the District of Columbia that offers classes—

19                           (i) at any of the grade levels from pre-  
20                           kindergarten through the 12th grade; or

21                           (ii) leading to a general education di-  
22                           ploma.

23                   (B) EXCEPTION.—The term does not in-  
24          clude a public charter school.

1           (13) DISTRICT OF COLUMBIA PUBLIC  
2           SCHOOLS.—The term “District of Columbia public  
3           schools” means all schools that are District of Co-  
4           lumbia public schools.

5           (14) DISTRICT-WIDE ASSESSMENTS.—The term  
6           “district-wide assessments” means reliable and unbi-  
7           ased student assessments administered by the Su-  
8           perintendent to students enrolled in District of Co-  
9           lumbia public schools and public charter schools.

10          (15) ELIGIBLE APPLICANT.—The term “eligible  
11          applicant” means a person, including a private, pub-  
12          lic, or quasi-public entity and an institution of high-  
13          er education (as defined in section 481 of the High-  
14          er Education Act of 1965), who seeks to establish a  
15          public charter school.

16          (16) ELIGIBLE CHARTERING AUTHORITY.—The  
17          term “eligible chartering authority” means any of  
18          the following:

19                   (A) The Board of Education.

20                   (B) Any of the following public or feder-  
21                   ally-chartered universities:

22                           (i) Howard University.

23                           (ii) Gallaudet University.

24                           (iii) American University.

25                           (iv) George Washington University.

1                   (v) The University of the District of  
2                   Columbia.

3                   (C) Any other entity designated by enact-  
4                   ment of a bill as an eligible chartering authority  
5                   by the District of Columbia Council after the  
6                   date of the enactment of this Act.

7                   (17) FACILITIES MANAGEMENT.—The term “fa-  
8                   cilities management” means the administration, con-  
9                   struction, renovation, repair, maintenance, remodel-  
10                  ing, improvement, or other oversight, of a building  
11                  or real property of a District of Columbia public  
12                  school. The term does not include the performance  
13                  of any such act with respect to real property owned  
14                  by a public charter school.

15                  (18) FAMILY RESOURCE CENTER.—The term  
16                  “family resource center” means an information  
17                  desk—

18                         (A) located at a school with a majority of  
19                         students whose family income is not greater  
20                         than 185 percent of the poverty guidelines up-  
21                         dated annually in the Federal Register by the  
22                         Department of Health and Human Services  
23                         under authority of section 673(2) of the Omni-  
24                         bus Budget Reconciliation Act of 1981; and

1           (B) which links students and families to  
2           local resources and public and private entities  
3           involved in child care, adult education, health  
4           and social services, tutoring, mentoring, and job  
5           training.

6           (19) LONG-TERM REFORM PLAN.—The term  
7           “long-term reform plan” means the plan submitted  
8           by the Superintendent under section 2101.

9           (20) MAYOR.—The term “Mayor” means the  
10          Mayor of the District of Columbia.

11          (21) METROBUS AND METRORAIL TRANSIT SYS-  
12          TEM.—The term “Metrobus and Metrorail Transit  
13          System” means the bus and rail systems adminis-  
14          tered by the Washington Metropolitan Area Transit  
15          Authority.

16          (22) MINOR STUDENT.—The term “minor stu-  
17          dent” means an individual who—

18               (A) is enrolled in a District of Columbia  
19               public schools or a public charter school; and

20               (B) is not beyond the age of compulsory  
21               school attendance, as prescribed in section 1 of  
22               article I, and section 1 of article II, of the Act  
23               of February 4, 1925 (sections 31–401 and 31–  
24               402, D.C. Code).

1           (23) NONRESIDENT STUDENT.—The term  
2 “nonresident student” means—

3           (A) an individual under the age of 18 who  
4 is enrolled in a District of Columbia public  
5 school or a public charter school, and does not  
6 have a parent residing in the District of Colum-  
7 bia; or

8           (B) an individual who is age 18 or older  
9 and is enrolled in a District of Columbia public  
10 school or public charter school, and does not re-  
11 side in the District of Columbia.

12           (24) PANEL.—The term “Panel” means the  
13 World Class Schools Panel established under subtitle  
14 D.

15           (25) PARENT.—The term “parent” means a  
16 person who has custody of a child enrolled in a Dis-  
17 trict of Columbia public school or a public charter  
18 school, and who—

19           (A) is a natural parent of the child;

20           (B) is a stepparent of the child;

21           (C) has adopted the child; or

22           (D) is appointed as a guardian for the  
23 child by a court of competent jurisdiction.

24           (26) PETITION.—The term “petition” means a  
25 written application, submitted by an eligible appli-

1        cant to an eligible chartering authority, to establish  
2        a public charter school.

3            ~~(27)~~ PROMOTION GATE.—The term “promotion  
4        gate” means the criteria, developed by the Super-  
5        intendent and approved by the Board of Education,  
6        that are used to determine student promotion at dif-  
7        ferent grade levels. Such criteria shall include  
8        achievement on district-wide assessments that, to the  
9        greatest extent practicable, measure student achieve-  
10       ment of the core curriculum.

11           ~~(28)~~ PUBLIC CHARTER SCHOOL.—The term  
12        “public charter school” means a publicly funded  
13        school in the District of Columbia that is established  
14        pursuant to subtitle B. A public charter school is not  
15        a part of the District of Columbia public schools.

16           ~~(29)~~ SCHOOL.—The term “school” means—

17            (A) a public charter school; or

18            (B) any other day or residential school  
19        that provides elementary or secondary edu-  
20        cation, as determined under State or District of  
21        Columbia law.

22           ~~(30)~~ STUDENT WITH SPECIAL NEEDS.—The  
23        term “student with special needs” has the meaning  
24        given such term by the Mayor and the District of  
25        Columbia Council under section 2301.

1           (31) SUPERINTENDENT.—The term “Super-  
2           intendent” means the Superintendent of the District  
3           of Columbia public schools.

4           (32) TEACHER.—The term “teacher” means  
5           any person employed as a teacher by the Board of  
6           Education or by a public charter school.

## 7           **Subtitle A—District of Columbia** 8           **Reform Plan**

### 9           **SEC. 2101. LONG-TERM REFORM PLAN.**

10          (a) IN GENERAL.—

11           (1) PLAN.—The Superintendent, with the ap-  
12          proval of the Board of Education, shall submit to  
13          the appropriate congressional committees, the  
14          Mayor, the District of Columbia Council, and the  
15          Authority a long-term reform plan, not later than  
16          February 1, 1996. The plan shall be consistent with  
17          the financial plan and budget for the District of Co-  
18          lumbia for fiscal year 1996 required under section  
19          201 of the District of Columbia Financial Respon-  
20          sibility and Management Assistance Act of 1995  
21          (Public Law 104–8).

22           (2) CONSULTATION.—

23           (A) IN GENERAL.—In developing the long-  
24          term reform plan, the Superintendent—

1 (i) shall consult with the Board of  
2 Education, Mayor, and District of Colum-  
3 bia Council, and, in a control period, with  
4 the Authority; and

5 (ii) shall afford the public, interested  
6 organizations, and groups an opportunity  
7 to present their views and make rec-  
8 ommendations regarding the long-term re-  
9 form plan.

10 ~~(B)~~ SUMMARY OF RECOMMENDATIONS.—

11 The Superintendent shall include in the long-  
12 term plan a summary of the recommendations  
13 made under subparagraph (A)(ii) and the re-  
14 sponse of the Superintendent to these rec-  
15 ommendations.

16 ~~(b)~~ CONTENTS.—

17 ~~(1)~~ AREAS TO BE ADDRESSED.—The long-term  
18 plan shall describe how the District of Columbia  
19 public schools will become a world-class education  
20 system which prepares students for life-time learning  
21 in the 21st century and which is on a par with the  
22 best education systems of other nations. The plan  
23 shall include a description of how the District of Co-  
24 lumbia public schools will accomplish the following:

1           (A) Achievement at nationally- and inter-  
2 nationally-competitive levels by students attend-  
3 ing District of Columbia public schools.

4           (B) The creation of a performance-oriented  
5 workforce.

6           (C) The construction and repair of District  
7 of Columbia public school facilities.

8           (D) Local school governance, decentraliza-  
9 tion, autonomy, and parental choice among Dis-  
10 trict of Columbia public schools; and

11           (E) The implementation of an efficient and  
12 effective adult literacy program.

13           (2) OTHER INFORMATION.—For each of the  
14 items in subparagraphs (A) through (G) of para-  
15 graph (1), the long-term plan shall include—

16           (A) a statement of measurable, objective  
17 performance goals;

18           (B) a description of the measures of per-  
19 formance to be used in determining whether the  
20 Superintendent and Board of Education have  
21 met the goals;

22           (C) dates by which the goals must be met;

23           (D) plans for monitoring and reporting  
24 progress to District of Columbia residents, the  
25 appropriate congressional committees, the

1 Mayor, the District of Columbia Council, and  
2 the Authority; and

3 (~~E~~) the title of the management employee  
4 of the District of Columbia public schools most  
5 directly responsible for the achievement of each  
6 goal and, with respect to each such employee,  
7 the title of the employee's immediate supervisor  
8 or superior.

9 (c) AMENDMENTS.—The Superintendent, with the  
10 approval of the Board of Education, shall submit any  
11 amendment to the long-term plan to the appropriate con-  
12 gressional committees. Any amendment to the long-term  
13 plan shall be consistent with the financial plan and budget  
14 for fiscal year 1996 for the District of Columbia required  
15 under section 201 of the District of Columbia Financial  
16 Responsibility and Management Assistance Act of 1995  
17 (Public Law 104–8).

## 18 **Subtitle B—Public Charter Schools**

### 19 **SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.**

20 (a) EXISTING PUBLIC SCHOOL.—An eligible appli-  
21 cant seeking to convert an existing District of Columbia  
22 public school into a public charter school—

23 (1) shall prepare a petition to establish a public  
24 charter school that meets the requirements of sec-  
25 tion 2152;

1           (2) shall provide a copy of the petition to—

2                   (A) the parents of minor students attend-  
3           ing the existing school;

4                   (B) adult students attending the existing  
5           school; and

6                   (C) employees of the existing school;

7           (3) shall file the petition with an eligible char-  
8           tering authority for approval after the petition—

9                   (A) has been signed by a majority of the  
10           total number of—

11                   (i) parents of minor students attend-  
12           ing the school; and

13                   (ii) adult students attending the  
14           school; and

15                   (B) has been endorsed by at least a major-  
16           ity of full-time teachers at the school; and

17           (4) shall explain in the petition the relationship  
18           that will exist between the public charter school and  
19           its employees.

20           (b) INDEPENDENT OR PRIVATE SCHOOL.—An eligi-  
21           ble applicant seeking to convert an existing independent  
22           or private school in the District of Columbia into a public  
23           charter school—

1           (1) shall prepare a petition to establish a public  
2 charter school that meets the requirements of sec-  
3 tion 2152;

4           (2) shall provide a copy of the petition to—

5               (A) the parents of minor students attend-  
6 ing the existing school;

7               (B) adult students attending the existing  
8 school; and

9               (C) employees of the existing school;

10          (3) shall file the petition with an eligible char-  
11 tering authority for approval after the petition—

12               (A) has been signed by a majority of the  
13 total number of—

14                   (i) parents of minor students attend-  
15 ing the school; and

16                   (ii) adult students attending the  
17 school; and

18               (B) has been endorsed by at least a major-  
19 ity of full-time teachers at the school; and

20          (4) shall explain in the petition the relationship  
21 that will exist between the public charter school and  
22 its employees.

23          (e) NEW SCHOOL.—An eligible applicant seeking to  
24 establish in the District of Columbia a public charter  
25 school, but not seeking to convert an existing public, pri-

1 vate, or independent school into a public charter school,  
2 shall file with an eligible chartering authority for approval  
3 a petition to establish a public charter school that meets  
4 the requirements of section 2152.

5 **SEC. 2152. CONTENTS OF PETITION.**

6 A petition to establish a public charter school shall  
7 include the following:

8 (1) A statement defining the mission and goals  
9 of the proposed school.

10 (2) A statement of the need for the proposed  
11 school in the geographic area of the school site.

12 (3) A description of the proposed instructional  
13 goals and methods for the school, which includes, at  
14 a minimum—

15 (A) the methods that will be used to pro-  
16 vide students with the knowledge, proficiency,  
17 and skills needed—

18 (i) to become nationally and inter-  
19 nationally competitive students and edu-  
20 cated individuals in the 21st century; and

21 (ii) to perform competitively on any  
22 districtwide assessments; and

23 (B) the methods that will be used to im-  
24 prove student self-motivation, classroom in-  
25 struction, and learning for all students.

1           (4) A description of the plan for evaluating stu-  
2           dent academic achievement of the proposed school  
3           and the procedures for remedial action that will be  
4           used by the school when the academic achievement  
5           of a student falls below the expectations of the  
6           school.

7           (5) An operating budget for the first 2 years of  
8           the proposed school that is based on anticipated en-  
9           rollment and contains—

10                   (A) a description of the method for con-  
11                   ducting annual audits of the financial, adminis-  
12                   trative, and programmatic operations of the  
13                   school;

14                   (B) either—

15                           (i) an identification of the site where  
16                           the school will be located, including a de-  
17                           scription of any buildings on the site and  
18                           any buildings proposed to be constructed  
19                           on the site; or

20                           (ii) a timetable by which a such an  
21                           identification will be made;

22                   (C) a description of any major contracts  
23                   planned, with a value equal to or exceeding  
24                   \$10,000, for equipment and services, leases, im-

1           provements, purchases of real property, or in-  
2           surance; and

3           ~~(D)~~ a timetable for commencing operations  
4           as a public charter school.

5           (6) A description of the proposed rules and poli-  
6           cies for governance and operation of the school.

7           (7) Copies of the proposed articles of incorpora-  
8           tion and bylaws of the school.

9           (8) The names and addresses of the members  
10          of the proposed Board of Trustees.

11          (9) A description of the student enrollment, ad-  
12          mission, suspension, and expulsion policies and pro-  
13          cedures of the proposed school, and the criteria for  
14          making decisions in such areas.

15          (10) A description of the procedures the school  
16          plans to follow to ensure the health and safety of  
17          students, employees, and guests of the school and to  
18          comply with applicable health and safety laws and  
19          regulations of the Federal Government and the Dis-  
20          trict of Columbia.

21          (11) An explanation of the qualifications that  
22          will be required of employees of the proposed school.

23          (12) An identification, and a description, of the  
24          individuals and entities submitting the application,  
25          including their names and addresses, and the names

1 of the organizations or corporations of which such  
2 individuals are directors or officers.

3 **SEC. 2153. PROCESS FOR APPROVING OR DENYING CHAR-**  
4 **TER PETITIONS.**

5 (a) SCHEDULE.—An eligible chartering authority  
6 may establish a schedule for receiving petitions to estab-  
7 lish a public charter school and shall publish any such  
8 schedule in the District of Columbia Register. An eligible  
9 chartering authority shall make a copy of any such sched-  
10 ule available to all interested persons upon request.

11 (b) PUBLIC HEARING.—Not later than 45 days after  
12 a petition to establish a public charter school is filed with  
13 an eligible chartering authority, the authority shall hold  
14 a public hearing on the petition to gather the information  
15 that is necessary for the authority to make the decision  
16 to approve or deny the petition.

17 (c) NOTICE.—Not later than 10 days prior to the  
18 scheduled date of a public hearing on a petition to estab-  
19 lish a public charter school, an eligible chartering author-  
20 ity—

21 (1) shall publish a notice of the hearing in the  
22 District of Columbia Register; and

23 (2) shall send a written notification of the hear-  
24 ing date to the eligible applicant who filed the peti-  
25 tion.

1       (d) APPROVAL OR DENIAL.—Subject to subsection  
2 (i), an eligible chartering authority shall approve a petition  
3 to establish a public charter school, if—

4           (1) the authority determines that the petition  
5 satisfies the requirements of this subtitle; and

6           (2) the eligible applicant who filed the petition  
7 agrees to satisfy any condition or requirement, con-  
8 sistent with this title and other applicable law, that  
9 is set forth in writing by the eligible chartering au-  
10 thority as an amendment to the petition.

11       (e) TIMETABLE.—An eligible chartering authority  
12 shall approve or deny a petition to establish a public char-  
13 ter school not later than 45 days after the conclusion of  
14 the public hearing on the petition.

15       (f) EXTENSION.—An eligible chartering authority  
16 and an eligible applicant may agree to extend the 45-day  
17 time period referred to in subsection (e) by a period that  
18 does not exceed 30 days.

19       (g) EXPLANATION.—If an eligible chartering author-  
20 ity denies a petition or finds it to be incomplete, the au-  
21 thority shall specify in writing the reasons for its decision  
22 and indicate, when appropriate, how the eligible applicant  
23 who filed the petition may revise the petition to satisfy  
24 the requirements for approval.

25       (h) APPROVED PETITION.—

1           (1) NOTICE.—Not later than 10 days after an  
2 eligible chartering authority approves a petition to  
3 establish a public charter school, the authority shall  
4 provide a written notice of the approval, including a  
5 copy of the approved petition and any conditions or  
6 requirements agreed to under subsection (d)(2), to  
7 the eligible applicant and to the Chief Financial Of-  
8 ficer of the District of Columbia. The eligible char-  
9 tering authority shall publish a notice of the ap-  
10 proval of the petition in the District of Columbia  
11 Register.

12           (2) CHARTER.—The provisions of a petition to  
13 establish a public charter school that has been ap-  
14 proved by an eligible chartering authority, together  
15 with any amendments to the petition containing con-  
16 ditions or requirements agreed to by the eligible ap-  
17 plicant under subsection (d)(2), shall be considered  
18 a charter granted to the school by the authority.

19           (i) SPECIAL RULES FOR FIRST YEAR.—During the  
20 one-year period beginning on the date of the enactment  
21 of this Act, each eligible chartering authority—

22           (1) may approve not more than one petition  
23 filed by an eligible applicant seeking to convert an  
24 existing independent or private school into a public  
25 charter school; and

1           (2) in considering a petition to establish a pub-  
2           lie charter school filed by any eligible applicant, shall  
3           consider whether the school will focus on students  
4           with special needs.

5           (j) **EXCLUSIVE AUTHORITY OF CHARTERING AU-**  
6 **THORITY.**—Notwithstanding any other Federal law or law  
7 of the District of Columbia, no governmental entity, elect-  
8 ed official, or employee of the District of Columbia may  
9 make, participate in making, or intervene in the making  
10 of, the decision to approve or deny a petition to establish  
11 a public charter school, except the eligible chartering au-  
12 thority with which the petition was filed.

13 **SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIRE-**  
14 **MENTS ON, PUBLIC CHARTER SCHOOLS.**

15           (a) **DUTIES.**—A public charter school shall comply  
16 with—

17                   (1) this subtitle;

18                   (2) any other provision of law applicable to the  
19           school; and

20                   (3) all of the terms and provisions of its char-  
21           ter.

22           (b) **POWERS.**—A public charter school shall have all  
23 of the powers necessary for carrying out its charter, in-  
24 cluding the following powers:

1           ~~(1) To adopt a name and corporate seal, but~~  
2           ~~only if the name selected includes the words “public~~  
3           ~~charter school”.~~

4           ~~(2) To acquire real property for use as its~~  
5           ~~school facilities, from public or private sources.~~

6           ~~(3) To receive and disburse funds for school~~  
7           ~~purposes.~~

8           ~~(4) Subject to subsection (c)(1), to secure ap-~~  
9           ~~propriate insurance and to make contracts and~~  
10          ~~leases, including agreements to procure or purchase~~  
11          ~~services, equipment, and supplies.~~

12          ~~(5) To incur debt in reasonable anticipation of~~  
13          ~~the receipt of funds from the general fund of the~~  
14          ~~District of Columbia or the receipt of other Federal~~  
15          ~~or private funds.~~

16          ~~(6) To solicit and accept any grants or gifts for~~  
17          ~~school purposes, if the school—~~

18                 ~~(A) does not accept any grants or gifts~~  
19                 ~~subject to any condition contrary to law or con-~~  
20                 ~~trary to the terms of the petition to establish~~  
21                 ~~the school as a public charter school; and~~

22                 ~~(B) maintains separate accounts for grants~~  
23                 ~~or gifts for financial reporting purposes.~~

1           (7) To be responsible for its own operation, in-  
2           cluding preparation of a budget and personnel mat-  
3           ters.

4           (8) To sue and be sued in its own name.

5           (c) PROHIBITIONS AND OTHER REQUIREMENTS.—

6           (1) CONTRACTING AUTHORITY.—

7           (A) NOTICE REQUIREMENT.—Except in  
8           the case of an emergency, with respect to any  
9           contract proposed to be awarded by a public  
10          charter school and having a value equal to or  
11          exceeding \$10,000, the school shall publish a  
12          notice of a request for proposals in the District  
13          of Columbia Register not less than 30 days  
14          prior to the award of the contract.

15          (B) SUBMISSION TO AUTHORITY.—

16          (i) DEADLINE FOR SUBMISSION.—

17          With respect to any contract described in  
18          subparagraph (A) that is awarded by a  
19          public charter school, the school shall sub-  
20          mit to the Authority, not later than 3 days  
21          after the date on which the award is made,  
22          all bids for the contract received by the  
23          school, the name of the contractor who is  
24          awarded the contract, and the rationale for  
25          the award of the contract.

1                   (ii) EFFECTIVE DATE OF CON-  
2 TRACT.—

3                   (I) IN GENERAL.—Subject to  
4 subclause (II), a contract described in  
5 subparagraph (A) shall become effec-  
6 tive on the date that is 15 days after  
7 the date the school makes the submis-  
8 sion under clause (i) with respect to  
9 the contract, or the effective date  
10 specified in the contract, whichever is  
11 later.

12                   (II) EXCEPTION.—A contract de-  
13 scribed in subparagraph (A) shall be  
14 considered null and void if the Au-  
15 thority determines, within 12 days of  
16 the date the school makes the submis-  
17 sion under clause (i) with respect to  
18 the contract, that the contract endan-  
19 gers the economic viability of the pub-  
20 lic charter school.

21                   (2) TUITION.—A public charter school may not  
22 charge tuition, fees, or other mandatory payments,  
23 except to nonresident students.

24                   (3) CONTROL.—A public charter school—

1           (A) shall exercise exclusive control over its  
2           expenditures, administration, personnel, and in-  
3           structional methods, within the limitations im-  
4           posed in this title; and

5           (B) shall be exempt from statutes, policies,  
6           rules, and regulations governing District of Co-  
7           lumbia public schools established by the Super-  
8           intendent, Board of Education, Mayor, District  
9           of Columbia Council, or Authority, except as  
10          otherwise provided in this title or in the charter  
11          granted to the school.

12          (4) AUDITS.—A public charter school shall be  
13          subject to the same financial audits, audit proce-  
14          dures, and fiduciary requirements as a District of  
15          Columbia public school.

16          (5) GOVERNANCE.—A public charter school  
17          shall be governed by a Board of Trustees in a man-  
18          ner consistent with the charter granted to the  
19          school, the provisions of this title, and any other law  
20          applicable to the school.

21          (6) OTHER STAFF.—No employee of the Dis-  
22          trict of Columbia public schools may be required to  
23          accept employment with, or be assigned to, a public  
24          charter school.

1           (7) OTHER STUDENTS.—No student enrolled in  
2 a District of Columbia public school may be required  
3 to attend a public charter school.

4           (8) TAXES OR BONDS.—A public charter school  
5 shall not levy taxes or issue bonds.

6           (9) CHARTER REVISION.—A public charter  
7 school seeking to revise its charter shall prepare a  
8 petition for approval of the revision and file it with  
9 the eligible chartering authority that granted the  
10 charter. The provisions of section 2153 shall apply  
11 to such a petition in the same manner as such provi-  
12 sions apply to a petition to establish a public charter  
13 school.

14           (10) ANNUAL REPORT.—

15           (A) IN GENERAL.—A public charter school  
16 shall submit an annual report to the eligible  
17 chartering authority that approved its charter  
18 and to the Authority. The school shall permit a  
19 member of the public to review any such report  
20 upon request.

21           (B) CONTENTS.—A report submitted  
22 under subparagraph (A) shall include the fol-  
23 lowing data:

24           (i) Student performance on any dis-  
25 trict-wide assessments.

1 (ii) Grade advancement for students  
2 enrolled in the public charter school.

3 (iii) Graduation rates, college admis-  
4 sion test scores, and college admission  
5 rates, if applicable.

6 (iv) Types and amounts of parental  
7 involvement.

8 (v) Official student enrollment.

9 (vi) Average daily attendance.

10 (vii) Average daily membership.

11 (viii) A financial statement audited by  
12 an independent certified public accountant.

13 (ix) A list of all donors and grantors  
14 that have contributed monetary or in-kind  
15 donations having a value equal or exceed-  
16 ing \$500 during the year that is the sub-  
17 ject of the report.

18 (C) NONIDENTIFYING DATA.—Data de-  
19 scribed in subparagraph (B) that are included  
20 in an annual report may not identify the indi-  
21 viduals to whom the data pertain.

22 (11) STUDENT ENROLLMENT REPORT.—A pub-  
23 lie charter school shall report to the Mayor and the  
24 District of Columbia Council annual student enroll-  
25 ment on a grade-by-grade basis, including students

1 with special needs, in a manner and form that per-  
2 mits the Mayor and the District of Columbia Council  
3 to comply with subtitle E.

4 (12) CENSUS.—A public charter school shall  
5 provide to the Board of Education student enroll-  
6 ment data necessary for the Board to comply with  
7 section 3 of article II of the Act of February 4,  
8 1925 (D.C. Code, sec. 31–404) (relating to census  
9 of minors).

10 (13) COMPLAINT RESOLUTION PROCESS.—A  
11 public charter school shall establish an informal  
12 complaint resolution process.

13 (14) PROGRAM OF EDUCATION.—A public char-  
14 ter school shall provide a program of education  
15 which shall include one or more of the following:

16 (A) Pre-school.

17 (B) Pre-kindergarten.

18 (C) Any grade or grades from kindergarten  
19 through 12th grade.

20 (D) Adult community, continuing, and vo-  
21 cational education programs.

22 (15) NONSECTARIAN NATURE OF SCHOOLS.—A  
23 public charter school shall be nonsectarian.

24 (16) NONPROFIT STATUS OF SCHOOL.—A pub-  
25 lic charter school shall be organized under the Dis-

1       trict of Columbia Nonprofit Corporation Act (D.C.  
2       Code, sec. 29–501 et seq.).

3           (17) IMMUNITY FROM CIVIL LIABILITY.—

4           (A) IN GENERAL.—A public charter school,  
5       and its incorporators, Board of Trustees, offi-  
6       cers, employees, and volunteers, shall be im-  
7       mune from civil liability, both personally and  
8       professionally, for any act or omission within  
9       the scope of their official duties unless the act  
10      or omission—

11           (i) constitutes gross negligence;

12           (ii) constitutes an intentional tort; or

13           (iii) is criminal in nature.

14           (B) COMMON LAW IMMUNITY PRE-  
15      SERVED.—Subparagraph (A) shall not be con-  
16      strued to abrogate any immunity under com-  
17      mon law of a person described in such subpara-  
18      graph.

19   **SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER**  
20           **SCHOOL.**

21           (a) BOARD OF TRUSTEES.—The members of a Board  
22      of Trustees of a public charter school shall be elected or  
23      selected pursuant to the charter granted to the school.  
24      Such a board shall have an odd number of members that  
25      does not exceed 7, of which—

1           (1) a majority shall be residents of the District  
2 of Columbia; and

3           (2) at least 2 shall be a parent of a student at-  
4 tending the school.

5           (b) ELIGIBILITY.—An individual is eligible for elec-  
6 tion or selection to the Board of Trustees of a public char-  
7 ter school if the person—

8           (1) is a teacher or staff member who is em-  
9 ployed at the school;

10          (2) is a parent of a student attending the  
11 school; or

12          (3) meets the selection or election criteria set  
13 forth in the charter granted to the school.

14           (c) ELECTION OR SELECTION OF PARENTS.—In the  
15 case of the first Board of Trustees of a public charter  
16 school to be elected or selected after the date on which  
17 the school is granted a charter, the election or selection  
18 of the members under subsection (a)(2) shall occur on the  
19 earliest practicable date after classes at the school have  
20 commenced. Until such date, any other members who have  
21 been elected or selected shall serve as an interim Board  
22 of Trustees. Such an interim board may exercise all of  
23 the powers, and shall be subject to all of the duties, of  
24 a Board of Trustees.

1           (d) FIDUCIARIES.—The Board of Trustees of a public  
2 charter school shall be fiduciaries of the school and shall  
3 set overall policy for the school. The Board of Trustees  
4 may make final decisions on matters related to the oper-  
5 ation of the school, consistent with the charter granted  
6 to the school, this title, and other applicable law.

7   **SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITH-**  
8                                   **DRAWAL.**

9           (a) OPEN ENROLLMENT.—Enrollment in a public  
10 charter school shall be open to all students who are resi-  
11 dents of the District of Columbia and, if space is available,  
12 to nonresident students who meet the tuition requirement  
13 in subsection (c).

14          (b) CRITERIA FOR ADMISSION.—A public charter  
15 school may not limit enrollment on the basis of a student's  
16 intellectual or athletic ability, measures of achievement or  
17 aptitude, or a student's disability. A public charter school  
18 may limit enrollment to specific grade levels or areas of  
19 focus of the school, such as mathematics, science, or the  
20 arts, where such a limitation is consistent with the charter  
21 granted to the school.

22          (c) RANDOM SELECTION.—If there are more applica-  
23 tions to enroll in a public charter school from students  
24 who are residents of the District of Columbia than there

1 are spaces available, students shall be admitted using a  
2 random selection process.

3 (d) ~~ADMISSION TO AN EXISTING SCHOOL.~~—During  
4 the 5-year period beginning on the date that a petition,  
5 filed by an eligible applicant seeking to convert an existing  
6 public, private, or independent school into a public charter  
7 school, is approved, the school shall give priority in enroll-  
8 ment to—

9 (1) students enrolled in the school at the time  
10 that the petition is granted;

11 (2) the siblings of students described in para-  
12 graph (1); and

13 (3) in the case of the conversion of an existing  
14 public school, students who reside within the attend-  
15 ance boundaries, if any, in which the school is lo-  
16 cated.

17 (e) ~~NONRESIDENT STUDENTS.~~—Nonresident stu-  
18 dents shall pay tuition to a public charter school at the  
19 current rate established for District of Columbia public  
20 schools administered by the Board of Education for the  
21 type of program in which the student has enrolled.

22 (f) ~~STUDENT WITHDRAWAL.~~—A student may with-  
23 draw from a public charter school at any time and, if oth-  
24 erwise eligible, enroll in a District of Columbia public  
25 school administered by the Board of Education.

1       (g) **EXPULSION AND SUSPENSION.**—The principal of  
2 a public charter school may expel or suspend a student  
3 from the school based on criteria set forth in the charter  
4 granted to the school.

5 **SEC. 2157. EMPLOYEES.**

6       (a) **EXTENDED LEAVE OF ABSENCE WITHOUT**  
7 **PAY.**—

8           (1) **LEAVE OF ABSENCE FROM DISTRICT OF CO-**  
9 **LUMBIA PUBLIC SCHOOLS.**—The Superintendent  
10 shall grant, upon request, an extended leave of ab-  
11 sence, without pay, to an employee of the District of  
12 Columbia public schools for the purpose of permit-  
13 ting the employee to accept a position at a public  
14 charter school for a 2-year term.

15           (2) **REQUEST FOR EXTENSION.**—At the end of  
16 a 2-year term referred to in paragraph (1), an em-  
17 ployee granted an extended leave of absence without  
18 pay under the paragraph may submit a request to  
19 the Superintendent for an extension of the leave of  
20 absence for an additional 2-year term. The Super-  
21 intendent may not unreasonably withhold approval  
22 of the request.

23           (3) **RIGHTS UPON TERMINATION OF LEAVE.**—  
24 An employee granted an extended leave of absence  
25 without pay for the purpose described in paragraph

1       (1) shall have the same rights and benefits under  
 2       law upon termination of such leave of absence as an  
 3       employee of the District of Columbia public schools  
 4       who is granted an extended leave of absence without  
 5       pay for any other purpose.

6       (b) RETIREMENT SYSTEM.—

7           (1) CREDITABLE SERVICE.—An employee of a  
 8       public charter school who has received a leave of ab-  
 9       sence under subsection (a) shall receive creditable  
 10      service, as defined in section 2604 of D.C. Law 2-  
 11      139, effective March 3, 1979, (D.C. Code, sec. 1-  
 12      627.4) and the rules established under such section,  
 13      for the period of the employee's employment at the  
 14      public charter school.

15          (2) AUTHORITY TO ESTABLISH SEPARATE SYS-  
 16      TEM.—A public charter school may establish a re-  
 17      tirement system for employees under its authority.

18          (3) ELECTION OF RETIREMENT SYSTEM.—A  
 19      former employee of the District of Columbia public  
 20      schools who become an employee of a public charter  
 21      school within 60 after the date the employee's em-  
 22      ployment with the District of Columbia public  
 23      schools is terminated may, at the time the employee  
 24      commences employment with the public charter  
 25      school, elect—

1           (A) to remain in a District of Columbia  
2 government retirement system and continue to  
3 receive creditable service for the period of their  
4 employment at a public charter school; or

5           (B) to transfer into a retirement system  
6 established by the public charter school pursu-  
7 ant to paragraph (2) :

8           (4) PROHIBITED EMPLOYMENT CONDITIONS.—

9 No public charter school may require a former em-  
10 ployee of the District of Columbia public schools to  
11 transfer to the public charter school's retirement  
12 system as a condition of employment.

13           (5) CONTRIBUTIONS.—

14           (A) EMPLOYEES ELECTING NOT TO TRANS-  
15 FER.—In the case of a former employee of the  
16 District of Columbia public schools who elects  
17 to remain in a District of Columbia government  
18 retirement system pursuant to paragraph  
19 (3)(A), the public charter school that employs  
20 the person shall make the same contribution to  
21 such system on behalf of the person as the Dis-  
22 trict of Columbia would have been required to  
23 make if the person had continued to be an em-  
24 ployee of the District of Columbia public  
25 schools.



1 **SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERV-**  
 2 **ICES TO PUBLIC CHARTER SCHOOLS.**

3 The Superintendent may provide services such as fa-  
 4 cilities maintenance to public charter schools. All com-  
 5 pensation for costs of such services shall be subject to ne-  
 6 gotiation and mutual agreement between a public charter  
 7 school and the Superintendent.

8 **SEC. 2160. APPLICATION OF LAW.**

9 (a) **ELEMENTARY AND SECONDARY EDUCATION**  
 10 **ACT.—**

11 (1) **TREATMENT AS LOCAL EDUCATIONAL**  
 12 **AGENCY.—**For any fiscal year, a public charter  
 13 school shall be considered to be a local educational  
 14 agency for purposes of part A of title I of the Ele-  
 15 mentary and Secondary Education Act of 1965, and  
 16 shall be eligible for assistance under such part, if the  
 17 percentage of pupils enrolled in the public charter  
 18 school during the preceding fiscal year who were eli-  
 19 gible for, and received, free or reduced price school  
 20 lunches under the National School Lunch Act is  
 21 equal to or greater than the lowest such percentage  
 22 for any District of Columbia public school that was  
 23 selected to provide services under section 1113 of  
 24 such Act for such preceding year.

25 (2) **ALLOCATION FOR FISCAL YEARS 1996**  
 26 **THROUGH 1998.—**

1           (A) PUBLIC CHARTER SCHOOLS.—For fis-  
2           eal years 1996 through 1998, each public char-  
3           ter school that is eligible to receive assistance  
4           under part A of title I of the Elementary and  
5           Secondary Education Act of 1965 shall receive  
6           a portion of the District of Columbia's total al-  
7           location under such part which bears the same  
8           ratio to such total allocation as the number de-  
9           scribed in subparagraph (C) bears to the num-  
10          ber described in subparagraph (D).

11          (B) DISTRICT OF COLUMBIA PUBLIC  
12          SCHOOLS.—For fiscal years 1996 through  
13          1998, the District of Columbia public schools  
14          shall receive a portion of the District of Colum-  
15          bia's total allocation under part A of title I of  
16          the Elementary and Secondary Education Act  
17          of 1965 which bears the same ratio to such  
18          total allocation as the total of the numbers de-  
19          scribed in clauses (ii) and (iii) of paragraph  
20          (2)(D) bears to the aggregate total described in  
21          paragraph (2)(D).

22          (C) NUMBER OF ELIGIBLE PUPILS EN-  
23          ROLLED IN THE PUBLIC CHARTER SCHOOL.—  
24          The number described in this subparagraph is  
25          the number of pupils enrolled in the public

1 charter school during the preceding fiscal year  
2 who were eligible for, and received, free or re-  
3 duced price school lunches under the National  
4 School Lunch Act.

5 (D) AGGREGATE NUMBER OF ELIGIBLE  
6 PUPILS.—The number described in this sub-  
7 paragraph is the aggregate total of the follow-  
8 ing numbers:

9 (i) The number of pupils enrolled dur-  
10 ing the preceding fiscal year in all eligible  
11 public charter schools who were eligible  
12 for, and received, free or reduced price  
13 school lunches under the National School  
14 Lunch Act.

15 (ii) The number of pupils who, during  
16 the preceding fiscal year—

17 (I) were enrolled in a District of  
18 Columbia public school selected to  
19 provide services under section 1113 of  
20 the Elementary and Secondary Edu-  
21 cation Act of 1965; and

22 (II) were eligible for, and re-  
23 ceived, free or reduced price school  
24 lunches under the National School  
25 Lunch Act.

1 (iii) The number of pupils who, during  
2 the preceding fiscal year—

3 (I) were enrolled in a private or  
4 independent school;

5 (II) were eligible for, and re-  
6 ceived, free or reduced price school  
7 lunches under the National School  
8 Lunch Act; and

9 (III) resided in an attendance  
10 area of a District of Columbia public  
11 school selected to provide services  
12 under section 1113 of the Elementary  
13 and Secondary Education Act of  
14 1965.

15 ~~(3) ALLOCATION FOR FISCAL YEAR 1999 AND~~  
16 ~~THEREAFTER.—~~

17 (A) CALCULATION BY SECRETARY.—Not-  
18 withstanding sections 1124(a)(2), 1124(c)(2),  
19 1124A(a)(4), 1125(c)(2), and 1125(d) of the  
20 Elementary and Secondary Education Act of  
21 1965, for fiscal year 1999 and fiscal years  
22 thereafter, the total allocation under part A of  
23 title I of such Act for all local educational agen-  
24 cies in the District of Columbia, including pub-  
25 lic charter schools that are eligible to receive as-

1           sistance under such part, shall be calculated by  
2           the Secretary of Education. In making such cal-  
3           culation, such Secretary shall treat all such  
4           local educational agencies as if they were a sin-  
5           gle local educational agency for the District of  
6           Columbia.

7           (B) ALLOCATION.—

8           (i) PUBLIC CHARTER SCHOOLS.—For  
9           fiscal year 1999 and fiscal years there-  
10          after, each public charter school that is eli-  
11          gible to receive assistance under part A of  
12          title I of the Elementary and Secondary  
13          Education Act of 1965 shall receive a por-  
14          tion of the total allocation calculated under  
15          subparagraph (A) which bears the same  
16          ratio to such total allocation as the number  
17          described in paragraph (2)(C) bears to the  
18          number described in paragraph (2)(D).

19          (ii) DISTRICT OF COLUMBIA PUBLIC  
20          SCHOOLS.—For fiscal year 1999 and fiscal  
21          years thereafter, the District of Columbia  
22          public schools shall receive a portion of the  
23          total allocation calculated under subpara-  
24          graph (A) which bears the same ratio to  
25          such total allocation as the total of the

1 numbers described in clauses (ii) and (iii)  
2 of paragraph (2)(D) bears to the aggregate  
3 total described in paragraph (2)(D).

4 (4) USE OF ESEA FUNDS.—The Board of Edu-  
5 cation may not direct a public charter school in the  
6 charter school's use of funds under part A of title  
7 I of the Elementary and Secondary Education Act  
8 of 1965.

9 (5) INAPPLICABILITY OF CERTAIN ESEA PROVI-  
10 SIONS.—The following provisions of the Elementary  
11 and Secondary Education Act of 1965 shall not  
12 apply to a public charter school:

13 (A) Paragraphs (5), (8), and (9) of section  
14 1112(b).

15 (B) Subsection 1112(e).

16 (C) Section 1113.

17 (D) Section 1115A.

18 (E) Subsections (a), (b), and (c) of section  
19 1116.

20 (F) Subsections (a), (c), (d), (e), (f), and  
21 (g) of section 1118.

22 (G) Section 1120.

23 (H) Subsections (a) and (c) of section  
24 1120A.

25 (I) Section 1120B.

1                   (J) Section 1126.

2           (b) PROPERTY AND SALES TAXES.—A public charter  
3 school shall be exempt from District of Columbia property  
4 and sales taxes.

5 **SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING**  
6 **AUTHORITIES.**

7           (a) OVERSIGHT.—

8                   (1) IN GENERAL.—An eligible chartering au-  
9 thority—

10                           (A) shall monitor the operations of each  
11 public charter school to which the authority has  
12 granted a charter;

13                           (B) shall ensure that each such school  
14 complies with applicable laws and the provisions  
15 of the charter granted to the school; and

16                           (C) shall monitor the progress of each such  
17 school in meeting student academic achievement  
18 expectations specified in the charter granted to  
19 the school.

20           (2) PRODUCTION OF BOOKS AND RECORDS.—

21 An eligible chartering authority may require a public  
22 charter school to which the authority has granted a  
23 charter to produce any book, record, paper, or docu-  
24 ment, if the authority determines that such produc-

1 tion is necessary for the authority to carry out its  
2 functions under this title.

3 (b) FEES.—

4 (1) APPLICATION FEE.—An eligible chartering  
5 authority may charge an eligible applicant a fee, not  
6 to exceed \$150, for processing a petition to establish  
7 a public charter school.

8 (2) ADMINISTRATION FEE.—In the case of an  
9 eligible chartering authority that has granted a char-  
10 ter to an public charter school, the authority may  
11 charge the school a fee, not to exceed one-half of one  
12 percent of the annual budget of the school, to cover  
13 the cost of undertaking the ongoing administrative  
14 responsibilities of the authority with respect to the  
15 school that are described in this subtitle. The school  
16 shall pay the fee to the eligible chartering authority  
17 not later than November 15 of each year.

18 (c) IMMUNITY FROM CIVIL LIABILITY.—

19 (1) IN GENERAL.—An eligible chartering au-  
20 thority, a governing board of such an authority, and  
21 the directors, officers, employees, and volunteers of  
22 such an authority, shall be immune from civil liabil-  
23 ity, both personally and professionally, for any act or  
24 omission within the scope of their official duties un-  
25 less the act or omission—

- 1           (A) constitutes gross negligence;  
2           (B) constitutes an intentional tort; or  
3           (C) is criminal in nature.

4           (2) COMMON LAW IMMUNITY PRESERVED.—

5           Paragraph (1) shall not be construed to abrogate  
6           any immunity under common law of a person de-  
7           scribed in such paragraph.

8   **SEC. 2162. CHARTER RENEWAL.**

9           (a) TERM.—A charter granted to a public charter  
10          school shall remain in force for a 5-year period, but may  
11          be renewed for an unlimited number of 5-year periods.

12          (b) APPLICATION FOR CHARTER RENEWAL.—In the  
13          case of a public charter school that desires to renew its  
14          charter, the Board of Trustees of the school shall file an  
15          application to renew the charter with the eligible charter-  
16          ing authority that granted the charter not later than 120  
17          days before the expiration of the charter. The application  
18          shall contain the following:

19               (1) A report on the progress of the public char-  
20          ter school in achieving the goals, student academic  
21          achievement expectations, and other terms of the ap-  
22          proved charter.

23               (2) All audited financial statements for the pub-  
24          lic charter school for the preceding 4 years.

1       (c) APPROVAL OF CHARTER RENEWAL APPLICA-  
 2 TION.—The eligible chartering authority that granted a  
 3 charter shall approve an application to renew the charter  
 4 that is filed in accordance with subsection (b) unless the  
 5 authority determines that—

6           (1) the school committed a material violation of  
 7 the conditions, terms, standards, or procedures set  
 8 forth in the charter; or

9           (2) the school failed to meet the goals and stu-  
 10 dent academic achievement expectations set forth in  
 11 the charter.

12       (d) PROCEDURES FOR CONSIDERATION OF CHARTER  
 13 RENEWAL.—

14           (1) NOTICE OF RIGHT TO HEARING.—An eligi-  
 15 ble chartering authority that has received an appli-  
 16 cation to renew a charter that is filed by a Board  
 17 of Trustees in accordance with subsection (b) shall  
 18 provide to the Board written notice of the right to  
 19 an informal hearing on the application. The eligible  
 20 chartering authority shall provide the notice not  
 21 later than 15 days after the date on which the au-  
 22 thority received the application.

23           (2) REQUEST FOR HEARING.—Not later than  
 24 15 days after the date on which a Board of Trustees  
 25 receives a notice under paragraph (1), the Board

1 may request, in writing, an informal hearing on the  
2 application before the eligible chartering authority.

3 ~~(3) DATE AND TIME OF HEARING.—~~

4 (A) NOTICE.—Upon receiving a timely  
5 written request for a hearing under paragraph  
6 ~~(2)~~, an eligible chartering authority shall set a  
7 date and time for the hearing and shall provide  
8 reasonable notice of the date and time, as well  
9 as the procedures to be followed at the hearing,  
10 to the Board.

11 (B) DEADLINE.—An informal hearing  
12 under this subsection shall take place not later  
13 than 30 days after an eligible chartering au-  
14 thority receives a timely written request for the  
15 hearing under paragraph ~~(2)~~.

16 ~~(4) FINAL DECISION.—~~

17 (A) DEADLINE.—An eligible chartering au-  
18 thority shall render a final decision, in writing,  
19 on an application to renew a charter—

20 (i) not later than 30 days after the  
21 date on which the authority provided the  
22 written notice of the right to a hearing, in  
23 the case of an application with respect to  
24 which such a hearing is not held; and

1                   (ii) not later than 30 days after the  
2                   date on which the hearing is concluded, in  
3                   the case of an application with respect to  
4                   which a hearing is held.

5                   (B) REASONS FOR NONRENEWAL.—An eli-  
6                   gible chartering authority that denies an appli-  
7                   cation to renew a charter shall state in its deci-  
8                   sion, in reasonable detail, the grounds for the  
9                   denial.

10                  (5) ALTERNATIVES UPON NONRENEWAL.—An  
11                  eligible chartering authority that denies an applica-  
12                  tion to renew a charter granted to a public charter  
13                  school, or whose decision approving such an applica-  
14                  tion is reversed under section 2162(e), may—

15                         (A) manage the school directly until alter-  
16                         native arrangements can be made for students  
17                         at the school; or

18                         (B) place the school in a probationary sta-  
19                         tus that requires the school to take remedial ac-  
20                         tions, to be determined by the authority, that  
21                         directly relate to the grounds for the denial.

22                  (6) JUDICIAL REVIEW.—

23                         (A) AVAILABILITY OF REVIEW.—A decision  
24                         by an eligible chartering authority to deny an

1 application to renew a charter shall be subject  
2 to judicial review.

3 (B) STANDARD OF REVIEW.—A decision by  
4 an eligible chartering authority to deny an ap-  
5 plication to renew a charter shall be upheld un-  
6 less the decision is arbitrary and capricious or  
7 clearly erroneous.

8 (c) BOARD OF EDUCATION RENEWAL REVIEW.—

9 (1) NOTICE OF DECISION TO RENEW.—An eligi-  
10 ble chartering authority, other than the Board of  
11 Education, that renders a decision to approve an ap-  
12 plication to renew a charter granted to a public  
13 charter school—

14 (A) shall provide a copy of the decision to  
15 the Superintendent, the Board of Education,  
16 and the school not later than 3 days after the  
17 decision is rendered; and

18 (B) shall publish the decision in the Dis-  
19 trict of Columbia Register not later than 5 days  
20 after the decision is rendered.

21 (2) RECOMMENDATION OF SUPERINTEND-  
22 ENT.—Not later than 30 days after an eligible char-  
23 tering authority provides a copy of a decision ap-  
24 proving an application to renew a charter to the Su-  
25 perintendent under paragraph (1), the Superintend-

1 ent may recommend to the Board of Education, in  
2 writing, that the decision be reversed.

3 ~~(3) STANDARD OF REVIEW BY BOARD OF EDU-~~  
4 ~~CATION.—~~The Board of Education may concur in a  
5 recommendation of the Superintendent under para-  
6 graph (2), and reverse a decision approving an appli-  
7 cation to renew a charter granted to a public charter  
8 school, if the Board of Education determines that—

9 (A) the school failed to meet the goals and  
10 student academic achievement expectations set  
11 forth in the charter, in the case of a school that  
12 has a student body the majority of which com-  
13 prises students with special needs; or

14 (B) the average test score for all students  
15 enrolled in the school was less than the average  
16 test score for all students enrolled in the Dis-  
17 trict of Columbia public schools on the most re-  
18 cently administered the district-wide assess-  
19 ments, in the case of a school that has a stu-  
20 dent body the majority of which does not com-  
21 prise students with special needs.

22 ~~(4) PROCEDURES FOR REVERSING DECISION.—~~

23 (A) NOTICE OF RIGHT TO HEARING.—In  
24 any case in which the Board of Education is  
25 considering reversing a decision approving an

1 application to renew a charter granted to a  
2 public charter school, the Board of Education  
3 shall provide to the Board of Trustees of the  
4 school a written notice stating in reasonable de-  
5 tail the grounds for the proposed reversal. The  
6 notice shall inform the Board of Trustees of the  
7 right to an informal hearing on the proposed  
8 reversal.

9 (B) REQUEST FOR HEARING.—Not later  
10 than 15 days after the date on which a Board  
11 of Trustees receives a notice under subpara-  
12 graph (A), the Board may request, in writing,  
13 an informal hearing on the proposed reversal  
14 before the Board of Education.

15 (C) DATE AND TIME OF HEARING.—

16 (i) NOTICE.—Upon receiving a timely  
17 written request for a hearing under sub-  
18 paragraph (B), the Board of Education  
19 shall set a date and time for the hearing  
20 and shall provide reasonable notice of the  
21 date and time, as well as the procedures to  
22 be followed at the hearing, to the Board of  
23 Trustees.

24 (ii) DEADLINE.—An informal hearing  
25 under this paragraph shall take place not

1 later than 30 days after the Board of Edu-  
2 cation receives a timely written request for  
3 the hearing under subparagraph (B).

4 ~~(D) FINAL DECISION.—~~

5 (i) ~~DEADLINE.—~~The Board of Edu-  
6 cation shall render a final decision, in writ-  
7 ing, on the proposed reversal—

8 (I) not later than 30 days after  
9 the date on which the Board of Edu-  
10 cation provided the written notice of  
11 the right to a hearing, in the case of  
12 a proposed reversal with respect to  
13 which such a hearing is not held; and

14 (II) not later than 30 days after  
15 the date on which the hearing is con-  
16 cluded, in the case of a proposed re-  
17 versal with respect to which a hearing  
18 is held.

19 (ii) ~~REASONS FOR REVERSAL.—~~If the  
20 Board of Education reverses a decision ap-  
21 proving an application to renew a charter,  
22 the Board of Education shall state in its  
23 decision, in reasonable detail, the grounds  
24 for the reversal.

25 ~~(E) JUDICIAL REVIEW.—~~

1 (i) AVAILABILITY OF REVIEW.—A de-  
 2 cision by the Board of Education to re-  
 3 verse a decision approving an application  
 4 to renew a charter shall be subject to judi-  
 5 cial review.

6 (ii) STANDARD OF REVIEW.—A deci-  
 7 sion by the Board of Education to reverse  
 8 a decision approving an application to  
 9 renew a charter shall be upheld unless the  
 10 decision is arbitrary and capricious or  
 11 clearly erroneous.

12 **SEC. 2163. CHARTER REVOCATION.**

13 (a) CHARTER OR LAW VIOLATIONS.—An eligible  
 14 chartering authority that has granted a charter to a public  
 15 charter school may revoke the charter if the authority de-  
 16 termines that the school has committed a violation of ap-  
 17 plicable laws or a material violation of the conditions,  
 18 terms, standards, or procedures set forth in the charter.

19 (b) FISCAL MISMANAGEMENT.—An eligible charter-  
 20 ing authority that has granted a charter to a public char-  
 21 ter school shall revoke the charter if the authority deter-  
 22 mines that the school—

23 (1) has engaged in a pattern of nonadherence  
 24 to generally accepted accounting principles;

1           (2) has engaged in a pattern of fiscal mis-  
2 management; or

3           (3) is no longer economically viable.

4       (c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—  
5

6           (1) NOTICE OF RIGHT TO HEARING.—An eligi-  
7 ble chartering authority that is proposing to revoke  
8 a charter granted to a public charter school shall  
9 provide to the Board of Trustees of the school a  
10 written notice stating in reasonable detail the  
11 grounds for the proposed revocation. The notice  
12 shall inform the Board of the right of the Board to  
13 an informal hearing on the proposed revocation.

14           (2) REQUEST FOR HEARING.—Not later than  
15 15 days after the date on which a Board of Trustees  
16 receives a notice under paragraph (1), the Board  
17 may request, in writing, an informal hearing on the  
18 proposed revocation before the eligible chartering au-  
19 thority.

20           (3) DATE AND TIME OF HEARING.—

21           (A) NOTICE.—Upon receiving a timely  
22 written request for a hearing under paragraph  
23 (2), an eligible chartering authority shall set a  
24 date and time for the hearing and shall provide  
25 reasonable notice of the date and time, as well

1 as the procedures to be followed at the hearing,  
2 to the Board.

3 (B) DEADLINE.—An informal hearing  
4 under this subsection shall take place not later  
5 than 30 days after an eligible chartering au-  
6 thority receives a timely written request for the  
7 hearing under paragraph (2).

8 (4) FINAL DECISION.—

9 (A) DEADLINE.—An eligible chartering au-  
10 thority shall render a final decision, in writing,  
11 on the revocation of a charter—

12 (i) not later than 30 days after the  
13 date on which the authority provided the  
14 written notice of the right to a hearing, in  
15 the case of a proposed revocation with re-  
16 spect to which such a hearing is not held;  
17 and

18 (ii) not later than 30 days after the  
19 date on which the hearing is concluded, in  
20 the case of a proposed revocation with re-  
21 spect to which a hearing is held.

22 (B) REASONS FOR REVOCATION.—An eligi-  
23 ble chartering authority that revokes a charter  
24 shall state in its decision, in reasonable detail,  
25 the grounds for the denial.

1           (5) ALTERNATIVES UPON REVOCATION.—An el-  
 2           igible chartering authority that revokes a charter  
 3           granted to a public charter school may manage the  
 4           school directly until alternative arrangements can be  
 5           made for students at the school.

6           (6) JUDICIAL REVIEW.—

7           (A) AVAILABILITY OF REVIEW.—A decision  
 8           by an eligible chartering authority to revoke a  
 9           charter shall be subject to judicial review.

10          (B) STANDARD OF REVIEW.—A decision by  
 11          an eligible chartering authority to revoke a  
 12          charter shall be upheld unless the decision is  
 13          arbitrary and capricious or clearly erroneous.

14   **SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING**  
 15                                   **AUTHORITY.**

16          (a) NOTICE.—In the case of an eligible chartering au-  
 17          thority that has granted a charter to a public charter  
 18          school and that becomes unable or unwilling to continue  
 19          to act in the capacity of an eligible chartering authority  
 20          with respect to the school, the authority shall provide writ-  
 21          ten notice of such discontinuance to the school, to the ex-  
 22          tent feasible, not later than the date that is 120 days be-  
 23          fore the date on which such discontinuance takes effect.

24          (b) PETITION BY SCHOOL.—A public charter school  
 25          that has been granted a charter by an eligible chartering

1 authority that becomes unable or unwilling to continue to  
 2 act in the capacity of an eligible chartering authority with  
 3 respect to the school shall file a petition with another eligi-  
 4 ble chartering authority described in subsection (c)(2).  
 5 The petition shall request that such other authority as-  
 6 sume the powers and duties of an eligible chartering au-  
 7 thority with respect to the school and the charter granted  
 8 to the school. The petition shall be filed—

9           (1) in the case of a public charter school that  
 10       received a timely notice under subsection (a), not  
 11       later than 120 days after such notice was received;  
 12       and

13           (2) in the case of a public charter school that  
 14       did not receive a timely notice under subsection (a),  
 15       not later than 120 days after the date on which the  
 16       eligible chartering authority ceases to act in the ca-  
 17       pacity of an eligible chartering authority with re-  
 18       spect to the school.

19       (c) CHARTERING AUTHORITIES REQUIRED TO AS-  
 20       SUME DUTIES.—

21           (1) IN GENERAL.—If any of the eligible char-  
 22       tering authorities described in paragraph (2) re-  
 23       ceives a petition filed by a public charter school in  
 24       accordance with subsection (b), the eligible charter-  
 25       ing authority shall grant the petition and assume the

1 powers and duties of an eligible chartering authority  
2 with respect to the school and the charter granted  
3 to the school.

4 (2) ELIGIBLE CHARTERING AUTHORITIES.—

5 The eligible chartering authorities referred to in  
6 paragraph (1) are the following:

7 (A) The Board of Education.

8 (B) Any other entity established, and des-  
9 ignated as an eligible chartering authority, by  
10 the District of Columbia Council by enactment  
11 of a bill after the date of the enactment of this  
12 Act.

13 (d) INTERIM POWERS AND DUTIES OF SCHOOL.—

14 Except as provided in this section, the powers and duties  
15 of a public charter school that has been granted a charter  
16 by an eligible chartering authority that becomes unable  
17 or unwilling to continue to act in the capacity of an eligible  
18 chartering authority with respect to the school shall not  
19 be affected by such discontinuance, if the school satisfies  
20 the requirements of this section.

21 **SEC. 2165. FEDERAL ENTITIES.**

22 (a) IN GENERAL.—The following Federal agencies  
23 and federally-established institutions shall explore whether  
24 it is feasible for the agency or institution to establish one  
25 or more public charter schools:

1           (1) The Library of Congress.

2           (2) The National Aeronautics and Space Ad-  
3           ministration.

4           (3) The Drug Enforcement Agency.

5           (4) The National Science Foundation.

6           (5) The Department of Justice.

7           (6) The Department of Defense.

8           (7) The Smithsonian Institution, including the  
9           National Zoological Park, the National Museum of  
10          American History, the Kennedy Center for the Per-  
11          forming Arts, and the National Gallery of Art.

12          (b) DETERMINATION.—Not later than 120 days after  
13          the date of the enactment of this Act, each agency and  
14          institution listed in subsection (a) shall make a determina-  
15          tion regarding whether it is feasible for the agency or in-  
16          stitution to establish one or more public charter schools.

17          (c) REPORT.—Not later than 270 days after the date  
18          of the enactment of this Act, any agency or institution  
19          listed in subsection (a) that has not filed a petition to es-  
20          tablish a public charter school with an eligible chartering  
21          authority shall report to the Congress the reasons for the  
22          decision.



1           “(C) for fiscal year 1998, \$5,000,000 for  
2 continued funding made in fiscal years 1996  
3 and 1997 and for new grants, for an aggregate  
4 of 20 grants in such fiscal year;

5           “(D) for fiscal year 1999, \$5,000,000 for  
6 continued funding made in fiscal years 1996,  
7 1997, and 1998 and for new grants, for an ag-  
8 gregate of 20 grants in such fiscal year; and

9           “(E) for fiscal year 2000, \$5,000,000 for  
10 continued funding made in fiscal years 1996,  
11 1997, 1998, and 1999 and for new grants, for  
12 an aggregate of 20 grants in such fiscal year or  
13 such number as the Secretary determines ap-  
14 propriate pursuant to the evaluation described  
15 in section 1211(i)(2).”.

16       (b) EVEN START FAMILY LITERACY PROGRAMS.—

17 Part B of title I of the Elementary and Secondary Edu-  
18 cation Act of 1965 is amended—

19           (1) in section 1202(a)(1), by inserting “(1)”  
20 after “1002(b)”;

21           (2) in section 1202(b), by inserting “(1)” after  
22 “1002(b)”;

23           (3) in section 1202(d)(1)—

24                   (A) by inserting “(1)” after “1002(b)”;

25                   and

- 1           (B) by inserting “or under section 1211,”  
2           after “subsections (a), (b), and (c),”;  
3           (4) in section 1202(d)(3), by inserting “(1)”  
4           after “1002(b),”;  
5           (5) in section 1202(e)(4), by striking “, the  
6           District of Columbia,”;  
7           (6) in section 1204(a), by inserting “intensive”  
8           after “cost of providing”;  
9           (7) in section 1205(4), by inserting “, inten-  
10          sive” after “high-quality”;  
11          (8) in section 1206(b)(1), by striking “de-  
12          scribed in subsection (a)”;  
13          (9) by adding at the end the following new sec-  
14          tion:

15       **“SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIA-**  
16               **TIVES.**

17       “(a) D.C. PROGRAM AUTHORIZED.—The Secretary  
18       shall provide grants, on a competitive basis, to assist eligi-  
19       ble entities to carry out Even Start programs in the Dis-  
20       trict of Columbia that build on the findings of the ‘Na-  
21       tional Evaluation of the Even Start Family Literacy Pro-  
22       gram’, such as providing intensive services in parent train-  
23       ing and adult literacy or adult education.

1       “(b) DEFINITION OF ‘ELIGIBLE’.—For the purpose  
2 of this section, the term ‘eligible entity’ means a partner-  
3 ship composed of at least—

4           “(1) a public school in the District of Columbia;

5           “(2) the local educational agency in existence  
6 on September 1, 1995 for the District of Columbia,  
7 any other public organization, or an institution of  
8 higher education; and

9           “(3) a private nonprofit community-based orga-  
10 nization.

11       “(c) USES OF FUNDS; COST-SHARING.—

12           “(1) COMPLIANCE.—Each eligible entity that  
13 receives funds under this section shall comply with  
14 section 1204(a) and 1204(b)(3), relating to the use  
15 of such funds.

16           “(2) COST-SHARING.—Each program funded  
17 under this section is subject to the cost-sharing re-  
18 quirement of section 1204(b)(1), except that the  
19 Secretary may waive that requirement, in whole or  
20 in part, for any eligible entity that demonstrates to  
21 the Secretary’s satisfaction that such entity other-  
22 wise would not be able to participate in the program  
23 under this section.

24           “(3) MINIMUM.—Except as provided in para-  
25 graph (4), each eligible entity selected to receive a

1 grant under this section shall receive not more than  
2 \$250,000 in any fiscal year, except that the Sec-  
3 retary may increase such amount if the Secretary  
4 determines that—

5 “(A) such entity needs additional funds to  
6 be effective; and

7 “(B) the increase will not reduce the  
8 amount of funds available to other programs  
9 that receive funds under this section.

10 “(4) REMAINING FUNDS.—If funds remain  
11 after payments are made under paragraph (3) for  
12 any fiscal year, the Secretary shall make such re-  
13 maining funds available to each selected eligible en-  
14 tity in such fiscal year on a pro rata basis.

15 “(d) PROGRAM ELEMENTS.—Each program assisted  
16 under this section shall comply with the program elements  
17 described in section 1205, including intensive high quality  
18 instruction programs of parent training and adult literacy  
19 or adult education.

20 “(e) ELIGIBLE PARTICIPANTS.—

21 “(1) IN GENERAL.—Individuals eligible to par-  
22 ticipate in a program under this section are—

23 “(A) the parent or parents of a child de-  
24 scribed in subparagraph (B), or any other adult

1 who is substantially involved in the day-to-day  
2 care of the child; who—

3 “(i) is eligible to participate in an  
4 adult education program under the Adult  
5 Education Act; or

6 “(ii) is attending; or is eligible by age  
7 to attend, a public school in the District of  
8 Columbia; and

9 “(B) any child, from birth through age 7,  
10 of an individual described in subparagraph (A).

11 “(2) ELIGIBILITY REQUIREMENTS.—The eligi-  
12 bility factors described in section 1206(b) shall apply  
13 to programs under this section.

14 “(f) APPLICATIONS.—Each eligible entity that wishes  
15 to receive a grant under this section shall submit an appli-  
16 cation to the Secretary at such time, in such manner, and  
17 containing such information as the Secretary may require.

18 “(g) SELECTION OF GRANTEEES.—In awarding grants  
19 under this section, the Secretary shall—

20 “(1) use the selection criteria described in sub-  
21 paragraphs (A) through (F) and (H) of section  
22 1208(a)(1); and

23 “(2) give priority to applications for programs  
24 that—

1           “(A) target services to schools in which a  
2           schoolwide program is being conducted under  
3           section 1114 of this subtitle; or

4           “(B) are located in areas designated as  
5           empowerment zones or enterprise communities.

6           “(h) DURATION OF PROGRAMS.—The priority for  
7           subgrants described in section 1208(b) shall apply to  
8           grants made under this section, except that—

9           “(1) references in that section to the State edu-  
10          cational agency and to subgrants shall be read to  
11          refer to the Secretary and to grants under this sec-  
12          tion, respectively; and

13          “(2) notwithstanding paragraph (4) of such sec-  
14          tion, the Secretary shall not provide continuation  
15          funding to a recipient under this section if the Sec-  
16          retary determines, after affording the recipient no-  
17          tice and an opportunity for a hearing, that the recip-  
18          ient has not made substantial progress toward  
19          achieving its stated objectives and the purpose of  
20          this section.

21          “(i) TECHNICAL ASSISTANCE AND EVALUATION.—

22          “(1) TECHNICAL ASSISTANCE.—(A) The Sec-  
23          retary shall use not more than 5 percent of the  
24          amounts authorized under section 1002(b)(2) for  
25          any fiscal year to provide technical assistance to eli-

1       gible entities, including providing funds to one or  
2       more local nonprofit organizations to provide tech-  
3       nical assistance to eligible entities in the areas of  
4       community development and coalition building; and  
5       for the evaluation conducted pursuant to paragraph  
6       (2).

7               “(B) The Secretary shall allocate 5 percent of  
8       the amounts authorized under section 1002(b)(2) in  
9       any fiscal year to contract with the National Center  
10       for Family Literacy to provide technical assistance  
11       to eligible entities.

12               “(2) EVALUATION.—(A) The Secretary shall  
13       use funds available under paragraph (1)(A) to pro-  
14       vide an independent evaluation of programs under  
15       this section to determine their effectiveness in pro-  
16       viding high quality family literacy services includ-  
17       ing—

18                       “(i) intensive and high quality services in  
19                       adult literacy or adult education;

20                       “(ii) intensive and high quality services in  
21                       parent training;

22                       “(iii) coordination with related programs;

23                       “(iv) training of related personnel in ap-  
24                       propriate skill areas; and

1 to determine if the grant amount provided to grant-  
2 ees to carry out such projects is appropriate to ac-  
3 complish the goals of this section.

4 “(B)(i) Such evaluation shall be conducted by  
5 individuals not directly involved in the administra-  
6 tion of a program operated with funds provided  
7 under this section. Such independent evaluators and  
8 the program administrators shall jointly develop  
9 evaluation criteria which provide for appropriate  
10 analysis of the factors listed in subparagraph (A).

11 “(ii) In order to determine a program’s effec-  
12 tiveness in achieving its stated goals, each evaluation  
13 shall contain objective measures of such goals and,  
14 whenever feasible, shall obtain the specific views of  
15 program participants about such programs.

16 “(C) The Secretary shall prepare and submit to  
17 the Committees on Appropriations of the House of  
18 Representatives and the Senate, the Committee on  
19 Economic and Education Opportunities of the House  
20 of Representatives, the Committee on Government  
21 Reform and Oversight of the House of Representa-  
22 tives, the Committee on Labor and Human Re-  
23 sources of the Senate, and the Committee on Gov-  
24 ernmental Affairs of the Senate a report regarding  
25 the results of such evaluations not later than March

1 1, 1999. The Secretary shall provide an interim re-  
2 port by March 1, 1998.”.

3 **Subtitle D—World Class Schools**  
4 **Panel; Core Curriculum; Assess-**  
5 **ments; and Promotion Gates**

6 **PART 1—WORLD CLASS SCHOOLS PANEL**

7 **SEC. 2251. ESTABLISHMENT.**

8 There is established a panel to be known as the  
9 “World Class Schools Panel”.

10 **SEC. 2252. DUTIES OF PANEL.**

11 (a) IN GENERAL.—Not later than July 1, 1996, the  
12 Panel shall recommend to the Superintendent and the  
13 Board of Education the following:

14 (1) A core curriculum for kindergarten through  
15 the 12th grade developed or selected by the Panel.

16 (2) District-wide assessments for measuring  
17 student achievement in the curriculum developed or  
18 selected under paragraph (1). Such assessments  
19 shall be developed at several grade levels, including,  
20 at a minimum, the grade levels with respect to which  
21 the Superintendent establishes promotion gates, as  
22 required under section 2263. To the extent feasible,  
23 such assessments shall, at a minimum, be designed  
24 to provide information that permits the following  
25 comparisons to be made:

1           (A) Comparisons among individual schools  
2           and individual students in the District of Co-  
3           lumbia.

4           (B) Comparisons between individual  
5           schools and individual students in the District  
6           of Columbia and schools and students in other  
7           States and the Nation as a whole.

8           (C) Comparisons between individual  
9           schools and individual students in the District  
10          of Columbia and schools and students in other  
11          nations whose students historically have scored  
12          high on international studies of student achieve-  
13          ment.

14          (3) Model professional development programs  
15          for teachers using the curriculum developed or se-  
16          lected under paragraph (1).

17          (b) CONTENT.—The curriculum and assessments rec-  
18          ommended under subsection (a) shall be either newly de-  
19          veloped or existing materials that are judged by the Panel  
20          to be—

21               (1) “world class”, including having a level of  
22               quality and rigor that is equal to, or greater than,  
23               the level of quality and rigor of analogous curricula  
24               and assessments of other nations (including nations

1 whose students historically score high on inter-  
2 national studies of student achievement); and

3 ~~(2) appropriate for the District of Columbia~~  
4 public schools.

5 ~~(c) SUBMISSION TO SECRETARY.—If the curriculum,~~  
6 assessments, and model professional development pro-  
7 grams recommended by the Panel are approved by the  
8 Board of Education, the Superintendent may submit them  
9 to the Secretary of Education as evidence of compliance  
10 with sections 1111, 1112, and 1119 of the Elementary  
11 and Secondary Education Act of 1965.

12 **SEC. 2253. MEMBERSHIP.**

13 ~~(a) NUMBER AND APPOINTMENT.—The Panel shall~~  
14 be comprised of the Superintendent and 6 other members  
15 appointed as follows:

16 ~~(1) 2 members appointed by the Speaker of the~~  
17 House of Representatives.

18 ~~(2) 2 members appointed by the majority leader~~  
19 of the Senate.

20 ~~(3) 1 member appointed by the President.~~

21 ~~(4) 1 member appointed by the Mayor who—~~

22 ~~(A) is a parent of a minor student enrolled~~  
23 in a District of Columbia public school; and

24 ~~(B) is active in a parent organization.~~

1       (b) **EXPERTISE.**—The members of the Panel ap-  
2 pointed under paragraphs (1), (2), and (3) of subsection  
3 (a) shall be appointed from among individuals who are na-  
4 tionally recognized experts on education reform in the  
5 United States or who are nationally recognized experts on  
6 education in other nations, including the areas of curricu-  
7 lum, assessment, and teacher training.

8       (c) **TERMS.**—The term of service of each member of  
9 the Panel shall begin on the date of appointment of the  
10 member and shall end on the date of the termination of  
11 the Panel, unless the member resigns from the Panel or  
12 becomes incapable of continuing to serve on the Panel.

13       (d) **CHAIRPERSON.**—The members of the Panel shall  
14 select a chairperson from among them.

15       (e) **DATE OF APPOINTMENT.**—The members of the  
16 Panel shall be appointed not later than 30 days after the  
17 date of the enactment of this Act.

18       (f) **COMMENCEMENT OF DUTIES.**—The Panel may  
19 begin to carry out its duties under this part when 5 mem-  
20 bers of the Panel have been appointed.

21       (g) **VACANCIES.**—A vacancy on the Panel shall not  
22 affect the powers of the Panel, but shall be filled in the  
23 same manner as the original appointment.

1 **SEC. 2254. CONSULTATION.**

2 The Panel shall conduct its work in consultation  
3 with—

4 (1) officials of the District of Columbia public  
5 schools who have been identified by the Superintend-  
6 ent as having relevant responsibilities;

7 (2) the consortium established under section  
8 2604(e); and

9 (3) any other persons or groups the Panel  
10 deems appropriate.

11 **SEC. 2255. ADMINISTRATIVE PROVISIONS.**

12 (a) MEETINGS.—The Panel shall meet on a regular  
13 basis, as necessary, at the call of the chairperson or a ma-  
14 jority of its members.

15 (b) QUORUM.—A majority of the members shall con-  
16 stitute a quorum for the transaction of business.

17 (c) VOTING AND FINAL DECISION.—

18 (1) PROHIBITION ON PROXY VOTING.—No indi-  
19 vidual may vote, or exercise any other power of a  
20 member, by proxy.

21 (2) FINAL DECISIONS.—In making final deci-  
22 sions of the Panel with respect to the exercise of its  
23 duties and powers, the Panel shall operate on the  
24 principle of majority vote.

25 (d) PUBLIC ACCESS.—The Panel shall ensure public  
26 access to its proceedings (other than proceedings, or por-

1 tions of proceedings, relating to internal personnel and  
2 management matters) and make available to the public,  
3 at reasonable cost, transcripts of such proceedings.

4 (e) **NO PAY FOR PERFORMANCE OF DUTIES.**—Mem-  
5 bers of the Commission may not be paid for the perform-  
6 ance of duties vested in the Commission.

7 (f) **TRAVEL EXPENSES.**—Each member shall receive  
8 travel expenses, including per diem in lieu of subsistence,  
9 in accordance with section 5702 and 5703 of title 5, Unit-  
10 ed States Code.

11 **SEC. 2256. GIFTS.**

12 The Panel may, during the fiscal year ending Sep-  
13 tember 30, 1996, accept donations of money, property,  
14 and personal services, except that no donations may be  
15 accepted for travel or reimbursement of travel expenses,  
16 or for the salaries of employees of the Panel.

17 **SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**  
18 **ANTS.**

19 (a) **DIRECTOR.**—The Chairperson of the Panel, with-  
20 out regard to the provisions of title 5, United States Code,  
21 relating to the appointment and compensation of officers  
22 or employees of the United States, shall appoint a Director  
23 to be paid at a rate not to exceed the rate of basic pay  
24 for level V of the Executive Schedule.

25 (b) **APPOINTMENT AND PAY OF EMPLOYEES.**—

1           (1) APPOINTMENT.—The Director may appoint  
2           not more than 6 additional employees to serve as  
3           staff to the Panel without regard to the provisions  
4           of title 5, United States Code, governing appoint-  
5           ments in the competitive service.

6           (2) PAY.—The employees appointed under  
7           paragraph (1) may be paid without regard to the  
8           provisions of chapter 51 and subchapter III of chap-  
9           ter 53 of title 5, United States Code, relating to  
10          classification and General Schedule pay rates, but  
11          shall not be paid a rate that exceeds the maximum  
12          rate of basic pay payable for GS-15 of the General  
13          Schedule.

14          (c) EXPERTS AND CONSULTANTS.—The Panel may  
15          procure temporary and intermittent services of experts  
16          and consultants under section 3109(b) of title 5, United  
17          States Code.

18          (d) STAFF OF FEDERAL AGENCIES.—Upon the re-  
19          quest of the Panel, the head of any department or agency  
20          of the United States may detail any of the personnel of  
21          such agency to the Panel to assist the Panel in its duties  
22          under this part.

23       **SEC. 2258. TERMINATION OF PANEL.**

24          The Panel shall terminate upon the completion of its  
25          work, but not later than August 1, 1996.

1 **SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out  
3 this part \$2,000,000 for fiscal year 1996. Such sum shall  
4 remain available until expended.

5 **PART 2—DUTIES OF BOARD OF EDUCATION WITH**  
6 **RESPECT TO CORE CURRICULUM, ASSESS-**  
7 **MENTS, AND PROMOTION GATES**

8 **SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DIS-**  
9 **TRICT-WIDE ASSESSMENTS.**

10 (a) **IN GENERAL.**—If the Board of Education does  
11 not approve both the core curriculum and the district-wide  
12 assessments recommended by the Panel under section  
13 2252, the Superintendent shall develop or select, with the  
14 approval of the Board of Education, an alternative cur-  
15 riculum and alternative district-wide assessments that sat-  
16 isfy the requirements of paragraphs (1) and (2) of sub-  
17 section (a), and subsection (b), of such section, except that  
18 the reference to the Panel in section 2252(b) shall be con-  
19 sidered a reference to the Superintendent.

20 (b) **DEADLINE.**—If the Board of Education does not  
21 approve both the core curriculum and the district-wide as-  
22 sessments recommended by the Panel under section 2252,  
23 the Superintendent shall meet the requirements of sub-  
24 section (a) not later than August 1, 1996.

1 **SEC. 2262. ASSESSMENTS.**

2 (a) ADMINISTRATION OF ASSESSMENTS.—The Su-  
3 perintendent shall administer the assessments developed  
4 or selected under section 2252 or 2261 to students en-  
5 rolled in the District of Columbia public schools and public  
6 charter schools on an annual basis.

7 (b) DISSEMINATION OF INFORMATION.—

8 (1) IN GENERAL.—Except as provided by para-  
9 graph (2), the information derived from the assess-  
10 ments administered under subsection (a) shall be  
11 made available, on an annual basis, to the appro-  
12 priate congressional committees, the District of Co-  
13 lumbia Council, the Mayor, parents, and other mem-  
14 bers of the public.

15 (2) LIMITATION.—To release any such informa-  
16 tion, the Superintendent shall comply with the re-  
17 quirements of section 444 of the General Education  
18 Provisions Act (20 U.S.C 1232g).

19 **SEC. 2263. PROMOTION GATES.**

20 (a) KINDERGARTEN THROUGH 4TH GRADE.—Not  
21 later than August 1, 1996, the Superintendent shall estab-  
22 lish and implement promotion gates with respect to not  
23 less than one grade level from kindergarten through and  
24 including the 4th grade.

25 (b) 5TH THROUGH 8TH GRADES.—Not later than Au-  
26 gust 1, 1997, the Superintendent shall establish and im-

1 plement promotion gates with respect to not less than one  
 2 grade level from the 5th grade through and including the  
 3 8th grade.

4 (c) 9TH THROUGH 12TH GRADES.—Not later than  
 5 August 1, 1998, the Superintendent shall establish and  
 6 implement promotion gates with respect to not less than  
 7 one grade level from the 9th grade through and including  
 8 the 12th grade.

9 (d) INTERIM DEADLINE.—Not later than February  
 10 1, 1996, the Superintendent shall designate the grade lev-  
 11 els with respect to which promotion gates will be estab-  
 12 lished and implemented.

13 **Subtitle E—Per Capita District of**  
 14 **Columbia Public School and**  
 15 **Public Charter School Funding**

16 **SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.**

17 (a) IN GENERAL.—For fiscal year 1997 and for each  
 18 subsequent fiscal year, the Mayor shall make annual pay-  
 19 ments from the general fund of the District of Columbia  
 20 in accordance with the formula established under sub-  
 21 section (b).

22 (b) FORMULA.—

23 (1) IN GENERAL.—The Mayor and the District  
 24 of Columbia Council, in consultation with the Board

1 of Education and the Superintendent, shall establish  
2 a formula which determines the amount—

3 (A) of the annual payment to the Board of  
4 Education for the operating expenses of the  
5 District of Columbia public schools, which for  
6 purposes of this paragraph includes the operat-  
7 ing expenses of the Board of Education and the  
8 Office of the Superintendent; and

9 (B) of the annual payment to each public  
10 charter school for the operating expenses of  
11 each such public charter school established in  
12 accordance with subtitle B.

13 (2) FORMULA CALCULATION.—Except as pro-  
14 vided in paragraph (3), the amount of the annual  
15 payment under paragraph (1) shall be calculated by  
16 multiplying a uniform dollar amount used in the for-  
17 mula established under such paragraph by—

18 (A) the number of students calculated  
19 under section 2302 that are enrolled at District  
20 of Columbia public schools, in the case of the  
21 payment under paragraph (1)(A); or

22 (B) the number of students calculated  
23 under section 2302 that are enrolled at each  
24 public charter school, in the case of a payment  
25 under paragraph (1)(B).

1           (3) EXCEPTION.—Notwithstanding paragraph  
2           (2), the Mayor and the District of Columbia Council,  
3           in consultation with the Board of Education and the  
4           Superintendent, may adjust the formula—

5                   (A) to increase or decrease the amount of  
6                   the annual payment to the District of Columbia  
7                   public schools or each public charter school  
8                   based on a calculation of—

9                           (i) the number of students served by  
10                           such schools in certain grade levels; and

11                           (ii) the cost of educating students at  
12                           such certain grade levels; and

13                   (B) to increase the amount of the annual  
14                   payment if the District of Columbia public  
15                   schools or each public charter school serve a  
16                   high number of students with special needs (as  
17                   such term is defined under paragraph (4)).

18           (4) DEFINITION.—The Mayor and the District  
19           of Columbia Council shall develop a definition of the  
20           term “students with special needs” for purposes of  
21           carrying out this title.

22 **SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.**

23           (a) SCHOOL REPORTING REQUIREMENT.—

24                   (1) IN GENERAL.—Not later than September  
25           15 of each year, beginning in fiscal year 1997, each

1 District of Columbia public school and public charter  
2 school shall submit a report to the Mayor, District  
3 of Columbia Council, Board of Education, the Au-  
4 thority, and the eligible chartering authority that ap-  
5 proved its charter, containing the information de-  
6 scribed in subsection (b).

7 (2) SPECIAL RULE.—Not later than April 1 of  
8 each year, beginning in 1997, each public charter  
9 school shall submit a report in the same form and  
10 manner as described in paragraph (1) to ensure ac-  
11 curate payment under section 2303(a)(2)(B)(ii).

12 (b) CALCULATION OF NUMBER OF STUDENTS.—Not  
13 later than 30 days after the date of the enactment of this  
14 Act, and not later than October 15 of each year thereafter,  
15 the Board of Education shall calculate the following:

16 (1) The number of students, including non-  
17 resident students, enrolled in kindergarten through  
18 grade 12 of the District of Columbia public schools  
19 and in public charter schools established in accord-  
20 ance with this title and the number of students  
21 whose tuition for enrollment in other schools is paid  
22 for by funds available to the District of Columbia  
23 public schools.

1           (2) The amount of fees and tuition assessed  
2           and collected from the nonresident students de-  
3           scribed in paragraph (1).

4           (3) The number of students, including non-  
5           resident students, enrolled in pre-school and pre-kin-  
6           dergarten in the District of Columbia public schools  
7           and in public charter schools established in accord-  
8           ance with this title.

9           (4) The amount of fees and tuition assessed  
10          and collected from the nonresident students de-  
11          scribed in paragraph (3).

12          (5) The number of full time equivalent adult  
13          students enrolled in adult, community, continuing,  
14          and vocational education programs in the District of  
15          Columbia public schools and in public charter  
16          schools established in accordance with this title.

17          (6) The amount of fees and tuition assessed  
18          and collected from resident and nonresident adult  
19          students described in paragraph (5).

20          (7) The number of students, including non-  
21          resident students, enrolled in non-grade level pro-  
22          grams in District of Columbia public schools and in  
23          public charter schools established in accordance with  
24          this title.

1           (8) The amount of fees and tuition assessed  
2           and collected from nonresident students described in  
3           paragraph (7).

4           (c) ANNUAL REPORTS.—Not later than 30 days after  
5           the date of the enactment of this Act, and not later than  
6           October 15 of each year thereafter, the Board of Edu-  
7           cation shall prepare and submit to the Authority, the  
8           Mayor, the District of Columbia Council, the Comptroller  
9           General of the United States, and the appropriate congres-  
10          sional committees a report containing a summary of the  
11          most recent calculations made under subsection (b).

12          (d) AUDIT OF INITIAL CALCULATIONS.—

13           (1) IN GENERAL.—The Comptroller General of  
14           the United States shall conduct an audit of the ini-  
15           tial calculations described in subsection (b).

16           (2) CONDUCT OF AUDIT.—In conducting the  
17           audit, the Comptroller General of the United  
18           States—

19                   (A) shall provide an opinion as to the accu-  
20                   racy of the information contained in the report  
21                   described in subsection (b); and

22                   (B) shall identify any material weaknesses  
23                   in the systems, procedures, or methodology used  
24                   by the Board of Education—

1 (i) in determining the number of stu-  
2 dents, including nonresident students, en-  
3 rolled in the District of Columbia public  
4 schools and in public charter schools estab-  
5 lished in accordance with this title and the  
6 number of students whose tuition for en-  
7 rollment in other school systems is paid for  
8 by funds available to the District of Co-  
9 lumbia public schools; and

10 (ii) in assessing and collecting fees  
11 and tuition from nonresident students.

12 ~~(3)~~ SUBMISSION OF AUDIT.—Not later than 45  
13 days after the date on which the Comptroller Gen-  
14 eral of the United States receives the initial annual  
15 report from the Board of Education under sub-  
16 section (c), the Comptroller General shall submit to  
17 the Authority, the Mayor, the District of Columbia  
18 Council, and the appropriate congressional commit-  
19 tees the audit conducted under this subsection.

20 ~~(4)~~ AUTHORIZATION OF APPROPRIATIONS.—  
21 There are authorized to be appropriated to the  
22 Comptroller General of the United States \$75,000  
23 for fiscal year 1996 for the purpose of carrying out  
24 this subsection.

1 **SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.**

2 (a) IN GENERAL.—

3 (1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—

4 Except as provided in subsection (b), for any fiscal  
5 year, not later than 10 days after the date of enact-  
6 ment of the District of Columbia Appropriations Act  
7 for such fiscal year, the Mayor shall place in escrow  
8 an amount equal to the aggregate of the amounts  
9 determined under section 2301(b)(1)(B) for use only  
10 by District of Columbia public charter schools.

11 (2) TRANSFER OF ESCROW FUNDS.—

12 (A) 1997 INITIAL PAYMENT.—Beginning  
13 in 1997, not later than October 15 of each  
14 year, the Mayor shall transfer, by electronic  
15 funds transfer, an amount equal to 75 percent  
16 of the amount of the annual payment for a pub-  
17 lic charter school determined by using the for-  
18 mula established pursuant to section 2301(b) to  
19 a bank designated by each public charter  
20 school.

21 (B) 1997 FINAL PAYMENT.—

22 (i) Except as provided in clause (ii),  
23 not later than May 1 of each year begin-  
24 ning in 1997, the Mayor shall transfer the  
25 remainder of the annual payment for a  
26 public charter school in the same manner

1 as the initial payment was made under  
2 subparagraph (A).

3 (ii) Beginning in 1997, not later than  
4 March 15, if the enrollment number of a  
5 public charter school has changed from the  
6 number reported to the Mayor, District of  
7 Columbia Council, Board of Education, the  
8 Authority, and the eligible chartering au-  
9 thority that approved its charter as re-  
10 quired under section 2302(a)(2), the  
11 Mayor shall increase the payment in an  
12 amount equal to 50 percent of the amount  
13 provided for each student who has enrolled  
14 without another student withdrawing or  
15 dropping out, or shall reduce the payment  
16 in an amount equal to 50 percent of the  
17 amount provided for each student who has  
18 withdrawn or dropped out of school with-  
19 out another student replacement.

20 (C) PRO RATA REDUCTION OR INCREASE  
21 IN PAYMENTS.—

22 (i) If the funds made available to the  
23 District of Columbia public schools for any  
24 fiscal year are insufficient to pay the full  
25 amount that each school is eligible to re-

1            receive under this subtitle for such year, the  
2            Mayor shall ratably reduce such amounts  
3            for such year.

4            (ii) If additional funds become avail-  
5            able for making payments under this sub-  
6            title for such fiscal year, amounts that  
7            were reduced under subparagraph (A) shall  
8            be increased on the same basis as such  
9            amounts were reduced.

10            ~~(D) UNEXPENDED FUNDS.—~~Any funds  
11            that remain in the escrow account for public  
12            charter schools on September 30 of a fiscal year  
13            shall revert to the general fund of the District  
14            of Columbia.

15            ~~(b) EXCEPTION FOR NEW SCHOOLS.—~~

16            ~~(1) AUTHORIZATION.—~~There are authorized to  
17            be appropriated \$200,000 for any fiscal year for the  
18            purpose of carrying out this subsection.

19            ~~(2) DISBURSEMENT TO MAYOR.—~~The Secretary  
20            of the Treasury shall make available and disburse to  
21            the Mayor, not later than August 1 of each of the  
22            years 1996 through 2000, such funds as have been  
23            appropriated under paragraph (1).

24            ~~(3) ESCROW.—~~The Mayor shall place in escrow,  
25            for use by public charter schools, any sum disbursed

1 under paragraph (2) that has not yet been paid  
2 under paragraph (4).

3 (4) PAYMENTS TO SCHOOLS.—The Mayor shall  
4 pay to public charter schools described in paragraph  
5 (5), in accordance with this subsection, any sum dis-  
6 bursed under paragraph (2).

7 (5) SCHOOLS DESCRIBED.—The schools re-  
8 ferred to in paragraph (4) are public charter schools  
9 that—

10 (A) did not operate as public charter  
11 schools during any portion of the fiscal year  
12 preceding the fiscal year for which funds are  
13 authorized to be appropriated under paragraph  
14 (1); and

15 (B) operated as public charter schools dur-  
16 ing the fiscal year for which funds are author-  
17 ized to be appropriated under paragraph (1).

18 (6) FORMULA.—

19 (A) 1996.—The amount of the payment to  
20 a public charter school described in paragraph  
21 (5) that begins operation in fiscal year 1996  
22 shall be calculated by multiplying \$6,300 by  $\frac{1}{12}$   
23 of the total anticipated enrollment as set forth  
24 in the petition to establish the public charter  
25 school; and

1           ~~(B) 1997 THROUGH 2000.~~—The amount of  
2           the payment to a public charter school de-  
3           scribed in paragraph ~~(5)~~ that begins operation  
4           in any of fiscal years 1997 through 2000 shall  
5           be calculated by multiplying the uniform dollar  
6           amount used in the formula established under  
7           ~~2301(b)~~ by  $\frac{1}{12}$  of the total anticipated enroll-  
8           ment as set forth in the petition to establish the  
9           public charter school.

10          ~~(7) PAYMENT TO SCHOOLS.—~~

11           ~~(A) TRANSFER.~~—On September 1 of each  
12           of the years 1996 through 2000, the Mayor  
13           shall transfer, by electronic funds transfer, the  
14           amount determined under paragraph ~~(6)~~ for  
15           each public charter school from the escrow ac-  
16           count established under subsection ~~(a)~~ to a  
17           bank designated by each such school.

18           ~~(B) PRO RATA AND REMAINING FUNDS.—~~  
19           Subparagraphs ~~(C)~~ and ~~(D)~~ of subsection ~~(a)(2)~~  
20           shall apply to payments made under this sub-  
21           section.

1           **Subtitle F—School Facilities**  
 2           **Repair and Improvement**

3           **PART 1—SCHOOL FACILITIES**

4   **SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.**

5           (a) **IN GENERAL.**—Not later than December 31,  
 6 1995, the Administrator of the General Services Adminis-  
 7 tration and the Superintendent shall enter into a Memo-  
 8 randum of Agreement or Understanding (referred to in  
 9 this subtitle as the “Agreement”) authorizing, to the ex-  
 10 tent provided in this subtitle, the Administrator to provide  
 11 technical assistance to the District of Columbia public  
 12 schools regarding school facilities repair and improve-  
 13 ments, including contracting for and supervising the re-  
 14 pair and improvements of such facilities and the coordina-  
 15 tion of such efforts.

16           (b) **AGREEMENT PROVISIONS.**—The Agreement shall  
 17 include the following:

18           (1) **GENERAL AUTHORITY.**—Provisions that  
 19 give the Administrator authority—

20                   (A) to supervise and direct District of Co-  
 21 lumbia public school personnel responsible for  
 22 public school facilities repair and improvements;

23                   (B) to develop, coordinate and implement a  
 24 systemic and comprehensive facilities revitaliza-  
 25 tion program, taking into account the “Prelimi-

1 nary Facilities Master Plan 2005” (prepared by  
2 the Superintendent’s Task Force on Education  
3 Infrastructure for the 21st Century) to repair  
4 and improve District of Columbia public school  
5 facilities, including a list of facilities and ren-  
6 ovation schedule that prioritizes facilities to be  
7 repaired and improved;

8 (C) to accept private goods and services for  
9 use by District of Columbia public schools, in  
10 consultation with the nonprofit corporation re-  
11 ferred to in section 2603;

12 (D) to recommend specific repair and im-  
13 provement projects in District of Columbia pub-  
14 lic school facilities by members and units of the  
15 National Guard and military reserve, consistent  
16 with section 2351(b)(1)(B); and

17 (E) to access all District of Columbia pub-  
18 lic school facilities and any records or docu-  
19 ments regarding such facilities.

20 (2) COOPERATION.—Assurances by the Admin-  
21 istrator and the Superintendent to cooperate with  
22 each other, and with the nonprofit corporation re-  
23 ferred to in section 2603, in any way necessary, to  
24 ensure implementation of the Agreement.

1       (c) DURATION OF AGREEMENT.—The Agreement  
2 shall remain in effect until the agency designated pursuant  
3 to section 2352(a)(2) assumes responsibility for the Dis-  
4 trict of Columbia public school facilities but shall termi-  
5 nate not later than 24 months after the date that the  
6 Agreement is signed, whichever is earlier.

7 **SEC. 2352. FACILITIES REVITALIZATION PROGRAM.**

8       (a) PROGRAM.—Not later than 24 months after the  
9 date that the Agreement is signed, the Mayor and the Dis-  
10 trict of Columbia Council shall—

11           (1) in consultation with the Administrator, the  
12 Authority, the Board of Education, and the Super-  
13 intendent, design and implement a facilities repair,  
14 maintenance, improvement, and management pro-  
15 gram; and

16           (2) designate a new or existing agency or au-  
17 thority to administer such program to repair, im-  
18 prove, and maintain the physical condition and safe-  
19 ty of District of Columbia public school facilities.

20       (b) PROCEEDS.—Such management program shall  
21 include provisions that—

22           (1) identify short-term funding for capital and  
23 maintenance of such facilities, which may include re-  
24 taining proceeds from the sale or lease of a District  
25 of Columbia public school facility; and

1           (2) identify and designate long-term funding for  
2           capital and maintenance of such facilities.

3           (c) **IMPLEMENTATION.**—Upon implementation of  
4 such program, the agency or authority created or des-  
5 ignated pursuant to subsection (a)(2) shall assume au-  
6 thority and responsibility for repair, maintenance, im-  
7 provement, and management of District of Columbia pub-  
8 lic schools.

9           **SEC. 2353. DEFINITIONS.**

10          For purposes of this subtitle, the following terms  
11 have the following meanings:

12          (1) **ADMINISTRATOR.**—The term “Administrator”  
13 means the Administrator of the General Services Adminis-  
14 tration.

15          (2) **FACILITIES.**—The term “facilities” means build-  
16 ings, structures, and real property.

17           **SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.**

18          There are authorized to be appropriated for each of  
19 fiscal years 1996 and 1997, \$2,000,000 to the District  
20 of Columbia public schools for use by the Administrator  
21 to carry out this subtitle.

22   **PART 2—WAIVERS**

23           **SEC. 2361. WAIVERS.**

24          (a) **IN GENERAL.**—All District of Columbia fees, all  
25 requirements found in the document “The District of Co-

1 umbia Public Schools Standard Contract Provisions”  
2 published by the District of Columbia public schools for  
3 use with construction maintenance projects, shall be  
4 waived, for purposes of repair and improvement of the  
5 District of Columbia public schools for a period of 24  
6 months after the date of enactment of this Act.

7 (b) LIMITATION.—

8 (1) WAIVER APPLICATION.—A waiver under  
9 subsection (a) shall apply only to contractors, sub-  
10 contractors, and any other groups, entities, or indi-  
11 viduals who donate materials and services to the  
12 District of Columbia public schools.

13 (2) INSURANCE REQUIREMENTS.—Nothing in  
14 this section shall be construed to waive the require-  
15 ments for a contractor to maintain adequate insur-  
16 ance coverage.

17 **SEC. 2362. APPLICATION FOR PERMITS.**

18 An application for a permit during the 24-month pe-  
19 riod described in section 2311(a), required by the District  
20 of Columbia government for the repair or improvement of  
21 a District of Columbia public school shall be acted upon  
22 not later than 20 days after receipt of the application by  
23 the respective District of Columbia permitting authorities.

1                   **Subtitle G—Department of**  
2                   **Education “D.C. Desk”**

3   **SEC. 2401. ESTABLISHMENT.**

4           There shall be established within the Office of the  
5 Secretary of the Department of Education a District of  
6 Columbia Technical Assistance Office (in this subtitle re-  
7 ferred to as the “D.C. Desk”).

8   **SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA CO-**  
9                   **ORDINATED TECHNICAL ASSISTANCE.**

10          The D.C. Desk shall be administered by a Director  
11 for District of Columbia Coordinated Technical Assist-  
12 ance. The Director shall be appointed by the Secretary  
13 and shall not be paid at a rate that exceeds the maximum  
14 rate of basic pay payable for GS-15 of the General Sched-  
15 ule.

16   **SEC. 2403. DUTIES.**

17          The Director of the D.C. Desk shall—

18               (1) coordinate with the Superintendent a com-  
19 prehensive technical assistance strategy by the De-  
20 partment of Education that supports the District of  
21 Columbia public schools first year reforms and long-  
22 term plan described in section 2101;

23               (2) identify all Federal grants for which the  
24 District of Columbia public schools are eligible to

1 apply to support implementation of its long term  
2 plan;

3 ~~(3)~~ identify private and public resources avail-  
4 able to the District of Columbia public schools that  
5 are consistent with the long-term plan described in  
6 section 2101; and

7 ~~(4)~~ provide additional technical assistance as  
8 assigned by the Secretary which supports reform in  
9 the District of Columbia public schools.

## 10 **Subtitle H—Residential School**

### 11 **SEC. 2451. PLAN.**

12 ~~(a) IN GENERAL.~~—The Superintendent may develop  
13 a plan to establish a residential school for the 1997–1998  
14 school year.

15 ~~(b) REQUIREMENTS.~~—If developed, the plan for the  
16 residential school shall include, at a minimum—

17 ~~(1)~~ options for the location of the school, in-  
18 cluding renovation or building of a new facility;

19 ~~(2)~~ financial plans for the facility, including an-  
20 nual costs to operate the school, capital expenditures  
21 required to open the facility, maintenance of facili-  
22 ties, and staffing costs; and

23 ~~(3)~~ staff development and training plans.

### 24 **SEC. 2452. USE OF FUNDS.**

25 Funds under this subtitle shall be used for—

1           (1) planning requirements as described in sec-  
2           tion 2451; and

3           (2) capital costs associated with the start-up of  
4           a residential school, including the purchase of real  
5           and personal property and the renovation of existing  
6           facilities.

7   **SEC. 2453. FUTURE FUNDING.**

8           The Superintendent shall identify, not later than De-  
9           cember 31, 1996, in a report to the Mayor, City Council,  
10          the Authority, the Appropriations Committees of the  
11          House of Representatives and the Senate, the House Gov-  
12          ernmental Reform Committee, the House Economic and  
13          Educational Opportunities Committee, and the Senate  
14          Labor and Human Resources Committee and the Govern-  
15          mental Affairs Committee, non-Federal funding sources  
16          for operation of the residential school.

17   **SEC. 2454. GIFTS.**

18          The Superintendent may accept donations of money,  
19          property, and personal services for purposes of the estab-  
20          lishment and operation of a residential school.

21   **SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.**

22          There are authorized to be appropriated to the Dis-  
23          trict \$2,000,000 for fiscal year 1996 to carry out this sub-  
24          title for initial start-up expenses of a residential school in

1 the District of Columbia, of which not more than  
2 \$100,000 may be used to carry out section 2451.

### 3 **Subtitle I—Progress Reports and** 4 **Accountability**

#### 5 **SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.**

6 Not later than 60 days after the date of the enact-  
7 ment of this Act, the Chairman of the District of Columbia  
8 Council shall submit to the appropriate congressional com-  
9 mittees a report describing legislative and other actions  
10 the District of Columbia Council has taken or will take  
11 to facilitate the implementation of the reforms described  
12 in section 2502.

#### 13 **SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.**

14 Not later than August 1, 1996, the Superintendent  
15 shall submit to the appropriate congressional committees,  
16 the Board of Education, the Mayor, and the District of  
17 Columbia Council a progress report that includes the fol-  
18 lowing:

19 (1) The status of the approval by the Board of  
20 Education of the core curriculum—

21 (A) recommended by the Panel under sec-  
22 tion 2252(a)(1); or

23 (B) selected or developed by the Super-  
24 intendent under section 2261.

1           (2) The status of the approval by the Board of  
2 Education of the district-wide assessments for meas-  
3 uring student achievement—

4                   (A) recommended by the Panel under sec-  
5 tion 2252(a)(2); or

6                   (B) selected or developed by the Super-  
7 intendent under section 2261.

8           (3) The status of the establishment and imple-  
9 mentation of promotion gates under section 2263.

10           (4) Identification of strategies to assist students  
11 who do not meet promotion gate criteria.

12           (5) The status of the implementation of a policy  
13 that provides rewards and sanctions for individual  
14 schools based on student performance on district-  
15 wide assessments.

16           (6) A description of the activities carried out  
17 under the program established under section  
18 2604(e).

19           (7) The status of implementation by the Board  
20 of Education, after consultation with the Super-  
21 intendent and unions (including unions that rep-  
22 resent teachers and unions that represent principals)  
23 of a policy for performance-based evaluation of prin-  
24 cipals and teachers.

1           (8) A description of how the private sector part-  
2           nership described in subtitle K is working collabo-  
3           ratively with the Board of Education and the Super-  
4           intendent.

5           (9) The status of implementation of policies de-  
6           veloped by the Superintendent and the Board of  
7           Education that establish incentive pay awards for  
8           staff of District of Columbia public schools who  
9           meet annual performance goals based on district-  
10          wide assessments at individual schools.

11          (10) A description of how staffing decisions  
12          have been revised to delegate staffing to individual  
13          schools and transfer additional decisionmaking with  
14          respect to budgeting to the individual school level.

15          (11) A description of, and the status of imple-  
16          mentation of, policies adopted by the Board of Edu-  
17          cation that require competitive appointments for all  
18          positions.

19          (12) The status of implementation of policies  
20          regarding alternative teacher certification require-  
21          ments.

22          (13) The status of implementation of testing re-  
23          quirements for teacher licensing renewal.

1           (14) The status of efforts to increase the in-  
2           volvement of families in the education of students,  
3           including—

4                   (A) the development of family resource  
5           centers;

6                   (B) the expansion of Even Start programs  
7           described in part B of chapter 1 of title I of the  
8           Elementary and Secondary Education Act of  
9           1965; and

10                   (C) the development and implementation of  
11           policies to increase parental involvement in edu-  
12           cation.

13           (15) A description of, and the status of imple-  
14           mentation of, a policy to allow District of Columbia  
15           public schools to be used after school hours as com-  
16           munity centers, including the establishment of at  
17           least one prototype pilot project in one school.

18           (16) A description of, and the status of imple-  
19           mentation of, a policy to increase the participation  
20           of tutors and mentors for students, beginning not  
21           later than the 8th grade.

22           (17) A description of the status of implementa-  
23           tion of the agreement with the Administrator of the  
24           General Services Administration under part 1 of  
25           subtitle E.

1           (18) A description of the status of the District  
2 of Columbia public school central office budget and  
3 staffing reductions from the level at the end of fiscal  
4 year 1995 and a review of the market-based provi-  
5 sion of services provided by the central office to  
6 schools.

7           (19) The development by the Superintendent of  
8 a system of parental choice among District of Co-  
9 lumbia public schools where per pupil funding fol-  
10 lows the student (“Public School Vouchers”) and  
11 adoption by the Board of Education.

12           (20) The status of the processing of public  
13 charter school petitions submitted to the Board of  
14 Education in accordance with subtitle B.

15           (21) The status of the revision and implementa-  
16 tion by the Board of Education of the discipline pol-  
17 icy for the District of Columbia public schools in  
18 order to ensure a safe, disciplined environment con-  
19 ducive to learning.

20                           **Subtitle J—Low Income**  
21                           **Scholarships**

22 **SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP COR-**  
23 **PORATION.**

24           (a) **GENERAL REQUIREMENTS.—**

1           (1) IN GENERAL.—There is authorized to be es-  
2           tablished a private, nonprofit corporation, to be  
3           known as the “District of Columbia Scholarship  
4           Corporation” (referred to in this subtitle as the  
5           “Corporation”), which is not an agency or establish-  
6           ment of the United States Government.

7           (2) DUTIES.—The Corporation shall have the  
8           responsibility and authority to administer, publicize,  
9           and evaluate the District of Columbia Scholarship  
10          Program, and to determine student and school eligi-  
11          bility.

12          (3) CONSULTATION.—The Corporation shall ex-  
13          ercise its authority in a manner consistent with  
14          maximizing educational choices and opportunities for  
15          the maximum number of interested families, and in  
16          consultation with other school scholarship programs  
17          in the District of Columbia.

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

23          (5) RESIDENCE.—The Corporation shall have  
24          its place of business in the District of Columbia and

1 shall be considered, for purposes of venue in civil ac-  
2 tions, to be a resident thereof.

3 (b) ORGANIZATION AND MANAGEMENT, BOARD OF  
4 DIRECTORS.—

5 (1) MEMBERSHIP.—

6 (A) IN GENERAL.—The Corporation shall  
7 have a Board of Directors (referred to in this  
8 subtitle as the “Board”), comprised of 7 mem-  
9 bers with 6 members of the Board appointed by  
10 the President not later than 30 days after re-  
11 ceipt of nominations from the Speaker of the  
12 House of Representatives and the majority  
13 leader of the Senate.

14 (B) HOUSE NOMINATIONS.—The President  
15 shall appoint 3 of the members from a list of  
16 9 individuals nominated by the Speaker of the  
17 House of Representatives in consultation with  
18 the minority leader of the House of Representa-  
19 tives.

20 (C) SENATE NOMINATIONS.—The Presi-  
21 dent shall appoint 3 members from a list of 9  
22 individuals nominated by the majority leader of  
23 the Senate in consultation with the minority  
24 leader of the Senate.

1           (D) DEADLINE.—The Speaker of the  
2 House of Representatives and majority leader  
3 of the Senate shall submit their nominations to  
4 the President not later than 30 days after the  
5 date of the enactment of this Act.

6           (E) APPOINTEE OF MAYOR.—The Mayor  
7 shall appoint 1 member not later than 60 days  
8 after the date of the enactment of this Act.

9           (F) POSSIBLE INTERIM MEMBERS.—If the  
10 President does not appoint the 6 members of  
11 the Board in the 30-day period described in  
12 subparagraph (A), the nominees of the Speaker  
13 of the House of Representatives and of the Sen-  
14 ate, together with the appointee of the Mayor,  
15 shall serve as an interim Board of Directors  
16 with all the powers and other duties of the  
17 Board described in this subtitle, until the Presi-  
18 dent makes the appointments as described in  
19 this subsection.

20           (2) POWERS.—All powers of the Corporation  
21 shall vest in and be exercised under the authority of  
22 its Board of Directors.

23           (3) ELECTIONS.—Members of the Board annu-  
24 ally shall elect 1 of the members to be chairperson.

1           (4) RESIDENCY.—All members appointed to the  
2 Board must be residents of the District of Columbia  
3 at the time of appointment and while serving on the  
4 Board.

5           (5) NONEMPLOYEE.—No member of the Board  
6 may be an employee of the United States Govern-  
7 ment or the District of Columbia government when  
8 appointed or during tenure on the Board, unless the  
9 individual is on a leave of absence from such a posi-  
10 tion while serving on the Board.

11           (6) INCORPORATION.—The members of the ini-  
12 tial Board of Directors shall serve as incorporators  
13 and shall take whatever steps are necessary to estab-  
14 lish the Corporation under the District of Columbia  
15 Nonprofit Corporation Act (D.C. Code 29-501 et  
16 seq.).

17           (7) GENERAL TERM.—The term of office of  
18 each member shall be 5 years, except that any mem-  
19 ber appointed to fill a vacancy occurring prior to the  
20 expiration of the term for which the predecessor was  
21 appointed shall be appointed for the remainder of  
22 such term.

23           (8) CONSECUTIVE TERM.—No member of the  
24 Board shall be eligible to serve in excess of 2 con-  
25 secutive terms of 5 years each. A partial term shall

1 be considered as 1 full term. Any vacancy on the  
2 Board shall not affect its power, but shall be filled  
3 in a manner consistent with this subtitle.

4 (9) NO BENEFIT.—No part of the income or as-  
5 sets of the Corporation shall inure to the benefit of  
6 any Director, officer, or employee except as salary or  
7 reasonable compensation for services.

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

11 (11) NO OFFICERS.—The members of the  
12 Board shall not, by reason of such membership, be  
13 considered to be officers or employees of the United  
14 States.

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

24 (c) OFFICERS AND STAFF.—

1           (1) EXECUTIVE DIRECTOR.—The Corporation  
2 shall have an Executive Director, and such other  
3 staff, as may be appointed by the Board for terms  
4 and at rates of compensation to be fixed by the  
5 Board.

6           (2) ANNUAL RATE.—No staff of the Corpora-  
7 tion may be compensated by the Corporation at an  
8 annual rate of pay which exceeds the basic rate of  
9 pay in effect from time to time for level IV of the  
10 Executive Schedule under section 5312 of title 5,  
11 United States Code.

12           (3) CITIZENSHIP.—No individual other than a  
13 citizen of the United States may be a member of the  
14 Board of Directors, or staff of the Corporation.

15           (4) SERVICE.—All officers and employees shall  
16 serve at the pleasure of the Board.

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

22           (d) POWERS OF THE CORPORATION.—

23           (1) GENERALLY.—The Corporation is author-  
24 ized to obtain grants from, and make contracts with,

1 individuals and with private, State, and Federal  
2 agencies, organizations, and institutions.

3 (2) **HIRING AUTHORITY.**—The Corporation may  
4 hire, or accept the voluntary services of, consultants,  
5 experts, advisory boards, and panels to aid the Cor-  
6 poration in carrying out the purposes of this sub-  
7 title.

8 (c) **FINANCIAL MANAGEMENT AND RECORDS.**—

9 (1) **AUDITS.**—The accounts of the Corporation  
10 shall be audited annually in accordance with gen-  
11 erally accepted auditing standards by independent  
12 certified public accountants. The audits shall be con-  
13 ducted at the place where the accounts of the Cor-  
14 poration are normally kept. All books, accounts, fi-  
15 nancial records, reports, files, and all other papers,  
16 things, or property belonging to or in use by the  
17 Corporation and necessary to facilitate the audits  
18 shall be made available to the person conducting the  
19 audit.

20 (2) **REPORT.**—The report by each such inde-  
21 pendent audit shall be included in the annual report  
22 to Congress required by section 2602.

23 **SEC. 2552. FUNDING.**

24 (a) **FUND.**—There is hereby established in the Treas-  
25 ury a fund that shall be known as the District of Columbia

1 Scholarship Fund, to be administered by the Secretary of  
2 the Treasury.

3 (b) **DISBURSEMENT.**—The Secretary of the Treasury  
4 shall make available and disburse to the corporation, at  
5 the beginning of each of fiscal years 1996 through 2000,  
6 such funds as have been appropriated to the District of  
7 Columbia Scholarship Fund for the fiscal year in which  
8 such disbursement is to be made.

9 (c) **AVAILABILITY.**—Funds authorized to be appro-  
10 priated under this subtitle shall remain available until ex-  
11 pended.

12 (d) **USES.**—Funds authorized to be appropriated  
13 under this subtitle shall be used by the Corporation in a  
14 prudent and financially responsible manner, solely for  
15 scholarships, contracts, and administrative costs.

16 (e) **AUTHORIZATION.**—

17 (1) **IN GENERAL.**—There are authorized to be  
18 appropriated to the Fund—

19 (A) \$5,000,000 for fiscal year 1996; and

20 (B) \$7,000,000 for fiscal year 1997, and

21 \$10,000,000 for each of fiscal years 1998

22 through 2000.

23 (2) **LIMITATION.**—Not more than \$500,000

24 may be used in any fiscal year by the Corporation

25 for any purpose other than assistance to students.

1 **SEC. 2553. SCHOLARSHIPS AUTHORIZED.**

2 (a) IN GENERAL.—The District of Columbia Scholar-  
3 ship Corporation established under section 2501 is author-  
4 ized in accordance with this subtitle to award scholarships  
5 to students in grades K–12—

6 (1) who are District of Columbia residents; and

7 (2) whose families are at or below 185 percent  
8 of the Federal poverty guidelines updated annually  
9 in the Federal Register by the Department of  
10 Health and Human Services under authority of sec-  
11 tion 673(2) of the Omnibus Budget Reconciliation  
12 Act of 1981.

13 (b) USE OF SCHOLARSHIP.—A scholarship may be  
14 used only for—

15 (1) the cost of the tuition of a private or inde-  
16 pendent school located within the geographic bound-  
17 aries of the District of Columbia or the cost of the  
18 tuition of public, private, or independent school lo-  
19 cated within Montgomery County, Maryland; Princee  
20 Georges County, Maryland; Arlington County, Vir-  
21 ginia; Alexandria City, Virginia; Falls Church City,  
22 Virginia; or Fairfax County, Virginia; or

23 (2) the cost of fees and other expenses for in-  
24 structional services provided to students on school  
25 grounds outside of regular school hours or the cost  
26 of transportation for a student enrolled in a District

1 of Columbia public school, public charter school, or  
2 independent or private school participating in the  
3 tuition scholarship program.

4 (c) NOT SCHOOL AID.—A scholarship shall be consid-  
5 ered assistance to the student and shall not be considered  
6 assistance to the school.

7 **SEC. 2554. ELIGIBILITY.**

8 (a) IN GENERAL.—A student who is entitled to re-  
9 ceive a public school education in the District of Columbia  
10 and who meets the requirements of section 2553(a) is eli-  
11 gible for a scholarship under subsections (c) and (d) of  
12 section 2555.

13 (b) PRIORITY IN YEAR ONE.—In fiscal year 1996,  
14 priority shall be given to students currently enrolled in a  
15 District of Columbia public school or preparing to enter  
16 kindergarten in 1996.

17 (c) SUBSEQUENT PRIORITY.—In subsequent fiscal  
18 years, priority shall be given to scholarship recipients from  
19 the preceding year.

20 **SEC. 2555. SCHOLARSHIPS.**

21 (a) AWARDS.—From the funds made available under  
22 this subtitle, the Corporation shall award scholarships and  
23 make payments, on behalf of the student, to participating  
24 schools as described in section 2559.

1           (b) NOTIFICATION.—Each school that enrolls schol-  
2 arship students shall notify the Corporation—

3                   (A) not later than 10 days after the date  
4                   that a student is enrolled, of the names, ad-  
5                   dresses, and grade level of each scholarship stu-  
6                   dent to the Corporation; and

7                   (B) not later than 10 days after the date  
8                   of the withdrawal of any scholarship student.

9           (c) TUITION SCHOLARSHIP AMOUNT.—

10                   (1) BELOW POVERTY LEVEL.—For a student  
11                   whose family income is at or below the poverty level,  
12                   a tuition scholarship amount may not exceed the  
13                   lesser of—

14                           (A) the cost of a school's tuition; or

15                           (B) \$3,000 in 1996 with such amount ad-  
16                           justed in proportion to changes in the  
17                           Consumer Price Index of all urban consumers  
18                           published by the Department of Labor for each  
19                           of fiscal years 1997 through 2000.

20                   (2) ABOVE POVERTY LEVEL.—For a student  
21                   whose family income is greater than the poverty  
22                   level, but not more than 185 percent above the pov-  
23                   erty level, a tuition scholarship amount may not ex-  
24                   ceed the lesser of—

1           (A) 50 percent of the cost of a school's tui-  
2           tion; or

3           (B) \$1,500 in 1996 with such amount ad-  
4           justed in proportion to changes in the  
5           Consumer Price Index of all urban consumers  
6           published by the Department of Labor for each  
7           of fiscal years 1997 through 2000.

8           (d) FEE OR TRANSPORTATION SCHOLARSHIP  
9           AMOUNT.—The fee or transportation scholarship amount  
10          may not exceed the lesser of—

11           (1) fees for instructional services provided to  
12           students on school grounds outside of regular school  
13           hours or the costs of transportation for students en-  
14           rolled in the District of Columbia public schools,  
15           public charter schools, or independent or private  
16           schools participating in the tuition scholarship pro-  
17           gram; or

18           (2) \$500 in fiscal year 1996 with such amount  
19           adjusted in proportion to the changes in the  
20           Consumer Price Index of all urban consumers pub-  
21           lished by the Department of Labor for each of the  
22           fiscal years 1997 through 2000.

23           (e) PROPORTION OF DIFFERENT TYPES OF SCHOL-  
24           ARSHIPS.—In each year, the Corporation shall ensure that  
25          the number of scholarships awarded for tuition and the

1 number awarded for fees or transportation shall be equal;  
 2 to the extent practicable.

3 (f) FUNDING SHORTFALL.—If, after the District of  
 4 Columbia Scholarship Corporation determines the total  
 5 number of eligible applicants for an academic year sur-  
 6 passes the amount of funds available in a fiscal year to  
 7 fund all awards for such academic year, a random selec-  
 8 tion process shall be used to determine which eligible ap-  
 9 plicants receive awards.

10 (g) EXCEPTION.—Subsection (e) shall not apply to  
 11 individuals receiving scholarship priority described in sub-  
 12 sections (b) and (c) of section 2554.

13 **SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLAR-**  
 14 **SHIPS.**

15 (a) APPLICATION.—A school that desires to accept  
 16 tuition scholarship students for a school year shall file an  
 17 application with the Corporation by July 1 of the preced-  
 18 ing school year, except that in fiscal year 1996, schools  
 19 shall file such applications by such date as the Corporation  
 20 shall designate for such purpose. In the application, the  
 21 school shall—

22 (1) certify that it has operated during the cur-  
 23 rent school year with not less than 25 students,

24 (2) assure that it will comply with all applicable  
 25 requirements of this subtitle; and

1           (3) provide the most recent financial audit,  
2           completed not earlier than 3 years before the date  
3           such application is filed, from an independent cer-  
4           tified public accountant using generally accepted au-  
5           diting standards.

6           (b) ELIGIBILITY CERTIFICATION.—

7           (1) IN GENERAL.—Except as provided in para-  
8           graph (3), not later than 60 days after receipt of  
9           such information, the Corporation shall certify the  
10          eligibility of a school to participate in the tuition  
11          scholarship program.

12          (2) CONTINUATION.—Eligibility shall continue  
13          in subsequent years unless revoked as described in  
14          subsection (d).

15          (3) EXCEPTION FOR 1996.—In fiscal year 1996  
16          after receipt of the information described in sub-  
17          section (a), the Corporation shall certify the eligi-  
18          bility of a school to participate in the tuition scholar-  
19          ship program at the earliest practicable date.

20          (c) NEW SCHOOLS.—

21          (1) IN GENERAL.—A school that did not oper-  
22          ate in the preceding academic year may apply for a  
23          1-year provisional certification of eligibility to par-  
24          ticipate in the tuition scholarship program for a sin-  
25          gle school year by providing to the Corporation not

1 later than July 1 of the preceding calendar year for  
2 which such school intends to begin operations—

3 (A) a list of the organization's board of di-  
4 rectors;

5 (B) letters of support from not less than  
6 10 members of the community;

7 (C) a business plan;

8 (D) intended course of study;

9 (E) assurances that it will begin operations  
10 with not less than 25 students; and

11 (F) assurances that it will comply with all  
12 applicable requirements of this subtitle.

13 (2) CERTIFICATION.—Not later than 60 days  
14 after the date of receipt of the information referred  
15 to in paragraph (1), the Corporation shall certify in  
16 writing the school's provisional eligibility for the tui-  
17 tion scholarship program unless good cause exists to  
18 deny certification.

19 (3) DENIAL OF CERTIFICATION.—If certifi-  
20 cation or provisional certification is denied for par-  
21 ticipation in the tuition scholarship program, the  
22 Corporation shall provide a written explanation to  
23 the applicant school of the reasons for such decision.

24 (d) REVOCATION OF ELIGIBILITY.—

1           (1) ~~IN GENERAL.~~—Upon written petition from  
2           the parent of a tuition scholarship student or on the  
3           Corporation's own motion, the Corporation may,  
4           after notice and hearing, revoke a school's certifi-  
5           cation of eligibility for tuition scholarships for the  
6           subsequent school year for good cause, including a  
7           finding of a pattern of violation of program require-  
8           ments described in section 2557(a).

9           (2) ~~EXPLANATION.~~—If the eligibility of a school  
10          is revoked, the Corporation shall provide a written  
11          explanation for its decision to such school.

12 **SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION RE-**  
13 **QUIREMENTS FOR INDEPENDENT AND PRI-**  
14 **VATE SCHOOLS.**

15          (a) ~~INDEPENDENT AND PRIVATE SCHOOL REQUIRE-~~  
16 ~~MENTS.~~—Independent and private schools participating in  
17 the tuition scholarship program shall—

18           (1) not discriminate on the basis of race, color,  
19           or national origin, or on the basis of a student's dis-  
20           abilities if the school is equipped to provide an ap-  
21           propriate education;

22           (2) abide by all applicable health and safety re-  
23           quirements of the District of Columbia public  
24           schools;

1           (3) provide to the Corporation not later than  
2           June 30 of each year the most recent financial audit  
3           completed not earlier than 3 years before the date  
4           the application is filed from an independent certified  
5           public accountant using generally accepted auditing  
6           standards;

7           (4) abide by all local regulations in effect for  
8           independent or private schools;

9           (5) provide data to the Corporation as set forth  
10          in section 2562, and conform to tuition requirements  
11          as set forth in section 2555; and

12          (6) charge tuition scholarship recipients the  
13          same tuition amount as other students who are resi-  
14          dents of the District of Columbia and enrolled in the  
15          same school.

16          (b) COMPLIANCE.—The Corporation may require  
17          documentation of compliance with the requirements of  
18          subsection (a); but neither the Corporation nor any gov-  
19          ernmental entity may impose additional requirements  
20          upon independent and private schools as a condition of  
21          participation.

22          (c) WITHDRAWAL FROM PROGRAM.—Schools may  
23          withdraw from the tuition scholarship program at any  
24          time, refunding to the Corporation the proportion of any  
25          scholarship payments already received for the remaining

1 days in the school year on a pro rata basis. If a school  
2 withdraws during an academic year, it shall permit schol-  
3 arship students to complete the year at their own expense.

4 **SEC. 2558. CHILDREN WITH DISABILITIES.**

5 Nothing in this subtitle shall affect the rights of stu-  
6 dents or the obligations of the District of Columbia public  
7 schools under the Individuals with Disabilities Education  
8 Act.

9 **SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.**

10 (a) IN GENERAL.—

11 (1) PROPORTIONAL PAYMENT.—The Corpora-  
12 tion shall make tuition scholarship payments to par-  
13 ticipating schools not later than October 15 of each  
14 year equal to half the total value of the scholarships  
15 awarded to students enrolled at such school, and  
16 half of such amount not later than January 15 of  
17 the following calendar year.

18 (2) PRO RATA AMOUNTS FOR STUDENT  
19 WITHDRAWAL.—

20 (A) BEFORE PAYMENT.—If a student with-  
21 draws before a tuition scholarship payment is  
22 made, the school shall receive a pro rata  
23 amount based on the school's tuition for the  
24 number of days the student was enrolled.

1           (B) AFTER PAYMENT.—If a student with-  
 2           draws after a tuition scholarship payment is  
 3           made, the school shall refund to the Corpora-  
 4           tion the proportion of any scholarship payments  
 5           already received for the remaining days of the  
 6           school year on a pro rata basis. Such refund  
 7           shall occur not later than 30 days after the  
 8           date of the withdrawal of a student.

9           (b) FUND TRANSFERS.—The Corporation shall make  
 10          tuition scholarship payments to participating schools by  
 11          electronic funds transfer. If such an arrangement is not  
 12          available, the school shall submit an alternative proposal  
 13          to the Corporation for approval.

14      **SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCE-**  
 15                                      **DURES.**

16          The Corporation shall implement a schedule and pro-  
 17          cedures for processing applications for the tuition scholar-  
 18          ship program that includes a list of eligible schools, dis-  
 19          tribution of information to parents and the general public,  
 20          and deadlines for steps in the application and award pro-  
 21          cess.

22      **SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIRE-**  
 23                                      **MENTS.**

24          (a) IN GENERAL.—A school enrolling tuition scholar-  
 25          ship students shall report not later than July 30 of each

1 year in a manner prescribed by the Corporation; the fol-  
2 lowing data:

3           (1) Standardized test scores, if any, for scholar-  
4 ship students.

5           (2) Grade advancement for scholarship stu-  
6 dents.

7           (3) Disciplinary actions taken with respect to  
8 scholarship students.

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

12           (5) Types and amounts of parental involvement  
13 required for all families.

14           (6) Student attendance for scholarship stu-  
15 dents.

16           (7) General information on curriculum, pro-  
17 grams, facilities, credentials of personnel, and dis-  
18 ciplinary rules.

19           (b) CONFIDENTIALITY.—No personal identifiers may  
20 be used in the body of such report except that the Cor-  
21 poration may request such confidential information solely  
22 for the purpose of verification.

1 **SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PRO-**  
2 **CEDURES AND CRITERIA.**

3 (a) **POLICIES AND PROCEDURES.**—The Corporation  
4 shall implement policies and procedures and criteria for  
5 administering scholarships for use with providers approved  
6 by the Corporation either for the cost of fees for instruc-  
7 tional services provided to students on school grounds out-  
8 side of regular school hours or for the costs of transpor-  
9 tation for students enrolled in District of Columbia public  
10 schools, public charter schools, or independent or private  
11 schools participating in the tuition scholarship program.

12 (b) **INFORMATION DISSEMINATION.**—The Corpora-  
13 tion shall distribute information describing the policies  
14 and procedures and criteria developed pursuant to sub-  
15 section (a), using the most efficient and practicable meth-  
16 ods available, to potential applicants and other interested  
17 parties within the geographic boundaries of the District  
18 of Columbia.

19 **SEC. 2563. PROGRAM APPRAISAL.**

20 (a) **STUDY.**—Not later than 4 years after the date  
21 of enactment of this Act, the Corporation shall provide  
22 for an evaluation of the tuition scholarship program, in-  
23 cluding—

24 (1) comparison of test scores between tuition  
25 scholarship students and District of Columbia public

1 school students of similar background, including by  
2 income level;

3 ~~(2)~~ comparison of graduation rates between tui-  
4 tion scholarship students and District of Columbia  
5 public school students of similar background, includ-  
6 ing by income level; and

7 ~~(3)~~ satisfaction of parents of scholarship stu-  
8 dents.

9 (b) REPORT TO CONGRESS.—Not later than Septem-  
10 ber 1 of each year, the Corporation shall submit a progress  
11 report on the scholarship program to the appropriate con-  
12 gressional committees.

13 **SEC. 2564. JUDICIAL REVIEW.**

14 (a) IN GENERAL.—

15 (1) JURISDICTION.—The United States District  
16 Court for the District of Columbia shall have juris-  
17 diction over any legal challenges to the tuition schol-  
18 arship program and shall provide expedited review.

19 (2) PROTECTABLE INTERESTS.—Parents and  
20 children shall be considered to have a separate  
21 protectable interest and entitled to intervene as de-  
22 fendants in any such action.

23 (3) TIMELY REVIEW.—The court shall render a  
24 prompt decision.

1 (b) APPEALS.—If the tuition scholarship program or  
 2 any part thereof is enjoined or ruled invalid, the decision  
 3 is directly appealable to the United States Supreme Court.

4 **Subtitle K—Partnerships With**  
 5 **Business**

6 **SEC. 2601. PURPOSE.**

7 It is the purpose of this title to leverage private sector  
 8 funds utilizing initial Federal investments in order to pro-  
 9 vide students and teachers within the District of Columbia  
 10 public schools and public charter schools with access to  
 11 state-of-the-art educational technology, to establish a re-  
 12 gional job training and employment center, to strengthen  
 13 workforce preparation initiatives for students within the  
 14 District of Columbia public schools and public charter  
 15 schools, and to coordinate private sector investments in  
 16 carrying out this title.

17 **SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DIS-**  
 18 **TRICT OF COLUMBIA PUBLIC SCHOOLS.**

19 Not later than 45 days after the date of the enact-  
 20 ment of this Act, the Superintendent of the District of  
 21 Columbia public schools—

22 (1) shall provide a grant to a private, nonprofit  
 23 corporation that meets the eligibility criteria under  
 24 section 2603 for the purposes of carrying out the  
 25 duties under section 2604; and

1           (2) shall establish a nonprofit organization in  
2           accordance with the District of Columbia Nonprofit  
3           Corporation Act for the purpose of carrying out the  
4           duties under section 2605.

5 **SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NON-**  
6 **PROFIT CORPORATION.**

7           A private, nonprofit corporation shall be eligible to  
8           receive a grant under section 2602(1) if the corporation  
9           is a national business organization which is incorporated  
10          in the District of Columbia and which—

11           (1) has a board of directors which includes  
12           members who are also chief executive officers of  
13           technology-related corporations involved in education  
14           and workforce development issues;

15           (2) has extensive practical experience with ini-  
16           tiatives that link business resources and expertise  
17           with education and training systems;

18           (3) has experience in working with State and  
19           local educational entities throughout the United  
20           States on the integration of academic studies with  
21           workforce preparation programs; and

22           (4) has a nationwide structure through which  
23           additional resources can be leveraged and innovative  
24           practices disseminated.

1 **SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORA-**  
2 **TION.**

3 (a) DISTRICT EDUCATION AND LEARNING TECH-  
4 NOLOGIES ADVANCEMENT COUNCIL.—

5 (1) ESTABLISHMENT.—The corporation shall  
6 establish a council to be known as the “District  
7 Education and Learning Technologies Advancement  
8 Council” or “DELTA Council” (in this title referred  
9 to as the “council”).

10 (2) MEMBERSHIP.—

11 (A) IN GENERAL.—The corporation shall  
12 appoint members to the council. An individual  
13 shall be appointed as a member to the council  
14 on the basis of the commitment of the individ-  
15 ual, or the entity which the individual is rep-  
16 resenting, to providing time, energy, and re-  
17 sources to the council.

18 (B) COMPENSATION.—Members of the  
19 council shall serve without compensation.

20 (3) DUTIES.—The council—

21 (A) shall advise the corporation in the du-  
22 ties of the corporation under subsections (b)  
23 through (d) of this section; and

24 (B) shall assist the corporation in  
25 leveraging private sector resources for the pur-

1           pose of carrying out such duties of the corpora-  
2           tion.

3           (b) ~~ACCESS TO STATE-OF-THE-ART EDUCATIONAL~~  
4 ~~TECHNOLOGY.—~~

5           (1) ~~IN GENERAL.—~~The corporation, in conjunc-  
6           tion with the Superintendent, students, parents, and  
7           teachers, shall establish and implement strategies to  
8           ensure access to state-of-the-art educational tech-  
9           nology within the District of Columbia public schools  
10          and public charter schools established in accordance  
11          with this Act.

12          (2) ~~TECHNOLOGY ASSESSMENT.—~~

13           (A) ~~IN GENERAL.—~~In establishing and im-  
14           plementing the strategies under paragraph (1),  
15           the corporation, not later than 90 days after  
16           the date of the enactment of this Act, shall pro-  
17           vide for an assessment of the current availabil-  
18           ity of state-of-the-art educational technology  
19           within the District of Columbia public schools  
20           and public charter schools established in ac-  
21           cordance with this Act.

22           (B) ~~CONDUCT OF ASSESSMENT.—~~In pro-  
23           viding for the assessment under subparagraph  
24           (A), the corporation—

1 (i) shall provide for on-site inspections  
2 of the state-of-the-art educational tech-  
3 nology within a minimum sampling of Dis-  
4 trict of Columbia public schools and public  
5 charter schools established in accordance  
6 with this Act; and

7 (ii) shall ensure proper input from  
8 students, parents, teachers, and other  
9 school officials through the use of focus  
10 groups and other appropriate mechanisms.

11 (C) RESULTS OF ASSESSMENT.—The cor-  
12 poration shall ensure that the assessment ear-  
13 ried out under this paragraph provides, at a  
14 minimum, necessary information on state-of-  
15 the-art educational technology within the Dis-  
16 trict of Columbia public schools and public  
17 charter schools established in accordance with  
18 this Act, including—

19 (i) the extent to which typical public  
20 schools within the District of Columbia  
21 have access to such state-of-the-art edu-  
22 cational technology and training for such  
23 technology;

24 (ii) how such schools are using such  
25 technology;

1 (iii) the need for additional technology  
2 and the need for infrastructure for the im-  
3 plementation of such additional technology;

4 (iv) the need for computer hardware,  
5 software, training, and funding for such  
6 additional technology or infrastructure;  
7 and

8 (v) the potential for computer linkages  
9 among District of Columbia public schools  
10 and public charter schools.

11 ~~(3) SHORT-TERM TECHNOLOGY PLAN.—~~

12 ~~(A) IN GENERAL.—~~Based upon the results  
13 of the technology assessment under paragraph  
14 ~~(2)~~, the corporation shall develop a 3-year plan  
15 that includes goals, priorities, and strategies for  
16 obtaining the resources necessary to implement  
17 strategies to ensure access to state-of-the-art  
18 educational technology within the District of  
19 Columbia public schools and public charter  
20 schools established in accordance with this Act.

21 ~~(B) IMPLEMENTATION.—~~The corporation,  
22 in conjunction with schools, students, parents,  
23 and teachers, shall implement the plan devel-  
24 oped under subparagraph ~~(A)~~.

1           (4) LONG-TERM TECHNOLOGY PLAN.—Prior to  
2           the completion of the implementation of the short-  
3           term plan under paragraph (3), the corporation shall  
4           develop a plan under which the corporation will con-  
5           tinue to coordinate the donation of private sector re-  
6           sources for maintaining the continuous improvement  
7           and upgrading of state-of-the-art educational tech-  
8           nology within the District of Columbia public schools  
9           and public charter schools established in accordance  
10          with this Act.

11          (e) DISTRICT EMPLOYMENT AND LEARNING CEN-  
12          TER.—

13           (1) ESTABLISHMENT.—The corporation shall  
14           establish a center to be known as the “District Em-  
15           ployment and Learning Center” or “DEAL Center”  
16           (in this title referred to as the “center”), which shall  
17           serve as a regional institute providing job training  
18           and employment assistance.

19           (2) DUTIES.—

20           (A) JOB TRAINING AND EMPLOYMENT AS-  
21           SISTANCE PROGRAM.—The center shall estab-  
22           lish a program to provide job training and em-  
23           ployment assistance in the District of Columbia.

1           (B) CONDUCT OF PROGRAM.—In carrying  
2 out the program established under subpara-  
3 graph (A), the center—

4           (i) shall provide job training and em-  
5 ployment assistance to youths who have at-  
6 tained the age of 18 but have not attained  
7 the age of 26, who are residents of the  
8 District of Columbia, and who are in need  
9 of such job training and employment as-  
10 sistance for an appropriate period not to  
11 exceed 2 years;

12           (ii) shall work to establish partner-  
13 ships and enter into agreements with ap-  
14 propriate governmental agencies of the  
15 District of Columbia to serve individuals  
16 participating in appropriate Federal pro-  
17 grams, including programs under the Job  
18 Training Partnership Act (29 U.S.C. 1501  
19 et seq.); the Job Opportunities and Basic  
20 Skills Training Program under part F of  
21 title IV of the Social Security Act, the Carl  
22 D. Perkins Vocational and Applied Tech-  
23 nology Education Act (20 U.S.C. 2301 et  
24 seq.); and the School-to-Work Opportuni-  
25 ties Act of 1994 (20 U.S.C. 6101 et seq.);

1 (iii) shall conduct such job training,  
2 as appropriate, through a consortia of col-  
3 leges, universities, community colleges, and  
4 other appropriate providers in the District  
5 of Columbia metropolitan area;

6 (iv) shall design modular training pro-  
7 grams that allow students to enter and  
8 leave the training curricula depending on  
9 their opportunities for job assignments  
10 with employers; and

11 (v) shall utilize resources from busi-  
12 nesses to enhance work-based learning op-  
13 portunities and facilitate access by stu-  
14 dents to work-based learning and work-ex-  
15 perience through temporary work assign-  
16 ments with employers in the District of  
17 Columbia metropolitan area.

18 (C) COMPENSATION.—The center may pro-  
19 vide compensation to youths participating in the  
20 program under this paragraph for part-time  
21 work assigned in conjunction with training.  
22 Such compensation may include needs-based  
23 payments and reimbursement of expenses.

24 (d) WORKFORCE PREPARATION INITIATIVES.—

1           (1) IN GENERAL.—The corporation shall estab-  
2           lish initiatives with the District of Columbia public  
3           schools and public charter schools established in ac-  
4           cordance with this Act, appropriate governmental  
5           agencies, and businesses and other private entities,  
6           to facilitate the integration of rigorous academic  
7           studies with workforce preparation programs in Dis-  
8           trict of Columbia public schools and public charter  
9           schools.

10          (2) CONDUCT OF INITIATIVES.—In carrying out  
11          the initiatives under paragraph (1), the corporation  
12          shall, at a minimum, actively develop, expand, and  
13          promote the following programs:

14                (A) Career academy programs in secondary  
15                schools, as established in certain District of Co-  
16                lumbia public schools, which provide a “school-  
17                within-a-school” concept, focusing on career  
18                preparation and the integration of the academy  
19                programs with vocational and technical curricu-  
20                lum.

21                (B) Programs carried out in the District of  
22                Columbia that are funded under the School-to-  
23                Work Opportunities Act of 1994 (20 U.S.C.  
24                6101 et seq.).

1           (e) PROFESSIONAL DEVELOPMENT PROGRAM FOR  
2 TEACHERS AND ADMINISTRATORS.—

3           (1) ESTABLISHMENT OF PROGRAM.—The cor-  
4 poration shall establish a consortium consisting of  
5 the corporation, teachers, school administrators, and  
6 a consortium of universities located in the District of  
7 Columbia (in existence on the date of the enactment  
8 of this Act) for the purpose of establishing a pro-  
9 gram for the professional development of teachers  
10 and school administrators employed by the District  
11 of Columbia public schools and public charter  
12 schools established in accordance with this Act.

13           (2) CONDUCT OF PROGRAM.—In carrying out  
14 the program established under paragraph (1), the  
15 consortium established under such paragraph, in  
16 consultation with the World Class Schools Panel and  
17 the Superintendent, shall, at a minimum, provide for  
18 the following:

19           (A) Professional development for teachers  
20 which is consistent with the model professional  
21 development programs for teachers under sec-  
22 tion 402(a)(3), or is consistent with the core  
23 curriculum developed by the Superintendent  
24 under section 411(a)(1), as the case may be,  
25 except that in fiscal year 1996, such profes-

1           sional development shall focus on curriculum  
2           for elementary grades in reading and mathe-  
3           matics that have been demonstrated to be effec-  
4           tive for students from low-income backgrounds.

5           (B) Private sector training of teachers in  
6           the use, application, and operation of state-of-  
7           the-art technology in education.

8           (C) Training for school principals and  
9           other school administrators in effective private  
10          sector management practices for the purpose of  
11          site-based management in the District of Co-  
12          lumbia public schools and training in the man-  
13          agement of public charter schools established in  
14          accordance with this Act.

15          (f) OTHER PRIVATE SECTOR ASSISTANCE AND CO-  
16          ORDINATION.—The corporation shall coordinate private  
17          sector involvement and voluntary assistance efforts in sup-  
18          port of repairs and improvements to schools in the District  
19          of Columbia, including—

20                (1) private sector monetary and in-kind con-  
21                tributions to repair and improve school building fa-  
22                cilities consistent with section 601;

23                (2) the development of proposals to be consid-  
24                ered by the Superintendent for inclusion in the long-  
25                term reform plan to be developed pursuant to sec-

1       tion 101, and other proposals to be submitted to the  
2       Superintendent, the Board of Education, the Mayor,  
3       the District of Columbia Council, the Authority, the  
4       Administrator of the General Services Administra-  
5       tion, or the Congress; and

6               (3) a program of rewards for student accom-  
7       plishment at participating local businesses.

8       **SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.**

9       (a) **IN GENERAL.**—The nonprofit organization estab-  
10      lished under section 2602(2) shall establish a program, to  
11      be known as the “Jobs for D.C. Graduates Program”, to  
12      assist the District of Columbia public schools and public  
13      charter schools established in accordance with this Act in  
14      organizing and implementing a school-to-work transition  
15      system with a priority on providing assistance to at-risk  
16      youths and disadvantaged youths.

17      (b) **CONDUCT OF PROGRAM.**—In carrying out the  
18      program established under subsection (a), the nonprofit  
19      organization, consistent with the policies of the nationally-  
20      recognized Jobs for America’s Graduates, Inc.—

21               (1) shall establish performance standards for  
22      such program;

23               (2) shall provide ongoing enhancement and im-  
24      provements in such program;

1           ~~(3)~~ shall provide research and reports on the re-  
2           sults of such program; and

3           ~~(4)~~ shall provide pre-service and in-service  
4           training of all staff.

5   **SEC. 2606. MATCHING FUNDS.**

6           The corporation shall, to the extent practicable, pro-  
7           vide funds, an in kind contribution, or a combination  
8           thereof, for the purpose of carrying out the duties of the  
9           corporation under section 2604, as follows:

10           ~~(1)~~ For fiscal year 1996, \$1 for every \$1 of  
11           Federal funds provided under this title for section  
12           2604.

13           ~~(2)~~ For fiscal year 1997, \$3 for every \$1 of  
14           Federal funds provided under this title for section  
15           2604.

16           ~~(3)~~ For fiscal year 1998, \$5 for every \$1 of  
17           Federal funds provided under this title for section  
18           2604.

19   **SEC. 2607. REPORT.**

20           The corporation shall prepare and submit to the Con-  
21           gress on a quarterly basis, or, with respect to fiscal year  
22           1996, on a biannual basis, a report which shall contain—

23           ~~(1)~~ the activities the corporation has carried  
24           out, including the duties of the corporation described  
25           in section 2604, for the ~~3~~-month period ending on

1 the date of the submission of the report, or, with re-  
2 spect to fiscal year 1996, the 6-month period ending  
3 on the date of the submission of the report;

4 (2) an assessment of the use of funds or other  
5 resources donated to the corporation;

6 (3) the results of the assessment carried out  
7 under section 2604(b)(2); and

8 (4) a description of the goals and priorities of  
9 the corporation for the 3-month period beginning on  
10 the date of the submission of the report, or, with re-  
11 spect to fiscal year 1996, the 6-month period begin-  
12 ning on the date of the submission of the report.

13 **SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) AUTHORIZATION.—

15 (1) DELTA COUNCIL; ACCESS TO STATE-OF-  
16 THE-ART EDUCATIONAL TECHNOLOGY; WORKFORCE  
17 PREPARATION INITIATIVES; OTHER PRIVATE SECTOR  
18 ASSISTANCE AND COORDINATION.—There are au-  
19 thorized to be appropriated to carry out subsections  
20 (a), (b), (d) and (f) of section 2604 \$1,000,000 for  
21 each of the fiscal years 1996, 1997, and 1998.

22 (2) DEAL CENTER.—There are authorized to be  
23 appropriated to carry out section 2604(e)  
24 \$2,000,000 for each of the fiscal years 1996, 1997,  
25 and 1998.

1           (3) PROFESSIONAL DEVELOPMENT PROGRAM  
2           FOR TEACHERS AND ADMINISTRATORS.—There are  
3           authorized to be appropriated to carry out section  
4           2604(e) \$1,000,000 for each of the fiscal years  
5           1996, 1997, and 1998.

6           (4) JOBS FOR D.C. GRADUATES PROGRAM.—  
7           There are authorized to be appropriated to carry out  
8           section 2605—

9                   (A) \$2,000,000 for fiscal year 1996; and

10                   (B) \$3,000,000 for each of the fiscal years  
11           1997 through 2000.

12           (b) AVAILABILITY.—Amounts authorized to be appro-  
13           priated under subsection (a) are authorized to remain  
14           available until expended.

15   **SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF**  
16                   **THE CONGRESS RELATING TO CONTINU-**  
17                   **ATION OF ACTIVITIES.**

18           (a) TERMINATION OF FEDERAL SUPPORT.—The au-  
19           thority under this title to provide assistance to the cor-  
20           poration or any other entity established pursuant to this  
21           title (except for assistance to the nonprofit organization  
22           established under section 2602(2) for the purpose of ear-  
23           rying out section 2605) shall terminate on October 1,  
24           1998.

1 (b) SENSE OF THE CONGRESS RELATING TO CON-  
2 TINUATION OF ACTIVITIES.—It is the sense of the Con-  
3 gress that—

4 (1) the activities of the corporation under sec-  
5 tion 2604 should continue to be carried out after  
6 October 1, 1998, with resources made available from  
7 the private sector; and

8 (2) the corporation should provide oversight  
9 and coordination of such activities after such date.

## 10 **Subtitle L—Parent Attendance at** 11 **Parent-Teacher Conferences**

### 12 **SEC. 2651. ESTABLISHMENT.**

13 (a) POLICY.—Notwithstanding any other provision of  
14 law, the Mayor of the District of Columbia is authorized  
15 to develop and implement a policy requiring all residents  
16 with children attending a District of Columbia public  
17 school system to attend and participate in at least 1 par-  
18 ent-teacher conference every 90 days during the school  
19 year.

20 (b) WITHHOLD BENEFITS.—The Mayor is authorized  
21 to withhold payment of benefits received under the pro-  
22 gram under part A of title IV of the Social Security Act  
23 as a condition of participation in these parent-teacher con-  
24 ferences.

1 **SEC. 2652. SUBMISSION OF PLAN.**

2 If the Mayor elects to utilize the powers granted  
3 under section 2651, the Mayor shall submit to the Sec-  
4 retary of Health and Human Services a plan for imple-  
5 mentation. The plan shall include—

6 (1) plans to administer the program;

7 (2) plans to conduct evaluations on the success  
8 or failure of the program;

9 (3) plans to monitor the participation of par-  
10 ents;

11 (4) plans to withhold and reinstate benefits;  
12 and

13 (5) long-term plans for the program.

14 **SEC. 2653. REPORTS TO CONGRESS.**

15 Beginning on October 1, 1996 and each year there-  
16 after, the District shall annually report to the Secretary  
17 of Health and Human Services and to the Congress on  
18 the progress and results of the program described in sec-  
19 tion 2651 of this Act.

20 *That the following sums are appropriated, out of any*  
21 *money in the Treasury not otherwise appropriated, for the*  
22 *District of Columbia for the fiscal year ending September*  
23 *30, 1996, and for other purposes, namely:*

1 *TITLE I*2 *FISCAL YEAR 1996 APPROPRIATIONS*3 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

4 *For payment to the District of Columbia for the fiscal*  
5 *year ending September 30, 1996, \$660,000,000, as author-*  
6 *ized by section 502(a) of the District of Columbia Self-Gov-*  
7 *ernment and Governmental Reorganization Act, Public*  
8 *Law 93-198, as amended (D.C. Code, sec. 47-3406.1).*

9 *FEDERAL CONTRIBUTION TO RETIREMENT FUNDS*

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

15 *DIVISION OF EXPENSES*

16 *The following amounts are appropriated for the Dis-*  
17 *trict of Columbia for the current fiscal year out of the gen-*  
18 *eral fund of the District of Columbia, except as otherwise*  
19 *specifically provided.*

20 *GOVERNMENTAL DIRECTION AND SUPPORT*

21 *Governmental direction and support, \$150,721,000*  
22 *and 1,465 full-time equivalent positions (end of year): Pro-*  
23 *vided, That not to exceed \$2,500 for the Mayor, \$2,500 for*  
24 *the Chairman of the Council of the District of Columbia,*  
25 *and \$2,500 for the City Administrator shall be available*

1 *from this appropriation for expenditures for official pur-*  
2 *poses: Provided further, That any program fees collected*  
3 *from the issuance of debt shall be available for the payment*  
4 *of expenses of the debt management program of the District*  
5 *of Columbia: Provided further, That no revenues from Fed-*  
6 *eral sources shall be used to support the operations or ac-*  
7 *tivities of the Statehood Commission and Statehood Com-*  
8 *pact Commission: Provided further, That the District of Co-*  
9 *lumbia shall identify the sources of funding for Admission*  
10 *to Statehood from its own locally-generated revenues: Pro-*  
11 *vided further, That \$29,500,000 is used for a pay-as-you-*  
12 *go capital project of which \$28,000,000 is available to de-*  
13 *velop and implement a new financial management infor-*  
14 *mation system and \$1,500,000 is available for a needs as-*  
15 *essment study: Provided further, That the District of Co-*  
16 *lumbia Financial Responsibility and Management Assist-*  
17 *ance Authority shall have given prior approval to the work*  
18 *plan and procurement documents for necessary hardware*  
19 *and software before work on phase 3, as described in the*  
20 *Authority's August 15, 1995 report, is begun.*

21 *ECONOMIC DEVELOPMENT AND REGULATION*

22 *Economic development and regulation, \$142,711,000*  
23 *and 1,692 full-time equivalent positions (end-of-year): Pro-*  
24 *vided, That the District of Columbia Housing Finance*  
25 *Agency, established by section 201 of the District of Colum-*

1 *bia Housing Finance Agency Act, effective March 3, 1979*  
2 *(D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its*  
3 *capability of repayments as determined each year by the*  
4 *Council of the District of Columbia from the Housing Fi-*  
5 *nance Agency's annual audited financial statements to the*  
6 *Council of the District of Columbia, shall repay to the gen-*  
7 *eral fund an amount equal to the appropriated administra-*  
8 *tive costs plus interest at a rate of four percent per annum*  
9 *for a term of 15 years, with a deferral of payments for the*  
10 *first three years: Provided further, That notwithstanding*  
11 *the foregoing provision, the obligation to repay all or part*  
12 *of the amounts due shall be subject to the rights of the own-*  
13 *ers of any bonds or notes issued by the Housing Finance*  
14 *Agency and shall be repaid to the District of Columbia gov-*  
15 *ernment only from available operating revenues of the*  
16 *Housing Finance Agency that are in excess of the amounts*  
17 *required for debt service, reserve funds, and operating ex-*  
18 *penses: Provided further, That upon commencement of the*  
19 *debt service payments, such payments shall be deposited*  
20 *into the general fund of the District of Columbia.*

21 *PUBLIC SAFETY AND JUSTICE*

22 *Public safety and justice, including purchase of 135*  
23 *passenger-carrying vehicles for replacement only, including*  
24 *130 for police-type use and five for fire-type use, without*  
25 *regard to the general purchase price limitation for the cur-*

1 *rent fiscal year, \$960,747,000 and 11,544 full-time equiva-*  
2 *lent positions (end-of-year): Provided, That the Metropoli-*  
3 *tan Police Department is authorized to replace not to exceed*  
4 *25 passenger-carrying vehicles and the Fire Department of*  
5 *the District of Columbia is authorized to replace not to ex-*  
6 *ceed five passenger-carrying vehicles annually whenever the*  
7 *cost of repair to any damaged vehicle exceeds three-fourths*  
8 *of the cost of the replacement: Provided further, That not*  
9 *to exceed \$500,000 shall be available from this appropria-*  
10 *tion for the Chief of Police for the prevention and detection*  
11 *of crime: Provided further, That the Metropolitan Police*  
12 *Department shall provide quarterly reports to the Commit-*  
13 *tees on Appropriations of the House and Senate on efforts*  
14 *to increase efficiency and improve the professionalism in*  
15 *the department: Provided further, That notwithstanding*  
16 *any other provision of law, or Mayor's Order 86-45, issued*  
17 *March 18, 1986, the Metropolitan Police Department's dele-*  
18 *gated small purchase authority shall be \$500,000: Provided*  
19 *further, That the District of Columbia government may not*  
20 *require the Metropolitan Police Department to submit to*  
21 *any other procurement review process, or to obtain the ap-*  
22 *proval of or be restricted in any manner by any official*  
23 *or employee of the District of Columbia government, for*  
24 *purchases that do not exceed \$500,000: Provided further,*  
25 *That \$250,000 is used for the Georgetown Summer Detail;*

1 \$200,000 is used for East of the River Detail; \$100,000 is  
2 used for Adams Morgan Detail; and \$100,000 is used for  
3 the Capitol Hill Summer Detail: Provided further, That the  
4 Metropolitan Police Department shall employ an authorized  
5 level of sworn officers not to be less than 3,800 sworn officers  
6 for the fiscal year ending September 30, 1996: Provided fur-  
7 ther, That the District of Columbia shall house no more  
8 than 1,000 inmates in its community correctional centers,  
9 District operated or contracted, on any given date: Provided  
10 further, That funds appropriated for expenses under the  
11 District of Columbia Criminal Justice Act, approved Sep-  
12 tember 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C.  
13 Code, sec. 11-2601 et seq.), for the fiscal year ending Sep-  
14 tember 30, 1996, shall be available for obligations incurred  
15 under the Act in each fiscal year since inception in the fis-  
16 cal year 1975: Provided further, That funds appropriated  
17 for expenses under the District of Columbia Neglect Rep-  
18 resentation Equity Act of 1984, effective March 13, 1985  
19 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal  
20 year ending September 30, 1996, shall be available for obli-  
21 gations incurred under the Act in each fiscal year since in-  
22 ception in the fiscal year 1985: Provided further, That  
23 funds appropriated for expenses under the District of Co-  
24 lumbia Guardianship, Protective Proceedings, and Durable  
25 Power of Attorney Act of 1986, effective February 27, 1987

1 *(D.C. Law 6–204; D. C. Code, sec. 21–2060), for the fiscal*  
2 *year ending September 30, 1996, shall be available for obli-*  
3 *gations incurred under the Act in each fiscal year since in-*  
4 *ception in fiscal year 1989: Provided further, That not to*  
5 *exceed \$1,500 for the Chief Judge of the District of Colum-*  
6 *bia Court of Appeals, \$1,500 for the Chief Judge of the Su-*  
7 *perior Court of the District of Columbia, and \$1,500 for*  
8 *the Executive Officer of the District of Columbia Courts*  
9 *shall be available from this appropriation for official pur-*  
10 *poses: Provided further, That the District of Columbia shall*  
11 *operate and maintain a free, 24-hour telephone information*  
12 *service whereby residents of the area surrounding Lorton*  
13 *prison in Fairfax County, Virginia, can promptly obtain*  
14 *information from District of Columbia government officials*  
15 *on all disturbances at the prison, including escapes, fires,*  
16 *riots, and similar incidents: Provided further, That the Dis-*  
17 *trict of Columbia government shall also take steps to pub-*  
18 *licize the availability of the 24-hour telephone information*  
19 *service among the residents of the area surrounding the*  
20 *Lorton prison: Provided further, That not to exceed*  
21 *\$100,000 of this appropriation shall be used to reimburse*  
22 *Fairfax County, Virginia, and Prince William County,*  
23 *Virginia, for expenses incurred by the counties during the*  
24 *fiscal year ending September 30, 1996, in relation to the*  
25 *Lorton prison complex: Provided further, That such reim-*

1 *bursements shall be paid in all instances in which the Dis-*  
2 *trict requests the counties to provide police, fire, rescue, and*  
3 *related services to help deal with escapes, riots, and similar*  
4 *disturbances involving the prison: Provided further, That*  
5 *the Mayor shall reimburse the District of Columbia Na-*  
6 *tional Guard for expenses incurred in connection with serv-*  
7 *ices that are performed in emergencies by the National*  
8 *Guard in a militia status and are requested by the Mayor,*  
9 *in amounts that shall be jointly determined and certified*  
10 *as due and payable for these services by the Mayor and the*  
11 *Commanding General of the District of Columbia National*  
12 *Guard: Provided further, That such sums as may be nec-*  
13 *essary for reimbursement to the District of Columbia Na-*  
14 *tional Guard under the preceding proviso shall be available*  
15 *from this appropriation, and the availability of the sums*  
16 *shall be deemed as constituting payment in advance for*  
17 *emergency services involved.*

18 *PUBLIC EDUCATION SYSTEM*

19 *Public education system, including the development of*  
20 *national defense education programs, \$800,080,000 and*  
21 *11,670 full-time equivalent positions (end-of-year), to be al-*  
22 *located as follows: \$585,956,000 and 10,167 full-time equiv-*  
23 *alent positions for the public schools of the District of Co-*  
24 *lumbia; \$109,175,000 shall be allocated for the District of*  
25 *Columbia Teachers' Retirement Fund; \$81,940,000 and*

1 1,079 full-time equivalent positions for the University of the  
2 District of Columbia; \$20,742,000 and 415 full-time equiva-  
3 lent positions for the Public Library; \$2,267,000 and 9 full-  
4 time equivalent positions for the Commission on the Arts  
5 and Humanities: Provided, That the public schools of the  
6 District of Columbia are authorized to accept not to exceed  
7 31 motor vehicles for exclusive use in the driver education  
8 program: Provided further, That not to exceed \$2,500 for  
9 the Superintendent of Schools, \$2,500 for the President of  
10 the University of the District of Columbia, and \$2,000 for  
11 the Public Librarian shall be available from this appropria-  
12 tion for expenditures for official purposes: Provided further,  
13 That this appropriation shall not be available to subsidize  
14 the education of nonresidents of the District of Columbia  
15 at the University of the District of Columbia, unless the  
16 Board of Trustees of the University of the District of Colum-  
17 bia adopts, for the fiscal year ending September 30, 1996,  
18 a tuition rate schedule that will establish the tuition rate  
19 for nonresident students at a level no lower than the non-  
20 resident tuition rate charged at comparable public institu-  
21 tions of higher education in the metropolitan area.

22 *HUMAN SUPPORT SERVICES*

23 *Human support services, \$1,859,622,000 and 6,469*  
24 *full-time equivalent positions (end-of-year): Provided, That*  
25 *\$26,000,000 of this appropriation, to remain available*

1 *until expended, shall be available solely for District of Co-*  
2 *lumbia employees' disability compensation: Provided fur-*  
3 *ther, That the District shall not provide free government*  
4 *services such as water, sewer, solid waste disposal or collec-*  
5 *tion, utilities, maintenance, repairs, or similar services to*  
6 *any legally constituted private nonprofit organization (as*  
7 *defined in section 411(5) of Public Law 100-77, approved*  
8 *July 22, 1987) providing emergency shelter services in the*  
9 *District, if the District would not be qualified to receive*  
10 *reimbursement pursuant to the Stewart B. McKinney*  
11 *Homeless Assistance Act, approved July 22, 1987 (101 Stat.*  
12 *485; Public Law 100-77; 42 U.S.C. 11301 et seq.).*

13 *PUBLIC WORKS*

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

22 *WASHINGTON CONVENTION CENTER TRANSFER PAYMENT*

23 *For the Washington Convention Center Fund,*  
24 *\$5,400,000.*

1                    *REPAYMENT OF LOANS AND INTEREST*

2            *For reimbursement to the United States of funds*  
3 *loaned in compliance with an Act to provide for the estab-*  
4 *lishment of a modern, adequate, and efficient hospital cen-*  
5 *ter in the District of Columbia, approved August 7, 1946*  
6 *(60 Stat. 896; Public Law 79-648); section 1 of an Act*  
7 *to authorize the Commissioners of the District of Columbia*  
8 *to borrow funds for capital improvement programs and to*  
9 *amend provisions of law relating to Federal Government*  
10 *participation in meeting costs of maintaining the Nation's*  
11 *Capital City, approved June 6, 1958 (72 Stat. 183; Public*  
12 *Law 85-451; D.C. Code, sec. 9-219); section 4 of an Act*  
13 *to authorize the Commissioners of the District of Columbia*  
14 *to plan, construct, operate, and maintain a sanitary sewer*  
15 *to connect the Dulles International Airport with the Dis-*  
16 *trict of Columbia system, approved June 12, 1960 (74 Stat.*  
17 *211; Public Law 86-515); sections 723 and 743(f) of the*  
18 *District of Columbia Self-Government and Governmental*  
19 *Reorganization Act of 1973, approved December 24, 1973,*  
20 *as amended (87 Stat. 821; Public Law 93-198; D.C. Code,*  
21 *sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C.*  
22 *Code, sec. 9-219, note), including interest as required there-*  
23 *by, \$257,787,000.*



1 4 of the Reprogramming Policy Act of 1980, effective Sep-  
2 tember 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363),  
3 \$4,563,000: Provided, That the District of Columbia shall  
4 provide to the Committees on Appropriations of the House  
5 of Representatives and the Senate quarterly reports by the  
6 15th day of the month following the end of the quarter show-  
7 ing how monies provided under this fund are expended with  
8 a final report providing a full accounting of the fund due  
9 October 15, 1995 or not later than 15 days after the last  
10 amount remaining in the fund is disbursed.

11 *INCENTIVE BUYOUT PROGRAM*

12 *For the purpose of funding costs associated with the*  
13 *incentive buyout program, to be apportioned by the Mayor*  
14 *of the District of Columbia within the various appropria-*  
15 *tion headings in this Act from which costs are properly*  
16 *payable, \$19,000,000.*

17 *BOARDS AND COMMISSIONS*

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

21 *GOVERNMENT RE-ENGINEERING PROGRAM*

22 *If a sufficient reduction from employees who are sub-*  
23 *ject to collective bargaining agreements is not realized*  
24 *through renegotiating existing agreements, the Mayor shall*  
25 *decrease the rates of compensation for such employees, not-*

1 *withstanding the provisions of any collective bargaining*  
2 *agreements: Provided, That the Mayor shall reduce appro-*  
3 *priations and expenditures for personal and nonpersonal*  
4 *services in the amount of \$16,000,000 within one or several*  
5 *of the various appropriation headings in this Act.*

6 *OUTPLACEMENT*

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

8 *CAPITAL OUTLAY*

9 *For construction projects, \$82,850,000, as authorized*  
10 *by an Act authorizing the laying of water mains and service*  
11 *sewers in the District of Columbia, the levying of assess-*  
12 *ments therefor, and for other purposes, approved April 22,*  
13 *1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs.*  
14 *43-1512 through 43-1519); the District of Columbia Public*  
15 *Works Act of 1954, approved May 18, 1954 (68 Stat. 101;*  
16 *Public Law 83-364); An Act to authorize the Commis-*  
17 *sioners of the District of Columbia to borrow funds for cap-*  
18 *ital improvement programs and to amend provisions of law*  
19 *relating to Federal Government participation in meeting*  
20 *costs of maintaining the Nation's Capital City, approved*  
21 *June 6, 1958 (72 Stat. 183; Public Law 85-451); including*  
22 *acquisition of sites, preparation of plans and specifications,*  
23 *conducting preliminary surveys, erection of structures, in-*  
24 *cluding building improvement and alteration and treat-*  
25 *ment of grounds, to remain available until expended: Pro-*

1 *vided, That \$105,660,000 appropriated under this heading*  
2 *in prior fiscal years is rescinded.*

3 *WATER AND SEWER ENTERPRISE FUND*

4 *For the Water and Sewer Enterprise Fund,*  
5 *\$243,853,000 and 1,024 full-time equivalent positions (end*  
6 *of year), of which \$41,036,000 shall be apportioned and*  
7 *payable to the debt service fund for repayment of loans and*  
8 *interest incurred for capital improvement projects.*

9 *LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND*

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

1 *to support the operations or activities of the Lottery and*  
2 *Charitable Games Control Board.*

3 *CABLE TELEVISION ENTERPRISE FUND*

4 *For the Cable Television Enterprise Fund, established*  
5 *by the Cable Television Communications Act of 1981, effec-*  
6 *tive October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-*  
7 *1801 et seq.), \$2,351,000 and 8 full-time equivalent posi-*  
8 *tions (end of year), of which \$572,000 shall be transferred*  
9 *to the General Fund of the District of Columbia.*

10 *STARPLEX FUND*

11 *For the Starplex Fund, \$6,580,000 for the expenses in-*  
12 *curred by the Armory Board in the exercise of its powers*  
13 *granted by An Act To Establish a District of Columbia Ar-*  
14 *mory Board, and for other purposes, approved June 4, 1948*  
15 *(62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District*  
16 *of Columbia Stadium Act of 1957, approved September 7,*  
17 *1957 (71 Stat. 619; Public Law 85-300; D. C. Code, sec.*  
18 *2-321 et seq.): Provided, That the Mayor shall submit a*  
19 *budget for the Armory Board for the forthcoming fiscal year*  
20 *as required by section 442(b) of the District of Columbia*  
21 *Self-Government and Governmental Reorganization Act,*  
22 *approved December 24, 1973 (87 Stat. 824; Public Law 93-*  
23 *198; D.C. Code, sec. 47-301(b)).*

1 *D.C. GENERAL HOSPITAL*

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

7 *D.C. RETIREMENT BOARD*

8 *For the D.C. Retirement Board, established by section*  
9 *121 of the District of Columbia Comprehensive Retirement*  
10 *Reform Act of 1989, approved November 17, 1989 (93 Stat.*  
11 *866; D.C. Code, sec. 1-711), \$13,440,000 to pay legal, man-*  
12 *agement, investment, and other fees and administrative ex-*  
13 *penses of the District of Columbia Retirement Board and*  
14 *11 full-time equivalent positions (end of year): Provided,*  
15 *That the District of Columbia Retirement Board shall pro-*  
16 *vide to the Congress and to the Council of the District of*  
17 *Columbia a quarterly report of the allocations of charges*  
18 *by fund and of expenditures of all funds: Provided further,*  
19 *That the District of Columbia Retirement Board shall pro-*  
20 *vide the Mayor, for transmittal to the Council of the Dis-*  
21 *trict of Columbia, an item accounting of the planned use*  
22 *of appropriated funds in time for each annual budget sub-*  
23 *mission and the actual use of such funds in time for each*  
24 *annual audited financial report.*





1 prevailing rates for such vehicles as prescribed in the Fed-  
2 eral Property Management Regulations 101–7 (Federal  
3 Travel Regulations).

4       *SEC. 105. Appropriations in this Act shall be available*  
5 *for expenses of travel and for the payment of dues of organi-*  
6 *zations concerned with the work of the District of Columbia*  
7 *government, when authorized by the Mayor: Provided, That*  
8 *the Council of the District of Columbia and the District*  
9 *of Columbia Courts may expend such funds without author-*  
10 *ization by the Mayor.*

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

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

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

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

8       *SEC. 109. No funds appropriated in this Act for the*  
9 *District of Columbia government for the operation of edu-*  
10 *cational institutions, the compensation of personnel, or for*  
11 *other educational purposes may be used to permit, encour-*  
12 *age, facilitate, or further partisan political activities. Noth-*  
13 *ing herein is intended to prohibit the availability of school*  
14 *buildings for the use of any community or partisan politi-*  
15 *cal group during non-school hours.*

16       *SEC. 110. The annual budget for the District of Colum-*  
17 *bia government for the fiscal year ending September 30,*  
18 *1997, shall be transmitted to the Congress no later than*  
19 *April 15, 1996.*

20       *SEC. 111. None of the funds appropriated in this Act*  
21 *shall be made available to pay the salary of any employee*  
22 *of the District of Columbia government whose name, title,*  
23 *grade, salary, past work experience, and salary history are*  
24 *not available for inspection by the House and Senate Com-*  
25 *mittees on Appropriations, the House Committee on Gov-*

1 *ernment Reform and Oversight, District of Columbia Sub-*  
2 *committee, the Subcommittee on General Services, Federal-*  
3 *ism, and the District of Columbia, of the Senate Committee*  
4 *on Governmental Affairs, and the Council of the District*  
5 *of Columbia, or their duly authorized representative: Pro-*  
6 *vided, That none of the funds contained in this Act shall*  
7 *be made available to pay the salary of any employee of the*  
8 *District of Columbia government whose name and salary*  
9 *are not available for public inspection.*

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

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

20       *SEC. 114. At the start of the fiscal year, the Mayor*  
21 *shall develop an annual plan, by quarter and by project,*  
22 *for capital outlay borrowings: Provided, That within a rea-*  
23 *sonable time after the close of each quarter, the Mayor shall*  
24 *report to the Council of the District of Columbia and the*

1 *Congress the actual borrowing and spending progress com-*  
2 *pared with projections.*

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

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

11       *SEC. 117. None of the funds appropriated by this Act*  
12 *may be obligated or expended by reprogramming except*  
13 *pursuant to advance approval of the reprogramming grant-*  
14 *ed according to the procedure set forth in the Joint Explan-*  
15 *atory Statement of the Committee of Conference (House Re-*  
16 *port No. 96-443), which accompanied the District of Co-*  
17 *lumbia Appropriation Act, 1980, approved October 30,*  
18 *1979 (93 Stat. 713; Public Law 96-93), as modified in*  
19 *House Report No. 98-265, and in accordance with the*  
20 *Reprogramming Policy Act of 1980, effective September 16,*  
21 *1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): Pro-*  
22 *vided, That for the fiscal year ending September 30, 1996*  
23 *the above shall apply except as modified by Public Law*  
24 *104-8.*

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

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

14       *SEC. 120. (a) Notwithstanding section 422(7) of the*  
15 *District of Columbia Self-Government and Governmental*  
16 *Reorganization Act of 1973, approved December 24, 1973*  
17 *(87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-*  
18 *242(7)), the City Administrator shall be paid, during any*  
19 *fiscal year, a salary at a rate established by the Mayor,*  
20 *not to exceed the rate established for level IV of the Execu-*  
21 *tive Schedule under 5 U.S.C. 5315.*

22       *(b) For purposes of applying any provision of law lim-*  
23 *iting the availability of funds for payment of salary or pay*  
24 *in any fiscal year, the highest rate of pay established by*  
25 *the Mayor under subsection (a) of this section for any posi-*

1 tion for any period during the last quarter of calendar year  
2 1995 shall be deemed to be the rate of pay payable for that  
3 position for September 30, 1995.

4 (c) Notwithstanding section 4(a) of the District of Co-  
5 lumbia Redevelopment Act of 1945, approved August 2,  
6 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec.  
7 5-803(a)), the Board of Directors of the District of Colum-  
8 bia Redevelopment Land Agency shall be paid, during any  
9 fiscal year, per diem compensation at a rate established by  
10 the Mayor.

11 SEC. 121. Notwithstanding any other provisions of  
12 law, the provisions of the District of Columbia Government  
13 Comprehensive Merit Personnel Act of 1978, effective March  
14 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.),  
15 enacted pursuant to section 422(3) of the District of Colum-  
16 bia Self-Government and Governmental Reorganization Act  
17 of 1973, approved December 24, 1973 (87 Stat. 790; Public  
18 Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with  
19 respect to the compensation of District of Columbia employ-  
20 ees: Provided, That for pay purposes, employees of the Dis-  
21 trict of Columbia government shall not be subject to the pro-  
22 visions of title 5 of the United States Code.

23 SEC. 122. The Director of the Department of Adminis-  
24 trative Services may pay rentals and repair, alter, and im-  
25 prove rented premises, without regard to the provisions of

1 *section 322 of the Economy Act of 1932 (Public Law 72–*  
2 *212; 40 U.S.C. 278a), upon a determination by the Direc-*  
3 *tor, that by reason of circumstances set forth in such deter-*  
4 *mination, the payment of these rents and the execution of*  
5 *this work, without reference to the limitations of section*  
6 *322, is advantageous to the District in terms of economy,*  
7 *efficiency, and the District’s best interest.*

8       *SEC. 123. No later than 30 days after the end of the*  
9 *first quarter of the fiscal year ending September 30, 1996,*  
10 *the Mayor of the District of Columbia shall submit to the*  
11 *Council of the District of Columbia the new fiscal year 1996*  
12 *revenue estimates as of the end of the first quarter of fiscal*  
13 *year 1996. These estimates shall be used in the budget re-*  
14 *quest for the fiscal year ending September 30, 1997. The*  
15 *officially revised estimates at midyear shall be used for the*  
16 *midyear report.*

17       *SEC. 124. Section 466(b) of the District of Columbia*  
18 *Self-Government and Governmental Reorganization Act of*  
19 *1973, approved December 24, 1973 (87 Stat. 806; Public*  
20 *Law 93–198; D.C. Code, sec. 47–326), as amended, is*  
21 *amended by striking “sold before October 1, 1995” and in-*  
22 *serting “sold before October 1, 1996”.*

23       *SEC. 125. No sole source contract with the District of*  
24 *Columbia government or any agency thereof may be re-*  
25 *newed or extended without opening that contract to the*

1 *competitive bidding process as set forth in section 303 of*  
2 *the District of Columbia Procurement Practices Act of 1985,*  
3 *effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec.*  
4 *1–1183.3), except that the District of Columbia Public*  
5 *Schools may renew or extend sole source contracts for which*  
6 *competition is not feasible or practical, provided that the*  
7 *determination as to whether to invoke the competitive bid-*  
8 *ding process has been made in accordance with duly pro-*  
9 *mulgated Board of Education rules and procedures.*

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

23       *SEC. 127. In the event a sequestration order is issued*  
24 *pursuant to the Balanced Budget and Emergency Deficit*  
25 *Control Act of 1985, approved December 12, 1985 (99 Stat.*

1 1037; Public Law 99–177), as amended, after the amounts  
2 appropriated to the District of Columbia for the fiscal year  
3 involved have been paid to the District of Columbia, the  
4 Mayor of the District of Columbia shall pay to the Sec-  
5 retary of the Treasury, within 15 days after receipt of a  
6 request therefor from the Secretary of the Treasury, such  
7 amounts as are sequestered by the order: Provided, That the  
8 sequestration percentage specified in the order shall be ap-  
9 plied proportionately to each of the Federal appropriation  
10 accounts in this Act that are not specifically exempted from  
11 sequestration by the Balanced Budget and Emergency Defi-  
12 cit Control Act of 1985, approved December 12, 1985 (99  
13 Stat. 1037; Public Law 99–177), as amended.

14       SEC. 128. For the fiscal year ending September 30,  
15 1996, the District of Columbia shall pay interest on its  
16 quarterly payments to the United States that are made  
17 more than 60 days from the date of receipt of an itemized  
18 statement from the Federal Bureau of Prisons of amounts  
19 due for housing District of Columbia convicts in Federal  
20 penitentiaries for the preceding quarter.

21       SEC. 129. Nothing in this Act shall be construed to  
22 authorize any office, agency or entity to expend funds for  
23 programs or functions for which a reorganization plan is  
24 required but has not been approved by the Council pursuant  
25 to section 422(12) of the District of Columbia Self-Govern-

1 *ment and Governmental Reorganization Act of 1973, ap-*  
2 *proved December 24, 1973 (87 Stat. 790; Public Law 93-*  
3 *198; D.C. Code, sec. 1-242(12)) and the Governmental Re-*  
4 *organization Procedures Act of 1981, effective October 17,*  
5 *1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7).*  
6 *Appropriations made by this Act for such programs or*  
7 *functions are conditioned on the approval by the Council,*  
8 *prior to October 1, 1995, of the required reorganization*  
9 *plans.*

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

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

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

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

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

4           (d) *This section shall not apply to the District of Co-*  
5 *lumbia Board of Education, which may, pursuant to the*  
6 *laws and regulations of the District of Columbia, accept*  
7 *and use gifts to the public schools without prior approval*  
8 *by the Mayor.*

9           SEC. 131. *None of the Federal funds provided in this*  
10 *Act may be used by the District of Columbia to provide*  
11 *for salaries, expenses, or other costs associated with the of-*  
12 *fices of United States Senator or United States Representa-*  
13 *tives under section 4(d) of the District of Columbia State-*  
14 *hood Constitutional Convention Initiatives of 1979, effective*  
15 *March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–*  
16 *113(d)).*

17           SEC. 132. *None of the Federal funds appropriated*  
18 *under this Act shall be expended for any abortion except*  
19 *when it is made known to the entity or official to which*  
20 *funds are appropriated under this Act that such procedure*  
21 *is necessary to save the life of the mother or that the preg-*  
22 *nancy is the result of an act of rape or incest.*

1 *COMPENSATION FOR THE COMMISSION ON JUDICIAL DIS-*  
2 *ABILITIES AND TENURE AND FOR THE JUDICIAL NOM-*  
3 *INATION COMMISSION*

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

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

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

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

16 *“(5) Member of the Commission shall serve with-*  
17 *out compensation for services rendered in connection*  
18 *with their official duties on the Commission.”.*

19 *MULTIYEAR CONTRACTS*

20 *SEC. 134. Section 451 of the District of Columbia Self-*  
21 *Government and Governmental Reorganization Act of 1973,*  
22 *approved December 24, 1973 (87 Stat. 803; Public Law 93-*  
23 *198; D.C. Code, sec. 1-1130), is amended by adding a new*  
24 *subsection (c) to read as follows:*

25 *“(c)(1) The District may enter into multiyear con-*  
26 *tracts to obtain goods and services for which funds would*

1 *otherwise be available for obligation only within the fiscal*  
 2 *year for which appropriated.*

3       “(2) *If the funds are not made available for the con-*  
 4 *tinuation of such a contract into a subsequent fiscal year,*  
 5 *the contract shall be cancelled or terminated, and the cost*  
 6 *of cancellation or termination may be paid from—*

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

9               “(B) *appropriations currently available for pro-*  
 10 *curement of the type of acquisition covered by the*  
 11 *contract, and not otherwise obligated; or*

12               “(C) *funds appropriated for those payments.*

13       “(3) *No contract entered into under this section shall*  
 14 *be valid unless the Mayor submits the contract to the Coun-*  
 15 *cil for its approval and the Council approves the contract*  
 16 *(in accordance with criteria established by act of the Coun-*  
 17 *cil). The Council shall be required to take affirmative action*  
 18 *to approve the contract within 45 calendar days. If no ac-*  
 19 *tion is taken to approve the contract within 45 calendar*  
 20 *days, the contract shall be deemed disapproved.”.*

21       *CALCULATED REAL PROPERTY TAX RATE RESCISSION AND*  
 22               *REAL PROPERTY TAX FREEZE*

23       *SEC. 135. The District of Columbia Real Property Tax*  
 24 *Revision Act of 1974, approved September 3, 1974 (88 Stat.*  
 25 *1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:*

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

3           (A) *Subsection (a) is amended by striking*  
4           *the third and fourth sentences and inserting the*  
5           *following sentences in their place: “If the Council*  
6           *does extend the time for establishing the rates of*  
7           *taxation on real property, it must establish those*  
8           *rates for the tax year by permanent legislation.*  
9           *If the Council does not establish the rates of tax-*  
10           *ation of real property by October 15, and does*  
11           *not extend the time for establishing rates, the*  
12           *rates of taxation applied for the prior year shall*  
13           *be the rates of taxation applied during the tax*  
14           *year.”.*

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

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

23           (2) *Section 413(c) (D.C. Code, sec. 47–815(c)) is*  
24           *repealed.*

1 *PRISONS INDUSTRIES*

2 *SEC. 136. Title 18 U.S.C. 1761(b) is amended by strik-*  
3 *ing the period at the end and inserting the phrase “or not*  
4 *for-profit organizations” in its place.*

5 *REPORTS ON REDUCTIONS*

6 *SEC. 137. Within 120 days of the effective date of this*  
7 *Act, the Mayor shall submit to the Council a report delin-*  
8 *eating the actions taken by the executive to effect the direc-*  
9 *tives of the Council in this Act, including—*

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

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

14 *(3) actions to apportion the spending reductions*  
15 *anticipated by the directives of this Act to the execu-*  
16 *tive for unallocated reductions; and*

17 *(4) a list of any position that is backfilled in-*  
18 *cluding description, title, and salary of the position.*

19 *MONTHLY REPORTING REQUIREMENTS—BOARD OF*20 *EDUCATION*

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

25 *(1) current month expenditures and obligations,*  
26 *year-to-date expenditures and obligations, and total*

1 *fiscal year expenditure projections versus budget bro-*  
2 *ken out on the basis of control center, responsibility*  
3 *center, ARC, and object class, and for appropriated*  
4 *funds, nonappropriated funds, and capital financing;*

5 *(2) a breakdown of FTE positions and staff for*  
6 *the most current pay period broken out on the basis*  
7 *of control center, responsibility center, and ARC with-*  
8 *in each responsibility center, for appropriated funds,*  
9 *nonappropriated funds, and capital funds;*

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

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



1       *for appropriated funds, nonappropriated funds, and*  
2       *capital funds.*

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

7               *(4) a list of all active contracts in excess of*  
8       *\$10,000 annually, which contains: the name of each*  
9       *contractor; the budget to which the contract is charged*  
10       *broken out on the basis of control center and respon-*  
11       *sibility center, and contract identifying codes used by*  
12       *the University of the District of Columbia; payments*  
13       *made in the last month and year-to-date, the total*  
14       *amount of the contract and total payments made for*  
15       *the contract and any modifications, extensions, re-*  
16       *newals; and specific modifications made to each con-*  
17       *tract in the last month;*

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

22               *(6) changes made in the last month to the orga-*  
23       *nizational structure of the University of the District*  
24       *of Columbia, displaying previous and current control*  
25       *centers and responsibility centers, the names of the or-*



1        *tions by control center, responsibility center, funding*  
2        *source, position type, position title, pay plan, grade,*  
3        *and annual salary; and*

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

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

18            *ANNUAL BUDGETS AND BUDGET REVISIONS*

19        *SEC. 142. (a) Not later than October 1, 1995, or within*  
20        *15 calendar days after the date of the enactment of the Dis-*  
21        *trict of Columbia Appropriations Act, 1996, whichever oc-*  
22        *curs first, and each succeeding year, the Board of Education*  
23        *and the University of the District of Columbia shall submit*  
24        *to the Congress, the Mayor, and Council of the District of*  
25        *Columbia, a revised appropriated funds operating budget*  
26        *for the public school system and the University of the Dis-*

1 *trict of Columbia for such fiscal year that is in the total*  
2 *amount of the approved appropriation and that realigns*  
3 *budgeted data for personal services and other than personal*  
4 *services, respectively, with anticipated actual expenditures.*

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

14 *BUDGET APPROVAL*

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

1            *PUBLIC SCHOOL EMPLOYEE EVALUATIONS*

2            *SEC. 144. Notwithstanding any other provision of law,*  
3 *rule, or regulation, the evaluation process and instruments*  
4 *for evaluating District of Columbia Public Schools employ-*  
5 *ees shall be a non-negotiable item for collective bargaining*  
6 *purposes.*

7            *POSITION VACANCIES*

8            *SEC. 145. (a) No agency, including an independent*  
9 *agency, shall fill a position wholly funded by appropria-*  
10 *tions authorized by this Act, which is vacant on October*  
11 *1, 1995, or becomes vacant between October 1, 1995, and*  
12 *September 30, 1996, unless the Mayor or independent agen-*  
13 *cy submits a proposed resolution of intent to fill the vacant*  
14 *position to the Council. The Council shall be required to*  
15 *take affirmative action on the Mayor's resolution within 30*  
16 *legislative days. If the Council does not affirmatively ap-*  
17 *prove the resolution within 30 legislative days, the resolu-*  
18 *tion shall be deemed disapproved.*

19            *(b) No reduction in the number of full-time equivalent*  
20 *positions or reduction-in-force due to privatization or con-*  
21 *tracting out shall occur if the District of Columbia Finan-*  
22 *cial Responsibility and Management Assistance Authority,*  
23 *established by section 101(a) of the District of Columbia*  
24 *Financial Responsibility and Management Assistance Act*  
25 *of 1995, approved April 17, 1995 (109 Stat. 97; Public Law*  
26 *104-8), disallows the full-time equivalent position reduction*

1 *provided in this Act in meeting the maximum ceiling of*  
2 *39,778 for the fiscal year ending September 30, 1996.*

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

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

10 *CAPITAL PROJECT EMPLOYEES*

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

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

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

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

23 *(3) the date that each employee began working*  
24 *on the capital project and the ending date that each*  
25 *employee completed or is projected to complete work*  
26 *on the capital project; and*



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

3           (2) *By adding a new subparagraph (L–i) to*  
4           *read as follows:*

5           “*(L–i) Notwithstanding any other provision*  
6           *of law, the Board of Education shall not issue*  
7           *rules that require or permit nonschool-based per-*  
8           *sonnel or school administrators to be assigned or*  
9           *reassigned to the same competitive level as class-*  
10          *room teachers;”*

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

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

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

22                 (1) *classified as an Educational Service em-*  
23                 *ployee;*

24                 (2) *placed under the personnel authority of the*  
25                 *Board of Education; and*



1 *is authorized, within the agency head's discretion, to iden-*  
2 *tify positions for abolishment.*

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

6       “(c) *Notwithstanding any rights or procedures estab-*  
7 *lished by any other provision of this title, any District gov-*  
8 *ernment employee, regardless of date of hire, who encumbers*  
9 *a position identified for abolishment shall be separated*  
10 *without competition or assignment rights, except as pro-*  
11 *vided in this section.*

12       “(d) *An employee effected by the abolishment of a posi-*  
13 *tion pursuant to this section who, but for this section would*  
14 *be entitled to compete for retention, shall be entitled to one*  
15 *round of lateral competition pursuant to Chapter 24 of the*  
16 *District of Columbia Personnel Manual, which shall be lim-*  
17 *ited to positions in the employee's competitive level.*

18       “(e) *Each employee who is a bona fide resident of the*  
19 *District of Columbia shall have added 5 years to his or her*  
20 *creditable service for reduction-in-force purposes. For pur-*  
21 *poses of this subsection only, a nonresident District em-*  
22 *ployee who was hired by the District government prior to*  
23 *January 1, 1980, and has not had a break in service since*  
24 *that date, or a former employee of the U.S. Department of*  
25 *Health and Human Services at Saint Elizabeths Hospital*

1 *who accepted employment with the District government on*  
2 *October 1, 1987, and has not had a break in service since*  
3 *that date, shall be considered a District resident.*

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

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

11               “(1) *An employee may file a complaint contest-*  
12 *ing a determination or a separation pursuant to title*  
13 *XV of this Act or section 303 of the Human Rights*  
14 *Act of 1977, effective December 13, 1977 (D.C. Law*  
15 *2–38; D.C. Code, sec. 1–2543); and*

16               “(2) *An employee may file with the Office of*  
17 *Employee Appeals an appeal contesting that the sepa-*  
18 *ration procedures of subsections (d) and (f) of this*  
19 *section were not properly applied.*

20       “(h) *An employee separated pursuant to this section*  
21 *shall be entitled to severance pay in accordance with title*  
22 *XI of this Act, except that the following shall be included*  
23 *in computing creditable service for severance pay for em-*  
24 *ployees separated pursuant to this section:*

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

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

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

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

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

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

1 *DELAY IN CONVEYANCE OF PROPERTY TO COLUMBIA HOS-*  
 2 *PITAL FOR WOMEN FOR NATIONAL WOMEN’S HEALTH*  
 3 *RESOURCE CENTER*

4 *SEC. 150. Effective as if included in the enactment of*  
 5 *Public Law 103–67, section 1(e)(1) of Public Law 103–67*  
 6 *(107 Stat. 687) is amended by striking “1 year” and insert-*  
 7 *ing “3 years”.*

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

10 ***TITLE II—DISTRICT OF COLUM-***  
 11 ***BIA SCHOOLS IMPROVEMENT***  
 12 ***ACT***

13 ***Subtitle A—Establishment and Or-***  
 14 ***ganization of Commission on***  
 15 ***Consensus Reform in the District***  
 16 ***of Columbia Public Schools***

17 ***SEC. 201. DEFINITIONS.***

18 *For purposes of this subtitle—*

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

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

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

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

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

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

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

14          (a) *ESTABLISHMENT.*—

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

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

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

24                   (B) 1 member to be appointed by the Presi-  
25                   dent chosen from a list of 3 proposed members

1           *submitted by the Speaker of the House of Rep-*  
2           *resentatives;*

3           *(C) 2 members to be appointed by the Presi-*  
4           *dent, 1 who shall represent the local business*  
5           *community and 1 who is a teacher in the Dis-*  
6           *trict of Columbia public schools.*

7           *(D) The President of the District of Colum-*  
8           *bia Congress of Parents and Teachers.*

9           *(E) The President of the District of Colum-*  
10          *bia Board of Education.*

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

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

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

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

21          *(4) VACANCIES.—Any vacancy in the member-*  
22          *ship of the Commission shall be filled by the appoint-*  
23          *ment of a new member in the same manner as pro-*  
24          *vided for the vacated membership. A member ap-*

1       pointed under this paragraph shall serve the remain-  
2       ing term of the vacated membership.

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

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

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

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

23              (c) *STAFF.*—With the approval of the Chair, the Exec-  
24      utive Director may appoint and fix the pay of additional  
25      personnel as the Executive Director considers appropriate,

1 *except that no individual appointed by the Executive Direc-*  
2 *tor may be paid at a rate greater than the rate of pay for*  
3 *the Executive Director.*

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

7 **SEC. 203. GENERAL POWERS.**

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

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

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

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

17 (4) *To promulgate rules concerning the manage-*  
18 *ment and direction of the Board, as deemed nec-*  
19 *essary, to address obstacles to the development or im-*  
20 *plementation of the Educational Plan.*

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

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

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

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

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

20 (1) *Each Educational Plan shall include specific*  
21 *provisions designed to accomplish the following objec-*  
22 *tives and reflect the cumulative effect of the Local*  
23 *School Restructuring Team (LSRT) in terms of stu-*  
24 *dent needs, financial requirements, and timeliness for*  
25 *implementation:*

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

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

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

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

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

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

19          (G) *To ensure the equitable distribution*  
20 *among the schools and programs of funds budg-*  
21 *eted by the Board in accordance with applicable*  
22 *laws, rules and regulations.*

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

1           (I) *To ensure a new, fair, demanding eval-*  
2           *uation process and more and better opportunities*  
3           *for teacher preparation.*

4           (J) *To generate a sense of urgency in the*  
5           *business and philanthropic community and en-*  
6           *list them in targeted support for very particular,*  
7           *concrete school reform goals.*

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

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

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

22                 (B) *to develop a five-year capital improve-*  
23                 *ment plan to carry out an approved facilities*  
24                 *master plan which provides for a system-wide*  
25                 *modernization of public schools;*

1           (C) to institute management systems to sup-  
2           port the implementation of the capital plan, in  
3           consultation and cooperation with the Mayor  
4           and Authority; and

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

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

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

12               (1) the Board’s school reform goals and objec-  
13               tives;

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

16               (3) the Board’s plans and strategy for imple-  
17               menting applicable District laws enacted to affect  
18               school reform;

19               (4) the Board’s strategy for developing and im-  
20               plementing district-wide guidelines, rules, and proce-  
21               dures with respect to local school decision making as  
22               provided by applicable District law enacted as part  
23               of any school reform legislation;

24               (5) the Board’s goals and objectives for the 2-  
25               year period subsequent to the school year for which

1        *the Educational Plan applies, as prescribed by the*  
2        *Commission; and*

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

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

9        *(c) APPROVAL CRITERIA.—The Commission shall ap-*  
10       *prove an Educational Plan submitted by the Board if, in*  
11       *the Commission’s judgment, the Educational Plan is—*

12            *(1) complete;*

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

14            *(3) supported by demonstrably sufficient and*  
15        *available funding;*

16            *(4) responsive to any Commission directives or*  
17        *requirements;*

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

20            *(6) reasonably capable of achieving substantial*  
21        *progress toward improving the educational achieve-*  
22        *ment of the students and is consistent with the Bring-*  
23        *ing Educational Services to Students (BESST) agen-*  
24        *da, the District of Columbia Reform Agenda, and the*  
25        *District of Columbia Public Schools Goals 2000 Plan.*

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

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

24           (f) *NOTICE OF MODIFICATION.*—After approval of each  
25 Educational Plan, the Board shall promptly notify the

1 *Commission of any material change in any matter con-*  
2 *tained in the approved Educational Plan. The Board may*  
3 *submit to the Commission or the Commission may require*  
4 *the Board to submit, a modified Educational Plan based*  
5 *upon revised information. The Commission shall approve*  
6 *or reject each modified Educational Plan pursuant to sub-*  
7 *section (c).*

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

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

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

20 (c) *REVIEW OF CONTRACTS.*—*The Commission may*  
21 *request that the Authority review proposed or existing con-*  
22 *tracts or leases pursuant to section 203(b) of the District*  
23 *of Columbia Financial Responsibility and Management As-*  
24 *sistance Act of 1995 (Public Law 104–8; 109 Stat. 118).*

1 **SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.**

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

14 **SEC. 208. INVESTIGATIVE POWERS.**

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

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

25       *(a) IN GENERAL.—The Commission may at any time*  
26 *submit recommendations to the Board, Mayor, the Council,*

1 *and the Congress on actions the District government or the*  
2 *Federal Government should take to ensure implementation*  
3 *of the approved Educational Plan.*

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

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

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

21 (A) *specific performance measures to deter-*  
22 *mine the extent to which the Board has adopted*  
23 *the recommendation; and*

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

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

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

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

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

22 **SEC. 210. VACANCY IN SUPERINTENDENT OF PUBLIC**  
23 **SCHOOLS.**

24           *(a) Notwithstanding any other provision of law, the*  
25 *Board shall notify the Commission within 10 days of the*

1 occurrence of a vacancy in the Superintendent of Public  
2 Schools.

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

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

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

11 (a) *DRESS CODE.*—

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

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

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

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

22 (C) may include a requirement that stu-  
23 dents wear uniforms.

24 (b) *COMMUNITY SERVICE REQUIREMENT FOR SUS-  
25 PENDED STUDENTS.*—

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

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

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

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

19          **SEC. 212. EXPIRATION DATE.**

20           This subtitle shall expire on September 30, 2016.

21           **Subtitle B—Charter Schools**

22          **SEC. 213. PURPOSE.**

23           The purpose of this subtitle is to permit the District  
 24          of Columbia to establish charter schools to improve the edu-

1 *cation of students and encourage community involvement*  
2 *in education.*

3 **SEC. 214. DEFINITIONS.**

4 *For purposes of this subtitle—*

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

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

17 (B) *is created by a developer as a public*  
18 *school, or is adapted by a developer from an ex-*  
19 *isting public school, or an existing non-Public*  
20 *School, and is operated under public supervision*  
21 *and direction;*

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

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

3           (E) is nonsectarian in its programs, admis-  
4 sions policies, employment practices, and all  
5 other operations, and is not affiliated with a sec-  
6 tarian school or religious institution;

7           (F) does not charge tuition;

8           (G) is governed by a Board of Trustees;

9           (H) complies with the Age Discrimination  
10 Act of 1975, title VI of the Civil Rights Act of  
11 1964, title IX of the Education Amendments of  
12 1972, section 504 of the Rehabilitation Act of  
13 1973, and part B of the Individuals With Dis-  
14 abilities Education Act;

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

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

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

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

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

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

15          **SEC. 215. APPLICATION.**

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

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

22                  (1) a description of the objectives of the Local  
23                  Educational Agency’s charter school grant program  
24                  and a description of how such objectives will be ful-  
25                  filled, including steps taken by the local educational

1        *agency to inform teachers, parents, and communities*  
2        *of the local educational agency's charter school grant*  
3        *program;*

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

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

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

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

14           *(6) a description of the charter school's objectives*  
15        *and the methods by which the charter school will de-*  
16        *termine its progress toward achieving those objectives;*

17           *(7) a description of the administrative relation-*  
18        *ship between the charter school and the authorized*  
19        *public chartering agency;*

20           *(8) a description of how parents and other mem-*  
21        *bers of the community will be involved in the design*  
22        *and implementation of the charter school;*

23           *(9) a request and justification for waivers of any*  
24        *Federal statutory or regulatory provisions that the*  
25        *applicant believes are necessary for the successful op-*

1        *eration of the charter school, and a description of any*  
2        *local rules, generally applicable to public schools, that*  
3        *will be waived for, or otherwise not apply, to the*  
4        *school;*

5            *(10) a description of how students in the commu-*  
6        *nity will be informed about the charter school and*  
7        *given an equal opportunity to attend the charter*  
8        *school; and*

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

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

15        *Charter schools shall be selected by the public charter-*  
16       *ing agency by taking the following factors into consider-*  
17       *ation:*

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

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

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

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

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

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

6           ***TITLE III—MISCELLANEOUS***  
7           ***PROVISIONS***

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

14          ***SEC. 302. ENERGY SAVINGS AT DISTRICT OF COLUMBIA FA-***  
15          ***CILITIES.***

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

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

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

24                                  ***(B)*** *enter into a sufficient number of energy*  
25                                  *savings performance contracts with private sec-*

1            *tor energy service companies under title VIII of*  
2            *the National Energy Conservation Policy Act (42*  
3            *U.S.C. 8287 et seq.) to achieve during fiscal year*  
4            *1996 at least a 5 percent reduction, from fiscal*  
5            *year 1995 levels, in the energy use of the facili-*  
6            *ties used by the agency.*

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

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

19           (1) *CONSERVATION MEASURES.—Fifty percent of*  
20           *the amount shall remain available for the implemen-*  
21           *tation of additional energy conservation measures*  
22           *and for water conservation measures at such facilities*  
23           *used by the agency as are designated by the head of*  
24           *the agency.*

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

5           *(c) REPORTS.*—

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

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

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

23                   (A) *specify the total energy costs of the fa-*  
24                   *ilities used by the agency;*

25                   (B) *identify the reductions achieved;*

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

3           (D) with respect to the procurement proce-  
4 dures of the agency, specify what actions have  
5 been taken to—

6           (i) implement the procurement au-  
7 thorities provided by subsections (a) and (c)  
8 of section 546 of the National Energy Con-  
9 servation Policy Act (42 U.S.C. 8256); and

10           (ii) incorporate directly, or by ref-  
11 erence, the requirements of the regulations  
12 issued by the Secretary of Energy under  
13 title VIII of the Act (42 U.S.C. 8287 et  
14 seq.); and

15           (E) specify—

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

19           (ii) the procurement procedures and  
20 methods used by the agency under section  
21 546(a)(2) of the Act (42 U.S.C. 8256(a)(2));  
22 and

23           (iii) the number of energy savings per-  
24 formance contracts entered into by the agen-

