

Public Law 95-288
95th Congress

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, 1978, and for other purposes.

June 5, 1978

[H.R. 9005]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1978, and for other purposes, namely:

District of
Columbia
Appropriation
Act, 1978.

TITLE I—TEMPORARY COMMISSION ON FINANCIAL
OVERSIGHT OF THE DISTRICT OF COLUMBIA

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Act creating the Temporary Commission on Financial Oversight of the District of Columbia (Public Law 94-399), \$3,000,000, which shall be available until expended: *Provided*, That the Temporary Commission on Financial Oversight of the District of Columbia shall have the power to appoint, fix the compensation of, and remove an Executive Director and additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to the appointment in the competitive service. The Executive Director may be paid compensation at a rate not to exceed the rate prescribed for level IV of the Federal Executive Salary Schedule.

D.C. Code
47-101 note.

5 USC 5101 *et*
seq.
5 USC 5331.
5 USC 5361.
5 USC 7501 *et*
seq.
5 USC 5315.

TITLE II—DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1978, \$276,000,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-2501d); and \$28,116,000 in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1541 and 1611): *Provided*, That notwithstanding any other provision of law, the Mayor is authorized to request, within the limit of appropriations made therefore in this title, payment in lieu of reimbursements for water and water services and sanitary sewer services furnished to facilities of the United States Government prior to October 1, 1977, and to be furnished in the fiscal year beginning October 1, 1977, and the Secretary of the Treasury is authorized to pay to the District of Columbia on October 1, 1977, such sums as the Mayor may certify are required to furnish such services.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

D.C. Code 1-121
note.
90 Stat. 785.
90 Stat. 1490.

For loans to the District of Columbia, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198; the District of Columbia Appropriation Act, 1976, Public Law 94-333; and the District of Columbia Appropriation Act, 1977, Public Law 94-446; \$92,000,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Mayor.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GENERAL OPERATING EXPENSES

General operating expenses, \$90,862,600, of which \$799,300 shall be payable from the revenue sharing trust fund: *Provided*, That not to exceed \$2,500 for the Mayor and \$2,500 for the Chairman of the Council of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, \$5,000 of this appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of \$100 per diem: *Provided further*, That not to exceed \$7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That \$5,838,600 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed \$325,000 of this appropriation shall be available for settlement of property damage claims not in excess of \$1,500 each and personal injury claims not in excess of \$5,000 each: *Provided further*, That not to exceed \$50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further*, That \$3,000,000 of this appropriation (to remain available until expended) shall be for the District of Columbia's contribution toward the expenses of the Temporary Commission on Financial Oversight of the District of Columbia, as authorized by Public Law 94-399, September 4, 1976: *Provided further*, That funds appropriated in fiscal year 1977 as the District of Columbia's contribution toward the expenses of the Temporary Commission on Financial Oversight of the District of Columbia shall remain available until expended.

D.C. Code
47-101 note.

For an additional amount for "General operating expenses", fiscal year 1977, \$625,100: *Provided*, That obligational authority of \$1,279,070 is authorized for expenditures incurred in the fiscal year ending June 30, 1976, and the period July 1, 1976 through September 30, 1976, for disability compensation payments as required by 5 U.S.C. 8139: *Provided further*, That obligational authority of

\$449,500 is authorized for expenditures incurred in the fiscal year ending June 30, 1976, and \$737,600 for the period July 1, 1976 through September 30, 1976, for unemployment compensation as required by the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946), as amended (title 46, ch. 3, D.C. Code, 1973 Edition).

PUBLIC SAFETY

Public safety, including purchase of two hundred and sixty-five passenger motor vehicles for replacement only (including two hundred and sixty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year); \$263,771,000, of which \$5,530,400 shall be payable from the revenue sharing trust fund, and \$4,000,000 shall be payable from funds to be received under Title II, Public Works Employment Act (Public Law 94-369), as amended: *Provided*, That the Police Department is authorized to replace not to exceed twenty-five passenger carrying vehicles, and the Fire Department not to exceed five such vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement: *Provided further*, That \$700,000 of the funds appropriated for expenses under the Criminal Justice Act of 1974 (Public Law 93-412) for fiscal year 1978 shall be available for obligations incurred under that Act in fiscal year 1975, fiscal year 1976, and fiscal year 1977: *Provided further*, That not to exceed \$200,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That \$100,000 shall be available for the third party custody program.

42 USC 6721.

D.C. Code
11-2601 note.

For an additional amount for "Public safety", fiscal year 1977, \$2,151,000.

EDUCATION

Education, including the development of national defense education programs, \$264,679,200, of which \$7,722,800 shall be payable from the revenue sharing trust fund, and \$4,000,000 shall be payable from funds to be received under Title II, Public Works Employment Act (Public Law 94-369), as amended: *Provided*, That the District of Columbia Public Schools are authorized to accept not to exceed thirty-one motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$1,000 for the Superintendent of Schools and \$2,000 for the President of the University of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further*, That not less than \$21,814,000 of this appropriation shall be transferred to the Teachers' Retirement Fund, in accordance with the provisions of section 7 of the Act of August 7, 1946 (60 Stat. 879, as amended; D.C. Code, sec. 31-727): *Provided further*, That not less than \$5,392,000 of this appropriation shall be used exclusively for maintenance of the public schools.

42 USC 6721.

For an additional amount for "Education", fiscal year 1977, \$2,800,000: *Provided*, That not less than \$14,605,000 of the amount appropriated for fiscal year 1977 shall be transferred to the Teachers' Retirement Fund in accordance with the provisions of section 7 of the Act of August 7, 1946 (60 Stat. 879, as amended; D.C. Code, sec. 31-727).

RECREATION

Recreation, \$17,551,000, of which \$208,200 shall be payable from the revenue sharing trust fund.

HUMAN RESOURCES

Human resources, including care and treatment of indigent patients in institutions under contracts to be made by the Director of the Department of Human Resources, \$283,462,300, of which \$6,520,000 shall be payable from the revenue sharing trust fund: *Provided*, That the inpatient rate under such contracts shall not exceed \$76 per diem and the outpatient rate shall not exceed \$12 per visit, and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be \$25.18 per diem: *Provided further*, That total reimbursements to Saint Elizabeths Hospital, including funds from title XIX of the Social Security Act, shall not exceed the amount for the fiscal year 1970: *Provided further*, That the hospital rates specified herein shall not apply, beginning July 1, 1969, to services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under title XIX of the Social Security Act: *Provided further*, That this appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia: *Provided further*, That \$15,134,700 of this appropriation shall be available for care and treatment of the mentally retarded at Forest Haven: *Provided further*, That authorization is hereby provided to the Government of the District of Columbia to fund the Special Education tuition grants and increased bed capacity at D.C. Village out of funds heretofore appropriated to such Government for fiscal year 1977, but not to exceed \$391,000 for tuition grants and \$1,095,500 for D.C. Village.

TRANSPORTATION

Transportation, including rental of one passenger-carrying vehicle for use by the Mayor and purchase of twenty passenger-carrying vehicles, of which eleven shall be for replacement only, \$59,713,900, of which \$6,262,300 shall be payable from the revenue sharing trust fund: *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles: *Provided further*, That \$704,300 of the amount for interest payments on Metrorail revenue bonds appropriated for fiscal year 1977 shall be available for the District of Columbia's share of the Metrorail operating subsidy for fiscal year 1978.

For an additional amount for "Transportation", fiscal year 1977, \$1,309,100: *Provided*, That \$968,900 of the amount appropriated for fiscal year 1976 and \$3,034,200 of the amount appropriated for the period July 1, 1976 through September 30, 1976, for the Metrobus operating subsidy shall be available for the District of Columbia's share of the Metrobus operating subsidy for fiscal year 1977: *Provided further*, That \$428,100 of the funds available for interest payments on Metrorail revenue bonds shall be available for the District of Columbia's share of the Metrorail operating subsidy.

ENVIRONMENTAL SERVICES

Environmental services, \$68,191,900, of which \$1,500,000 shall be payable from the revenue sharing trust fund: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses with four or more apartments, or from any building or connected group of buildings operating as a rooming or boarding house as defined in the housing regulations of the District of Columbia.

PERSONAL SERVICES

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia to the appropriations for the fiscal year 1978 from which employees are properly payable, \$65,549,400.

For an additional amount for "Personal services", fiscal year 1977, \$435,300.

SETTLEMENT OF CLAIMS AND SUITS

For an additional amount for "Settlement of claims and suits", fiscal year 1977, \$58,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109, and 110), as amended; section 9 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183), as amended; section 4 of the Act of June 12, 1960 (74 Stat. 211), as amended; and section 723 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93-198), as amended; the District of Columbia Appropriation Act, 1976, Public Law 94-333; and the District of Columbia Appropriation Act, 1977, Public Law 94-446, including interest as required thereby, \$125,668,500: *Provided*, That there is hereby appropriated from the funds of the District of Columbia \$9,900,000, without fiscal year limitation, for the purposes of the sinking fund established by section 6(a) of the District of Columbia Stadium Act of 1957, as amended.

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with the Act of August 7, 1946 (60 Stat. 896), as amended, construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), May 18, 1954 (68 Stat. 105, 110), July 2, 1954 (68 Stat. 443), June 6, 1958 (72 Stat. 183), August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 321); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, \$129,173,400: *Provided*, That none of the funds appropriated for the Washington Civic Center shall be obligated until the Subcommittees on the District of Columbia Appropriations of the House of Representatives and the Senate have approved the plan submitted by the Mayor and the City Council for the Washington Civic

D.C. Code
43-1540 note,
43-1616 note,
7-133.
D.C. Code
2-1727.
D.C. Code 9-220.
D.C. Code
43-1623.
D.C. Code 9-220
note and 47-241
note.
90 Stat. 785.
90 Stat. 1490.
D.C. Code
2-1724.

D.C. Code
43-1510.
D.C. Code
43-1604, 7-132,
7-133 note.
D.C. Code 9-220.
D.C. Code
40-804.
D.C. Code
1-1443.

Center, of which \$531,000 shall be available for fiscal year 1974, \$586,000 shall be available for fiscal year 1975, \$572,000 shall be available for fiscal year 1976, \$158,000 shall be available for the period July 1, 1976 through September 30, 1976, and \$653,000 shall be available for fiscal year 1977, for obligations incurred pursuant to the Act of July 2, 1954 (68 Stat. 443): *Provided*, That \$13,031,400 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Mayor, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account "Construction Services, Department of General Services": *Provided further*, That the amount appropriated to the Construction Services Fund, Department of General Services, be limited, during the current fiscal year, to ten per centum of appropriations for all construction projects, except for Project Numbered 24-99, Permanent Improvements, for which construction services shall be limited to twenty per centum of the appropriation: *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on September 30, 1979, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further*, That none of the funds appropriated for the construction of the University of the District of Columbia shall be obligated until the Mayor, the City Council and House and Senate Committees on Appropriations have approved the consolidated master plan for the construction of the University of the District of Columbia.

D.C. Code 7-135
note.

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

SEC. 201. Except as otherwise provided in this title herein, all vouchers covering expenditures of appropriations contained in this title shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Funds, maximum
specified
amounts.

SEC. 202. Whenever in this title an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 203. Appropriations in this title shall be available, when authorized or approved by the Mayor, for allowances for privately-owned conveyances used for the performance of official duties at 13 cents per mile but not to exceed \$45 a month for each automobile and at 8 cents per mile but not to exceed \$30 a month for each motorcycle, unless otherwise therein specifically provided, except that one hundred and thirteen (eighteen for venereal disease investigators in the Department of Human Resources) such automobile allowances at not more than \$715 each per annum may be authorized or approved by the Mayor.

SEC. 204. Appropriations in this title shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor.

SEC. 205. Appropriations in this title shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

SEC. 206. Appropriations in this title shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

SEC. 207. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

SEC. 208. Appropriations in this title shall be available for the payment of public assistance without reference to the requirement of subsection (b) of section 5 of the District of Columbia Public Assistance Act of 1962 and for the non-Federal share of funds necessary to qualify for Federal assistance under the Act of July 31, 1968 (Public Law 90-445).

SEC. 209. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 210. No part of any funds appropriated by this title shall be used to pay the compensation (whether by contract or otherwise) of any individual for performing services as a chauffeur or driver for any designated officer or employee of the District of Columbia government (other than the Mayor of the District of Columbia, Chief of Police, and Fire Chief), or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of any such officer or employee (other than the Mayor of the District of Columbia, Chief of Police, and Fire Chief). No part of any funds appropriated by this title, in excess of \$1,000 per month in the aggregate (\$12,000 per annum) shall be used to pay the compensation (whether by contract or otherwise) of individuals for performing services as a chauffeur or driver for the Mayor of the District of Columbia, or for performing services as a chauffeur or driver of a motor vehicle assigned for the personal or individual use of the Mayor of the District of Columbia.

SEC. 211. Not to exceed 4½ per centum of the total of all funds appropriated by this title for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 212. The total expenditure of funds appropriated by this title for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed \$225,000.

D.C. Code 7-701 note.

Refunds and judgments.

D.C. Code 47-1586j.
Public assistance.
D.C. Code 3-204 note.
D.C. Code 3-204.
42 USC 3801 note.

Fiscal year limitation.

D.C. Code 40-501a note.

Number of employees.
D.C. Code 1-216 note.

SEC. 213. Appropriations in this title shall not be available, during the fiscal year ending September 30, 1978, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 36,000; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

SEC. 214. No funds appropriated in this title, for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

SEC. 215. Appropriations in this title shall be available for services as authorized by 5 U.S.C. 3109, at rates to be fixed by the Mayor.

SEC. 216. The annual budget for the District of Columbia government for fiscal year 1979 shall be transmitted to the Congress by not later than February 1, 1978.

This Act may be cited as the "District of Columbia Appropriation Act, 1978".

Approved June 5, 1978.

Experts and consultants.
Budget, transmittal to Congress.

Short title.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-596 (Comm. on Appropriations).

SENATE REPORT No. 95-439 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 123 (1977): Sept. 16, considered and passed House.

Oct. 4, considered and passed Senate, amended.

Vol. 124 (1978): May 16, House agreed to conference report and concurred in Senate amendments with amendments.

May 23, Senate agreed to conference report and concurred in House amendments.