

104th Congress, 1st Session - - - - - House Document 104-74

THE DISTRICT OF COLUMBIA'S 1995 SUPPLEMENTAL
BUDGET AND RECISSIONS OF AUTHORITY RE-
QUEST ACT OF 1995

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE DISTRICT OF COLUMBIA'S PROPOSED FISCAL YEAR 1995 SUPPLEMENTAL BUDGET REQUEST ACT, PURSUANT TO PUB. L. 93-198, SEC. 446 (87 STAT. 806); PUB. L. 98-473, SEC. 101(b) (98 STAT. 1837); PUB. L. 93-198, SEC. 446; PUB. L. 98-473



MAY 12, 1995.—Message and accompanying papers referred to the
Committee on Appropriations and ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE

99-011

WASHINGTON : 1995

To the Congress of the United States:

In accordance with section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia's 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995. This transmittal does not represent an endorsement of the contents of the District's budget.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 12, 1995.*



David A. Clarke
Chairman

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

JAN 26 1995

The Honorable William Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Clinton:

In accordance with section 404(f) of the District of Columbia Self-Governmental and Governmental Reorganization Act, D.C. Code Section 1-227(f), I am forwarding for your review, approval, and transmittal to the Congress of the United States, the District of Columbia's proposed fiscal year 1995 supplemental budget request act.

On December 21, 1994, the Council adopted the Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995. By letter, dated January 19, 1995, the Mayor returned the budget act unsigned. Section 404(f) of the Self-Government Act provides that when the Mayor fails to timely return the budget within the ten-day statutory period that the Mayor is deemed to have approved such budget and any such budget "shall be transmitted by the Chairman to the President of the United States." D.C. Code Section 1-227(f).

Enclosed is the 1995 supplemental budget request act. If you or your staff have any questions or require any additional information, please call me on 727-8176.

Sincerely,

David A. Clarke

Enclosure

cc: Mayor Marion Barry, Jr.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 10-400

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 1995

To approve the request of the District of Columbia government for supplemental appropriations and rescissions of authority for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1994".

Sec. 2. The Council of the District of Columbia approves the following supplemental budget and rescissions of authority request of the District of Columbia government for the fiscal year ending September 30, 1995.

DIVISION OF RESCISSIONS

GOVERNMENTAL DIRECTION AND SUPPORT (Including Rescission)

For an additional amount for "Governmental Direction and Support," for the Board of Elections and Ethics, \$4,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), \$13,804,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION (Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$5,278,000 are rescinded.

HUMAN RESOURCES DEVELOPMENT (Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$8,388,000 are rescinded.

ENROLLED ORIGINAL

PUBLIC SAFETY AND JUSTICE
(*Rescission*)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$36,360,000 are rescinded.

PUBLIC EDUCATION SYSTEM
(*Rescission Including Furlough, Salary Freeze,
and Within-Grade Salary Adjustments*)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2579), \$31,861,000 for the District of Columbia public schools, \$8,076,000 for the University of the District of Columbia, \$1,621,000 for the District of Columbia School of Law, \$951,000 for the Public Library, and \$951,000 for the Commission on the Arts and Humanities are rescinded: *Provided*, That of the \$31,861,000 rescinded for the District of Columbia public schools, \$14,000,000 may be realized by the implementation of a plan that furloughs each employee for 10 days during the fiscal year ending September 30, 1995, or a proportional number of hours for part-time employees; *Provided further*, That the public schools shall not implement a furlough plan that reduces the number of instructional days, and may schedule furlough days on paid holidays; *Provided further*, That the Council shall enact legislation to implement this section which may include but shall not be limited to procedures to ensure that public health and safety functions are carried out; *Provided further*, That notwithstanding any other provision of law, no employee of the University of the District of Columbia shall receive a within-grade salary increase during the period beginning on the effective date of this Act and ending 1 year later, and no time during the period beginning on the effective date of this Act and ending 1 year later shall accrue toward the waiting period for advancement to the following rate within the grade; *Provided further*, That notwithstanding any other provision of law, no employee of the University of the District of Columbia or the District of Columbia School of Law shall receive a pay raise in the fiscal year ending September 30, 1995; *Provided further*, That within 180 days after the effective date of this Act, the University of the District of Columbia shall report to the Council the number and types of course offerings that have been eliminated and the University's decision on discontinuing graduate level programs.

HUMAN SUPPORT SERVICES
(*Rescission*)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2579), \$63,683,000 are rescinded: *Provided*, That the Mayor shall amend the Medicaid State Plan to reduce the reimbursement rates for intermediate care facilities for the mentally retarded, day treatment, and residential treatment to achieve a savings of \$10,000,000.

ENROLLED ORIGINAL**PUBLIC WORKS**
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$6,456,000 are rescinded.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$58,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$7,695,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$1,200,000 are rescinded.

OPTICAL AND DENTAL BENEFITS
(Rescission)

Of the funds appropriated under this heading for nonunion employees for the fiscal year ending September 30, 1995, in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), \$1,656,000 are rescinded.

PAY ADJUSTMENT
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$11,000,000 are rescinded.

PAY RENEGOTIATION
(Rescission)

Of the funds appropriated under the heading "Pay Adjustment" for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$30,000,000, to be realized through renegotiation of existing collective bargaining contracts, are rescinded.

ENROLLED ORIGINAL

JOB-PRODUCING ECONOMIC DEVELOPMENT
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2581), \$22,600,000 are rescinded.

CASH RESERVE FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2581), \$3,957,000 are rescinded.

FURLOUGH ADJUSTMENT
(Rescission)

Each agency, office, and instrumentality of the District, except the public schools, shall furlough each employee of the respective agency, office, or instrumentality for 10 days in the fiscal year ending September 30, 1995, or a proportional number of hours for part-time employees. The personal services spending authority for each agency, office and instrumentality subject to this section is reduced in an amount equal to the saving resulting from the employee furloughs required by this section, for a total reduction of \$16,000,000. The furloughs authorized by this section shall be scheduled on paid holidays. The Council shall enact legislation to implement this section which may include but shall not be limited to procedures to ensure that public health and safety functions are carried out.

COMPENSATION FOR BOARDS AND COMMISSIONS
(Rescission)

Of the amounts appropriated for compensation for members of boards and commissions under the various headings for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2581), \$300,000 are rescinded.

CONTRACTS FOR GOODS AND SERVICES
(Rescission)

Of the amounts appropriated for contracts and goods and services under the various headings for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2581), \$6,100,000 are rescinded.

SPENDING REDUCTIONS

The reduction of \$140,000,000 under section 138(a)(1) in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2590) is repealed: *Provided*, That the reduction of \$140,000,000 required by Sec. 138 (a)(1) is distributed within the appropriation titles above.

ENROLLED ORIGINAL

PROBLEM RESOLUTION*ALLOCATION OF SAVINGS ACHIEVED BY RESCISSIONS
AND \$39,323,000 OF NEW REVENUE*

After the spending reductions noted above, the balance of the savings achieved by the rescissions noted above are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1995, and for other purposes, namely:

CASH RESERVE FUND

For the purpose of a cash reserve fund to replenish the consolidated cash balances of the District of Columbia, \$79,000,000.

PUBLIC SAFETY AND JUSTICE

Public Safety and Justice, for the Metropolitan Police Department, \$10,000,000.

HUMAN SUPPORT SERVICES

Human Support Services, for the Medicaid program, \$ 58,000,000, for D.C. General Hospital, \$10,000,000.

PUBLIC WORKS

Public works, for the Department of Public Works, \$11,000,000, for the Washington Metropolitan Transit Authority, \$10,100,000.

UNALLOCATED REDUCTIONS

The Mayor shall further reduce personal and nonpersonal services by \$129,108,000, to be allocated by the Mayor within one or more of the various headings for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2581). The savings from the reductions under this heading shall be allocated to expenditures within the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363, as follows: for D.C. General Hospital, \$20,000,000, for the Fire Department, \$7,000,000, for the Department of Corrections, \$50,000,000, for the Department of Human Services, \$41,000,000, for other mandatory unavoidable expenditures, \$11,000,000: *Provided*, That the Mayor shall provide to the Council and to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this title are expended with a final report providing a full accounting of the fund due October 15, 1995, or not later than 15 days after the last amount is disbursed.

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GENERAL PROVISIONS**COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES
AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION**

Sec. 144. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §§ 11-1524 and Title 11, App. 433), are amended as follows:

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

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

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

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

MULTIYEAR CONTRACTS

Sec. 145. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; D.C. Code § 1-1130), is amended by designating the existing text as subsection (a) and by adding a new subsection (b) to read as follows:

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

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

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Council, by a two-thirds vote of its members present and voting, authorizes such contract by resolution. Such contract shall be made pursuant to criteria established by act of the Council."

COLLECTION OF TAX ON SALES AT SMITHSONIAN INSTITUTION.

Sec. 146. Notwithstanding any other provision of law, beginning 60 days after the effective date of this Act, all entities which comprise the Smithsonian Institution including, but not limited to, museums, zoological parks, performing arts centers and other institutions, shall collect District of Columbia sales tax from purchasers at the applicable rate on all retail sales, as defined by section 114(a) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code § 47-2001 (n)(1)), except those sales exempt pursuant to section 128 of

ENROLLED ORIGINAL

the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code § 47-2005), made in the District of Columbia or made by mail to purchasers in the District of Columbia, and shall remit the sales tax in the same manner and at the same time prescribed by sections 135, 136 and 137 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 118; D.C. Code §§ 47-2015, 47-2016 and 47-2017), for other vendors required to collect and remit District of Columbia sales tax.

PRISON INDUSTRIES

Sec. 147. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

REPORTS ON REDUCTIONS

Sec. 148. Within 120 days of the effective date of this act, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this act, including:

- (1) negotiations with representatives of collective bargaining units to reduce employee compensation;
- (2) actions to restructure existing long-term city debt;
- (3) actions to apportion the spending reductions anticipated by the directives of this act to the executive for unallocated reductions; and
- (4) a list of any position that is backfilled including description, title, and salary of the position.

REVIEW OF NON-BID CONTRACTS

Sec. 149. (a) The Mayor shall not award the following types of contracts until after the Council has approved the proposed contract award as provided in this section:

- (1) Any contract for goods or services worth over \$1,000,000 and any contract for any sum which, when added to other contracts awarded to the same contractor for the same or similar purposes within a fiscal year, exceeds \$1,000,000 in contracts with the same contractor, except: (A) contracts awarded under the "competitive sealed bidding" provisions pursuant to section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3); or (B) contracts to implement a federal program where federal law governs contracting procedures as a condition for the receipt of federal assistance; and

- (2) Any contract to provide goods or services, to or on behalf of the District of Columbia, which currently are or traditionally have been provided by employees, departments, or agencies of the District of Columbia.

(b) Prior to the award of a contract covered by this section, the Mayor shall submit a proposed contract award to the Council. The proposed contract award shall be deemed approved 7 calendar days, excluding days of Council recess, after the proposal has been officially introduced in the Council according to its rules, unless during that time, an objection to the proposed award, by at least 3 members of the Council, is filed in the Office of the Secretary to the Council.

ENROLLED ORIGINAL

(c) If an objection to the proposed contract award is filed, the proposed award shall be deemed approved 21 calendar days, excluding days of Council recess, after the proposed award was officially introduced in the Council, unless during that time, the Council adopts a resolution disapproving the proposed award.

(d) The Council may approve or disapprove a proposed contract award by resolution prior to the expiration of the time periods provided in this section.

(e) The approval required by the section shall be a condition precedent to the existence of a District of Columbia contract described in subsection (a) of this section. No contractor may undertake any work, and no District officer or employee may obligate or expend funds, with respect to the performance of a proposed contract prior to Council approval under this section.

Sec. 3. This Act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code § 47-304).


Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT SIGNATURE
UPON EXPIRATION OF 14-DAY MAYORAL
REVIEW PERIOD.

NOT SIGNED

Mayor
District of Columbia

January 19, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

B10-822

DOCKET NO:

☐ Item on Consent Calendar

Adopted Final Reading, 12-21-94

ACTION & DATE

Approved

VOICE VOTE

Recorded vote on request

Berry and Evans

Absent

☐ ROLL CALL VOTE -- RESULT

COUNCIL MEMBER	AYE	NAY	NV	A.B.	COUNCIL MEMBER	AYE	NAY	NV	A.B.	COUNCIL MEMBER	AYE	NAY	NV	A.B.
CHAM, CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZILL					LIGHTFOOT					THOMAS, SR.				
CHAYOUS					RAISON									
CROPP					NATHANSON									

A -- PRESENT VOTE

A.B. -- ABSENT

NV -- PRESENT, NO VOTE

CERTIFICATION RECORD

Angie [signature]
Secretary to the Council

Dec 16, 25, 1994
Date

☐ Item on Consent Calendar

ACTION & DATE

VOICE VOTE

Recorded vote on request

Absent

☐ ROLL CALL VOTE -- RESULT

COUNCIL MEMBER	AYE	NAY	NV	A.B.	COUNCIL MEMBER	AYE	NAY	NV	A.B.	COUNCIL MEMBER	AYE	NAY	NV	A.B.
CHAM, CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZILL					LIGHTFOOT					THOMAS, SR.				
CHAYOUS					RAISON									
CROPP					NATHANSON									

A -- PRESENT VOTE

A.B. -- ABSENT

NV -- PRESENT, NO VOTE

CERTIFICATION RECORD

Secretary to the Council

Date

☐ Item on Consent Calendar

ACTION & DATE

VOICE VOTE

Recorded vote on request

Absent

☐ ROLL CALL VOTE -- RESULT

COUNCIL MEMBER	AYE	NAY	NV	A.B.	COUNCIL MEMBER	AYE	NAY	NV	A.B.	COUNCIL MEMBER	AYE	NAY	NV	A.B.
CHAM, CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZILL					LIGHTFOOT					THOMAS, SR.				
CHAYOUS					RAISON									
CROPP					NATHANSON									

A -- PRESENT VOTE

A.B. -- ABSENT

NV -- PRESENT, NO VOTE

CERTIFICATION RECORD

Secretary to the Council

Date