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.

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

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

Federal Payment to the District of Columbia

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

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

DIVISION OF EXPENSES
The following amounts are appropriated for the Dis-
trict of Columbia for the current fiscal year out of the
general fund of the District of Columbia, except as other-
wise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT
Governmental direction and support, $149,793,000
and 1,465 full-time equivalent positions (end of year) (in-
cluding $118,167,000 and 1,125 full-time equivalent posi-
tions from local funds, $2,464,000 and 5 full-time equiva-
 lent positions from Federal funds, $4,474,000 and 71 full-
time equivalent positions from other funds, and
$24,688,000 and 264 full-time equivalent positions from
intra-District funds). Provided, That not to exceed $2,500
for the Mayor, $2,500 for the Chairman of the Council
of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes. Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia. Provided further, That $29,500,000 is used for pay-as-you-go capital projects of which $1,500,000 shall be used for a capital needs assessment study, and $28,000,000 shall be used for a new financial management system of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training. Provided further, That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the General Accounting Office within 90 days after the date of enactment of this Act reporting the results of the needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District’s financial management system including a detailed explanation of each rec-
ommendation and its estimated cost; (2) the General Ac-
counting Office reviews the Authority’s report and for-
wards it along with such comments or recommendations
as deemed appropriate on any matter contained therein
to the Committees on Appropriations of the House and
the Senate, the Committee on Governmental Reform and
Oversight of the House, and the Committee on Govern-
mental Affairs of the Senate within 60 days from receipt
of the report; and (3) 30 days lapse after receipt by Con-
gress of the General Accounting Office’s comments or rec-
ommendations:

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $139,285,000
and 1,692 full-time equivalent positions (end-of-year) (in-
eluding $66,505,000 and 696 full-time equivalent posi-
tions from local funds; $38,792,000 and 509 full-time
equivalent positions from Federal funds; $17,658,000 and
260 full-time equivalent positions from other funds; and
$16,330,000 and 227 full-time equivalent positions from
intra-District funds): Provided, That the District of Co-
lumbia Housing Finance Agency, established by section
201 of the District of Columbia Housing Finance Agency
Act, effective March 3, 1979 (D.C. Law 2–135; D.C.
Code, sec. 45–2111), based upon its capability of repay-
ments as determined each year by the Council of the Dis-
District of Columbia from the Housing Finance Agency’s annual audited financial statements to the Council of the District of Columbia; shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $954,106,000 and 11,544 full-time equivalent positions (end-of-year) (including $930,889,000 and 11,365 full-time equivalent positions from local funds,
$8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds. Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement. Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime. Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department. Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000. Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process; or to obtain the approval of or be restricted in any manner by any official...
or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception
in fiscal year 1989. Provided further, That not to exceed
$1,500 for the Chief Judge of the District of Columbia
Court of Appeals, $1,500 for the Chief Judge of the Super-
rior Court of the District of Columbia, and $1,500 for the
Executive Officer of the District of Columbia Courts shall
be available from this appropriation for official purposes:
Provided further, That the District of Columbia shall oper-
ate and maintain a free, 24-hour telephone information
service whereby residents of the area surrounding Lorton
prison in Fairfax County, Virginia, can promptly obtain
information from District of Columbia government offi-
cials on all disturbances at the prison, including escapes,
riots, and similar incidents: Provided further, That the
District of Columbia government shall also take steps to
publicize the availability of the 24-hour telephone informa-
tion service among the residents of the area surrounding
the Lorton prison: Provided further, That not to exceed
$100,000 of this appropriation shall be used to reimburse
Fairfax County, Virginia, and Prince William County, Vir-
ginia, for expenses incurred by the counties during the fis-
cal year ending September 30, 1996, in relation to the
Lorton prison complex: Provided further, That such reim-
bursements shall be paid in all instances in which the Dis-
trict requests the counties to provide police, fire, rescue,
and related services to help deal with escapes, fires, riots,
and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

Public education system, including the development of national defense education programs, $788,983,000 and 11,670 full-time equivalent positions (end-of-year) (including $670,833,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,046,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $577,242,000 and 10,167 full-time equivalent posi-
tions (including $494,556,000 and 9,014 full-time equivalent positions from local funds; $75,786,000 and 1,058 full-time equivalent positions from Federal funds; $4,343,000 and 44 full-time equivalent positions from other funds; and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $109,175,000 from local funds shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,269,000 and 1,079 full-time equivalent positions (including $45,250,000 and 572 full-time equivalent positions from local funds; $10,611,000 and 156 full-time equivalent positions from Federal funds; $16,922,000 and 189 full-time equivalent positions from other funds; and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $21,062,000 and 415 full-time equivalent positions (including $20,159,000 and 408 full-time equivalent positions from local funds; $446,000 and 6 full-time equivalent positions from Federal funds; $154,000 and 1 full-time equivalent position from other funds; and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the
Commission on the Arts and Humanities; $64,000 from local funds for the District of Columbia School of Law and a reduction of $96,000 for the Education Licensure Commission. **Provided**, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program. **Provided further**, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes. **Provided further**, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

**Human Support Services**

Human support services, $1,845,638,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,067,516,000 and 3,650 full-time equivalent positions
from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,763,000 and 66 full-time equivalent positions from other funds; and $4,674,000 and 114 full-time equivalent positions from intra-District funds). Provided, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection; utilities, maintenance, repairs; or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.):

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,326,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,673,000 and
1,158 full-time equivalent positions from local funds; $2,682,000 and 32 full-time equivalent positions from Federal funds; $18,342,000 and 68 full-time equivalent positions from other funds; and $50,629,000 and 656 full-time equivalent positions from intra-District funds). **Provided.** That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

**Washington Convention Center Fund**

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

**Repayment of Loans and Interest**

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation’s Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a
sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973; approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note); 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

Repayment of General Fund Recovery Debt

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

Short-Term Borrowing

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

Pay Renegotiation or Reduction in Compensation

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000,
by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: Provided, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

**Rainy Day Fund**

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000 from local funds: Provided, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report pro-
viding a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

Incentive Buyout Program

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

Outplacement Services

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

Boards and Commissions

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

Government Re-Engineering Program

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.
PERSONAL AND NONPERSONAL SERVICES

ADJUSTMENTS

Notwithstanding any other provision of law, the Mayor shall adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $148,411,000, within or among one or several of the various appropriation headings in this Act, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government...
participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided. That $105,660,000 appropriated under this heading in prior fiscal years is rescinded: Provided further. That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further. That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further. That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: Provided further,
That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

**Water and Sewer Enterprise Fund**

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

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

**Lottery and Charitable Games Enterprise Fund**

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

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,469,000 and 8 full-time equivalent positions (end-of-year) (including $2,137,000
and 8 full-time equivalent positions from local funds and
$332,000 from other funds), of which $690,000 shall be
transferred to the general fund of the District of Colum-
bia.

**STARPlex Fund**

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

**D.C. General Hospital**

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

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1–711), $13,417,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board. Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds. Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Correctional Industries Fund

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $10,048,000 and 66 full-time equiv-
alent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $6,633,000 and 44 full-time equivalent positions from intra-District funds).

Washington Convention Center Enterprise Fund

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

District of Columbia Financial Responsibility and Management Assistance Authority


General Provisions

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.
Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

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

Sec. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor. Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

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

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

Sec. 107. Appropriations in this Act shall be avail-
able for the payment of public assistance without reference
to the requirement of section 544 of the District of Colum-
bia Public Assistance Act of 1982, effective April 6, 1982
(D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the
non-Federal share of funds necessary to qualify for Fed-
eral assistance under the Juvenile Delinquency Prevention
and Control Act of 1968, approved July 31, 1968 (82
Stat. 462; Public Law 90–445; 42 U.S.C. 3804 et seq.).

Sec. 108. No part of any appropriation contained in
this Act shall remain available for obligation beyond the
current fiscal year unless expressly so provided herein.
Sec. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions; the compensation of personnel; or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

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

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

Sec. 112. There are appropriated from the applicable
funds of the District of Columbia such sums as may be
necessary for making payments authorized by the District
of Columbia Revenue Recovery Act of 1977, effective Sep-
421 et seq.):

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

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

Sec. 115. The Mayor shall not borrow any funds for
capital projects unless the Mayor has obtained prior ap-
proval from the Council of the District of Columbia, by
resolution, identifying the projects and amounts to be fi-
nanced with such borrowings.
Sec. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

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

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

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

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

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

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

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

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

Sec. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

Sec. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account.
appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided. That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985; approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.
Sec. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

Sec. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

Sec. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—
(1) the Mayor approves the acceptance and use of the gift or donation; Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

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

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

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

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

Sec. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979,
effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

Sec. 131. (a) IN GENERAL.—Section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–233(a), D.C. Code), as amended by section 108(b)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

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

"(11) enact any act, resolution, or rule which obligates or expends funds of the District of Columbia (without regard to the source of such funds) for any abortion; or which appropriates funds to any facility owned or operated by the District of Columbia in which any abortion is performed, except where the life of the mother would be endangered if the fetus were carried to term, or in cases of forcible rape reported within 30 days to a law enforcement agency, or cases of incest reported to a law enforcement agency."
agency or child abuse agency prior to the performance of the abortion.".

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

Sec. 132. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

Sec. 133. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.
(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Sec. 134. (a) No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis such benefits are extended to legally married couples.

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

Sec. 135. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93–198; D.C. Code, secs. 11–1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code; sec. 11–1524) is amended to read as follows:
“(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.”

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

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

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

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

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

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

(C) funds appropriated for those payments.

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

Sec. 137. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:

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

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

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

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

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

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

Sec. 139. Within 120 days of the effective date of
this Act, the Mayor shall submit to the Congress and the
Council a report delineating the actions taken by the exec-
utive to effect the directives of the Council in this Act,
including—
(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

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

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

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

Sec. 140. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

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

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;
(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

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

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

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

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

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

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

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

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

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

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

Sec. 142. (a) The Board of Education of the District
of Columbia and the University of the District of Colum-
bia shall annually compile an accurate and verifiable re-
port on the positions and employees in the public school
system and the university, respectively. The annual report
shall set forth—
(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

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

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

Sec. 143. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996,
whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures:

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

Sec. 144. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the
Mayor’s budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

Sec. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

Sec. 146. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor’s resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Fi-
nancial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Co-
Public Law 104–8), disallows the full-time equivalent posi-
tion reduction provided in this act in meeting the maxi-
mum ceiling of 35,771 for the fiscal year ending Septem-
ber 30, 1996.

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

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

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

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

(1) a list of all employees by position, title, 
grade and step;
(2) a job description, including the capital project for which each employee is working;

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) classified as an Educational Service employee:
(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

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

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

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

"Sec. 2406. Abolishment of positions for Fiscal Year 1996.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 151. Notwithstanding any other provision of law, the total amount appropriated in this Act for operat-
ing expenses for the District of Columbia for fiscal year
1996 under the caption “Division of Expenses” shall not
exceed $4,867,283,000.

REQUIRING DEVELOPMENT OF PLAN TO CLOSE LORTON
CORRECTIONAL COMPLEX

Sec. 152. (a) Development of Plan.—

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

(2) Requirements of Plan.—The plan developed by the District of Columbia under paragraph (1) shall meet the following requirements:

(A) Under the plan, the Lorton Correctional Complex will be closed by the expiration of the transition period.

(B) Under the plan, the District of Columbia may not operate any correctional facilities on the Federal property known as the Lorton Complex located in Fairfax County, Virginia, after the expiration of the transition period.

(C) The plan shall include provisions specifying how and to what extent the District will utilize alternative management, including the private sector, for the operation of correctional facilities for the District, and shall include pro-
visions describing the treatment under such alternative management (including under contracts) of site selection, design, financing, construction, and operation of correctional facilities for the District.

(D) The plan shall include an implementation schedule, together with specific performance measures and timelines to determine the extent to which the District is meeting the schedule during the transition period.

(E) Under the plan, the Mayor of the District of Columbia shall submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all significant measures taken under the plan as soon as such measures are taken.

(b) CONSISTENCY WITH FINANCIAL PLAN AND BUDGET.—In developing the plan under subsection (a), the District of Columbia shall ensure that for each of the
years during which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) Submission of Plan.—Upon completing the development of the plan under subsection (a), the District of Columbia shall submit the plan to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

Prohibition Against Adoption by Unmarried Couples

Sec. 133. (a) In General.—Section 16-302, D.C. Code, is amended—

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

(2) by adding at the end the following subsection:

“(b) No person may join in a petition under this section unless the person is the spouse of the petitioner.”.

(b) No Effect on Petitions for Adoption Filed by Individual Unmarried Petitioner.—Nothing in section 16-302(b), D.C. Code (as added by subsection (a)) shall be construed to affect the ability of any unmarried person to file a petition for adoption in the Su-
perior Court of the District of Columbia where no other
person joins in the petition.

TECHNICAL CORRECTIONS TO FINANCIAL
RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

Sec. 154. (a) Requiring GSA to Provide Sup-
port Services.—Section 103(f) of the District of Colum-
bia Financial Responsibility and Management Assistance
Act of 1995 is amended by striking “may provide” and
inserting “shall promptly provide”.

(b) Availability of Certain Federal Benefits
for Individuals Who Become Employed by the Au-
thority.—

(1) Former Federal Employees.—Sub-
section (e) of section 102 of such Act is amended to
read as follows:

“(e) Preservation of Retirement and Certain
Other Rights of Federal Employees Who Become
Employed by the Authority.—

“(1) In General.—Any Federal employee who
becomes employed by the Authority—

“(A) may elect, for the purposes set forth
in paragraph (2)(A), to be treated, for so long
as that individual remains continuously em-
ployed by the Authority, as if such individual
had not separated from service with the Federal
Government, subject to paragraph (3); and
“(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual’s service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

“(2) Effect of an election.—An election made by an individual under the provisions of paragraph (1)(A)—

“(A) shall qualify such individual for the treatment described in such provisions for purposes of—

“(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement); including the Thrift Savings Plan;

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

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

“(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) correspond-
ing to the respective programs referred to in subparagraph (A).

(3) Conditions for an election to be effective.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

(A) it is made before such individual separates from service with the Federal Government; and

(B) such individual’s service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

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

(5) Regulations.—Any regulations necessary to carry out this subsection shall be prescribed by—

(A) the Office of Personnel Management;
Section 102 of such Act is further amended by adding at the end the following:

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(f) Federal Benefits for Others.—

(A) In general.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A)(i)-(iii); or

(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.
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(2) Effect of an election.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

(3) Definition of "corresponding office or agency".—For purposes of paragraph (1), the term "corresponding office or agency of the government of the District of Columbia" means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

(4) Thrift savings plan.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting "the Executive Director referred to in section 8474 of title 5, United States Code" for "the Office of Personnel Management".

(3) Effective date; additional election for former federal employees serving on date of enactment; election for employees appointed during interim period.—
(A) **Effective date.**—Not later than 6 months after the date of enactment of this Act, there shall be prescribed (and take effect)—

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

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

(B) **Additional election for former federal employees serving on date of enactment.**—

(i) **In general.**—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District
of Columbia (in the same manner as pro-
vided for in section 102(f) of such Act, as
so amended).

(ii) Exception.—An election under
this subparagraph may not be made by
any individual who—

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

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

(C) Election for Employees Ap-
pointed During Interim Period.—

(i) From the Federal Govern-
ment.—Subsection (e) of section 102 of
the District of Columbia Financial Respon-
sibility and Management Assistance Act of
1995 (as last in effect before the date of
enactment of this Act) shall be deemed to
have remained in effect for purposes of any
Federal employee who becomes employed
by the District of Columbia Financial Re-

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sponsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in ef-
feet when such individual became so employed; and

(III) is not then participating in any program of the government of the
District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) Exemption From Liability for Claims for Authority Employees.—Section 104 of such Act is amended—

(1) by striking “the Authority and its members” and inserting “the Authority, its members, and its employees”; and

(2) by striking “the District of Columbia” and inserting “the Authority or its members or employees or the District of Columbia”.

(d) Permitting Review of Emergency Legislation.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001 SHORT TITLE.

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

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SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

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


(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance," when used with respect to a school and a period of time, means the aggre-
gate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

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

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership," when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

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

(B) GROUPS OF SCHOOLS.—The term "average daily membership," when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.
(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term "control period" means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, see. 1–221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—
(A) IN GENERAL.—The term “District of Columbia government” means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the
loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term “District of Columbia government” does not include the following:

(i) The Authority.

(ii) A public charter school.

(DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term “District of Columbia government retirement system” means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

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

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

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.
(13) District of Columbia public schools.—The term "District of Columbia public schools" means all schools that are District of Columbia public schools.

(14) District-wide assessments.—The term "district-wide assessments" means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) Eligible applicant.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) Eligible chartering authority.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.
(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term "facilities management" means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and
(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

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

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

(21) **METROBUS AND METRORAIL TRANSIT SYSTEM.**—The term “Metrobus and Metrorail Transit System” means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) **MINOR STUDENT.**—The term “minor student” means an individual who—

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

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31–401 and 31–402; D.C. Code).
(23) **NONRESIDENT STUDENT.** The term “nonresident student” means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) **PANEL.** The term “Panel” means the World Class Schools Panel established under subtitle D.

(25) **PARENT.** The term “parent” means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

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

(26) **PETITION.** The term “petition” means a written application, submitted by an eligible appli-
tant to an eligible chartering authority, to establish
a public charter school.

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

(28) Public charter school.—The term
“public charter school” means a publicly funded
school in the District of Columbia that is established
pursuant to subtitle B. A public charter school is not
a part of the District of Columbia public schools.

(29) School.—The term “school” means—

(A) a public charter school; or

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

(30) Student with special needs.—The
term “student with special needs” has the meaning
given such term by the Mayor and the District of
Columbia Council under section 2301.
(31) **SUPERINTENDENT.** The term “Superintendent” means the Superintendent of the District of Columbia public schools.

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

**Subtitle A—District of Columbia Reform Plan**

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

(a) **IN GENERAL.**—

(1) **PLAN.**—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8):

(2) **CONSULTATION.**—

(A) **IN GENERAL.**—In developing the long-term reform plan, the Superintendent—
(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—

The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:
(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools;

(B) The creation of a performance-oriented workforce;

(C) The construction and repair of District of Columbia public school facilities;

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

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

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

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

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

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

(D) plans for monitoring and reporting progress to District of Columbia residents; the appropriate congressional committees; the
Mayor, the District of Columbia Council, and
the Authority; and

(E) the title of the management employee
of the District of Columbia public schools most
directly responsible for the achievement of each
goal and, with respect to each such employee,
the title of the employee’s immediate supervisor
or superior.

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

Subtitle B—Public Charter Schools

SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) Existing Public School.—An eligible appli-
cant seeking to convert an existing District of Columbia
public school into a public charter school—

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

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

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

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

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

(b) INDEPENDENT OR PRIVATE SCHOOL.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—
(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

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

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

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

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

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

(c) New School.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, pri-
A petition to establish a public charter school shall include the following:

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

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

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

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

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

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.
(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

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

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, im-
provements, purchases of real property, or in-
surance; and

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

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

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

(8) The names and addresses of the members
of the proposed Board of Trustees:

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

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

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

(12) An identification, and a description, of the
individuals and entities submitting the application;
including their names and addresses, and the names
of the organizations or corporations of which such individuals are directors or officers.

SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) Schedule.—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

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

(c) Notice.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

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

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.
(d) APPROVAL OR DENIAL.—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

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

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

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

(g) EXPLANATION.—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—
(1) **NOTICE.**—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) **CHARTER.**—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

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

(1) may approve not more than one petition filed by an eligible applicant seeking to convert an existing independent or private school into a public charter school; and
(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) Exclusive Authority of Chartering Authority.—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school; except the eligible chartering authority with which the petition was filed.

SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.

(a) Duties.—A public charter school shall comply with—

(1) this subtitle;

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

(3) all of the terms and provisions of its charter.

(b) Powers.—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:
(1) To adopt a name and corporate seal, but only if the name selected includes the words “public charter school.”

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

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

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

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

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

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.
(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

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

(c) Prohibitions and Other Requirements.—

(1) Contracting Authority.—

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

(B) Submission to Authority.—

(i) Deadline for Submission.—

With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.
(ii) **Effective date of contract.**—

(I) **In general.**—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) **Exception.**—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) **Tuition.**—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) **Control.**—A public charter school—
(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods; within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) Audits.—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) Governance.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) Other Staff.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.
(7) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

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

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

(10) ANNUAL REPORT.—

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

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) Student performance on any district-wide assessments.
(ii) Grade advancement for students enrolled in the public charter school.

(iii) Graduation rates, college admission test scores, and college admission rates, if applicable.

(iv) Types and amounts of parental involvement.

(v) Official student enrollment.

(vi) Average daily attendance.

(vii) Average daily membership.

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

(ix) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal or exceeding $500 during the year that is the subject of the report.

(C) Nonidentifying data.—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) Student enrollment report.—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students
with special needs, in a manner and form that per-
mits the Mayor and the District of Columbia Coun-
to comply with subtitle E:

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

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

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

(A) Pre-school.

(B) Pre-kindergarten.

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

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

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

(16) NONPROFIT STATUS OF SCHOOL.—A pub-
lie charter school shall be organized under the Dis-
(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—
(1) a majority shall be residents of the District of Columbia; and
(2) at least 2 shall be a parent of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;
(2) is a parent of a student attending the school; or
(3) meets the selection or election criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.
(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

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

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there
are spaces available, students shall be admitted using a
random selection process.

(d) Admission to an Existing School.—During
the 5-year period beginning on the date that a petition,
filed by an eligible applicant seeking to convert an existing
public, private, or independent school into a public charter
school, is approved, the school shall give priority in enroll-
ment to—

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

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

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

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

(f) Student Withdrawal.—A student may with-
draw from a public charter school at any time and, if oth-
erwise eligible, enroll in a District of Columbia public
school administered by the Board of Education.
(g) **Expulsion and Suspension.** The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

**SEC. 2157. Employees.**

(a) **Extended Leave of Absence Without Pay.**—

(1) **Leave of Absence from District of Columbia Public Schools.** The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) **Request for Extension.** At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) **Rights Upon Termination of Leave.**—An employee granted an extended leave of absence without pay for the purpose described in paragraph
(1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) Retirement System.—

(1) Creditable Service.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979, (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) Authority to Establish Separate System.—A public charter school may establish a retirement system for employees under its authority.

(3) Election of Retirement System.—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—
(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) Prohibited employment conditions.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school’s retirement system as a condition of employment.

(5) Contributions.—

(A) Employees electing not to transfer.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.
(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee’s contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2±152, effective March 9, 1979, (D.C. Code, sec. 44±216 et seq.) to a student attending a District of Columbia public school.
SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2160. APPLICATION OF LAW.

(a) Elementary and Secondary Education Act.—

(1) Treatment as local educational agency.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) Allocation for fiscal years 1996 through 1998.—
(A) Public charter schools.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia’s total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D):

(B) District of Columbia public schools.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia’s total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D):

(C) Number of eligible pupils enrolled in the public charter school.—The number described in this subparagraph is the number of pupils enrolled in the public
charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) Aggregate number of eligible pupils.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

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

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.
(iii) The number of pupils who, during the preceding fiscal year—

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

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

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

(3) Allocation for Fiscal Year 1999 and Thereafter.—

(A) Calculation by Secretary.—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124A(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive as-
sistance under such part, shall be calculated by
the Secretary of Education. In making such cal-
culation, such Secretary shall treat all such
local educational agencies as if they were a sin-
gle local educational agency for the District of
Columbia.

(B) ALLOCATION.—

(i) Public charter schools.—For
fiscal year 1999 and fiscal years there-
after, each public charter school that is eli-
gible to receive assistance under part A of
title I of the Elementary and Secondary
Education Act of 1965 shall receive a por-
tion of the total allocation calculated under
subparagraph (A) which bears the same
ratio to such total allocation as the number
described in paragraph (2)(C) bears to the
number described in paragraph (2)(D):

(ii) District of Columbia public
schools.—For fiscal year 1999 and fiscal
years thereafter, the District of Columbia
public schools shall receive a portion of the
total allocation calculated under subpara-
graph (A) which bears the same ratio to
such total allocation as the total of the
numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) Use of ESEA Funds.—The Board of Education may not direct a public charter school in the charter school’s use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) Inapplicability of Certain ESEA Provisions.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

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

(B) Subsection 1112(e).

(C) Section 1113.

(D) Section 1115A.

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

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

(G) Section 1120.

(H) Subsections (a) and (e) of section 1120A.

(I) Section 1120B.
(J) Section 1126.

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

SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

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

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

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

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the authority has granted a charter to produce any book, record, paper, or document, if the authority determines that such produc—
tion is necessary for the authority to carry out its functions under this title.

(b) Fees.—

(1) Application Fee.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) Administration Fee.—In the case of an eligible chartering authority that has granted a charter to an public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(e) Immunity from Civil Liability.—

(1) In General.—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—
(A) constitutes gross negligence; 
(B) constitutes an intentional tort; or 
(C) is criminal in nature. 

(2) COMMON LAW IMMUNITY PRESERVED.— Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph. 

SEC. 2162. CHARTER RENEWAL. 

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

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

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter. 

(2) All audited financial statements for the public charter school for the preceding 4 years.
(e) Approval of Charter Renewal Application.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

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

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) Procedures for Consideration of Charter Renewal.—

(1) Notice of Right to Hearing.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) Request for Hearing.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board
may request, in writing, an informal hearing on the
application before the eligible chartering authority.

3) DATE AND TIME OF HEARING.—

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

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

4) FINAL DECISION.—

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

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

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an
application to renew a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(c) BOARD OF EDUCATION RENEWAL REVIEW.—

(1) NOTICE OF DECISION TO RENEW.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

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

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) RECOMMENDATION OF SUPERINTENDENT.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintend-
ent may recommend to the Board of Education, in
writing, that the decision be reversed.

(3) Standard of review by Board of Education. The Board of Education may concur in a
recommendation of the Superintendent under para-
graph (2), and reverse a decision approving an appli-
cation to renew a charter granted to a public charter
school, if the Board of Education determines that—

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

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

(4) Procedures for reversing decision.—

(A) Notice of right to hearing.—In
any case in which the Board of Education is
considering reversing a decision approving an
application to renew a charter granted to a
public charter school, the Board of Education
shall provide to the Board of Trustees of the
school a written notice stating in reasonable de-
tail the grounds for the proposed reversal. The
notice shall inform the Board of Trustees of the
right to an informal hearing on the proposed
reversal.

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

(C) DATE AND TIME OF HEARING.—

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

(ii) DEADLINE.—An informal hearing
under this paragraph shall take place not
later than 30 days after the Board of Edu-

cation receives a timely written request for
the hearing under subparagraph (B).

(D) FINAL DECISION.—

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

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

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

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

(E) JUDICIAL REVIEW.—
(i) **Availability of review.**—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) **Standard of review.**—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

**SEC. 2163. CHARTER REVOCATION.**

(a) **Charter or Law Violations.**—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) **Fiscal Mismanagement.**—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;
(2) has engaged in a pattern of fiscal mis-
management; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCA-
TION.—

(1) Notice of Right to Hearing.—An eligi-
ble chartering authority that is proposing to revoke
a charter granted to a public charter school shall
provide to the Board of Trustees of the school a
written notice stating in reasonable detail the
grounds for the proposed revocation. The notice
shall inform the Board of the right of the Board to
an informal hearing on the proposed revocation.

(2) Request for Hearing.—Not later than
15 days after the date on which a Board of Trustees
receives a notice under paragraph (1), the Board
may request, in writing, an informal hearing on the
proposed revocation before the eligible chartering au-
thority.

(3) Date and Time of Hearing.—

(A) Notice.—Upon receiving a timely
written request for a hearing under paragraph
(2), an eligible chartering authority shall set a
date and time for the hearing and shall provide
reasonable notice of the date and time; as well
as the procedures to be followed at the hearing, to the Board.

(B) **DEADLINE.**—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) **FINAL DECISION.**—

(A) **DEADLINE.**—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) **REASONS FOR REVOCATION.**—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.
(5) **Alternatives upon Revocation.**—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) **Judicial Review.**—

(A) **Availability of Review.**—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) **Standard of Review.**—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

**Sec. 2164. Discontinuance of Eligible Chartering Authority.**

(a) **Notice.**—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) **Petition by School.**—A public charter school that has been granted a charter by an eligible chartering
authority that becomes unable or unwilling to continue to
act in the capacity of an eligible chartering authority with
respect to the school shall file a petition with another eligi-
ble chartering authority described in subsection (c)(2).

The petition shall request that such other authority as-
sume the powers and duties of an eligible chartering au-
thority with respect to the school and the charter granted
to the school. The petition shall be filed—

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

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

(c) Chartering Authorities Required to As-
sume Duties.—

(1) In general.—If any of the eligible char-
tering authorities described in paragraph (2) re-
ceives a petition filed by a public charter school in
accordance with subsection (b), the eligible charter-
ing authority shall grant the petition and assume the
powers and duties of an eligible chartering authority
with respect to the school and the charter granted
to the school:

(2) ELIGIBLE CHARTERING AUTHORITIES.—
The eligible chartering authorities referred to in
paragraph (1) are the following:

(A) The Board of Education.

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

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—
Except as provided in this section, the powers and duties
of a public charter school that has been granted a charter
by an eligible chartering authority that becomes unable
or unwilling to continue to act in the capacity of an eligible
chartering authority with respect to the school shall not
be affected by such discontinuance, if the school satisfies
the requirements of this section.

SEC. 2165. FEDERAL ENTITIES.

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

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) **DETERMINATION.**—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.
Subtitle C—Even Start

SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.

(a) Authorization of Appropriations.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:

"(b) Even Start.—

"(1) In general.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years:

"(2) District of Columbia.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

"(A) for fiscal year 1996, $2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;  

"(B) for fiscal year 1997, $3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;
(C) for fiscal year 1998, $5,000,000 for continued funding made in fiscal years 1996 and 1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

(D) for fiscal year 1999, $5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

(E) for fiscal year 2000, $5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2)."

(b) Even Start Family Literacy Programs.—

Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting "(1)"

after "1002(b)";

(2) in section 1202(b), by inserting "(1)" after "1002(b)";

(3) in section 1202(d)(1) —

(A) by inserting "(1)" after "1002(b)";

and
(B) by inserting “or under section 1211,”

after “subsections (a), (b), and (c),”;

(4) in section 1202(d)(3), by inserting “(1)”

after “1002(b)”;

(5) in section 1202(c)(4), by striking “, the District of Columbia,”;

(6) in section 1204(a), by inserting “intensive”

after “cost of providing”;

(7) in section 1205(4), by inserting “, intensive” after “high-quality”;

(8) in section 1206(b)(1), by striking “described in subsection (a)”;

and

(9) by adding at the end the following new section:

“SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

“(a) D.C. Program Authorized.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the ‘National Evaluation of the Even Start Family Literacy Program’, such as providing intensive services in parent training and adult literacy or adult education.”
“(b) Definition of ‘Eligible.’—For the purpose of this section, the term ‘eligible entity’ means a partnership composed of at least—

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

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

“(3) a private nonprofit community-based organization.

“(c) Uses of Funds; Cost-Sharing.—

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

“(2) Cost-Sharing.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary’s satisfaction that such entity otherwise would not be able to participate in the program under this section.

“(3) Minimum.—Except as provided in paragraph (4), each eligible entity selected to receive a
grant under this section shall receive not more than $250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

"(A) such entity needs additional funds to be effective; and

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

"(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

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

"(e) ELIGIBLE PARTICIPANTS.—

"(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

"(A) the parent or parents of a child described in subparagraph (B); or any other adult
who is substantially involved in the day-to-day care of the child, who—

(ii) is eligible to participate in an adult education program under the Adult Education Act; or

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

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

(2) Eligibility requirements.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

(f) Applications.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(g) Selection of grantees.—In awarding grants under this section, the Secretary shall—

(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

(2) give priority to applications for programs that—
(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

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

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

(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

(i) TECHNICAL ASSISTANCE AND EVALUATION.—

(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to cli-
gible entities, including providing funds to one or more local nonprofit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building; and for the evaluation conducted pursuant to paragraph (2):

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

``(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

``(i) intensive and high quality services in adult literacy or adult education;

``(ii) intensive and high quality services in parent training;

``(iii) coordination with related programs;

``(iv) training of related personnel in appropriate skill areas; and
to determine if the grant amount provided to grant-
ees to carry out such projects is appropriate to ac-
complish the goals of this section.

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

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

(C) The Secretary shall prepare and submit to
the Committees on Appropriations of the House of
Representatives and the Senate, the Committee on
Economic and Education Opportunities of the House
of Representatives, the Committee on Government
Reform and Oversight of the House of Representa-
tives, the Committee on Labor and Human Re-
sources of the Senate, and the Committee on Gov-
ernmental Affairs of the Senate a report regarding
the results of such evaluations not later than March
Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

PART 1—WORLD CLASS SCHOOLS PANEL

SEC. 2251. ESTABLISHMENT.

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

SEC. 2252. DUTIES OF PANEL.

(a) In General.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

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

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits the following comparisons to be made:
(A) Comparisons among individual schools and individual students in the District of Columbia.

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

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) CONTENT.—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) “world class,” including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations
whose students historically score high on international studies of student achievement); and

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

(c) Submission to Secretary.—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

SEC. 2253. MEMBERSHIP.

(a) Number and Appointment.—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

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

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

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

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

(B) is active in a parent organization.
(b) EXPERTISE.—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

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

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

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

(f) COMMENCEMENT OF DUTIES.—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.
SEC. 2254. CONSULTATION.

The Panel shall conduct its work in consultation with—

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

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

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

SEC. 2255. ADMINISTRATIVE PROVISIONS.

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

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

(c) VOTING AND FINAL DECISION.—

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

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

(d) PUBLIC ACCESS.—The Panel shall ensure public access to its proceedings (other than proceedings, or por-
tions of proceedings, relating to internal personnel and
management matters) and make available to the public,
at reasonable cost, transcripts of such proceedings.

(e) No Pay for Performance of Duties.—Members
of the Commission may not be paid for the perform-
ance of duties vested in the Commission.

(f) Travel Expenses.—Each member shall receive
teach expenses, including per diem in lieu of subsistence;
in accordance with section 5702 and 5703 of title 5, Unit-
ed States Code.

SEC. 2256. GIFTS.

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

SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULT-
ANTS.

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

(b) Appointment and Pay of Employees.—
(1) APPOINTMENT.—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

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

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

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

SEC. 2258. TERMINATION OF PANEL.

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.
SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.

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

PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES

SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.

(a) In General.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) Deadline.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.
SEC. 2262. ASSESSMENTS.

(a) ADMINISTRATION OF ASSESSMENTS.—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) DISSEMINATION OF INFORMATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) LIMITATION.—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C 1232g).

SEC. 2263. PROMOTION GATES.

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

(b) 5TH THROUGH 8TH GRADES.—Not later than August 1, 1997, the Superintendent shall establish and im-
implement promotion gates with respect to not less than one
grade level from the 5th grade through and including the
8th grade.

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

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

Subtitle E—Per Capita District of
Columbia Public School and
Public Charter School Funding

SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.

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

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District
of Columbia Council, in consultation with the Board
of Education and the Superintendent, shall establish
a formula which determines the amount—

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

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

(2) Formula Calculation.—Except as pro-
vided in paragraph (3), the amount of the annual
payment under paragraph (1) shall be calculated by
multiplying a uniform dollar amount used in the for-
formula established under such paragraph by—

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

(B) the number of students calculated
under section 2302 that are enrolled at each
public charter school, in the case of a payment
under paragraph (1)(B).
(3) **EXCEPTION.**—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

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

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

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

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

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

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

(a) **School Reporting Requirement.**—

(1) **IN GENERAL.**—Not later than September 15 of each year, beginning in fiscal year 1997, each
District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

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

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

(1) The number of students, including non-resident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia public schools.
(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1):

(3) The number of students, including nonresident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title:

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3):

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

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

(7) The number of students, including nonresident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title:
(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(e) Annual Reports.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b):

(d) Audit of Initial Calculations.—

(1) In general.—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b):

(2) Conduct of audit.—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—
(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) Submission of audit.—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) Authorization of appropriations.—There are authorized to be appropriated to the Comptroller General of the United States $75,000 for fiscal year 1996 for the purpose of carrying out this subsection.
SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) In General.—

(1) Escrow for public charter schools.—
Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) Transfer of escrow funds.—

(A) 1997 Initial Payment.—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) 1997 Final Payment.—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner
as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) Pro rata reduction or increase in payments.—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to re-
ceive under this subtitle for such year, the
Mayor shall ratably reduce such amounts
for such year.

(ii) If additional funds become avail-
able for making payments under this sub-
title for such fiscal year, amounts that
were reduced under subparagraph (A) shall
be increased on the same basis as such
amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds
that remain in the escrow account for public
charter schools on September 30 of a fiscal year
shall revert to the general fund of the District
of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to
be appropriated $200,000 for any fiscal year for the
purpose of carrying out this subsection:

(2) DISBURSEMENT TO MAYOR.—The Secretary
of the Treasury shall make available and disburse to
the Mayor, not later than August 1 of each of the
years 1996 through 2000, such funds as have been
appropriated under paragraph (1):

(3) ESCROW.—The Mayor shall place in escrow,
for use by public charter schools, any sum disbursed
under paragraph (2) that has not yet been paid under paragraph (4).

(4) Payments to schools.—The Mayor shall pay to public charter schools described in paragraph (5); in accordance with this subsection; any sum disbursed under paragraph (2).

(5) Schools described.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (4); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (4).

(6) Formula.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by 1/4 of the total anticipated enrollment as set forth in the petition to establish the public charter school; and
(B) 1997 THROUGH 2000.—The amount of
the payment to a public charter school de-
scribed in paragraph (5) that begins operation
in any of fiscal years 1997 through 2000 shall
be calculated by multiplying the uniform dollar
amount used in the formula established under
2304(b) by \( \frac{1}{42} \) of the total anticipated enroll-
ment as set forth in the petition to establish the
public charter school.

(7) Payment to schools.—

(A) Transfer.—On September 1 of each
of the years 1996 through 2000, the Mayor
shall transfer, by electronic funds transfer, the
amount determined under paragraph (6) for
each public charter school from the escrow ac-
count established under subsection (a) to a
bank designated by each such school.

(B) Pro Rata and Remaining Funds.—
Subparagraphs (C) and (D) of subsection (a)(2)
shall apply to payments made under this sub-
section.
Subtitle F—School Facilities
Repair and Improvement

PART 1—SCHOOL FACILITIES

SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.

(a) In general.—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) Agreement provisions.—The Agreement shall include the following:

(1) General authority.—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the "Prelimi-
nary Facilities Master Plan 2005" (prepared by
the Superintendent’s Task Force on Education
Infrastructure for the 21st Century) to repair
and improve District of Columbia public school
facilities, including a list of facilities and ren-
ovation schedule that prioritizes facilities to be
repaired and improved;

(C) to accept private goods and services for
use by District of Columbia public schools, in
consultation with the nonprofit corporation re-
ferred to in section 2603;

(D) to recommend specific repair and im-
provement projects in District of Columbia pub-
lie school facilities by members and units of the
National Guard and military reserve, consistent
with section 2351(b)(1)(B); and

(E) to access all District of Columbia pub-
lie school facilities and any records or docu-
ments regarding such facilities.

(2) COOPERATION.—Assurances by the Admin-
istrator and the Superintendent to cooperate with
each other, and with the nonprofit corporation re-
ferred to in section 2603, in any way necessary, to
ensure implementation of the Agreement.
(e) **Duration of Agreement.**—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

**SEC. 2352. FACILITIES REVITALIZATION PROGRAM.**

(a) **Program.**—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator; the Authority; the Board of Education; and the Superintendent; design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) **Proceeds.**—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and
(2) identify and designate long-term funding for
capital and maintenance of such facilities.

(c) IMPLEMENTATION.—Upon implementation of
such program, the agency or authority created or des-
ignated pursuant to subsection (a)(2) shall assume au-
thority and responsibility for repair, maintenance, im-
provement, and management of District of Columbia pub-
lic schools.

SEC. 2353. DEFINITIONS.

For purposes of this subtitle, the following terms
have the following meanings:

(1) ADMINISTRATOR.—The term “Administrator”
means the Administrator of the General Services Adminis-
tration.

(2) FACILITIES.—The term “facilities” means build-
ings, structures, and real property.

SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of
fiscal years 1996 and 1997, $2,000,000 to the District
of Columbia public schools for use by the Administrator
to carry out this subtitle.

PART 2—WAIVERS

SEC. 2361. WAIVERS.

(a) IN GENERAL.—All District of Columbia fees, all
requirements found in the document “The District of Co-
LUMBIA PUBLIC SCHOOLS STANDARD CONTRACT PROVISIONS—

published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) LIMITATION.—

(1) WAIVER APPLICATION.—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) INSURANCE REQUIREMENTS.—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

SEC. 2362. APPLICATION FOR PERMITS.

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.
Subtitle G—Department of Education “D.C. Desk”

SEC. 2401. ESTABLISHMENT.

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the “D.C. Desk”).

SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

SEC. 2403. DUTIES.

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2401;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to
apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

Subtitle H—Residential School

SEC. 2451. PLAN.

(a) In General.—The Superintendent may develop a plan to establish a residential school for the 1997–1998 school year.

(b) Requirements.—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2452. USE OF FUNDS.

Funds under this subtitle shall be used for—
(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

**SEC. 2453. FUTURE FUNDING.**

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor; City Council; the Authority; the Appropriations Committees of the House of Representatives and the Senate; the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee; and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee; non-Federal funding sources for operation of the residential school.

**SEC. 2454. GIFTS.**

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

**SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the District $2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in
the District of Columbia, of which not more than
$100,000 may be used to carry out section 2451.

Subtitle I—Progress Reports and
Accountability

SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than 60 days after the date of the enactment
of this Act, the Chairman of the District of Columbia
Council shall submit to the appropriate congressional com-
mittees a report describing legislative and other actions
the District of Columbia Council has taken or will take
to facilitate the implementation of the reforms described
in section 2502.

SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than August 1, 1996, the Superintendent
shall submit to the appropriate congressional committees,
the Board of Education, the Mayor, and the District of
Columbia Council a progress report that includes the fol-
lowing:

(1) The status of the approval by the Board of
Education of the core curriculum—

(A) recommended by the Panel under sec-
tion 2252(a)(1); or

(B) selected or developed by the Super-
intendent under section 2261.
(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.
(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.
(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter I of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.
(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student (“Public School Vouchers”) and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

Subtitle J—Low-Income Scholarships

SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) General Requirements.
(1) **IN GENERAL.**—There is authorized to be established a private, nonprofit corporation, to be known as the “District of Columbia Scholarship Corporation” (referred to in this subtitle as the “Corporation”), which is not an agency or establishment of the United States Government.

(2) **DUTIES.**—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program; and to determine student and school eligibility.

(3) **CONSULTATION.**—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) **APPLICATION OF PROVISIONS.**—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29–501 et seq.).

(5) **RESIDENCE.**—The Corporation shall have its place of business in the District of Columbia and
shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) Organization and Management, Board of Directors.—

(1) Membership.—

(A) In general.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) House nominations.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) Senate nominations.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.
(D) **Deadline.**—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) **Appointee of Mayor.**—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) **Possible Interim Members.**—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) **Powers.**—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) **Elections.**—Members of the Board annually shall elect 1 of the members to be chairperson.
(4) Residency.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) Nonemployee.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) Incorporation.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29-501 et seq.).

(7) General Term.—The term of office of each member shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) Consecutive Term.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall
be considered as a full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of $150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—
(1) **EXECUTIVE DIRECTOR.**—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) **ANNUAL RATE.**—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) **CITIZENSHIP.**—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

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

(5) **QUALIFICATION.**—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) **POWERS OF THE CORPORATION.**—

(1) **GENERALLY.**—The Corporation is authorized to obtain grants from, and make contracts with,
individuals and with private, State, and Federal
agencies, organizations, and institutions.

(2) Hiring Authority.—The Corporation may
hire, or accept the voluntary services of, consultants,
experts, advisory boards, and panels to aid the Cor-
poration in carrying out the purposes of this sub-
title.

(c) Financial Management and Records.—

(1) Audits.—The accounts of the Corporation
shall be audited annually in accordance with gen-
erally accepted auditing standards by independent
certified public accountants. The audits shall be con-
ducted at the place where the accounts of the Cor-
poration are normally kept. All books, accounts, fi-
nancial records, reports, files, and all other papers,
things, or property belonging to or in use by the
Corporation and necessary to facilitate the audits
shall be made available to the person conducting the
audit.

(2) Report.—The report by each such inde-
dependent audit shall be included in the annual report
to Congress required by section 2602.

SEC. 2552. FUNDING.

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

(b) DISBURSEMENT.—The Secretary of the Treasury
shall make available and disburse to the corporation, at
the beginning of each of fiscal years 1996 through 2000,
such funds as have been appropriated to the District of
Columbia Scholarship Fund for the fiscal year in which
such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appro-
riated under this subtitle shall remain available until ex-
pended.

(d) USES.—Funds authorized to be appropriated
under this subtitle shall be used by the Corporation in a
prudent and financially responsible manner, solely for
scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be
appropriated to the Fund—

(A) $5,000,000 for fiscal year 1996; and

(B) $7,000,000 for fiscal year 1997, and

$10,000,000 for each of fiscal years 1998
through 2000.

(2) LIMITATION.—Not more than $500,000
may be used in any fiscal year by the Corporation
for any purpose other than assistance to students.
SEC. 2553. SCHOLARSHIPS AUTHORIZED.

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K–12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District
of Columbia public school, public charter school, or
independent or private school participating in the
tuition scholarship program.

(e) NOT SCHOOL AID.—A scholarship shall be consid-
ered assistance to the student and shall not be considered
assistance to the school.

SEC. 2554. ELIGIBILITY.

(a) IN GENERAL.—A student who is entitled to re-
ceive a public school education in the District of Columbia
and who meets the requirements of section 2553(a) is eli-
gible for a scholarship under subsections (c) and (d) of
section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996,
priority shall be given to students currently enrolled in a
District of Columbia public school or preparing to enter
kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal
years, priority shall be given to scholarship recipients from
the preceding year.

SEC. 2555. SCHOLARSHIPS.

(a) AWARDS.—From the funds made available under
this subtitle, the Corporation shall award scholarships and
make payments, on behalf of the student, to participating
schools as described in section 2559.
(b) Notification.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) Tuition Scholarship Amount.—

(1) Below poverty level.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school’s tuition; or

(B) $3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) Above poverty level.—For a student whose family income is greater than the poverty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—
(A) 50 percent of the cost of a school’s tuition; or
(B) $1,500 in 1996 with such amount adjusted in proportion to changes in the
Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) Fee or Transportation Scholarship Amount.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) $500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) Proportion of Different Types of Scholarships.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the
number awarded for fees or transportation shall be equal, to the extent practicable.

(f) FUNDING SHORTFALL.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) EXCEPTION.—Subsection (c) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.

(a) APPLICATION.—A school that desires to accept tuition scholarship students for a school year shall file an application with the Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students;

(2) assure that it will comply with all applicable requirements of this subtitle; and
(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) ELIGIBILITY CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program:

(2) CONTINUATION.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) EXCEPTION FOR 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) NEW SCHOOLS.—

(1) IN GENERAL.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition scholarship program for a single school year by providing to the Corporation not
later than July 1 of the preceding calendar year for
which such school intends to begin operations—

(A) a list of the organization's board of di-
rectors;

(B) letters of support from not less than
10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations
with not less than 25 students; and

(F) assurances that it will comply with all
applicable requirements of this subtitle.

(2) Certification.—Not later than 60 days
after the date of receipt of the information referred
to in paragraph (1), the Corporation shall certify in
writing the school's provisional eligibility for the tu-
tion scholarship program unless good cause exists to
deny certification.

(3) Denial of Certification.—If certifi-
cation or provisional certification is denied for par-
ticipation in the tuition scholarship program, the
Corporation shall provide a written explanation to
the applicant school of the reasons for such decision.

(d) Revocation of Eligibility.—
(1) **In General.**—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) **Explanation.**—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

**Sec. 2557. Tuition Scholarship Participation Requirements for Independent and Private Schools.**

(a) **Independent and Private School Requirements.**—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;
(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) WITHDRAWAL FROM PROGRAM.—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining
days in the school year on a pro rata basis. If a school
withdraws during an academic year, it shall permit schol-
arship students to complete the year at their own expense.

SEC. 2558. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of stu-
dents or the obligations of the District of Columbia public
schools under the Individuals with Disabilities Education
Act.

SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.

(a) In General.—

(1) Proportional Payment.—The Corpo-
tion shall make tuition scholarship payments to par-
ticipating schools not later than October 15 of each
year equal to half the total value of the scholarships
awarded to students enrolled at such school, and
half of such amount not later than January 15 of
the following calendar year.

(2) Pro rata Amounts for Student
Withdrawal.—

(A) Before Payment.—If a student with-
draws before a tuition scholarship payment is
made, the school shall receive a pro rata
amount based on the school's tuition for the
number of days the student was enrolled.
(B) AFTER PAYMENT.—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) FUND TRANSFERS.—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.

(a) IN GENERAL.—A school enrolling tuition scholarship students shall report not later than July 30 of each
year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

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

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) CONFIDENTIALITY.—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.
SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.

(a) Policies and Procedures.—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program.

(b) Information Dissemination.—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

SEC. 2563. PROGRAM APPRAISAL.

(a) Study.—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public
school students of similar background, including by
income level;

(2) comparison of graduation rates between tui-
tion scholarship students and District of Columbia
public school students of similar background, includ-
ing by income level; and

(3) satisfaction of parents of scholarship stu-
dents.

(b) REPORT TO CONGRESS.—Not later than Septem-
ber 1 of each year, the Corporation shall submit a progress
report on the scholarship program to the appropriate con-
gressional committees.

SEC. 2564. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) JURISDICTION.—The United States District
Court for the District of Columbia shall have juris-
diction over any legal challenges to the tuition schol-
arship program and shall provide expedited review.

(2) PROTECTABLE INTERESTS.—Parents and
children shall be considered to have a separate
protectable interest and entitled to intervene as de-
fendants in any such action.

(3) TIMELY REVIEW.—The court shall render a
prompt decision.
(b) APPEALS.—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

Subtitle K—Partnerships With Business

SEC. 2601. PURPOSE.

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology; to establish a regional job training and employment center; to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools; and to coordinate private sector investments in carrying out this title.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and
(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.
SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) District Education and Learning Technologies Advancement Council.—

(1) Establishment.—The corporation shall establish a council to be known as the “District Education and Learning Technologies Advancement Council” or “DELTA Council” (in this title referred to as the “council”).

(2) Membership.—

(A) In general.—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) Compensation.—Members of the council shall serve without compensation.

(3) Duties.—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the pur-
pose of carrying out such duties of the corpora-

(4) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The corporation, in conjunc-
tion with the Superintendent, students, parents, and
teachers, shall establish and implement strategies to
ensure access to state-of-the-art educational tech-

(2) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and im-
plementing the strategies under paragraph (1),
the corporation, not later than 90 days after
the date of the enactment of this Act, shall pro-
vide for an assessment of the current availabil-
ity of state-of-the-art educational technology
within the District of Columbia public schools
and public charter schools established in ac-
cordance with this Act:

(B) CONDUCT OF ASSESSMENT.—In pro-
viding for the assessment under subparagraph
(A), the corporation—
(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;
(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology; (iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and (v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) IMPLEMENTATION.—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A):
(4) Long-term Technology Plan.—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(e) District Employment and Learning Center.—

(1) Establishment.—The corporation shall establish a center to be known as the “District Employment and Learning Center” or “DEAL Center” (in this title referred to as the “center”), which shall serve as a regional institute providing job training and employment assistance.

(2) Duties.—

(A) Job Training and Employment Assistance Program.—The center shall establish a program to provide job training and employment assistance in the District of Columbia.
(B) Conduct of program.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);
(iii) shall conduct such job training, as appropriate, through a consortia of colleges, universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work-experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) Workforce Preparation Initiatives.—
(1) In general.—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) Conduct of initiatives.—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of Columbia public schools, which provide a “school-within-a-school” concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).
(e) Professional Development Program for Teachers and Administrators.—

(1) Establishment of program.—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) Conduct of program.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be; except that in fiscal year 1996, such profes-
sional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) Other Private Sector Assistance and Coordination.—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to sec-
tion 101, and other proposals to be submitted to the
Superintendent, the Board of Education, the Mayor,
the District of Columbia Council; the Authority; the
Administrator of the General Services Administra-
tion; or the Congress; and
(3) a program of rewards for student accom-
plishment at participating local businesses.

SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.

(a) In General.—The nonprofit organization estab-
lished under section 2602(2) shall establish a program, to
be known as the "Jobs for D.C. Graduates Program"; to
assist the District of Columbia public schools and public
charter schools established in accordance with this Act in
organizing and implementing a school-to-work transition
system with a priority on providing assistance to at-risk
youths and disadvantaged youths.

(b) Conduct of Program.—In carrying out the
program established under subsection (a), the nonprofit
organization, consistent with the policies of the nationally-
recognized Jobs for America's Graduates, Inc.—
(1) shall establish performance standards for
such program;
(2) shall provide ongoing enhancement and im-
provements in such program;
(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

SEC. 2606. MATCHING FUNDS.

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, $1 for every $1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, $3 for every $1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, $5 for every $1 of Federal funds provided under this title for section 2604.

SEC. 2607. REPORT.

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on
the date of the submission of the report, or, with re-
spect to fiscal year 1996, the 6-month period ending
on the date of the submission of the report;

(2) an assessment of the use of funds or other
resources donated to the corporation;

(3) the results of the assessment carried out
under section 2604(b)(2); and

(4) a description of the goals and priorities of
the corporation for the 3-month period beginning on
the date of the submission of the report, or, with re-
spect to fiscal year 1996, the 6-month period begin-
ing on the date of the submission of the report.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization.—

(1) Delta council; access to state-of-
the-art educational technology; workforce
preparation initiatives; other private sector
assistance and coordination.—There are au-
thorized to be appropriated to carry out subsections
(a), (b), (d) and (f) of section 2604 $1,000,000 for

(2) Deal center.—There are authorized to be
appropriated to carry out section 2604(e)
$2,000,000 for each of the fiscal years 1996, 1997,
and 1998.
(3) Professional development program for teachers and administrators.—There are authorized to be appropriated to carry out section 2604(e) $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) Jobs for D.C. graduates program.—There are authorized to be appropriated to carry out section 2605—

(A) $2,000,000 for fiscal year 1996; and

(B) $3,000,000 for each of the fiscal years 1997 through 2000.

(b) Availability.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) Termination of Federal Support.—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.
(b) Sense of the Congress Relating to Continuation of Activities.—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

SEC. 2651. ESTABLISHMENT.

(a) Policy.—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) Withhold Benefits.—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.
SEC. 2652. SUBMISSION OF PLAN.

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits;

and

(5) long-term plans for the program.

SEC. 2653. REPORTS TO CONGRESS.

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

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

FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

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

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

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

DIVISION OF EXPENSES

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

GOVERNMENTAL DIRECTION AND SUPPORT

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

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $142,711,000 and 1,692 full-time equivalent positions (end-of-year): Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Colum-
via Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency’s annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the cur-
rent fiscal year, $960,747,000 and 11,544 full-time equivalent positions (end-of-year): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor’s Order 86–45, issued March 18, 1986, the Metropolitan Police Department’s delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That $250,000 is used for the Georgetown Summer Detail;
$200,000 is used for East of the River Detail; $100,000 is used for Adams Morgan Detail; and $100,000 is used for the Capitol Hill Summer Detail; Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996; Provided further, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date; Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975; Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985; Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987

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(D.C. Law 6–204; D. C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reim-
bursements shall be paid in all instances in which the Dis-

tinct requests the counties to provide police, fire, rescue, and
related services to help deal with escapes, riots, and similar

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

Public Education System

Public education system, including the development of
national defense education programs, $800,080,000 and
11,670 full-time equivalent positions (end-of-year), to be al-
located as follows: $585,956,000 and 10,167 full-time equiv-
alent positions for the public schools of the District of Co-
lumbia; $109,175,000 shall be allocated for the District of
Columbia Teachers’ Retirement Fund; $81,940,000 and
1,079 full-time equivalent positions for the University of the District of Columbia; $20,742,000 and 415 full-time equivalent positions for the Public Library; $2,267,000 and 9 full-time equivalent positions for the Commission on the Arts and Humanities: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

Human Support Services

Human support services, $1,859,622,000 and 6,469 full-time equivalent positions (end-of-year): Provided, That $26,000,000 of this appropriation, to remain available
until expended, shall be available solely for District of Co-

lumbia employees’ disability compensation: Provided fur-

ther, That the District shall not provide free government

services such as water, sewer, solid waste disposal or collec-

tion, utilities, maintenance, repairs, or similar services to

any legally constituted private nonprofit organization (as

defined in section 411(5) of Public Law 100–77, approved

July 22, 1987) providing emergency shelter services in the

District, if the District would not be qualified to receive

reimbursement pursuant to the Stewart B. McKinney


485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carry-
ing vehicle for use by the Mayor and three passenger-carry-
ing vehicles for use by the Council of the District of Colum-
bia and purchase of passenger-carrying vehicles for replace-
ment only, $297,568,000 and 1,914 full-time equivalent po-

tions (end-of-year): Provided, That this appropriation

shall not be available for collecting ashes or miscellaneous

refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER TRANSFER PAYMENT

For the Washington Convention Center Fund,

$5,400,000.
Repayment of Loans and Interest

For reimbursement to the United States of funds loaned in compliance with an Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation’s Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of an Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $257,787,000.
Repayment of General Fund Recovery Debt

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

Repayment of Interest on Short-Term Borrowing

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

Pay Renegotiation or Reduction in Compensation

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

Rainy Day Fund

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

**Incentive Buyout Program**

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

**Boards and Commissions**

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

**Government Re-Engineering Program**

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

**OUTPLACEMENT**

For outplacement $1,500,000.

**CAPITAL OUTLAY**

For construction projects, $82,850,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation’s Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Pro-
vided, That $105,660,000 appropriated under this heading in prior fiscal years is rescinded.

WATER AND SEWER ENTERPRISE FUND

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

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

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

CABLE TELEVISION ENTERPRISE FUND

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

STARPLEX FUND

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

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

D.C. Retirement Board

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

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

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY


WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

PERSONAL SERVICES ADJUSTMENT

The Mayor, in consultation with the Council and the District of Columbia Financial Responsibility and Management Assistance Authority, shall reduce appropriations and expenditures for personal services costs in the amount of $11,264,000 within one or several of the various appropriations headings in this Act.
SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

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

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

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum

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prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

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

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

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Fed-
eral share of funds necessary to qualify for Federal assist-
ance under the Juvenile Delinquency Prevention and Con-
Public Law 90–445; 42 U.S.C. 3801 et seq.).

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

Sec. 109. No funds appropriated in this Act for the
District of Columbia government for the operation of edu-
cational institutions, the compensation of personnel, or for
other educational purposes may be used to permit, encour-
age, facilitate, or further partisan political activities. Noth-
ing herein is intended to prohibit the availability of school
buildings for the use of any community or partisan politi-
cal group during non-school hours.

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

Sec. 111. None of the funds appropriated in this Act
shall be made available to pay the salary of any employee
of the District of Columbia government whose name, title,
grade, salary, past work experience, and salary history are
not available for inspection by the House and Senate Com-
mittees on Appropriations, the House Committee on Gov-
ernment Reform and Oversight, District of Columbia Sub-
committee, the Subcommittee on General Services, Federal-
ism, and the District of Columbia, of the Senate Committee
on Governmental Affairs, and the Council of the District
of Columbia, or their duly authorized representative: Pro-
vided, That none of the funds contained in this Act shall
be made available to pay the salary of any employee of the
District of Columbia government whose name and salary
are not available for public inspection.

Sec. 112. There are appropriated from the applicable
funds of the District of Columbia such sums as may be nec-
essary for making payments authorized by the District of
Columbia Revenue Recovery Act of 1977, effective Septem-
seq.).

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

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

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

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

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.); Provided, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104–8.
Sec. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

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

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

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

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

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

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

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


SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the
competitive bidding process as set forth in section 303 of
the District of Columbia Procurement Practices Act of 1985,
1–1183.3), except that the District of Columbia Public
Schools may renew or extend sole source contracts for which
competition is not feasible or practical, provided that the
determination as to whether to invoke the competitive bid-
ing process has been made in accordance with duly pro-
mulgated Board of Education rules and procedures.

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

SEC. 127. In the event a sequestration order is issued
pursuant to the Balanced Budget and Emergency Deficit
appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order. Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

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

SEC. 129. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Govern-

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

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

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

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.
(c) For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

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

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

Sec. 132. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.
COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

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

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

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

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

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

MULTIYEAR CONTRACTS

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

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

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

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

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

“(C) funds appropriated for those payments.

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

CALCULATED REAL PROPERTY TAX RATE RECISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:
(1) Section 412 (D.C. Code, sec. 47–812) is amended as follows:

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

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

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

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

Sec. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase “or not for-profit organizations” in its place.

REPORTS ON REDUCTIONS

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

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

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

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

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

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

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

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

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

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

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

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

MONTHLY REPORTING REQUIREMENT—UNIVERSITY OF THE DISTRICT OF COLUMBIA

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

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

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

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

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

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

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

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

ANNUAL REPORTING REQUIREMENTS

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

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

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

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

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 142. (a) Not later than October 1, 1995, or within
15 calendar days after the date of the enactment of the Dis-
trict of Columbia Appropriations Act, 1996, whichever oc-
curs first, and each succeeding year, the Board of Education
and the University of the District of Columbia shall submit
to the Congress, the Mayor, and Council of the District of
Columbia, a revised appropriated funds operating budget
for the public school system and the University of the Dis-
strict of Columbia for such fiscal year that is in the total
amount of the approved appropriation and that realigns
budgeted data for personal services and other than personal
services, respectively, with anticipated actual expenditures.
(b) The revised budget required by subsection (a) of
this section shall be submitted in the format of the budget
that the Board of Education and the University of the Dis-
trict of Columbia submit to the Mayor of the District of
Columbia for inclusion in the Mayor’s budget submission
to the Council of the District of Columbia pursuant to sec-
tion 442 of the District of Columbia Self-Government and
Governmental Reorganization Act, Public Law 93–198, as

BUDGET APPROVAL

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

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

POSITION VACANCIES

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

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

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

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

CAPITAL PROJECT EMPLOYEES

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

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

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

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

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and
(4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

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

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

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

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

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

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

(b) Section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)) is amended as follows:
(1) By striking the semicolon at the end of subparagraph (L).

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

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

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

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

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

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and
(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from non-school based personnel who shall not compete with school-based personnel for retention purposes.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

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

“(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:
“(1) Four years for an employee who qualified for veteran’s preference under this Act, and
“(2) Three years for an employee who qualified for residency preference under this Act.
“(i) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.
“(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.
“(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.
“(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.”.
Delay in Conveyance of Property to Columbia Hospital for Women for National Women’s Health Resource Center.

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

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

Title II—District of Columbia Schools Improvement Act

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

Sec. 201. Definitions.

For purposes of this subtitle—

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

(2) Board of education or board.—The term “Board of Education” or “Board” means the Board of Education of the District of Columbia.
(3) **AUTHORITY.**—The term “Authority” means
the District of Columbia Financial Responsibility
and Management Assistance Authority.

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

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

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

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

(a) **ESTABLISHMENT.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 203. GENERAL POWERS.

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

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

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

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

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

(b) LIMITATION.—Except as otherwise provided in this subtitle, the Commission shall have no powers to involve itself in the management or operation of the Board in the implementation of the Educational Plan.
SEC. 204. SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND
OBJECTIVES PLAN.

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

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

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

(1) Each Educational Plan shall include specific provisions designed to accomplish the following objectives and reflect the cumulative effect of the Local School Restructuring Team (LSRT) in terms of student needs, financial requirements, and timeliness for implementation:
(A) To ensure, to the extent possible with available categorical funds designated for this purpose, the provision of education services to all eligible children for the 1997–1998 school year and thereafter.

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

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

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

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

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

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

(H) To ensure that more schools are given the opportunity to operate with more autonomy.
(I) To ensure a new, fair, demanding evaluation process and more and better opportunities for teacher preparation.

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

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

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

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

(B) to develop a five-year capital improvement plan to carry out an approved facilities master plan which provides for a system-wide modernization of public schools;
(C) to institute management systems to support the implementation of the capital plan, in consultation and cooperation with the Mayor and Authority; and

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

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

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

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

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

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

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

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

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

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

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

(1) complete;

(2) reasonably capable of being achieved;

(3) supported by demonstrably sufficient and
available funding;

(4) responsive to any Commission directives or
requirements;

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

(6) reasonably capable of achieving substantial
progress toward improving the educational achieve-
ment of the students and is consistent with the Bring-
ing Educational Services to Students (BESST) agen-
da, the District of Columbia Reform Agenda, and the
District of Columbia Public Schools Goals 2000 Plan.
(d) REJECTION AND REVISION.—If the Commission rejects an Educational Plan submitted by the Board, the Commission may prescribe a procedure and standards for revision and resubmission of the Educational Plan by the Board. If, within 60 days after the Commission notifies the Board of the Commission’s rejection of the Board’s Educational Plan and of the procedures and standards for revision and resubmission, the Board fails to approve and resubmit a revised plan acceptable to the Commission, the Commission may make revisions and adopt a final Educational Plan and direct the Superintendent to implement.

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

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

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

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

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

(c) REVIEW OF CONTRACTS.—The Commission may request that the Authority review proposed or existing contracts or leases pursuant to section 203(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 118).
SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.

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

SEC. 208. INVESTIGATIVE POWERS.

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

SEC. 209. RECOMMENDATIONS OF THE COMMISSION.

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

(b) Response to Recommendations for Actions Within Authority of the Board of Education.—

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

(2) Implementation Plan Required for Adopted Recommendations.—If the Board notifies the Commission under paragraph (1) that the Board will adopt any of the recommendations submitted under subsection (a), the Board shall include in the statement a written plan to implement the recommendation which includes—

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

(B) a schedule for auditing the Board’s compliance with the plan.
(3) **Explanations required for recommendations not adopted.**—If the Board notifies the Commission under paragraph (1) that the Board will not adopt any recommendation submitted under subsection (a) which the Board has authority to adopt, the Board shall include in the statement explanations for the rejection of the recommendations.

(4) **Commission reaction to nonresponse from board or rejection of recommendation.**—

(A) In the instance where there is no response from the Board at the end of 90 days the Commission shall immediately notify, including the written recommendation submitted under subsection (a) to the Board, the other elements of the District of Columbia government and the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

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

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

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

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

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

SEC. 211. IMPROVING ORDER AND DISCIPLINE.

(a) Dress Code.—

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

(2) Considerations.—The dress code—

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

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

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

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

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

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

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

SEC. 212. EXPIRATION DATE.

This subtitle shall expire on September 30, 2016.

Subtitle B—Charter Schools

SEC. 213. PURPOSE.

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

**SEC. 214. DEFINITIONS.**

For purposes of this subtitle—

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

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

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

(C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;
(D) provides a program of elementary or secondary or both;

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

(F) does not charge tuition;

(G) is governed by a Board of Trustees;

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

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

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

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

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

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

**SEC. 215. APPLICATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 216. SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.

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

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

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

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

(4) The ambitiousness of the objectives for the
charter school.
(5) The quality of the strategy for assessing
achievement of those objectives.

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

**TITLE III—MISCELLANEOUS PROVISIONS**

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

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

(a) **Reduction in Facilities Energy Costs.**—

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

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

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

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

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

(1) Conservation Measures.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.
(2) **OTHER PURPOSES.**—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) **REPORTS.**—

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

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

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

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

(B) identify the reductions achieved;
(C) specify the actions that resulted in the reductions;

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

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

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

(E) specify—

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

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

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

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

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

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

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

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

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

Passed the House of Representatives November 2, 1995.

Attest: ROBIN H. CARLE,
Clerk.

Passed the Senate November 2, 1995.

Attest: KELLY D. JOHNSTON,
Secretary.