

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 2607**

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**AMENDMENTS**

TO

**SENATE AMENDMENTS**

# ***In the House of Representatives, U. S.,***

*November 12, 1997.*

*Resolved*, That the House agree to the amendments of the Senate to the bill (H.R. 2607) entitled “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, 1998, and for other purposes.”, with the following

## **AMENDMENTS:**

- 1 **(1)**On page 1, line 1, strike all through line 7
- 2 **(2)**On page 1, line 8, strike **[The]** and insert: *That the*
- 3 **(3)**On page 2, line 2, strike all from “to” through “Act,”
- 4 on line 3
- 5 **(4)**On page 11, line 20, after the word “fund” insert: *de-*
- 6 *scribed in section 172 of this Act*
- 7 **(5)**On page 12, line 8, strike **[all]**
- 8 **(6)**On page 34, line 16, after “or” insert: *previously*
- 9 **(7)**On page 44, line 15, before the period, insert:

1 , *except that the Chief Financial Officer may not reprogram*  
 2 *for operating expenses any funds derived from bonds, notes,*  
 3 *or other obligations issued for capital projects*

4 **(8)**On page 46, after line 9, insert:

5       *(c) REPORT ON EXPENDITURES BY FINANCIAL RE-*  
 6 *SPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHOR-*  
 7 *ITY.—Not later than 20 calendar days after the end of each*  
 8 *fiscal quarter starting October 1, 1997, the District of Co-*  
 9 *lumbia Financial Responsibility and Management Assist-*  
 10 *ance Authority shall submit a report to the Committees on*  
 11 *Appropriations of the House of Representatives and the*  
 12 *Senate, the Committee on Government Reform and Over-*  
 13 *sight of the House, and the Committee on Governmental Af-*  
 14 *airs of the Senate providing an itemized accounting of all*  
 15 *non-appropriated funds obligated or expended by the Au-*  
 16 *thority for the quarter. The report shall include information*  
 17 *on the date, amount, purpose, and vendor name, and a de-*  
 18 *scription of the services or goods provided with respect to*  
 19 *the expenditures of such funds.*

20 **(9)**On page 47, line 21, strike **[\$5,000,000]** and insert:

21 *\$12,000,000*

22 **(10)**On page 59, line 11, strike **[(f)]** and insert: *(e)*

23 **(11)**On page 77, line 17, strike all through page 78, line

24 2

1 **(12)**On page 78, after line 2, insert the following:

2       *SEC. 166. Notwithstanding any other provision of Fed-*  
3 *eral or District of Columbia law applicable to a reemployed*  
4 *annuitant's entitlement to retirement or pension benefits,*  
5 *the Director of the Office of Personnel Management may*  
6 *waive the provisions of section 8344 of title 5 of the United*  
7 *States Code for any reemployed annuitants appointed here-*  
8 *tofore or hereafter as a Trustee under section 11202 or*  
9 *11232 of the National Capital Revitalization and Self-Gov-*  
10 *ernment Improvement Act of 1997, or, at the request of such*  
11 *a Trustee, for any employee of such Trustee.*

12       *SEC. 167. Section 2203(i)(2)(A) of the District of Co-*  
13 *lumbia School Reform Act of 1995 (Public Law 104-134;*  
14 *110 Stat. 3009-504; D.C. Code 31-2853.13(i)(2)(A)) is*  
15 *amended to read as follows:*

16           “(A) *IN GENERAL.*—

17                   “(i) *ANNUAL LIMIT.*—Subject to subpara-

18 *graph (B) and clause (ii), during calendar year*  
19 *1997, and during each subsequent calendar year,*  
20 *each eligible chartering authority shall not ap-*  
21 *prove more than 10 petitions to establish a pub-*  
22 *lic charter school under this subtitle.*

23                   “(ii) *TIMETABLE.*—Any petition approved

24 *under clause (i) shall be approved during an ap-*  
25 *plication approval period that terminates on*

1           *April 1 of each year. Such an approval period*  
2           *may commence before or after January 1 of the*  
3           *calendar year in which it terminates, except that*  
4           *any petition approved at any time during such*  
5           *an approval period shall count, for purposes of*  
6           *clause (i), against the total number of petitions*  
7           *approved during the calendar year in which the*  
8           *approval period terminates.”.*

9           *SEC. 168. Section 2205(a) of the District of Columbia*  
10          *School Reform Act of 1995 (Public Law 104–134; 110 Stat.*  
11          *1321–122; D.C. Code 31–2853.15(a)) is amended by strik-*  
12          *ing “7,” and inserting “15.”.*

13          *SEC. 169. Section 2214(g) of the District of Columbia*  
14          *School Reform Act of 1995 (Public Law 104–134; 110 Stat.*  
15          *1321–133; D.C. Code 31–2853.24(g)) is amended by insert-*  
16          *ing “to the Board” after “appropriated”.*

17          *SEC. 170. Section 2401(b)(3)(B) of the District of Co-*  
18          *lumbia School Reform Act of 1995 (Public Law 104–134;*  
19          *110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)(B)) is*  
20          *amended—*

21                   *(1) in clause (i), by striking “or”;*

22                   *(2) in clause (ii), by striking the period at the*  
23                   *end and inserting “; or”; and*

24                   *(3) by adding at the end the following:*

1                   “(iii) to whom the school provides  
2                   room and board in a residential setting.”.

3           SEC. 171. Section 2401(b)(3) of the District of Colum-  
4   bia School Reform Act of 1995 (Public Law 104–134; 110  
5   Stat. 1321–137; D.C. Code 31–2853.41(b)(3)) is amended  
6   by adding at the end the following:

7                   “(C)   ADJUSTMENT   FOR   FACILITIES  
8                   COSTS.—Notwithstanding paragraph (2), the  
9                   Mayor and the District of Columbia Council, in  
10                  consultation with the Board of Education and  
11                  the Superintendent, shall adjust the amount of  
12                  the annual payment under paragraph (1) to in-  
13                  crease the amount of such payment for a public  
14                  charter school to take into account leases or pur-  
15                  chases of, or improvements to, real property, if  
16                  the school, not later than April 1 of the fiscal  
17                  year preceding the payment, requests such an  
18                  adjustment.”.

19          SEC. 172. (a) PAYMENTS TO NEW CHARTER  
20   SCHOOLS.—Section 2403(b) of the District of Columbia  
21   School Reform Act of 1995 (Public Law 104–134; 110 Stat.  
22   1321–140; D.C. Code 31–2853.43(b)) is amended to read  
23   as follows:

24          “(b) PAYMENTS TO NEW SCHOOLS.—

1           “(1) *ESTABLISHMENT OF FUND.*—*There is estab-*  
2           *lished in the general fund of the District of Columbia*  
3           *a fund to be known as the ‘New Charter School*  
4           *Fund’.*

5           “(2) *CONTENTS OF FUND.*—*The New Charter*  
6           *School Fund shall consist of—*

7                   “(A) *unexpended and unobligated amounts*  
8                   *appropriated from local funds for public charter*  
9                   *schools for fiscal year 1997 and subsequent fiscal*  
10                   *years that reverted to the general fund of the*  
11                   *District of Columbia;*

12                   “(B) *amounts credited to the fund in ac-*  
13                   *cordance with this subsection upon the receipt by*  
14                   *a public charter school described in paragraph*  
15                   *(5) of its first initial payment under subsection*  
16                   *(a)(2)(A) or its first final payment under sub-*  
17                   *section (a)(2)(B); and*

18                   “(C) *any interest earned on such amounts.*

19           “(3) *EXPENDITURES FROM FUND.*—

20                   “(A) *IN GENERAL.*—*Not later than June 1,*  
21                   *1998, and not later than June 1 of each year*  
22                   *thereafter, the Chief Financial Officer of the Dis-*  
23                   *trict of Columbia shall pay, from the New Char-*  
24                   *ter School Fund, to each public charter school de-*  
25                   *scribed in paragraph (5), an amount equal to 25*

1           *percent of the amount yielded by multiplying the*  
2           *uniform dollar amount used in the formula es-*  
3           *tablished under section 2401(b) by the total an-*  
4           *ticipated enrollment as set forth in the petition*  
5           *to establish the public charter school.*

6           “(B) *PRO RATA REDUCTION.*—*If the*  
7           *amounts in the New Charter School Fund for*  
8           *any year are insufficient to pay the full amount*  
9           *that each public charter school described in para-*  
10          *graph (5) is eligible to receive under this sub-*  
11          *section for such year, the Chief Financial Officer*  
12          *of the District of Columbia shall ratably reduce*  
13          *such amounts for such year on the basis of the*  
14          *formula described in section 2401(b).*

15          “(C) *FORM OF PAYMENT.*—*Payments under*  
16          *this subsection shall be made by electronic funds*  
17          *transfer from the New Charter School Fund to a*  
18          *bank designated by a public charter school.*

19          “(4) *CREDITS TO FUND.*—*Upon the receipt by a*  
20          *public charter school described in paragraph (5) of—*

21                 “(A) *its first initial payment under sub-*  
22                 *section (a)(2)(A), the Chief Financial Officer of*  
23                 *the District of Columbia shall credit the New*  
24                 *Charter School Fund with 75 percent of the*

1           *amount paid to the school under paragraph (3);*  
2           *and*

3           “(B) *its first final payment under sub-*  
4           *section (a)(2)(B), the Chief Financial Officer of*  
5           *the District of Columbia shall credit the New*  
6           *Charter School Fund with 25 percent of the*  
7           *amount paid to the school under paragraph (3).*

8           “(5) *SCHOOLS DESCRIBED.—A public charter*  
9           *school described in this paragraph is a public charter*  
10          *school that—*

11           “(A) *did not enroll any students during*  
12           *any portion of the fiscal year preceding the most*  
13           *recent fiscal year for which funds are appro-*  
14           *propriated to carry out this subsection; and*

15           “(B) *operated as a public charter school*  
16           *during the most recent fiscal year for which*  
17           *funds are appropriated to carry out this sub-*  
18           *section.*

19           “(6) *AUTHORIZATION OF APPROPRIATIONS.—*  
20           *There are authorized to be appropriated to the Chief*  
21           *Financial Officer of the District of Columbia such*  
22           *sums as may be necessary to carry out this subsection*  
23           *for each fiscal year.”.*

24           “(b) *REDUCTION OF ANNUAL PAYMENT.—*

1           (1) *INITIAL PAYMENT.*—Section 2403(a)(2)(A) of  
2     *the District of Columbia School Reform Act (Public*  
3     *Law 104–134; 110 Stat. 1321–139; D.C. Code 31–*  
4     *2853.43(a)(2)(A)) is amended to read as follows:*

5           “(A) *INITIAL PAYMENT.*—

6           “(i) *IN GENERAL.*—*Except as provided*  
7     *in clause (ii), not later than October 15,*  
8     *1996, and not later than October 15 of each*  
9     *year thereafter, the Mayor shall transfer, by*  
10    *electronic funds transfer, an amount equal*  
11    *to 75 percent of the amount of the annual*  
12    *payment for each public charter school de-*  
13    *termined by using the formula established*  
14    *pursuant to section 2401(b) to a bank des-*  
15    *ignated by such school.*

16          “(ii) *REDUCTION IN CASE OF NEW*  
17    *SCHOOL.*—*In the case of a public charter*  
18    *school that has received a payment under*  
19    *subsection (b) in the fiscal year imme-*  
20    *diately preceding the fiscal year in which a*  
21    *transfer under clause (i) is made, the*  
22    *amount transferred to the school under*  
23    *clause (i) shall be reduced by an amount*  
24    *equal to 75 percent of the amount of the*  
25    *payment under subsection (b).”.*

1           (2) *FINAL PAYMENT.*—Section 2403(a)(2)(B) of  
 2     *the District of Columbia School Reform Act (Public*  
 3     *Law 104–134; 110 Stat. 1321–139; D.C. Code 31–*  
 4     *2853.43(a)(2)(B)) is amended—*

5           (A) *in clause (i)—*

6           (i) *by inserting “IN GENERAL.—” be-*  
 7           *fore “Except”; and*

8           (ii) *by striking “clause (ii),” and in-*  
 9           *serting “clauses (ii) and (iii),”;*

10          (B) *in clause (ii), by inserting “ADJUST-*  
 11          *MENT FOR ENROLLMENT.—” before “Not later*  
 12          *than March 15, 1997,”; and*

13          (C) *by adding at the end the following:*

14           “(iii) *REDUCTION IN CASE OF NEW*  
 15           *SCHOOL.—In the case of a public charter*  
 16           *school that has received a payment under*  
 17           *subsection (b) in the fiscal year imme-*  
 18           *diately preceding the fiscal year in which a*  
 19           *transfer under clause (i) is made, the*  
 20           *amount transferred to the school under*  
 21           *clause (i) shall be reduced by an amount*  
 22           *equal to 25 percent of the amount of the*  
 23           *payment under subsection (b).”.*

24          *This title may be cited as the “District of Columbia*  
 25          *Appropriations Act, 1998”.*

1 **(13)**On page 99, line 22, strike all through line 23

2 **(14)**On page 100, line 1, strike all through page 708,

3 line 7

4 And that the House disagree to the amendment of

5 the Senate to the title.

Attest:

*Clerk.*