

104TH CONGRESS
1ST SESSION

H. R. 2546

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 1995

Ordered to be printed with the amendments of the Senate numbered

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 appropria-
22 tion 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 ~~urement 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) ‘Nonschool-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 Correc-
15 tional 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 H 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 (1) 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 (e).

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 cal 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),” and
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 Columbia 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 (e) 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 (e) 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 (4) a detailed explanation justifying why each
2 employee is being paid with capital funds.

3 MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-
4 FORCE PROCEDURES

5 SEC. 147. *The District of Columbia Government Com-*
6 *prehensive Merit Personnel Act of 1978, effective March 3,*
7 *1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.),*
8 *is amended as follows:*

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

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

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

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

19 “(15A) ‘School administrators’ means prin-
20 *cipals, assistant principals, school program directors,*
21 *coordinators, instructional supervisors, and support*
22 *personnel of the District of Columbia Public*
23 *Schools.”.*

24 (b) *Section 801A(b)(2) (D.C. Code, sec.*
25 *1–609.1(b) (2)) is amended as follows:*

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

2 (b) *School-based personnel shall constitute a separate*
 3 *competitive area from non-school based personnel who shall*
 4 *not compete with school-based personnel for retention pur-*
 5 *poses.*

6 *MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES*

7 *SEC. 149. The District of Columbia Government Com-*
 8 *prehensive Merit Personnel Act of 1978, effective March 3,*
 9 *1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.),*
 10 *is amended as follows:*

11 (a) *Section 2401 (D.C. Code, sec. 1-625.1) is*
 12 *amended by amending the third sentence to read as*
 13 *follows: "A personnel authority may establish lesser*
 14 *competitive areas within an agency on the basis of all*
 15 *or a clearly identifiable segment of an agency's mis-*
 16 *sion or a division or major subdivision of an agen-*
 17 *cy."*

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

20 ***“SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR***
 21 ***1996.***

22 ***“(a) Notwithstanding any other provision of law, regu-***
 23 ***lation, or collective bargaining agreement either in effect***
 24 ***or to be negotiated while this legislation is in effect for the***
 25 ***fiscal year ending September 30, 1996, each agency head***

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-

