

Calendar No. 188

104TH CONGRESS
1ST SESSION

S. 1244

[Report No. 104-144]

A BILL

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.

SEPTEMBER 15 (legislative day, SEPTEMBER 5), 1995

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15 (legislative day, SEPTEMBER 5), 1995

Mr. JEFFORDS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the

1 District of Columbia for the fiscal year ending September
2 30, 1996, and for other purposes, namely:

3 TITLE I

4 FISCAL YEAR 1996 APPROPRIATIONS

5 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

6 For payment to the District of Columbia for the fiscal
7 year ending September 30, 1996, \$660,000,000, as au-
8 thorized by section 502(a) of the District of Columbia
9 Self-Government and Governmental Reorganization Act,
10 Public Law 93-198, as amended (D.C. Code, sec. 47-
11 3406.1).

12 FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

13 For the Federal contribution to the Police Officers
14 and Fire Fighters', Teachers', and Judges' Retirement
15 Funds, as authorized by the District of Columbia Retire-
16 ment Reform Act, approved November 17, 1979 (93 Stat.
17 866; Public Law 96-122), \$52,070,000.

18 DIVISION OF EXPENSES

19 The following amounts are appropriated for the Dis-
20 trict of Columbia for the current fiscal year out of the
21 general fund of the District of Columbia, except as other-
22 wise specifically provided.

23 GOVERNMENTAL DIRECTION AND SUPPORT

24 Governmental direction and support, \$150,721,000
25 and 1,465 full-time equivalent positions (end of year): *Pro-*

1 *vided*, That not to exceed \$2,500 for the Mayor, \$2,500
2 for the Chairman of the Council of the District of Colum-
3 bia, and \$2,500 for the City Administrator shall be avail-
4 able from this appropriation for expenditures for official
5 purposes: *Provided further*, That any program fees col-
6 lected from the issuance of debt shall be available for the
7 payment of expenses of the debt management program of
8 the District of Columbia: *Provided further*, That no reve-
9 nues from Federal sources shall be used to support the
10 operations or activities of the Statehood Commission and
11 Statehood Compact Commission: *Provided further*, That
12 the District of Columbia shall identify the sources of fund-
13 ing for Admission to Statehood from its own locally-gen-
14 erated revenues: *Provided further*, That \$29,500,000 is
15 used for a pay-as-you-go capital project of which
16 \$28,000,000 is available to develop and implement a new
17 financial management information system and \$1,500,000
18 is available for a needs assessment study: *Provided further*,
19 That the District of Columbia Financial Responsibility
20 and Management Assistance Authority shall have given
21 prior approval to the work plan and procurement docu-
22 ments for necessary hardware and software before work
23 on phase 3, as described in the Authority's August 15,
24 1995 report, is begun.

1 ECONOMIC DEVELOPMENT AND REGULATION

2 Economic development and regulation, \$142,711,000
3 and 1,692 full-time equivalent positions (end-of-year):
4 *Provided*, That the District of Columbia Housing Finance
5 Agency, established by section 201 of the District of Co-
6 lumbia Housing Finance Agency Act, effective March 3,
7 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based
8 upon its capability of repayments as determined each year
9 by the Council of the District of Columbia from the Hous-
10 ing Finance Agency's annual audited financial statements
11 to the Council of the District of Columbia, shall repay to
12 the general fund an amount equal to the appropriated ad-
13 ministrative costs plus interest at a rate of four percent
14 per annum for a term of 15 years, with a deferral of pay-
15 ments for the first three years: *Provided further*, That not-
16 withstanding the foregoing provision, the obligation to
17 repay all or part of the amounts due shall be subject to
18 the rights of the owners of any bonds or notes issued by
19 the Housing Finance Agency and shall be repaid to the
20 District of Columbia government only from available oper-
21 ating revenues of the Housing Finance Agency that are
22 in excess of the amounts required for debt service, reserve
23 funds, and operating expenses: *Provided further*, That
24 upon commencement of the debt service payments, such

1 payments shall be deposited into the general fund of the
2 District of Columbia.

3 PUBLIC SAFETY AND JUSTICE

4 Public safety and justice, including purchase of 135
5 passenger-carrying vehicles for replacement only, includ-
6 ing 130 for police-type use and five for fire-type use, with-
7 out regard to the general purchase price limitation for the
8 current fiscal year, \$960,747,000 and 11,544 full-time
9 equivalent positions (end-of-year): *Provided*, That the Met-
10 ropolitan Police Department is authorized to replace not
11 to exceed 25 passenger-carrying vehicles and the Fire De-
12 partment of the District of Columbia is authorized to re-
13 place not to exceed five passenger-carrying vehicles annu-
14 ally whenever the cost of repair to any damaged vehicle
15 exceeds three-fourths of the cost of the replacement: *Pro-*
16 *vided further*, That not to exceed \$500,000 shall be avail-
17 able from this appropriation for the Chief of Police for
18 the prevention and detection of crime: *Provided further*,
19 That the Metropolitan Police Department shall provide
20 quarterly reports to the Committees on Appropriations of
21 the House and Senate on efforts to increase efficiency and
22 improve the professionalism in the department: *Provided*
23 *further*, That notwithstanding any other provision of law,
24 or Mayor's Order 86-45, issued March 18, 1986, the Met-
25 ropolitan Police Department's delegated small purchase

1 authority shall be \$500,000: *Provided further*, That the
2 District of Columbia government may not require the Met-
3 ropolitan Police Department to submit to any other pro-
4 curement review process, or to obtain the approval of or
5 be restricted in any manner by any official or employee
6 of the District of Columbia government, for purchases
7 that do not exceed \$500,000: *Provided further*, That
8 \$250,000 is used for the Georgetown Summer Detail;
9 \$200,000 is used for East of the River Detail; \$100,000
10 is used for Adams Morgan Detail; and \$100,000 is used
11 for the Capitol Hill Summer Detail: *Provided further*, That
12 the Metropolitan Police Department shall employ an au-
13 thorized level of sworn officers not to be less than 3,800
14 sworn officers for the fiscal year ending September 30,
15 1996: *Provided further*, That the District of Columbia
16 shall house no more than 1,000 inmates in its community
17 correctional centers, District operated or contracted, on
18 any given date: *Provided further*, That funds appropriated
19 for expenses under the District of Columbia Criminal Jus-
20 tice Act, approved September 3, 1974 (88 Stat. 1090;
21 Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for
22 the fiscal year ending September 30, 1996, shall be avail-
23 able for obligations incurred under the Act in each fiscal
24 year since inception in the fiscal year 1975: *Provided fur-*
25 *ther*, That funds appropriated for expenses under the Dis-

1 trict of Columbia Neglect Representation Equity Act of
2 1984, effective March 13, 1985 (D.C. Law 5-129; D.C.
3 Code, sec. 16-2304), for the fiscal year ending September
4 30, 1996, shall be available for obligations incurred under
5 the Act in each fiscal year since inception in the fiscal
6 year 1985: *Provided further*, That funds appropriated for
7 expenses under the District of Columbia Guardianship,
8 Protective Proceedings, and Durable Power of Attorney
9 Act of 1986, effective February 27, 1987 (D.C. Law 6-
10 204; D. C. Code, sec. 21-2060), for the fiscal year ending
11 September 30, 1996, shall be available for obligations in-
12 curred under the Act in each fiscal year since inception
13 in fiscal year 1989: *Provided further*, That not to exceed
14 \$1,500 for the Chief Judge of the District of Columbia
15 Court of Appeals, \$1,500 for the Chief Judge of the Supe-
16 rior Court of the District of Columbia, and \$1,500 for the
17 Executive Officer of the District of Columbia Courts shall
18 be available from this appropriation for official purposes:
19 *Provided further*, That the District of Columbia shall oper-
20 ate and maintain a free, 24-hour telephone information
21 service whereby residents of the area surrounding Lorton
22 prison in Fairfax County, Virginia, can promptly obtain
23 information from District of Columbia government offi-
24 cials on all disturbances at the prison, including escapes,
25 fires, riots, and similar incidents: *Provided further*, That

1 the District of Columbia government shall also take steps
2 to publicize the availability of the 24-hour telephone infor-
3 mation service among the residents of the area surround-
4 ing the Lorton prison: *Provided further*, That not to exceed
5 \$100,000 of this appropriation shall be used to reimburse
6 Fairfax County, Virginia, and Prince William County, Vir-
7 ginia, for expenses incurred by the counties during the fis-
8 cal year ending September 30, 1996, in relation to the
9 Lorton prison complex: *Provided further*, That such reim-
10 bursements shall be paid in all instances in which the Dis-
11 trict requests the counties to provide police, fire, rescue,
12 and related services to help deal with escapes, riots, and
13 similar disturbances involving the prison: *Provided further*,
14 That the Mayor shall reimburse the District of Columbia
15 National Guard for expenses incurred in connection with
16 services that are performed in emergencies by the National
17 Guard in a militia status and are requested by the Mayor,
18 in amounts that shall be jointly determined and certified
19 as due and payable for these services by the Mayor and
20 the Commanding General of the District of Columbia Na-
21 tional Guard: *Provided further*, That such sums as may
22 be necessary for reimbursement to the District of Colum-
23 bia National Guard under the preceding proviso shall be
24 available from this appropriation, and the availability of

1 the sums shall be deemed as constituting payment in ad-
2 vance for emergency services involved.

3 PUBLIC EDUCATION SYSTEM

4 Public education system, including the development
5 of national defense education programs, \$800,080,000
6 and 11,670 full-time equivalent positions (end-of-year), to
7 be allocated as follows: \$585,956,000 and 10,167 full-time
8 equivalent positions for the public schools of the District
9 of Columbia; \$109,175,000 shall be allocated for the Dis-
10 trict of Columbia Teachers' Retirement Fund;
11 \$81,940,000 and 1,079 full-time equivalent positions for
12 the University of the District of Columbia; \$20,742,000
13 and 415 full-time equivalent positions for the Public Li-
14 brary; \$2,267,000 and 9 full-time equivalent positions for
15 the Commission on the Arts and Humanities: *Provided*,
16 That the public schools of the District of Columbia are
17 authorized to accept not to exceed 31 motor vehicles for
18 exclusive use in the driver education program: *Provided*
19 *further*, That not to exceed \$2,500 for the Superintendent
20 of Schools, \$2,500 for the President of the University of
21 the District of Columbia, and \$2,000 for the Public Li-
22 brarian shall be available from this appropriation for ex-
23 penditures for official purposes: *Provided further*, That
24 this appropriation shall not be available to subsidize the
25 education of nonresidents of the District of Columbia at

1 the University of the District of Columbia, unless the
2 Board of Trustees of the University of the District of Co-
3 lumbia adopts, for the fiscal year ending September 30,
4 1996, a tuition rate schedule that will establish the tuition
5 rate for nonresident students at a level no lower than the
6 nonresident tuition rate charged at comparable public in-
7 stitutions of higher education in the metropolitan area.

8 HUMAN SUPPORT SERVICES

9 Human support services, \$1,859,622,000 and 6,469
10 full-time equivalent positions (end-of-year): *Provided*, That
11 \$26,000,000 of this appropriation, to remain available
12 until expended, shall be available solely for District of Co-
13 lumbia employees' disability compensation: *Provided fur-*
14 *ther*, That the District shall not provide free government
15 services such as water, sewer, solid waste disposal or col-
16 lection, utilities, maintenance, repairs, or similar services
17 to any legally constituted private nonprofit organization
18 (as defined in section 411(5) of Public Law 100-77, ap-
19 proved July 22, 1987) providing emergency shelter serv-
20 ices in the District, if the District would not be qualified
21 to receive reimbursement pursuant to the Stewart B.
22 McKinney Homeless Assistance Act, approved July 22,
23 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C.
24 11301 et seq.).

1 PUBLIC WORKS

2 Public works, including rental of one passenger-car-
3 rying vehicle for use by the Mayor and three passenger-
4 carrying vehicles for use by the Council of the District of
5 Columbia and purchase of passenger-carrying vehicles for
6 replacement only, \$297,568,000 and 1,914 full-time equiv-
7 alent positions (end-of-year): *Provided*, That this appro-
8 priation shall not be available for collecting ashes or mis-
9 cellaneous refuse from hotels and places of business.

10 WASHINGTON CONVENTION CENTER TRANSFER

11 PAYMENT

12 For the Washington Convention Center Fund,
13 \$5,400,000.

14 REPAYMENT OF LOANS AND INTEREST

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

1 4 of an Act to authorize the Commissioners of the District
2 of Columbia to plan, construct, operate, and maintain a
3 sanitary sewer to connect the Dulles International Airport
4 with the District of Columbia system, approved June 12,
5 1960 (74 Stat. 211; Public Law 86-515); sections 723
6 and 743(f) of the District of Columbia Self-Government
7 and Governmental Reorganization Act of 1973, approved
8 December 24, 1973, as amended (87 Stat. 821; Public
9 Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat.
10 1156; Public Law 95-131; D.C. Code, sec. 9-219, note),
11 including interest as required thereby, \$257,787,000.

12 REPAYMENT OF GENERAL FUND RECOVERY DEBT

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

20 REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

21 For repayment of interest on short-term borrowing,
22 \$9,698,000.

23 PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

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

1 by decreasing rates of compensation for District govern-
2 ment employees; such decreased rates are to be realized
3 for employees who are subject to collective bargaining
4 agreements to the extent possible through the renegoti-
5 ation of existing collective bargaining agreements.

6 RAINY DAY FUND

7 For mandatory unavoidable expenditures within one
8 or several of the various appropriation headings of this
9 Act, to be allocated to the budgets for personal services
10 and nonpersonal services as requested by the Mayor and
11 approved by the Council pursuant to the procedures in sec-
12 tion 4 of the Reprogramming Policy Act of 1980, effective
13 September 16, 1980 (D.C. Law 3-100; D.C. Code, sec.
14 47-363), \$4,563,000: *Provided*, That the District of Co-
15 lumbia shall provide to the Committees on Appropriations
16 of the House of Representatives and the Senate quarterly
17 reports by the 15th day of the month following the end
18 of the quarter showing how monies provided under this
19 fund are expended with a final report providing a full ac-
20 counting of the fund due October 15, 1995 or not later
21 than 15 days after the last amount remaining in the fund
22 is disbursed.

23 INCENTIVE BUYOUT PROGRAM

24 For the purpose of funding costs associated with the
25 incentive buyout program, to be apportioned by the Mayor

1 of the District of Columbia within the various appropria-
2 tion headings in this Act from which costs are properly
3 payable, \$19,000,000.

4 BOARDS AND COMMISSIONS

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

8 GOVERNMENT RE-ENGINEERING PROGRAM

9 If a sufficient reduction from employees who are sub-
10 ject to collective bargaining agreements is not realized
11 through renegotiating existing agreements, the Mayor
12 shall decrease the rates of compensation for such employ-
13 ees, notwithstanding the provisions of any collective bar-
14 gaining agreements: *Provided*, That the Mayor shall re-
15 duce appropriations and expenditures for personal and
16 nonpersonal services in the amount of \$16,000,000 within
17 one or several of the various appropriation headings in this
18 Act.

19 OUTPLACEMENT

20 For outplacement \$1,500,000.

21 CAPITAL OUTLAY

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

1 April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C.
2 Code, secs. 43-1512 through 43-1519); the District of
3 Columbia Public Works Act of 1954, approved May 18,
4 1954 (68 Stat. 101; Public Law 83-364); An Act to au-
5 thorize the Commissioners of the District of Columbia to
6 borrow funds for capital improvement programs and to
7 amend provisions of law relating to Federal Government
8 participation in meeting costs of maintaining the Nation's
9 Capital City, approved June 6, 1958 (72 Stat. 183; Public
10 Law 85-451); including acquisition of sites, preparation
11 of plans and specifications, conducting preliminary sur-
12 veys, erection of structures, including building improve-
13 ment and alteration and treatment of grounds, to remain
14 available until expended: *Provided*, That \$105,660,000 ap-
15 propriated under this heading in prior fiscal years is re-
16 scinded.

17 WATER AND SEWER ENTERPRISE FUND

18 For the Water and Sewer Enterprise Fund,
19 \$243,853,000 and 1,024 full-time equivalent positions
20 (end of year), of which \$41,036,000 shall be apportioned
21 and payable to the debt service fund for repayment of
22 loans and interest incurred for capital improvement
23 projects.

1 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

2 For the Lottery and Charitable Games Enterprise
3 Fund, established by the District of Columbia Appropria-
4 tion Act for the Fiscal Year ending September 30, 1982,
5 approved December 4, 1981 (95 Stat. 1174, 1175; Public
6 Law 97-91), as amended, for the purpose of implementing
7 the Law to Legalize Lotteries, Daily Numbers Games, and
8 Bingo and Raffles for Charitable Purposes in the District
9 of Columbia, effective March 10, 1981 (D.C. Law 3-172;
10 D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.),
11 \$229,950,000 and 88 full-time equivalent positions (end
12 of year), to be derived from non-Federal District of Co-
13 lumbia revenues: *Provided*, That the District of Columbia
14 shall identify the source of funding for this appropriation
15 title from the District's own locally-generated revenues:
16 *Provided further*, That no revenues from Federal sources
17 shall be used to support the operations or activities of the
18 Lottery and Charitable Games Control Board.

19 CABLE TELEVISION ENTERPRISE FUND

20 For the Cable Television Enterprise Fund, estab-
21 lished by the Cable Television Communications Act of
22 1981, effective October 22, 1983 (D.C. Law 5-36; D.C.
23 Code, sec. 43-1801 et seq.), \$2,351,000 and 8 full-time
24 equivalent positions (end of year), of which \$572,000 shall

1 be transferred to the General Fund of the District of Co-
2 lumbia.

3 STARPLEX FUND

4 For the Starplex Fund, \$6,580,000 for the expenses
5 incurred by the Armory Board in the exercise of its powers
6 granted by An Act To Establish a District of Columbia
7 Armory Board, and for other purposes, approved June 4,
8 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and
9 the District of Columbia Stadium Act of 1957, approved
10 September 7, 1957 (71 Stat. 619; Public Law 85-300;
11 D. C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor
12 shall submit a budget for the Armory Board for the forth-
13 coming fiscal year as required by section 442(b) of the
14 District of Columbia Self-Government and Governmental
15 Reorganization Act, approved December 24, 1973 (87
16 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-
17 301(b)).

18 D.C. GENERAL HOSPITAL

19 For the District of Columbia General Hospital, estab-
20 lished by the Reorganization Order No. 57 of the Board
21 of Commissioners, effective August 15, 1953,
22 \$115,034,000, of which \$56,735,000 shall be derived by
23 transfer from the general fund.

1 D.C. RETIREMENT BOARD

2 For the D.C. Retirement Board, established by sec-
3 tion 121 of the District of Columbia Comprehensive Re-
4 tirement Reform Act of 1989, approved November 17,
5 1989 (93 Stat. 866; D.C. Code, sec. 1-711), \$13,440,000
6 to pay legal, management, investment, and other fees and
7 administrative expenses of the District of Columbia Re-
8 tirement Board and 11 full-time equivalent positions (end
9 of year): *Provided*, That the District of Columbia Retire-
10 ment Board shall provide to the Congress and to the
11 Council of the District of Columbia a quarterly report of
12 the allocations of charges by fund and of expenditures of
13 all funds: *Provided further*, That the District of Columbia
14 Retirement Board shall provide the Mayor, for transmittal
15 to the Council of the District of Columbia, an item ac-
16 counting of the planned use of appropriated funds in time
17 for each annual budget submission and the actual use of
18 such funds in time for each annual audited financial re-
19 port.

20 CORRECTIONAL INDUSTRIES

21 For the Correctional Industries Fund, established by
22 the District of Columbia Correctional Industries Estab-
23 lishment Act, approved October 3, 1964 (78 Stat. 1000;
24 Public Law 88-622), \$10,516,000 and 66 full-time equiv-
25 alent positions (end of year).

1 DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY
2 AND MANAGEMENT ASSISTANCE AUTHORITY

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

9 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

13 PERSONAL SERVICES ADJUSTMENT

14 The Mayor, in consultation with the Council and the
15 District of Columbia Financial Responsibility and Man-
16 agement Assistance Authority, shall reduce appropriations
17 and expenditures for personal services costs in the amount
18 of \$11,264,000 within one or several of the various appro-
19 priations headings in this Act.

20 GENERAL PROVISIONS

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

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

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

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

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

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

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

5 SEC. 106. There are appropriated from the applicable
6 funds of the District of Columbia such sums as may be
7 necessary for making refunds and for the payment of
8 judgments that have been entered against the District of
9 Columbia government: *Provided*, That nothing contained
10 in this section shall be construed as modifying or affecting
11 the provisions of section 11(c)(3) of title XII of the Dis-
12 trict of Columbia Income and Franchise Tax Act of 1947,
13 approved March 31, 1956 (70 Stat. 78; Public Law 84-
14 460; D.C. Code, sec. 47-1812.11(c)(3)).

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

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

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

12 SEC. 110. The annual budget for the District of Co-
13 lumbia government for the fiscal year ending September
14 30, 1997, shall be transmitted to the Congress no later
15 than April 15, 1996.

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

1 District of Columbia, or their duly authorized representa-
2 tive: *Provided*, That none of the funds contained in this
3 Act shall be made available to pay the salary of any em-
4 ployee of the District of Columbia government whose name
5 and salary are not available for public inspection.

6 SEC. 112. There are appropriated from the applicable
7 funds of the District of Columbia such sums as may be
8 necessary for making payments authorized by the District
9 of Columbia Revenue Recovery Act of 1977, effective Sep-
10 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-
11 421 et seq.).

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

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

24 SEC. 115. The Mayor shall not borrow any funds for
25 capital projects unless the Mayor has obtained prior ap-

1 proval from the Council of the District of Columbia, by
2 resolution, identifying the projects and amounts to be fi-
3 nanced with such borrowings.

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

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

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

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

10 SEC. 120. (a) Notwithstanding section 422(7) of the
11 District of Columbia Self-Government and Governmental
12 Reorganization Act of 1973, approved December 24, 1973
13 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-
14 242(7)), the City Administrator shall be paid, during any
15 fiscal year, a salary at a rate established by the Mayor,
16 not to exceed the rate established for level IV of the Exec-
17 utive Schedule under 5 U.S.C. 5315.

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

1 (c) Notwithstanding section 4(a) of the District of
2 Columbia Redevelopment Act of 1945, approved August
3 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code,
4 sec. 5-803(a)), the Board of Directors of the District of
5 Columbia Redevelopment Land Agency shall be paid, dur-
6 ing any fiscal year, per diem compensation at a rate estab-
7 lished by the Mayor.

8 SEC. 121. Notwithstanding any other provisions of
9 law, the provisions of the District of Columbia Govern-
10 ment Comprehensive Merit Personnel Act of 1978, effec-
11 tive March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-
12 601.1 et seq.), enacted pursuant to section 422(3) of the
13 District of Columbia Self-Government and Governmental
14 Reorganization Act of 1973, approved December 24, 1973
15 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-
16 242(3)), shall apply with respect to the compensation of
17 District of Columbia employees: *Provided*, That for pay
18 purposes, employees of the District of Columbia govern-
19 ment shall not be subject to the provisions of title 5 of
20 the United States Code.

21 SEC. 122. The Director of the Department of Admin-
22 istrative Services may pay rentals and repair, alter, and
23 improve rented premises, without regard to the provisions
24 of section 322 of the Economy Act of 1932 (Public Law
25 72-212; 40 U.S.C. 278a), upon a determination by the

1 Director, that by reason of circumstances set forth in such
2 determination, the payment of these rents and the execu-
3 tion of this work, without reference to the limitations of
4 section 322, is advantageous to the District in terms of
5 economy, efficiency, and the District's best interest.

6 SEC. 123. No later than 30 days after the end of the
7 first quarter of the fiscal year ending September 30, 1996,
8 the Mayor of the District of Columbia shall submit to the
9 Council of the District of Columbia the new fiscal year
10 1996 revenue estimates as of the end of the first quarter
11 of fiscal year 1996. These estimates shall be used in the
12 budget request for the fiscal year ending September 30,
13 1997. The officially revised estimates at midyear shall be
14 used for the midyear report.

15 SEC. 124. Section 466(b) of the District of Columbia
16 Self-Government and Governmental Reorganization Act of
17 1973, approved December 24, 1973 (87 Stat. 806; Public
18 Law 93-198; D.C. Code, sec. 47-326), as amended, is
19 amended by striking "sold before October 1, 1995" and in-
20 serting "sold before October 1, 1996".

21 SEC. 125. No sole source contract with the District
22 of Columbia government or any agency thereof may be re-
23 newed or extended without opening that contract to the
24 competitive bidding process as set forth in section 303 of
25 the District of Columbia Procurement Practices Act of

1 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.
2 Code, sec. 1-1183.3), except that the District of Columbia
3 Public Schools may renew or extend sole source contracts
4 for which competition is not feasible or practical, provided
5 that the determination as to whether to invoke the com-
6 petitive bidding process has been made in accordance with
7 duly promulgated Board of Education rules and proce-
8 dures.

9 SEC. 126. For purposes of the Balanced Budget and
10 Emergency Deficit Control Act of 1985, approved Decem-
11 ber 12, 1985 (99 Stat. 1037; Public Law 99-177), as
12 amended, the term “program, project, and activity” shall
13 be synonymous with and refer specifically to each account
14 appropriating Federal funds in this Act, and any seques-
15 tration order shall be applied to each of the accounts rath-
16 er than to the aggregate total of those accounts: *Provided,*
17 That sequestration orders shall not be applied to any ac-
18 count that is specifically exempted from sequestration by
19 the Balanced Budget and Emergency Deficit Control Act
20 of 1985, approved December 12, 1985 (99 Stat. 1037;
21 Public Law 99-177), as amended.

22 SEC. 127. In the event a sequestration order is issued
23 pursuant to the Balanced Budget and Emergency Deficit
24 Control Act of 1985, approved December 12, 1985 (99
25 Stat. 1037; Public Law 99-177), as amended, after the

1 amounts appropriated to the District of Columbia for the
2 fiscal year involved have been paid to the District of Co-
3 lumbia, the Mayor of the District of Columbia shall pay
4 to the Secretary of the Treasury, within 15 days after re-
5 ceipt of a request therefor from the Secretary of the
6 Treasury, such amounts as are sequestered by the order:
7 *Provided*, That the sequestration percentage specified in
8 the order shall be applied proportionately to each of the
9 Federal appropriation accounts in this Act that are not
10 specifically exempted from sequestration by the Balanced
11 Budget and Emergency Deficit Control Act of 1985, ap-
12 proved December 12, 1985 (99 Stat. 1037; Public Law
13 99-177), as amended.

14 SEC. 128. For the fiscal year ending September 30,
15 1996, the District of Columbia shall pay interest on its
16 quarterly payments to the United States that are made
17 more than 60 days from the date of receipt of an itemized
18 statement from the Federal Bureau of Prisons of amounts
19 due for housing District of Columbia convicts in Federal
20 penitentiaries for the preceding quarter.

21 SEC. 129. Nothing in this Act shall be construed to
22 authorize any office, agency or entity to expend funds for
23 programs or functions for which a reorganization plan is
24 required but has not been approved by the Council pursu-
25 ant to section 422(12) of the District of Columbia Self-

1 Government and Governmental Reorganization Act of
2 1973, approved December 24, 1973 (87 Stat. 790; Public
3 Law 93-198; D.C. Code, sec. 1-242(12)) and the Govern-
4 mental Reorganization Procedures Act of 1981, effective
5 October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-
6 299.1 to 1-299.7). Appropriations made by this Act for
7 such programs or functions are conditioned on the ap-
8 proval by the Council, prior to October 1, 1995, of the
9 required reorganization plans.

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

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

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

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

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

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

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

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

1 COMPENSATION FOR THE COMMISSION ON JUDICIAL DIS-
2 ABILITIES AND TENURE AND FOR THE JUDICIAL
3 NOMINATION COMMISSION

4 SEC. 133. Sections 431(f) and 433(b)(5) of the Dis-
5 trict of Columbia Self-Government and Governmental Re-
6 organization Act, approved December 24, 1973 (87 Stat.
7 813; Public Law 93-198; D.C. Code, secs. 11-1524 and
8 title II, App. 433), are amended to read as follows:

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

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

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

16 “(5) Member of the Commission shall serve
17 without compensation for services rendered in con-
18 nection with their official duties on the Commis-
19 sion.”.

20 MULTIYEAR CONTRACTS

21 SEC. 134. Section 451 of the District of Columbia
22 Self-Government and Governmental Reorganization Act of
23 1973, approved December 24, 1973 (87 Stat. 803; Public
24 Law 93-198; D.C. Code, sec. 1-1130), is amended by
25 adding a new subsection (c) to read as follows:

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

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

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

11 “(B) appropriations currently available for pro-
 12 curement of the type of acquisition covered by the
 13 contract, and not otherwise obligated; or

14 “(C) funds appropriated for those payments.

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

23 CALCULATED REAL PROPERTY TAX RATE RESCISSION

24 AND REAL PROPERTY TAX FREEZE

25 SEC. 135. The District of Columbia Real Property
 26 Tax Revision Act of 1974, approved September 3, 1974

1 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amend-
2 ed as follows:

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

5 (A) Subsection (a) is amended by striking
6 the third and fourth sentences and inserting the
7 following sentences in their place: “If the Coun-
8 cil does extend the time for establishing the
9 rates of taxation on real property, it must es-
10 tablish those rates for the tax year by perma-
11 nent legislation. If the Council does not estab-
12 lish the rates of taxation of real property by Oc-
13 tober 15, and does not extend the time for es-
14 tablishing rates, the rates of taxation applied
15 for the prior year shall be the rates of taxation
16 applied during the tax year.”.

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

19 “(a–2) Notwithstanding the provisions of subsection
20 (a) of this section, the real property tax rates for taxable
21 real property in the District of Columbia for the tax year
22 beginning October 1, 1995, and ending September 30,
23 1996, shall be the same rates in effect for the tax year
24 beginning October 1, 1993, and ending September 30,
25 1994.”.

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

3 PRISONS INDUSTRIES

4 SEC. 136. Title 18 U.S.C. 1761(b) is amended by
5 striking the period at the end and inserting the phrase
6 “or not for-profit organizations” in its place.

7 REPORTS ON REDUCTIONS

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

12 (1) negotiations with representatives of collec-
13 tive bargaining units to reduce employee compensa-
14 tion;

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

17 (3) actions to apportion the spending reductions
18 anticipated by the directives of this Act to the execu-
19 tive for unallocated reductions; and

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

22 MONTHLY REPORTING REQUIREMENTS—BOARD OF

23 EDUCATION

24 SEC. 138. The Board of Education shall submit to
25 the Congress, Mayor, and Council of the District of Co-

1 lumbia no later than fifteen (15) calendar days after the
2 end of each month a report that sets forth—

3 (1) current month expenditures and obligations,
4 year-to-date expenditures and obligations, and total
5 fiscal year expenditure projections versus budget
6 broken out on the basis of control center, respon-
7 sibility center, ARC, and object class, and for appro-
8 priated funds, nonappropriated funds, and capital fi-
9 nancing;

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

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

19 (4) a list of all active contracts in excess of
20 \$10,000 annually, which contains; the name of each
21 contractor; the budget to which the contract is
22 charged broken out on the basis of control center,
23 responsibility center, and ARC; and contract identi-
24 fying codes used by the District of Columbia Public
25 Schools; payments made in the last month and year-

1 to-date, the total amount of the contract and total
2 payments made for the contract and any modifica-
3 tions, extensions, renewals; and specific modifica-
4 tions made to each contract in the last month;

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

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

15 MONTHLY REPORTING REQUIREMENT—UNIVERSITY OF
16 THE DISTRICT OF COLUMBIA

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

22 (1) current month expenditures and obligations,
23 year-to-date expenditures and obligations, and total
24 fiscal year expenditure projections versus budget
25 broken out on the basis of control center, respon-

1 sibility center, and object class, and for appropriated
2 funds, nonappropriated funds, and capital financing;

3 (2) a breakdown of FTE positions and all em-
4 ployees for the most current pay period broken out
5 on the basis of control center and responsibility cen-
6 ter, for appropriated funds, nonappropriated funds,
7 and capital funds.

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

12 (4) a list of all active contracts in excess of
13 \$10,000 annually, which contains: the name of each
14 contractor; the budget to which the contract is
15 charged broken out on the basis of control center
16 and responsibility center, and contract identifying
17 codes used by the University of the District of Co-
18 lumbia; payments made in the last month and year-
19 to-date, the total amount of the contract and total
20 payments made for the contract and any modifica-
21 tions, extensions, renewals; and specific modifica-
22 tions made to each contract in the last month;

23 (5) all reprogramming requests and reports
24 that have been made by the University of the Dis-

1 trict of Columbia within the last month in compli-
2 ance with applicable law; and

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

10 SEC. 140. None of the Federal funds appropriated
11 under this Act shall be used to implement or enforce any
12 system of registration of unmarried, cohabiting couples
13 whether they are homosexual, lesbian, heterosexual, in-
14 cluding but not limited to registration for the purpose of
15 extending employment, health, or governmental benefits to
16 such couples on the same basis that such benefits are ex-
17 tended to legally married couples; nor shall any funds
18 made available pursuant to any provision of this Act other-
19 wise be used to implement or enforce D.C. Act 9-188,
20 signed by the Mayor of the District of Columbia on April
21 15, 1992.

22 ANNUAL REPORTING REQUIREMENTS

23 SEC. 141. (a) The Board of Education of the District
24 of Columbia and the University of the District of Colum-
25 bia shall annually compile an accurate and verifiable re-
26 port on the positions and employees in the public school

1 system and the university, respectively. The annual report
2 shall set forth—

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

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

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

1 ANNUAL BUDGETS AND BUDGET REVISIONS

2 SEC. 142. (a) Not later than October 1, 1995, or
3 within 15 calendar days after the date of the enactment
4 of the District of Columbia Appropriations Act, 1996,
5 whichever occurs first, and each succeeding year, the
6 Board of Education and the University of the District of
7 Columbia shall submit to the Congress, the Mayor, and
8 Council of the District of Columbia, a revised appropriated
9 funds operating budget for the public school system and
10 the University of the District of Columbia for such fiscal
11 year that is in the total amount of the approved appropria-
12 tion and that realigns budgeted data for personal services
13 and other than personal services, respectively, with antici-
14 pated actual expenditures.

15 (b) The revised budget required by subsection (a) of
16 this section shall be submitted in the format of the budget
17 that the Board of Education and the University of the
18 District of Columbia submit to the Mayor of the District
19 of Columbia for inclusion in the Mayor's budget submis-
20 sion to the Council of the District of Columbia pursuant
21 to section 442 of the District of Columbia Self-Govern-
22 ment and Governmental Reorganization Act, Public Law
23 93-198, as amended (D.C. Code, sec. 47-301).

24 BUDGET APPROVAL

25 SEC. 143. The Board of Education, the Board of
26 Trustees of the University of the District of Columbia, the

1 Board of Library Trustees, and the Board of Governors
2 of the D.C. School of Law shall vote on and approve their
3 respective annual or revised budgets before submission to
4 the Mayor of the District of Columbia for inclusion in the
5 Mayor's budget submission to the Council of the District
6 of Columbia in accordance with section 442 of the District
7 of Columbia Self-Government and Governmental Reorga-
8 nization Act, Public Law 93-198, as amended (D.C. Code,
9 sec. 47-301), or before submitting their respective budgets
10 directly to the Council.

11 PUBLIC SCHOOL EMPLOYEE EVALUATIONS

12 SEC. 144. Notwithstanding any other provision of
13 law, rule, or regulation, the evaluation process and instru-
14 ments for evaluating District of Columbia Public Schools
15 employees shall be a non-negotiable item for collective bar-
16 gaining purposes.

17 POSITION VACANCIES

18 SEC. 145. (a) No agency, including an independent
19 agency, shall fill a position wholly funded by appropria-
20 tions authorized by this Act, which is vacant on October
21 1, 1995, or becomes vacant between October 1, 1995, and
22 September 30, 1996, unless the Mayor or independent
23 agency submits a proposed resolution of intent to fill the
24 vacant position to the Council. The Council shall be re-
25 quired to take affirmative action on the Mayor's resolution
26 within 30 legislative days. If the Council does not affirma-

1 tively approve the resolution within 30 legislative days, the
2 resolution shall be deemed disapproved.

3 (b) No reduction in the number of full-time equiva-
4 lent positions or reduction-in-force due to privatization or
5 contracting out shall occur if the District of Columbia Fi-
6 nancial Responsibility and Management Assistance Au-
7 thority, established by section 101(a) of the District of Co-
8 lumbia Financial Responsibility and Management Assist-
9 ance Act of 1995, approved April 17, 1995 (109 Stat. 97;
10 Public Law 104-8), disallows the full-time equivalent posi-
11 tion reduction provided in this Act in meeting the maxi-
12 mum ceiling of 39,778 for the fiscal year ending Septem-
13 ber 30, 1996.

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

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

21 CAPITAL PROJECT EMPLOYEES

22 SEC. 146. (a) Not later than 15 days after the end
23 of every fiscal quarter (beginning October 1, 1995), the
24 Mayor shall submit to the Council and the Committees
25 on Appropriations of the Senate and House of Representa-

1 tives a report with respect to the employees on the capital
2 project budget for the previous quarter.

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

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

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

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

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

15 MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-
16 IN-FORCE PROCEDURES

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

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

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

25 “(13A) ‘Nonschool-based personnel’ means any
26 employee of the District of Columbia Public Schools

1 who is not based at a local school or who does not
2 provide direct services to individual students.”.

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

5 “(15A) ‘School administrators’ means prin-
6 cipals, assistant principals, school program directors,
7 coordinators, instructional supervisors, and support
8 personnel of the District of Columbia Public
9 Schools.”.

10 (b) Section 801A(b)(2) (D.C. Code, sec.
11 1-609.1(b) (2)) is amended as follows:

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

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

16 “(L-i) Notwithstanding any other provi-
17 sion of law, the Board of Education shall not
18 issue rules that require or permit nonschool-
19 based personnel or school administrators to be
20 assigned or reassigned to the same competitive
21 level as classroom teachers;”

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

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

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

9 (1) classified as an Educational Service em-
10 ployee;

11 (2) placed under the personnel authority of the
12 Board of Education; and

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

14 (b) School-based personnel shall constitute a separate
15 competitive area from non-school based personnel who
16 shall not compete with school-based personnel for reten-
17 tion purposes.

18 MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

19 SEC. 149. The District of Columbia Government
20 Comprehensive Merit Personnel Act of 1978, effective
21 March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1
22 et seq.), is amended as follows:

23 (a) Section 2401 (D.C. Code, sec. 1–625.1) is
24 amended by amending the third sentence to read as
25 follows: “A personnel authority may establish lesser
26 competitive areas within an agency on the basis of

1 all or a clearly identifiable segment of an agency's
2 mission or a division or major subdivision of an
3 agency.'".

4 (b) A new section 2406 is added to read as fol-
5 lows:

6 **"SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR**
7 **1996.**

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

14 "(b) Prior to February 1, 1996, each personnel au-
15 thority shall make a final determination that a position
16 within the personnel authority is to be abolished.

17 "(c) Notwithstanding any rights or procedures estab-
18 lished by any other provision of this title, any District gov-
19 ernment employee, regardless of date of hire, who encum-
20 bers a position identified for abolishment shall be sepa-
21 rated without competition or assignment rights, except as
22 provided in this section.

23 "(d) An employee effected by the abolishment of a
24 position pursuant to this section who, but for this section
25 would be entitled to compete for retention, shall be entitled

1 to one round of lateral competition pursuant to Chapter
2 24 of the District of Columbia Personnel Manual, which
3 shall be limited to positions in the employee's competitive
4 level.

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

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

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

24 “(1) An employee may file a complaint contest-
25 ing a determination or a separation pursuant to title

1 XV of this Act or section 303 of the Human Rights
2 Act of 1977, effective December 13, 1977 (D.C.
3 Law 2-38; D.C. Code, sec. 1-2543); and

4 “(2) An employee may file with the Office of
5 Employee Appeals an appeal contesting that the sep-
6 aration procedures of subsections (d) and (f) of this
7 section were not properly applied.

8 “(h) An employee separated pursuant to this section
9 shall be entitled to severance pay in accordance with title
10 XI of this Act, except that the following shall be included
11 in computing creditable service for severance pay for em-
12 ployees separated pursuant to this section:

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

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

17 “(i) Separation pursuant to this section shall not af-
18 fect an employee’s rights under either the Agency Reem-
19 ployment Priority Program or the Displaced Employee
20 Program established pursuant to Chapter 24 of the Dis-
21 trict Personnel Manual.

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

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

4 “(l) A personnel authority shall cause a 30-day termi-
5 nation notice to be served, no later than September 1,
6 1996, on any incumbent employee remaining in any posi-
7 tion identified to be abolished pursuant to subsection (b)
8 of this section”.

9 DELAY IN CONVEYANCE OF PROPERTY TO COLUMBIA
10 HOSPITAL FOR WOMEN FOR NATIONAL WOMEN’S
11 HEALTH RESOURCE CENTER

12 SEC. 150. Effective as if included in the enactment
13 of Public Law 103–67, section 1(c)(1) of Public Law 103–
14 67 (107 Stat. 687) is amended by striking “1 year” and
15 inserting “3 years”.

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

1 **TITLE II—DISTRICT OF COLUM-**
2 **BIA SCHOOLS IMPROVEMENT**
3 **ACT**

4 **Subtitle A—Establishment and Or-**
5 **ganization of Commission on**
6 **Consensus Reform in the Dis-**
7 **trict of Columbia Public Schools**

8 **SEC. 201. DEFINITIONS.**

9 For purposes of this subtitle—

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

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

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

19 (4) EDUCATIONAL PLAN.—The term “Edu-
20 cational Plan” means the System-Wide Educational
21 Reform Goals and Objectives Plan developed and im-
22 plemented under this Act.

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

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

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

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—There is hereby established
7 the Commission on Consensus Reform in the Dis-
8 trict of Columbia Public Schools, consisting of 7
9 members to be appointed in accordance with para-
10 graph (2).

11 (2) MEMBERSHIP.—The Commission shall con-
12 sist of the following members:

13 (A) 1 member to be appointed by the Sen-
14 ate Majority Leader.

15 (B) 1 member to be appointed by the
16 Speaker of the House of Representatives.

17 (C) 2 members to be appointed by the
18 President, 1 who shall represent the local busi-
19 ness community and 1 who is a teacher in the
20 District of Columbia public schools.

21 (D) The President of the District of Co-
22 lumbia Congress of Parents and Teachers.

23 (E) The President of the District of Co-
24 lumbia Board of Education.

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

3 (G) The Mayor and Council Chairman
4 shall each name one non-voting ex-officio mem-
5 ber.

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

10 (4) VACANCIES.—Any vacancy in the member-
11 ship of the Commission shall be filled by the ap-
12 pointment of a new member in the same manner as
13 provided for the vacated membership. A member ap-
14 pointed under this paragraph shall serve the remain-
15 ing term of the vacated membership.

16 (5) QUALIFICATIONS.—Members of the Com-
17 mission appointed under subparagraphs (A), (B),
18 and (C) of paragraph (2) shall be city residents with
19 a knowledge of education.

20 (6) CHAIR.—The chair of the Commission shall
21 be chosen by the Commission from among its mem-
22 bers, except that the President of the Board of Edu-
23 cation and the Superintendent of Public Schools
24 shall not be eligible to serve as chair.

1 (7) NO COMPENSATION FOR SERVICE.—Mem-
2 bers of the Commission shall serve without pay, but
3 may receive reimbursement for any reasonable and
4 necessary expenses incurred by reason of service on
5 the Commission.

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

13 (c) STAFF.—With the approval of the Chair, the Ex-
14 ecutive Director may appoint and fix the pay of additional
15 personnel as the Executive Director considers appropriate,
16 except that no individual appointed by the Executive Di-
17 rector may be paid at a rate greater than the rate of pay
18 for the Executive Director.

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

22 **SEC. 203. GENERAL POWERS.**

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

1 (1) Financial control over the District of Co-
2 lumbia public schools exercised through the Author-
3 ity.

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

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

10 (4) To promulgate rules concerning the man-
11 agement and direction of the Board, as deemed nec-
12 essary, to address obstacles to the development or
13 implementation of the Educational Plan.

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

18 **SEC. 204. SYSTEM-WIDE EDUCATIONAL REFORM GOALS**

19 **AND OBJECTIVES PLAN.**

20 (a) BOARD PLAN.—The Board shall develop, adopt,
21 and submit to the Commission on or before March 1,
22 1996, a System-Wide Educational Reform Goals and Ob-
23 jectives Plan with respect to the 1996–1997 school year.
24 Thereafter, the Board shall develop, adopt and submit to
25 the Commission on or before March 1 of each year an

1 Educational Plan for the coming school year. The Board
2 shall have an Educational Plan for every year.

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

8 (c) DEVELOPMENT AND CENTERS FOR APPROVAL
9 PLAN.—Each Educational Plan shall be developed, sub-
10 mitted, approved, and monitored in accordance with the
11 following procedures:

12 (1) Each Educational Plan shall include specific
13 provisions designed to accomplish the following ob-
14 jectives and reflect the cumulative effect of the Local
15 School Restructuring Team (LSRT) in terms of stu-
16 dent needs, financial requirements, and timeliness
17 for implementation:

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

23 (B) To increase the level of parental in-
24 volvement in the education of their children.

1 (C) To enhance the range of authority, re-
2 sponsibility, and accountability of principals.

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

7 (E) To ensure that all personnel have ac-
8 cess to appropriate training opportunities.

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

12 (G) To ensure the equitable distribution
13 among the schools and programs of funds budg-
14 eted by the Board in accordance with applicable
15 laws, rules and regulations.

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

18 (I) To ensure a new, fair, demanding eval-
19 uation process and more and better opportuni-
20 ties for teacher preparation.

21 (J) To generate a sense of urgency in the
22 business and philanthropic community and en-
23 list them in targeted support for very particu-
24 lar, concrete school reform goals.

1 (K) To address the school governance
2 issue, and to recommend, within 1 year from
3 the date of the appointment of the members of
4 the Commission constituting a quorum, to the
5 Council, the Mayor, and the relevant commit-
6 tees of the Congress an alternative to the cur-
7 rent structure that will eliminate the division of
8 responsibility and accountability among the
9 Board of Education, the District Council and
10 the Mayor.

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

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

16 (B) to develop a five-year capital improve-
17 ment plan to carry out an approved facilities
18 master plan which provides for a system-wide
19 modernization of public schools;

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

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

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

3 (a) PLAN GOALS.—Each Educational Plan shall con-
4 tain a detailed description, including estimates of financial
5 costs and expected dates of completion, of—

6 (1) the Board’s school reform goals and objec-
7 tives;

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

10 (3) the Board’s plans and strategy for imple-
11 menting applicable District laws enacted to affect
12 school reform;

13 (4) the Board’s strategy for developing and im-
14 plementing district-wide guidelines, rules, and proce-
15 dures with respect to local school decision making as
16 provided by applicable District law enacted as part
17 of any school reform legislation;

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

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

24 (b) STANDARDS AND PROCEDURES.—The Commis-
25 sion may prescribe any reasonable time, standards, proce-

1 dures, or forms for preparation and submission of the
2 Educational Plan.

3 (c) APPROVAL CRITERIA.—The Commission shall ap-
4 prove an Educational Plan submitted by the Board if, in
5 the Commission’s judgment, the Educational Plan is—

6 (1) complete;

7 (2) reasonably capable of being achieved;

8 (3) supported by demonstrably sufficient and
9 available funding;

10 (4) responsive to any Commission directives or
11 requirements;

12 (5) consistent with applicable District laws en-
13 acted to affect school reform; and

14 (6) reasonably capable of achieving substantial
15 progress toward improving the educational achieve-
16 ment of the students and is consistent with the
17 Bringing Educational Services to Students (BESST)
18 agenda, the District of Columbia Reform Agenda,
19 and the District of Columbia Public Schools Goals
20 2000 Plan.

21 (d) REJECTION AND REVISION.—If the Commission
22 rejects an Educational Plan submitted by the Board, the
23 Commission may prescribe a procedure and standards for
24 revision and resubmission of the Educational Plan by the
25 Board. If, within 60 days after the Commission notifies

1 the Board of the Commission's rejection of the Board's
2 Educational Plan and of the procedures and standards for
3 revision and resubmission, the Board fails to approve and
4 resubmit a revised plan acceptable to the Commission, the
5 Commission may make revisions and adopt a final Edu-
6 cational Plan and direct the Superintendent to implement.

7 (e) REPORTING REQUIREMENTS.—The Board shall
8 report to the Commission, at such times and in such man-
9 ner as the Commission may direct, concerning the Board's
10 implementation of each approved Educational Plan. The
11 Commission may review the Board's operations, obtain
12 educational and financial data, require the Board to
13 produce reports, and have access to any other information
14 in the possession of the Board that it deems relevant. The
15 Commission may issue recommendations or directives
16 within its powers to the Board for the implementation of
17 the approved Educational Plan. The Board shall produce
18 such reports and other information and comply with such
19 directives.

20 (f) NOTICE OF MODIFICATION.—After approval of
21 each Educational Plan, the Board shall promptly notify
22 the Commission of any material change in any matter con-
23 tained in the approved Educational Plan. The Board may
24 submit to the Commission or the Commission may require
25 the Board to submit, a modified Educational Plan based

1 upon revised information. The Commission shall approve
2 or reject each modified Educational Plan pursuant to sub-
3 section (c).

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

6 (a) LIMITS ON CONTRACTING.—The Board shall not
7 enter into any contract, agreement, or other obligation un-
8 less it is consistent with the Educational Plan in effect.

9 (b) COMMISSION AUTHORITY OVER CONTRACTING.—
10 The Commission shall have no power to impair any exist-
11 ing contract or obligation of the Board; except, however,
12 that the Commission may direct the Board to modify or
13 amend the Board rules or policies that the Commission
14 deems necessary to facilitate development or implementa-
15 tion of the Educational Plan.

16 (c) REVIEW OF CONTRACTS.—The Commission may
17 request that the Authority review proposed or existing
18 contracts or leases pursuant to section 203(b) of the Dis-
19 trict of Columbia Financial Responsibility and Manage-
20 ment Assistance Act of 1995 (Public Law 104–8; 109
21 Stat. 118).

22 **SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.**

23 The Commission may examine and audit records of
24 the Board or require the Board to examine and audit its
25 records at such time and in such manner as the Commis-

1 sion may prescribe to assure, monitor, and evaluate the
2 performance of the Board with respect to compliance with
3 an approved Educational Plan and its overall educational
4 achievement. The Commission shall conduct an annual
5 audit of the educational performance of the Board with
6 respect to meeting the goals of the Educational Plan for
7 such year. The audit technique, content, and procedures
8 shall be determined by the Commission. The Board shall
9 cooperate and assist in the audit as requested by the Com-
10 mission.

11 **SEC. 208. INVESTIGATIVE POWERS.**

12 The Commission may investigate any action or activ-
13 ity which may hinder the progress of any part of an ap-
14 proved Educational Plan. The Board shall cooperate and
15 assist the Commission in any investigation. Reports of the
16 findings of any such investigation shall be provided to the
17 Board, Superintendent of the District of Columbia Public
18 Schools, the Mayor, the Council, the Authority, the Com-
19 mittees on Appropriations of the Senate and House of
20 Representatives.

21 **SEC. 209. RECOMMENDATIONS OF THE COMMISSION.**

22 (a) IN GENERAL.—The Commission may at any time
23 submit recommendations to the Board, Mayor, the Coun-
24 cil, and the Congress on actions the District government

1 or the Federal Government should take to ensure imple-
2 mentation of the approved Educational Plan.

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

5 (1) IN GENERAL.—In the case of any rec-
6 ommendations submitted under subsection (a) which
7 are within the authority of the District of Columbia
8 government to adopt, not later than 90 days after
9 receiving the recommendations, the Board, shall sub-
10 mit a statement to the Commission which provides
11 notice as to whether the Board will adopt the rec-
12 ommendations.

13 (2) IMPLEMENTATION PLAN REQUIRED FOR
14 ADOPTED RECOMMENDATIONS.—If the Board noti-
15 fies the Commission under paragraph (1) that the
16 Board will adopt any of the recommendations sub-
17 mitted under subsection (a), the Board shall include
18 in the statement a written plan to implement the
19 recommendation which includes—

20 (A) specific performance measures to de-
21 termine the extent to which the Board has
22 adopted the recommendation; and

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

1 (3) EXPLANATIONS REQUIRED FOR REC-
2 COMMENDATIONS NOT ADOPTED.—If the Board noti-
3 fies the Commission under paragraph (1) that the
4 Board will not adopt any recommendation submitted
5 under subsection (a) which the Board has authority
6 to adopt, the Board shall include in the statement
7 explanations for the rejection of the recommenda-
8 tions.

9 (4) COMMISSION REACTION TO NONRESPONSE
10 FROM BOARD OR REJECTION OF RECOMMENDA-
11 TION.—(A) In the instance where there is no re-
12 sponse from the Board at the end of 90 days the
13 Commission shall immediately notify, including the
14 written recommendation submitted under subsection
15 (a) to the Board, the other elements of the District
16 of Columbia government and the Committee on Gov-
17 ernmental Affairs of the Senate, the Committee on
18 Government Reform and Oversight of the House of
19 Representatives, and the Committees on Appropria-
20 tions of the Senate and the House of Representa-
21 tives.

22 (B) The Commission may then direct the Su-
23 perintendent to carry out such recommendation.

1 **SEC. 210. VACANCY IN SUPERINTENDENT OF PUBLIC**
2 **SCHOOLS.**

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

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

12 (c) Within 30 days of the receipt of the names de-
13 scribed in (b) the Board shall choose one to be the Super-
14 intendent of the District of Columbia Public Schools.

15 **SEC. 211. EXPIRATION DATE.**

16 This subtitle shall expire on September 30, 2016.

17 **Subtitle B—Charter Schools**

18 **SEC. 212. PURPOSE.**

19 The purpose of this subtitle is to permit the District
20 of Columbia to establish charter schools to improve the
21 education of students and encourage community involve-
22 ment in education.

23 **SEC. 213. DEFINITIONS.**

24 For purposes of this subtitle—

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

1 (A) operates under a charter granted for a
2 period of 5 years by the Commission on Con-
3 sensus Reform in the District of Columbia Pub-
4 lic Schools or the Board of Education of the
5 District of Columbia and functions independ-
6 ently of the D.C. Public Schools as a local edu-
7 cation agency and is exempted from significant
8 local rules that inhibit the flexible operation
9 and management of public schools, but not
10 from any rules relating to other requirements
11 under this subtitle;

12 (B) is created by a developer as a public
13 school, or is adapted by a developer from an ex-
14 isting public school, or an existing non-Public
15 School, and is operated under public supervision
16 and direction;

17 (C) operates in pursuit of a specific set of
18 educational objectives determined by the
19 school's developer and agreed to by the author-
20 ized public chartering agency;

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

23 (E) is nonsectarian in its programs, admis-
24 sions policies, employment practices, and all

1 other operations, and is not affiliated with a
2 sectarian school or religious institution;

3 (F) does not charge tuition;

4 (G) is governed by a Board of Trustees;

5 (H) complies with the Age Discrimination
6 Act of 1975, title VI of the Civil Rights Act of
7 1964, title IX of the Education Amendments of
8 1972, section 504 of the Rehabilitation Act of
9 1973, and part B of the Individuals With Dis-
10 abilities Education Act;

11 (I) admits students on the basis of a lot-
12 tery, if more students apply for admission than
13 can be accommodated;

14 (J) agrees to comply with the same Fed-
15 eral and District of Columbia audit require-
16 ments as do other elementary and secondary
17 schools in the District of Columbia, unless such
18 requirements are specifically waived for the pur-
19 pose of this program; and

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

22 (2) DEVELOPER.—The term “developer” means
23 an individual or group of individuals (including a
24 public or private organization) which may include
25 teachers, administrators and other school staff, par-

1 ents, or other members of the local community in
2 which a charter school project will be carried out.

3 (3) ELIGIBLE APPLICANT.—The term “eligible
4 applicant” means an authorized public chartering
5 agency participating in a partnership with a devel-
6 oper to establish a charter school.

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

11 **SEC. 214. APPLICATION.**

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

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

18 (1) a description of the objectives of the Local
19 Educational Agency’s charter school grant program
20 and a description of how such objectives will be ful-
21 filled, including steps taken by the local educational
22 agency to inform teachers, parents, and communities
23 of the local educational agency’s charter school grant
24 program;

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

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

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

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

11 (6) a description of the charter school's objec-
12 tives and the methods by which the charter school
13 will determine its progress toward achieving those
14 objectives;

15 (7) a description of the administrative relation-
16 ship between the charter school and the authorized
17 public chartering agency;

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

21 (9) a request and justification for waivers of
22 any Federal statutory or regulatory provisions that
23 the applicant believes are necessary for the success-
24 ful operation of the charter school, and a description
25 of any local rules, generally applicable to public

1 schools, that will be waived for, or otherwise not
2 apply, to the school;

3 (10) a description of how students in the com-
4 munity will be informed about the charter school
5 and given an equal opportunity to attend the charter
6 school; and

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

12 **SEC. 215. SELECTION CRITERIA FOR ELIGIBLE APPLI-**
13 **CANTS.**

14 Charter schools shall be selected by the public char-
15 tering agency by taking the following factors into consider-
16 ation:

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

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

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

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

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

3 (6) The likelihood that the charter school will
4 meet those objectives and improve educational re-
5 sults for students.

S. 1244 PCS—2

S. 1244 PCS—3

S. 1244 PCS—4

S. 1244 PCS—5

S. 1244 PCS—6