

Calendar No. 155

105TH CONGRESS
1ST SESSION

S. 1156

[Report No. 105–75]

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 1997

Mr. FAIRCLOTH, 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, 1998, 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, 1998, and for other purposes, namely:

3 FEDERAL FUNDS

4 FEDERAL PAYMENT FOR MANAGEMENT REFORM

5 For payment to the District of Columbia, as author-
6 ized by section 11103(c) of the National Capital Revital-
7 ization and Self-Government Improvement Act of 1997,
8 Public Law 105–33, \$8,000,000, to remain available until
9 September 30, 1999, which shall be deposited into an es-
10 crow account of the District of Columbia Financial Re-
11 sponsibility and Management Assistance Authority, pursu-
12 ant to section 205 of Public Law 104–8 (109 Stat. 131),
13 and shall be disbursed from such escrow account pursuant
14 to the instructions of the Authority only for a program
15 of management reform pursuant to sections 11101–11106
16 of the District of Columbia Management Reform Act of
17 1997, Public Law 105–33.

18 FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE

19 NATION’S CAPITAL

20 For a Federal contribution to the District of Colum-
21 bia toward the costs of the operation of the government
22 of the District of Columbia, \$190,000,000: *Provided*, That
23 these funds may be used by the District of Columbia for
24 the costs of advances to the District government as au-
25 thorized by section 11402 of the National Capital Revital-

1 ization and Self-Government Improvement Act of 1997,
2 Public Law 105–33: *Provided further*, That not less than
3 \$30,000,000 shall be used by the District of Columbia to
4 repay the accumulated general fund deficit.

5 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
6 CORRECTIONS TRUSTEE OPERATIONS

7 For payment to the District of Columbia Corrections
8 Trustee, \$169,000,000 for the administration and oper-
9 ation of correctional facilities, as authorized by section
10 11202 of the National Capital Revitalization and Self-
11 Government Improvement Act of 1997, Public Law 105–
12 33.

13 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
14 CORRECTIONS TRUSTEE FOR CORRECTIONAL FA-
15 CILITIES, CONSTRUCTION AND REPAIR

16 For payment to the District of Columbia Corrections
17 Trustee for Correctional Facilities, \$302,000,000, to re-
18 main available until expended, of which not less than
19 \$294,900,000 is available for transfer to the Federal Pris-
20 on System, as authorized by section 11202 of the National
21 Capital Revitalization and Self-Government Improvement
22 Act of 1997, Public Law 105–33.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
2 COURTS

3 Notwithstanding any other provision of law,
4 \$116,000,000, for the Administrative Office of the United
5 States Courts, to be available only for obligation by the
6 Joint Committee on Judicial Administration in the Dis-
7 trict of Columbia for operation of the District of Columbia
8 Courts, of which not to exceed \$750,000 shall be available
9 for establishment and operations of the District of Colum-
10 bia Truth in Sentencing Commission as authorized by sec-
11 tion 11211 of the National Capital Revitalization and Self-
12 Government Improvement Act of 1997, Public Law 105–
13 33.

14 Notwithstanding any other provision of law, for an
15 additional amount, \$30,000,000, for the Administrative
16 Office of the United States Courts, to be available only
17 for obligation by the Offender Supervision Trustee, for
18 Pretrial Services, Defense Services, Parole, Adult Probation,
19 and administrative operating costs of the Office of
20 the Offender Supervision Trustee, of which not to exceed
21 \$800,000 shall be transferred to the United States Parole
22 Commission to implement section 11231 of the National
23 Capital Revitalization and Self-Government Improvement
24 Act of 1997.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

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

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$105,177,000 (including \$84,316,000, from local funds, \$14,013,000 from Federal funds, and \$6,848,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That \$240,000 shall be available

1 for citywide special elections: *Provided further*, That all
 2 employees permanently assigned to work in the Office of
 3 the Mayor shall be paid from funds allocated to the Office
 4 of the Mayor.

5 ECONOMIC DEVELOPMENT AND REGULATION

6 Economic development and regulation, \$120,072,000
 7 (including \$40,377,000 from local funds, \$42,065,000
 8 from Federal funds, and \$37,630,000 from other funds),
 9 together with \$12,000,000 collected in the form of BID
 10 tax revenue collected by the District of Columbia on behalf
 11 of business improvement districts pursuant to the Busi-
 12 ness Improvement Districts Act of 1996, effective May 29,
 13 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.),
 14 and the Business Improvement Districts Temporary
 15 Amendment Act of 1997 (Bill 12–230).

16 PUBLIC SAFETY AND JUSTICE

17 Public safety and justice, including purchase or lease
 18 of 135 passenger-carrying vehicles for replacement only,
 19 including 130 for police-type use and five for fire-type use,
 20 without regard to the general purchase price limitation for
 21 the current fiscal year, \$529,739,000 (including
 22 \$510,326,000 from local funds, \$13,519,000 from Federal
 23 funds, and \$5,894,000 from other funds): *Provided*, That
 24 the Metropolitan Police Department is authorized to re-
 25 place not to exceed 25 passenger-carrying vehicles and the

1 Department of Fire and Emergency Medical Services of
2 the District of Columbia is authorized to replace not to
3 exceed five passenger-carrying vehicles annually whenever
4 the cost of repair to any damaged vehicle exceeds three-
5 fourths of the cost of the replacement: *Provided further*,
6 That not to exceed \$500,000 shall be available from this
7 appropriation for the Chief of Police for the prevention
8 and detection of crime: *Provided further*, That the Metro-
9 politan Police Department shall provide quarterly reports
10 to the Committees on Appropriations of the House and
11 Senate on efforts to increase efficiency and improve the
12 professionalism in the department: *Provided further*, That
13 notwithstanding any other provision of law, or Mayor's
14 Order 86-45, issued March 18, 1986, the Metropolitan
15 Police Department's delegated small purchase authority
16 shall be \$500,000: *Provided further*, That the District of
17 Columbia government may not require the Metropolitan
18 Police Department to submit to any other procurement re-
19 view process, or to obtain the approval of or be restricted
20 in any manner by any official or employee of the District
21 of Columbia government, for purchases that do not exceed
22 \$500,000: *Provided further*, That the Mayor shall reim-
23 burse the District of Columbia National Guard for ex-
24 penses incurred in connection with services that are per-
25 formed in emergencies by the National Guard in a militia

1 status and are requested by the Mayor, in amounts that
2 shall be jointly determined and certified as due and pay-
3 able for these services by the Mayor and the Commanding
4 General of the District of Columbia National Guard: *Pro-*
5 *vided further*, That such sums as may be necessary for
6 reimbursement to the District of Columbia National
7 Guard under the preceding proviso shall be available from
8 this appropriation, and the availability of the sums shall
9 be deemed as constituting payment in advance for emer-
10 gency services involved: *Provided further*, That the Metro-
11 politan Police Department is authorized to maintain 3,800
12 sworn officers, with leave for a 50 officer attrition: *Pro-*
13 *vided further*, That no more than 15 members of the Met-
14 ropolitan Police Department shall be detailed or assigned
15 to the Executive Protection Unit, until the Chief of Police
16 submits a recommendation to the Council for its review:
17 *Provided further*, That \$100,000 shall be available for in-
18 mates released on medical and geriatric parole: *Provided*
19 *further*, That not less than \$2,254,754 shall be available
20 to support a pay raise for uniformed firefighters, when
21 authorized by the District of Columbia Council and the
22 District of Columbia Financial Responsibility and Man-
23 agement Assistance Authority, which funding will be made
24 available as savings achieved through actions within the
25 appropriated budget: *Provided further*, That, commencing

1 on December 31, 1997, the Metropolitan Police Depart-
 2 ment shall provide to the Committees on Appropriations
 3 of the Senate and House of Representatives, the Commit-
 4 tee on Government Reform and Oversight of the House
 5 of Representatives, the Committee on Governmental Af-
 6 fairs of the Senate, and quarterly reports on the status
 7 of crime reduction in each of the 83 police service areas
 8 established throughout the District of Columbia.

9 PUBLIC EDUCATION SYSTEM

10 Public education system, including the development
 11 of national defense education programs, \$672,444,000 (in-
 12 cluding \$530,197,000 from local funds, \$112,806,000
 13 from Federal funds, and \$29,441,000 from other funds),
 14 to be allocated as follows: \$564,129,000 (including
 15 \$460,143,000 from local funds, \$98,491,000 from Federal
 16 funds, and \$5,495,000 from other funds), for the public
 17 schools of the District of Columbia; \$1,235,000 from local
 18 funds for public charter schools: *Provided*, That if the en-
 19 tirety of this allocation has not been provided as payments
 20 to one or more public charter schools by May 1, 1998,
 21 and remains unallocated, the funds will revert to the gen-
 22 eral fund of the District of Columbia in accordance with
 23 section 2403(a)(2)(D) of the District of Columbia School
 24 Reform Act of 1995 (Public Law 104–134); \$74,087,000
 25 (including \$37,791,000 from local funds, \$12,804,000

1 from Federal funds, and \$23,492,000 from other funds)
 2 for the University of the District of Columbia;
 3 \$22,036,000 (including \$20,424,000 from local funds,
 4 \$1,158,000 from Federal funds, and \$454,000 from other
 5 funds) for the Public Library; \$2,057,000 (including
 6 \$1,704,000 from local funds and \$353,000 from Federal
 7 funds) for the Commission on the Arts and Humanities:
 8 *Provided further*, That the public schools of the District
 9 of Columbia are authorized to accept not to exceed 31
 10 motor vehicles for exclusive use in the driver education
 11 program: *Provided further*, That not to exceed \$2,500 for
 12 the Superintendent of Schools, \$2,500 for the President
 13 of the University of the District of Columbia, and \$2,000
 14 for the Public Librarian shall be available from this appro-
 15 priation for official purposes: *Provided further*, That not
 16 less than \$1,200,000 shall be available for local school al-
 17 lotments in a restricted line item: *Provided further*, That
 18 not less than \$4,500,000 shall be available to support kin-
 19 dergarten aides in a restricted line item: *Provided further*,
 20 That not less than \$2,800,000 shall be available to sup-
 21 port substitute teachers in a restricted line item: *Provided*
 22 *further*, That not less than \$1,788,000 shall be available
 23 in a restricted line item for school counselors: *Provided*
 24 *further*, That this appropriation shall not be available to
 25 subsidize the education of nonresidents of the District of

1 Columbia at the University of the District of Columbia,
 2 unless the Board of Trustees of the University of the Dis-
 3 trict of Columbia adopts, for the fiscal year ending Sep-
 4 tember 30, 1998, a tuition rate schedule that will establish
 5 the tuition rate for nonresident students at a level no
 6 lower than the nonresident tuition rate charged at com-
 7 parable public institutions of higher education in the met-
 8 ropolitan area.

9 HUMAN SUPPORT SERVICES

10 Human support services, \$1,718,939,000 (including
 11 \$789,350,000 from local funds, \$886,702,000 from Fed-
 12 eral funds, and \$42,887,000 from other funds): *Provided*,
 13 That \$21,089,000 of this appropriation, to remain avail-
 14 able until expended, shall be available solely for District
 15 of Columbia employees' disability compensation: *Provided*
 16 *further*, That a peer review committee shall be established
 17 to review medical payments and the type of service re-
 18 ceived by a disability compensation claimant: *Provided fur-*
 19 *ther*, That the District of Columbia shall not provide free
 20 government services such as water, sewer, solid waste dis-
 21 posal or collection, utilities, maintenance, repairs, or simi-
 22 lar services to any legally constituted private nonprofit or-
 23 ganization (as defined in section 411(5) of Public Law
 24 100-77, approved July 22, 1987) providing emergency
 25 shelter services in the District, if the District would not

1 be qualified to receive reimbursement pursuant to the
 2 Stewart B. McKinney Homeless Assistance Act, approved
 3 July 22, 1987 (101 Stat. 485; Public Law 100–77; 42
 4 U.S.C. 11301 et seq.).

5 PUBLIC WORKS

6 Public works, including rental of one passenger-car-
 7 rying vehicle for use by the Mayor and three passenger-
 8 carrying vehicles for use by the Council of the District of
 9 Columbia and leasing of passenger-carrying vehicles
 10 \$241,934,000 (including \$227,983,000 from local funds,
 11 \$3,350,000 from Federal funds, and \$10,601,000 from
 12 other funds): *Provided*, That this appropriation shall not
 13 be available for collecting ashes or miscellaneous refuse
 14 from hotels and places of business: *Provided further*, That
 15 \$3,000,000 shall be available for the lease financing, oper-
 16 ation, and maintenance of two mechanical street sweepers,
 17 one flusher truck, five packer trucks, one front-end loader,
 18 and various public litter containers: *Provided further*, That
 19 \$2,400,000 shall be available for recycling activities.

20 FINANCING AND OTHER USES

21 Financing and other uses, \$454,773,000 (including
 22 for payment to the Washington Convention Center,
 23 \$5,400,000 from local funds; reimbursement to the United
 24 States of funds loaned in compliance with An Act to pro-
 25 vide for the establishment of a modern, adequate, and effi-

1 cient hospital center in the District of Columbia, approved
 2 August 7, 1946 (60 Stat. 896; Public Law 79–648), sec-
 3 tion 1 of An Act to authorize the Commissioners of the
 4 District of Columbia to borrow funds for capital improve-
 5 ment programs and to amend provisions of law relating
 6 to Federal Government participation in meeting costs of
 7 maintaining the Nation’s Capital City, approved June 6,
 8 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec.
 9 9–219), section 4 of An Act to authorize the Commis-
 10 sioners of the District of Columbia to plan, construct, op-
 11 erate, and maintain a sanitary sewer to connect the Dulles
 12 International Airport with the District of Columbia sys-
 13 tem, approved June 12, 1960 (74 Stat. 211; Public Law
 14 86–515), and sections 723 and 743(f) of the District of
 15 Columbia Self-Government and Governmental Reorganiza-
 16 tion Act of 1973, approved December 24, 1973, as amend-
 17 ed (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–
 18 321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code,
 19 sec. 9–219, note), including interest as required thereby,
 20 \$384,430,000 from local funds; for the purpose of elimi-
 21 nating the \$331,589,000 general fund accumulated deficit
 22 as of September 30, 1990, \$39,020,000 from local funds,
 23 as authorized by section 461(a) of the District of Colum-
 24 bia Self-Government and Governmental Reorganization
 25 Act, approved December 24, 1973, as amended (105 Stat.

1 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1);
 2 for payment of interest on short-term borrowing,
 3 \$12,000,000 from local funds; for lease payments in ac-
 4 cordance with the Certificates of Participation involving
 5 the land site underlying the building located at One Judi-
 6 ciary Square, \$7,923,000 from local funds; for human re-
 7 sources development, including costs of increased em-
 8 ployee training, administrative reforms, and an executive
 9 compensation system, \$6,000,000 from local funds); for
 10 equipment leases, the Mayor may finance \$13,127,000 of
 11 equipment cost, plus cost of issuance not to exceed two
 12 percent of the par amount being financed on a lease pur-
 13 chase basis with a maturity not to exceed five years: *Pro-*
 14 *vided*, That \$75,000 is allocated to the Department of
 15 Corrections, \$8,000,000 for the Public Schools, \$50,000
 16 for the Public Library, \$260,000 for the Department of
 17 Human Services, \$244,000 for the Department of Recre-
 18 ation and Parks, and \$4,498,000 for the Department of
 19 Public Works.

20 ENTERPRISE FUNDS

21 ENTERPRISE AND OTHER USES

22 Enterprises and other uses, \$15,725,000 (including
 23 for the Cable Television Enterprise Fund, established by
 24 the Cable Television Communications Act of 1981, effec-
 25 tive October 22, 1983 (D.C. Law 5–36; D.C. Code, sec.

1 43–1801 et seq.), \$2,467,000 (including \$2,135,000 from
 2 local funds and \$332,000 from other funds); for the Public
 3 Service Commission, \$4,547,000 (including \$4,250,000
 4 from local funds, \$117,000 from Federal funds, and
 5 \$180,000 from other funds), for the Office of the People’s
 6 Counsel, \$2,428,000 from local funds; for the Office of
 7 Banking and Financial Institutions, \$600,000 (including
 8 \$100,000 from local funds and \$500,000 from other
 9 funds); for the Department of Insurance and Securities
 10 Regulation, \$5,683,000 from other funds.

11 WATER AND SEWER AUTHORITY AND THE WASHINGTON
 12 AQUEDUCT

13 For the Water and Sewer Authority and the Wash-
 14 ington Aqueduct, \$297,310,000 from other funds (includ-
 15 ing \$263,425,000 for the Water and Sewer Authority and
 16 \$33,885,000 for the Washington Aqueduct) of which
 17 \$41,423,000 shall be apportioned and payable to the Dis-
 18 trict’s debt service fund for repayment of loans and inter-
 19 est incurred for capital improvement projects.

20 LOTTERY AND CHARITABLE GAMES CONTROL BOARD

21 For the Lottery and Charitable Games Control
 22 Board, established by the District of Columbia Appropria-
 23 tion Act for the fiscal year ending September 30, 1982,
 24 approved December 4, 1981 (95 Stat. 1174, 1175; Public
 25 Law 97–91), as amended, for the purpose of implementing

1 the Law to Legalize Lotteries, Daily Numbers Games, and
 2 Bingo and Raffles for Charitable Purposes in the District
 3 of Columbia, effective March 10, 1981 (D.C. Law 3-172;
 4 D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.),
 5 \$213,500,000: *Provided*, That the District of Columbia
 6 shall identify the source of funding for this appropriation
 7 title from the District's own locally-generated revenues:
 8 *Provided further*, That no revenues from Federal sources
 9 shall be used to support the operations or activities of the
 10 Lottery and Charitable Games Control Board.

11 STARPLEX FUND

12 For the Starplex Fund, \$5,936,000 from other funds
 13 for expenses incurred by the Armory Board in the exercise
 14 of its powers granted by An Act To Establish A District
 15 of Columbia Armory Board, and for other purposes, ap-
 16 proved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-
 17 301 et seq.) and the District of Columbia Stadium Act
 18 of 1957, approved September 7, 1957 (71 Stat. 619; Pub-
 19 lic Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*,
 20 That the Mayor shall submit a budget for the Armory
 21 Board for the forthcoming fiscal year as required by sec-
 22 tion 442(b) of the District of Columbia Self-Government
 23 and Governmental Reorganization Act, approved Decem-
 24 ber 24, 1973 (87 Stat. 824; Public Law 93-198; D.C.
 25 Code, sec. 47-301(b)).

1 D.C. GENERAL HOSPITAL

2 For the District of Columbia General Hospital, estab-
3 lished by Reorganization Order No. 57 of the Board of
4 Commissioners, effective August 15, 1953, \$97,019,000,
5 of which \$44,335,000 shall be derived by transfer from
6 the general fund and \$52,684,000 shall be derived from
7 other funds.

8 D.C. RETIREMENT BOARD

9 For the D.C. Retirement Board, established by sec-
10 tion 121 of the District of Columbia Retirement Reform
11 Act of 1979, approved November 17, 1979 (93 Stat. 866;
12 D.C. Code, sec. 1-711), \$16,762,000 from the earnings
13 of the applicable retirement funds to pay legal, manage-
14 ment, investment, and other fees and administrative ex-
15 penses of the District of Columbia Retirement Board: *Pro-*
16 *vided*, That the District of Columbia Retirement Board
17 shall provide to the Congress and to the Council of the
18 District of Columbia a quarterly report of the allocations
19 of charges by fund and of expenditures of all funds: *Pro-*
20 *vided further*, That the District of Columbia Retirement
21 Board shall provide the Mayor, for transmittal to the
22 Council of the District of Columbia, an itemized account-
23 ing of the planned use of appropriated funds in time for
24 each annual budget submission and the actual use of such
25 funds in time for each annual audited financial report.

1 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

2 For the Washington Convention Center Enterprise
3 Fund, \$46,400,000, of which \$5,400,000 shall be derived
4 by transfer from the general fund.

5 DISTRICT OF COLUMBIA FINANCIAL RESPON-
6 SIBILITY AND MANAGEMENT ASSISTANCE
7 AUTHORITY

8 For the District of Columbia Financial Responsibility
9 and Management Assistance Authority, established by sec-
10 tion 101(a) of the District of Columbia Financial Respon-
11 sibility and Management Assistance Act of 1995, approved
12 April 17, 1995 (109 Stat. 97; Public Law 104–8),
13 \$3,220,000.

14 CAPITAL OUTLAY

15 For construction projects, \$269,330,000 (including
16 \$31,100,000 for the highway trust fund, \$105,485,000
17 from local funds, and \$132,745,000 in Federal funds), to
18 remain available until expended: *Provided*, That funds for
19 use of each capital project implementing agency shall be
20 managed and controlled in accordance with all procedures
21 and limitations established under the Financial Manage-
22 ment System: *Provided further*, That all funds provided
23 by this appropriation title shall be available only for the
24 specific projects and purposes intended: *Provided further*,
25 That notwithstanding the foregoing, all authorizations for

1 capital outlay projects, except those projects covered by
 2 the first sentence of section 23(a) of the Federal-Aid
 3 Highway Act of 1968, approved August 23, 1968 (82
 4 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134,
 5 note), for which funds are provided by this appropriation
 6 title, shall expire on September 30, 1999, except author-
 7 izations for projects as to which funds have been obligated
 8 in whole or in part prior to September 30, 1999: *Provided*
 9 *further*, That upon expiration of any such project author-
 10 ization the funds provided herein for the project shall
 11 lapse.

12 DEFICIT REDUCTION AND REVITALIZATION

13 For deficit reduction and revitalization,
 14 \$201,090,000, to be deposited into an escrow account held
 15 by the District of Columbia Financial Responsibility and
 16 Management Assistance Authority (Authority), which
 17 shall allocate the funds to the Mayor, or such other Dis-
 18 trict official as the Authority may deem appropriate, at
 19 such intervals and in accordance with such terms and con-
 20 ditions as the Authority considers appropriate: *Provided*,
 21 That these funds shall only be used for reduction of the
 22 accumulated general fund deficit; capital expenditures, in-
 23 cluding debt service; and management and productivity
 24 improvements, as allocated by the Authority: *Provided fur-*
 25 *ther*, That no funds may be obligated until a plan for their

1 use is approved by the Authority: *Provided further*, That
2 the Authority shall inform the Committees on Appropria-
3 tions of the Senate and House of Representatives, the
4 Committee on Governmental Affairs of the Senate, and
5 the Committee on Government Reform and Oversight of
6 the House of Representatives of the approved plans.

7 GENERAL PROVISIONS

8 SECTION 101. The expenditure of any appropriation
9 under this Act for any consulting service through procure-
10 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
11 to those contracts where such expenditures are a matter
12 of public record and available for public inspection, except
13 where otherwise provided under existing law, or under ex-
14 isting Executive order issued pursuant to existing law.

15 SEC. 102. Except as otherwise provided in this Act,
16 all vouchers covering expenditures of appropriations con-
17 tained in this Act shall be audited before payment by the
18 designated certifying official and the vouchers as approved
19 shall be paid by checks issued by the designated disbursing
20 official.

21 SEC. 103. Whenever in this Act, an amount is speci-
22 fied within an appropriation for particular purposes or ob-
23 jects of expenditure, such amount, unless otherwise speci-
24 fied, shall be considered as the maximum amount that

1 may be expended for said purpose or object rather than
2 an amount set apart exclusively therefor.

3 SEC. 104. Appropriations in this Act shall be avail-
4 able, when authorized by the Mayor, for allowances for
5 privately-owned automobiles and motorcycles used for the
6 performance of official duties at rates established by the
7 Mayor: *Provided*, That such rates shall not exceed the
8 maximum prevailing rates for such vehicles as prescribed
9 in the Federal Property Management Regulations 101-7
10 (Federal Travel Regulations).

11 SEC. 105. Appropriations in this Act shall be avail-
12 able for expenses of travel and for the payment of dues
13 of organizations concerned with the work of the District
14 of Columbia government, when authorized by the Mayor:
15 *Provided*, That the Council of the District of Columbia
16 and the District of Columbia Courts may expend such
17 funds without authorization by the Mayor.

18 SEC. 106. There are appropriated from the applicable
19 funds of the District of Columbia such sums as may be
20 necessary for making refunds and for the payment of
21 judgments that have been entered against the District of
22 Columbia government: *Provided*, That nothing contained
23 in this section shall be construed as modifying or affecting
24 the provisions of section 11(c)(3) of title XII of the Dis-
25 trict of Columbia Income and Franchise Tax Act of 1947,

1 approved March 31, 1956 (70 Stat. 78; Public Law 84–
2 460; D.C. Code, sec. 47–1812.11(c)(3)).

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

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

15 SEC. 109. No funds appropriated in this Act for the
16 District of Columbia government for the operation of edu-
17 cational institutions, the compensation of personnel, or for
18 other educational purposes may be used to permit, encour-
19 age, facilitate, or further partisan political activities.
20 Nothing herein is intended to prohibit the availability of
21 school buildings for the use of any community or partisan
22 political group during non-school hours.

23 SEC. 110. None of the funds appropriated in this Act
24 shall be made available to pay the salary of any employee
25 of the District of Columbia government whose name, title,

1 grade, salary, past work experience, and salary history are
2 not available for inspection by the House and Senate Com-
3 mittees on Appropriations, the Subcommittee on the Dis-
4 trict of Columbia of the House Committee on Government
5 Reform and Oversight, the Subcommittee on Oversight of
6 Government Management and the District of Columbia of
7 the Senate Committee on Governmental Affairs, and the
8 Council of the District of Columbia, or their duly author-
9 ized representative.

10 SEC. 111. There are appropriated from the applicable
11 funds of the District of Columbia such sums as may be
12 necessary for making payments authorized by the District
13 of Columbia Revenue Recovery Act of 1977, effective Sep-
14 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-
15 421 et seq.).

16 SEC. 112. No part of this appropriation shall be used
17 for publicity or propaganda purposes or implementation
18 of any policy including boycott designed to support or de-
19 feat legislation pending before Congress or any State legis-
20 lature.

21 SEC. 113. At the start of the fiscal year, the Mayor
22 shall develop an annual plan, by quarter and by project,
23 for capital outlay borrowings: *Provided*, That within a rea-
24 sonable time after the close of each quarter, the Mayor
25 shall report to the Council of the District of Columbia and

1 the Congress the actual borrowings and spending progress
2 compared with projections.

3 SEC. 114. The Mayor shall not borrow any funds for
4 capital projects unless the Mayor has obtained prior ap-
5 proval from the Council of the District of Columbia, by
6 resolution, identifying the projects and amounts to be fi-
7 nanced with such borrowings.

8 SEC. 115. The Mayor shall not expend any moneys
9 borrowed for capital projects for the operating expenses
10 of the District of Columbia government.

11 SEC. 116. None of the funds appropriated by this Act
12 may be obligated or expended by reprogramming except
13 pursuant to advance approval of the reprogramming
14 granted according to the procedure set forth in the Joint
15 Explanatory Statement of the Committee of Conference
16 (House Report No. 96-443), which accompanied the Dis-
17 trict of Columbia Appropriation Act, 1980, approved Octo-
18 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-
19 fied in House Report No. 98-265, and in accordance with
20 the Reprogramming Policy Act of 1980, effective Septem-
21 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361
22 et seq.): *Provided*, That for the fiscal year ending Septem-
23 ber 30, 1998 the above shall apply except as modified by
24 Public Law 104-8.

1 SEC. 117. None of the Federal funds provided in this
2 Act shall be obligated or expended to provide a personal
3 cook, chauffeur, or other personal servants to any officer
4 or employee of the District of Columbia.

5 SEC. 118. None of the Federal funds provided in this
6 Act shall be obligated or expended to procure passenger
7 automobiles as defined in the Automobile Fuel Efficiency
8 Act of 1980, approved October 10, 1980 (94 Stat. 1824;
9 Public Law 96–425; 15 U.S.C. 2001(2)), with an Environ-
10 mental Protection Agency estimated miles per gallon aver-
11 age of less than 22 miles per gallon: *Provided*, That this
12 section shall not apply to security, emergency rescue, or
13 armored vehicles.

14 SEC. 119. (a) Notwithstanding section 422(7) of the
15 District of Columbia Self-Government and Governmental
16 Reorganization Act of 1973, approved December 24, 1973
17 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–
18 242(7)), the City Administrator shall be paid, during any
19 fiscal year, a salary at a rate established by the Mayor,
20 not to exceed the rate established for Level IV of the Exec-
21 utive Schedule under 5 U.S.C. 5315.

22 (b) For purposes of applying any provision of law lim-
23 iting the availability of funds for payment of salary or pay
24 in any fiscal year, the highest rate of pay established by
25 the Mayor under subsection (a) of this section for any po-

1 sition for any period during the last quarter of calendar
2 year 1997 shall be deemed to be the rate of pay payable
3 for that position for September 30, 1997.

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

11 SEC. 120. Notwithstanding any other provisions of
12 law, the provisions of the District of Columbia Govern-
13 ment Comprehensive Merit Personnel Act of 1978, effec-
14 tive March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-
15 601.1 et seq.), enacted pursuant to section 422(3) of the
16 District of Columbia Self-Government and Governmental
17 Reorganization Act of 1973, approved December 24, 1973
18 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-
19 242(3)), shall apply with respect to the compensation of
20 District of Columbia employees: *Provided*, That for pay
21 purposes, employees of the District of Columbia govern-
22 ment shall not be subject to the provisions of title 5,
23 United States Code.

24 SEC. 121. The Director of the Department of Admin-
25 istrative Services may pay rentals and repair, alter, and

1 improve rented premises, without regard to the provisions
2 of section 322 of the Economy Act of 1932 (Public Law
3 72–212; 40 U.S.C. 278a), based upon a determination by
4 the Director, that by reason of circumstances set forth in
5 such determination, the payment of these rents and the
6 execution of this work, without reference to the limitations
7 of section 322, is advantageous to the District in terms
8 of economy, efficiency, and the District’s best interest.

9 SEC. 122. No later than 30 days after the end of the
10 first quarter of the fiscal year ending September 30, 1998,
11 the Mayor of the District of Columbia shall submit to the
12 Council of the District of Columbia the new fiscal year
13 1998 revenue estimates as of the end of the first quarter
14 of fiscal year 1998. These estimates shall be used in the
15 budget request for the fiscal year ending September 30,
16 1999. The officially revised estimates at midyear shall be
17 used for the midyear report.

18 SEC. 123. No sole source contract with the District
19 of Columbia government or any agency thereof may be re-
20 newed or extended without opening that contract to the
21 competitive bidding process as set forth in section 303 of
22 the District of Columbia Procurement Practices Act of
23 1985, effective February 21, 1986 (D.C. Law 6–85; D.C.
24 Code, sec. 1–1183.3), except that the District of Columbia
25 government or any agency thereof may renew or extend

1 sole source contracts for which competition is not feasible
2 or practical: *Provided*, That the determination as to
3 whether to invoke the competitive bidding process has
4 been made in accordance with duly promulgated rules and
5 procedures and said determination has been reviewed and
6 approved by the District of Columbia Financial Respon-
7 sibility and Management Assistance Authority.

8 SEC. 124. For purposes of the Balanced Budget and
9 Emergency Deficit Control Act of 1985, approved Decem-
10 ber 12, 1985 (99 Stat. 1037; Public Law 99–177), as
11 amended, the term “program, project, and activity” shall
12 be synonymous with and refer specifically to each account
13 appropriating Federal funds in this Act, and any seques-
14 tration order shall be applied to each of the accounts rath-
15 er than to the aggregate total of those accounts: *Provided*,
16 That sequestration orders shall not be applied to any ac-
17 count that is specifically exempted from sequestration by
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985, approved December 12, 1985 (99 Stat. 1037;
20 Public Law 99–177), as amended.

21 SEC. 125. In the event a sequestration order is issued
22 pursuant to the Balanced Budget and Emergency Deficit
23 Control Act of 1985, approved December 12, 1985 (99
24 Stat. 1037; Public Law 99–177), as amended, after the
25 amounts appropriated to the District of Columbia for the

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

13 SEC. 126. Nothing in this Act shall be construed to
14 authorize any office, agency or entity to expend funds for
15 programs or functions for which a reorganization plan is
16 required but has not been approved by the Council pursu-
17 ant to section 422(12) of the District of Columbia Self-
18 Government and Governmental Reorganization Act of
19 1973, approved December 24, 1973 (87 Stat. 790; Public
20 Law 93–198; D.C. Code, sec. 1–242(12)) and the Govern-
21 mental Reorganization Procedures Act of 1981, effective
22 October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–
23 299.1 to 1–299.7). Appropriations made by this Act for
24 such programs or functions are conditioned on the ap-
25 proval by the Council of the required reorganization plans.

1 SEC. 127. (a) An entity of the District of Columbia
2 government may accept and use a gift or donation during
3 fiscal year 1998 if—

4 (1) the Mayor approves the acceptance and use
5 of the gift or donation: *Provided*, That the Council
6 of the District of Columbia may accept and use gifts
7 without prior approval by the Mayor; and

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

10 (b) Each entity of the District of Columbia govern-
11 ment shall keep accurate and detailed records of the ac-
12 ceptance and use of any gift or donation under subsection
13 (a) of this section, and shall make such records available
14 for audit and public inspection.

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

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

23 SEC. 128. None of the Federal funds provided in this
24 Act may be used by the District of Columbia to provide
25 for salaries, expenses, or other costs associated with the

1 offices of United States Senator or United States Rep-
 2 resentative under section 4(d) of the District of Columbia
 3 Statehood Constitutional Convention Initiatives of 1979,
 4 effective March 10, 1981 (D.C. Law 3–171; D.C. Code,
 5 sec. 1–113(d)).

6 SEC. 129. The University of the District of Columbia
 7 shall submit to the Congress, the Mayor, the District of
 8 Columbia Financial Responsibility and Management As-
 9 sistance Authority, and the Council of the District of Co-
 10 lumbia no later than fifteen (15) calendar days after the
 11 end of each month a report that sets forth—

12 (1) current month expenditures and obligations,
 13 year-to-date expenditures and obligations, and total
 14 fiscal year expenditure projections versus budget
 15 broken out on the basis of control center, respon-
 16 sibility center, and object class, and for all funds,
 17 non-appropriated funds, and capital financing;

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

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

1 (4) a list of all active contracts in excess of
2 \$10,000 annually, which contains the name of each
3 contractor; the budget to which the contract is
4 charged broken out on the basis of control center
5 and responsibility center, and contract identifying
6 codes used by the University of the District of Co-
7 lumbia; payments made in the last month and year-
8 to-date, the total amount of the contract and total
9 payments made for the contract and any modifica-
10 tions, extensions, renewals; and specific modifica-
11 tions made to each contract in the last month;

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

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

23 SEC. 130. Notwithstanding any other provision of
24 law, rule, or regulation, the evaluation process and instru-
25 ments for evaluating District of Columbia Public Schools

1 employees shall be a non-negotiable item for collective bar-
 2 gaining purposes.

3 SEC. 131. Funds authorized or appropriated to the
 4 government of the District of Columbia by this or any
 5 other act to procure the necessary hardware and installa-
 6 tion of new software, conversion, testing, and training to
 7 improve or replace its financial management system are
 8 also available for the acquisition of accounting and finan-
 9 cial management services and the leasing of necessary
 10 hardware, software or any other related goods or services,
 11 as determined by the District of Columbia Financial Re-
 12 sponsibility and Management Assistance Authority.

13 SEC. 132. Section 456 of the District of Columbia
 14 Self-Government and Governmental Reorganization Act
 15 (secs. 47–231 et seq., D.C. Code) is amended—

16 (1) in subsection (a)(1), by—

17 (A) striking “1995” and inserting “1998”;

18 (B) striking “Mayor” and inserting “Dis-
 19 trict of Columbia Financial Management and
 20 Assistance Authority”; and

21 (C) striking “Committee on the District of
 22 Columbia” and inserting “Committee on Gov-
 23 ernment Reform and Oversight”;

24 (2) in subsection (b)(1), by—

25 (A) striking “1997” and inserting “1999”;

1 (B) striking “Mayor” and inserting “Au-
 2 thority”; and

3 (C) striking “Committee on the District of
 4 Columbia” and inserting “Committee on Gov-
 5 ernment Reform and Oversight”;

6 (3) in subsection (b)(3), by striking “Commit-
 7 tee on the District of Columbia” and inserting
 8 “Committee on Government Reform and Oversight”;

9 (4) in subsection (c)(1), by—

10 (A) striking “1995” and inserting “1997”;

11 (B) striking “Mayor” and inserting “Chief
 12 Financial Officer”; and

13 (C) striking “Committee on the District of
 14 Columbia” and inserting “Committee on Gov-
 15 ernment Reform and Oversight”;

16 (5) in subsection (c)(2)(A), by—

17 (A) striking “1997” and inserting “1999”;

18 (B) striking “Mayor” and inserting “Chief
 19 Financial Officer”; and

20 (C) striking “Committee on the District of
 21 Columbia” and inserting “Committee on Gov-
 22 ernment Reform and Oversight”;

23 (6) in subsection (c)(2)(B), by striking “Com-
 24 mittee on the District of Columbia” and inserting

1 “Committee on Government Reform and Oversight”;
2 and

3 (7) in subsection (d)(1), by—

4 (A) striking “1994” and inserting “1997”;

5 (B) striking “Mayor” and inserting “Chief
6 Financial Officer”; and

7 (C) striking “Committee on the District of
8 Columbia” and inserting “Committee on Gov-
9 ernment Reform and Oversight”.

10 SEC. 133. For purposes of the appointment of the
11 head of a department of the government of the District
12 of Columbia under section 11105(a) of the National Cap-
13 ital Revitalization and Self-Improvement Act of 1997,
14 Public Law 105–33, the following rules shall apply:

15 (1) After the Mayor notifies the Council under
16 paragraph (1)(A)(ii) of such section of the nomina-
17 tion of an individual for appointment, the Council
18 shall meet to determine whether to confirm or reject
19 the nomination.

20 (2) If the Council fails to confirm or reject the
21 nomination during the 7-day period described in
22 paragraph (1)(A)(iii) of such section, the Council
23 shall be deemed to have confirmed the nomination.

24 (3) For purposes of paragraph (1)(B) of such
25 section, if the Council does not confirm a nomination

1 (or is not deemed to have confirmed a nomination)
2 during the 30-day period described in such para-
3 graph, the Mayor shall be deemed to have failed to
4 nominate an individual during such period to fill the
5 vacancy in the position of the head of the depart-
6 ment.

7 SEC. 134. None of the funds appropriated under this
8 Act shall be expended for any abortion except where the
9 life of the mother would be endangered if the fetus were
10 carried to term or where the pregnancy is the result of
11 an act of rape or incest.

12 SEC. 135. No funds made available pursuant to any
13 provision of this Act shall be used to implement or enforce
14 any system of registration of unmarried, cohabiting cou-
15 ples whether they are homosexual, lesbian, or hetero-
16 sexual, including but not limited to registration for the
17 purpose of extending employment, health, or governmental
18 benefits to such couples on the same basis that such bene-
19 fits are extended to legally married couples; nor shall any
20 funds made available pursuant to any provision of this Act
21 otherwise be used to implement or enforce D.C. Act 9–
22 188, signed by the Mayor of the District of Columbia on
23 April 15, 1992.

24 SEC. 136. The Emergency Transitional Education
25 Board of Trustees shall submit to the Congress, the

1 Mayor, the District of Columbia Financial Responsibility
2 and Management Assistance Authority, and the Council
3 of the District of Columbia no later than fifteen (15) cal-
4 endar days after the end of each month a report that sets
5 forth—

6 (1) current month expenditures and obligations,
7 year-to-date expenditures and obligations, and total
8 fiscal year expenditure projections versus budget
9 broken out on the basis of control center, respon-
10 sibility center, agency reporting code, and object
11 class, and for all funds, including capital financing;

12 (2) a breakdown of FTE positions and staff for
13 the most current pay period broken out on the basis
14 of control center, responsibility center, and agency
15 reporting code within each responsibility center, for
16 all funds, including capital funds;

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

22 (4) a list of all active contracts in excess of
23 \$10,000 annually, which contains the name of each
24 contractor; the budget to which the contract is
25 charged broken out on the basis of control center,

1 responsibility center, and agency reporting code; and
2 contract identifying codes used by the D.C. Public
3 Schools; payments made in the last month and year-
4 to-date, the total amount of the contract and total
5 payments made for the contract and any modifica-
6 tions, extensions, renewals; and specific modifica-
7 tions made to each contract in the last month;

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

11 (6) changes made in the last month to the orga-
12 nizational structure of the D.C. Public Schools, dis-
13 playing previous and current control centers and re-
14 sponsibility centers, the names of the organizational
15 entities that have been changed, the name of the
16 staff member supervising each entity affected, and
17 the reasons for the structural change.

18 SEC. 137. (a) IN GENERAL.—The Emergency Tran-
19 sitional Education Board of Trustees of the District of
20 Columbia and the University of the District of Columbia
21 shall annually compile an accurate and verifiable report
22 on the positions and employees in the public school system
23 and the university, respectively. The annual report shall
24 set forth—

1 (1) the number of validated schedule A posi-
2 tions in the District of Columbia Public Schools and
3 the University of the District of Columbia for fiscal
4 year 1996, fiscal year 1997, and thereafter on a full-
5 time equivalent basis, including a compilation of all
6 positions by control center, responsibility center,
7 funding source, position type, position title, pay
8 plan, grade, and annual salary; and

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

19 (b) SUBMISSION.—The annual report required by
20 subsection (a) of this section shall be submitted to the
21 Congress, the Mayor, the District of Columbia Council,
22 the Consensus Commission, and the Authority, not later
23 than February 15 of each year.

24 SEC. 138. (a) No later than October 1, 1997, or with-
25 in 15 calendar days after the date of the enactment of

1 the District of Columbia Appropriations Act, 1998, which-
2 ever occurs later, and each succeeding year, the Emer-
3 gency Transitional Education Board of Trustees and the
4 University of the District of Columbia shall submit to the
5 appropriate congressional committees, the Mayor, the Dis-
6 trict of Columbia Council, the Consensus Commission, and
7 the District of Columbia Financial Responsibility and
8 Management Assistance Authority, 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 Emergency Transitional Education Board of
18 Trustees and the University of the District of Columbia
19 submit to the Mayor of the District of Columbia for inclu-
20 sion in the Mayor's budget submission to the Council of
21 the District of Columbia pursuant to section 442 of the
22 District of Columbia Self-Government and Governmental
23 Reorganization Act, Public Law 93-198, as amended
24 (D.C. Code, sec. 47-301).

1 SEC. 139. The Emergency Transitional Education
 2 Board of Trustees, the Board of Trustees of the Univer-
 3 sity of the District of Columbia, the Board of Library
 4 Trustees, and the Board of Governors of the D.C. School
 5 of Law shall vote on and approve their respective annual
 6 or revised budgets before submission to the Mayor of the
 7 District of Columbia for inclusion in the Mayor's budget
 8 submission to the Council of the District of Columbia in
 9 accordance with section 442 of the District of Columbia
 10 Self-Government and Governmental Reorganization Act,
 11 Public Law 93–198, as amended (D.C. Code, sec. 47–
 12 301), or before submitting their respective budgets di-
 13 rectly to the Council.

14 SEC. 140. (a) CEILING ON TOTAL OPERATING EX-
 15 PENSES.—

16 (1) IN GENERAL.—Notwithstanding any other
 17 provision of law, the total amount appropriated in
 18 this Act for operating expenses for the District of
 19 Columbia for fiscal year 1998 under the caption
 20 “Division of Expenses” shall not exceed the lesser
 21 of—

22 (A) the sum of the total revenues of the
 23 District of Columbia for such fiscal year; or

24 (B) \$5,166,304,000 (of which
 25 \$129,946,000 shall be from intra-District

1 funds), which amount may be increased by the
2 following:

3 (i) proceeds of one-time transactions,
4 which are expended for emergency or un-
5 anticipated operating or capital needs ap-
6 proved by the District of Columbia Finan-
7 cial Responsibility and Management As-
8 sistance Authority; and

9 (ii) additional expenditures which the
10 Chief Financial Officer of the District of
11 Columbia certifies will produce additional
12 revenues during such fiscal year at least
13 equal to 200 percent of such additional ex-
14 penditures, and which are approved by the
15 District of Columbia Financial Responsibil-
16 ity and Management Assistance.

17 (C) to the extent that the sum of the total
18 revenues of the District of Columbia for such
19 fiscal year exceed the total amount provided for
20 in subsection (B) above, the Chief Financial Of-
21 ficer of the District of Columbia, with the ap-
22 proval of the District of Columbia Financial Re-
23 sponsibility and Management Assistance Au-
24 thority, may credit up to ten percent (10%) of
25 the amount of such difference, not to exceed

1 \$3,300,000, to a reserve fund which may be ex-
2 pended for operating purposes in future fiscal
3 years, in accordance with the financial plans
4 and budgets for such years.

5 (2) ENFORCEMENT.—The Chief Financial Offi-
6 cer of the District of Columbia and the District of
7 Columbia Financial Responsibility and Management
8 Assistance Authority shall take such steps as are
9 necessary to assure that the District of Columbia
10 meets the requirements of this section, including the
11 apportioning by the Chief Financial Officer of the
12 appropriations and funds made available to the Dis-
13 trict during fiscal year 1998.

14 (b) ACCEPTANCE AND USE OF GRANTS NOT IN-
15 CLUDED IN CEILING.—

16 (1) IN GENERAL.—Notwithstanding subsection
17 (a), the Mayor in consultation with the Chief Finan-
18 cial Officer of the District of Columbia during a con-
19 trol year, as defined in section 305(4) of Public Law
20 104–8, as amended, 109 Stat. 152, may accept, obli-
21 gate, and expend Federal, private, and other grants
22 received by the District government that are not re-
23 flected in the amounts appropriated in this Act.

24 (2) REQUIREMENT OF CHIEF FINANCIAL OFFI-
25 CER REPORT AND FINANCIAL RESPONSIBILITY AND

1 MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—

2 No such Federal, private, or other grant may be ac-
3 cepted, obligated, or expended pursuant to para-
4 graph (1) until—

5 (A) the Chief Financial Officer of the Dis-
6 trict submits to the District of Columbia Finan-
7 cial Responsibility and Management Assistance
8 Authority established by Public Law 104–8
9 (109 Stat. 97) a report setting forth detailed
10 information regarding such grant; and

11 (B) the District of Columbia Financial Re-
12 sponsibility and Management Assistance Au-
13 thority has reviewed and approved the accept-
14 ance, obligation, and expenditure of such grant
15 in accordance with review and approval proce-
16 dures consistent with the provisions of Public
17 Law 104–8, as amended, the District of Colum-
18 bia Financial Responsibility and Management
19 Assistance Act of 1995.

20 (3) PROHIBITION ON SPENDING IN ANTICIPA-
21 TION OF APPROVAL OR RECEIPT.—No amount may
22 be obligated or expended from the general fund or
23 other funds of the District government in anticipa-
24 tion of the approval or receipt of a grant under
25 paragraph (2)(B) or in anticipation of the approval

1 or receipt of a Federal, private, or other grant not
2 subject to such paragraph.

3 (4) MONTHLY REPORTS.—The Chief Financial
4 Officer of the District shall prepare a monthly re-
5 port setting forth detailed information regarding all
6 Federal, private, and other grants subject to this
7 subsection. Each such report shall be submitted to
8 the Council of the District of Columbia, and to the
9 Committees on Appropriations of the House of Rep-
10 resentatives and the Senate, not later than 15 days
11 after the end of the month covered by the report.

12 SEC. 141. Section 145(a)(2) of the District of Colum-
13 bia Retirement Reform Act, approved November 17, 1979
14 (93 Stat. 882; D.C. Code 1–725(a)(2)) is amended by
15 adding subsections (a)(2)(A) and (a)(2)(B) to read as fol-
16 lows:

17 “(A) Up to 50 police officers and up to 50 Fire and
18 Emergency Medical Services members who were hired be-
19 fore February 14, 1980, and who retire on disability be-
20 fore the end of calendar year 1998 shall be excluded from
21 the computation of the rate of disability retirements under
22 subsection 145(a) of the District of Columbia Retirement
23 Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–
24 725(a)), for purposes of reducing the authorized Federal
25 payment to the District of Columbia Police Officers and

1 Fire Fighters' Retirement Fund pursuant to subsection
 2 145(c) of the District of Columbia Retirement Reform Act
 3 of 1979.

4 “(B) The Mayor, within 30 days after the enactment
 5 of this provision, shall engage an enrolled actuary, to be
 6 paid by the District of Columbia Retirement Board, and
 7 shall comply with the requirements of section 142(d) and
 8 section 144(d) of the District of Columbia Retirement Re-
 9 form Act of 1979 (Public Law 96–122, approved Novem-
 10 ber 17, 1979; D.C. Code, secs. 1–722(d) and 1–724(d)).”.

11 SEC. 142. The District of Columbia Emergency
 12 Transitional Education Board of Trustees shall, subject
 13 to the contract approval provisions of Public Law 104–
 14 8—

15 (A) develop a comprehensive plan to identify
 16 and accomplish energy conservation measures to
 17 achieve maximum cost-effective energy and water
 18 savings;

19 (B) enter into innovative financing and contrac-
 20 tual mechanisms including, but not limited to, utility
 21 demand-side management programs and energy sav-
 22 ings performance contracts and water conservation
 23 performance contracts: *Provided*, That the terms of
 24 such contracts do not exceed twenty-five years; and

1 (C) permit and encourage each department or
2 agency and other instrumentality of the District of
3 Columbia to participate in programs conducted by
4 any gas, electric or water utility of the management
5 of electricity or gas demand or for energy or water
6 conservation.

7 SEC. 143. The District of Columbia Self-Government
8 and Governmental Reorganization Act, approved Decem-
9 ber 24, 1973 (87 Stat. 774; D.C. Code, sec. 1-201 et
10 seq.), is amended by adding a new section 445a to read
11 as follows:

12 **“SEC. 445a. SPECIAL MASTERS’ BUDGETS.**

13 “All Special Masters appointed by the District of Co-
14 lumbia Superior Court or the United States District Court
15 for the District of Columbia Circuit to any agency of the
16 District of Columbia government shall prepare and annu-
17 ally submit to the District of Columbia Financial Respon-
18 sibility and Management Assistance Authority, for inclu-
19 sion in the annual budget, annual estimates of expendi-
20 tures and appropriations. Such annual estimates shall be
21 approved by the District of Columbia Financial Respon-
22 sibility and Management Assistance Authority and the
23 Council of the District of Columbia pursuant to section
24 202 of the District of Columbia Financial Responsibility

1 and Management Assistance Act of 1995, approved April
2 17, 1995 (109 Stat. 109; D.C. Code, sec. 47-392.2).”

3 SEC. 144. (a) Notwithstanding the provisions of sec-
4 tion 12 of the Presidential Protection Assistance Act of
5 1976 (18 U.S.C. 3056, note) in carrying out the protec-
6 tion of the President and Vice President of the United
7 States, pursuant to section 3056(a) of Title 18 of the
8 United States Code, the Secretary of the Treasury is au-
9 thorized to reimburse the District of Columbia government
10 for the utilization of law enforcement services, personnel,
11 equipment, and facilities of the District of Columbia in
12 furtherance of such protection. All claims for such reim-
13 bursement by the District of Columbia government will be
14 submitted to the Secretary of the Treasury on a quarterly
15 basis.

16 (b) Section 1537 of Title 31 of the United States
17 Code is repealed.

18 SEC. 145. In addition to amounts appropriated or
19 otherwise made available, \$5,000,000 is hereby appro-
20 priated to the National Park Service and shall be available
21 only for the United States Park Police operations in the
22 District of Columbia.

23 SEC. 146. The District government shall maintain for
24 fiscal year 1998 the same funding levels as provided in

1 fiscal year 1997 for homeless services in the District of
2 Columbia.

3 SEC. 147. The District of Columbia Financial Re-
4 sponsibility and Management Assistance Authority and
5 the Chief Executive Officer of the District of Columbia
6 public schools are hereby directed to report to the Appro-
7 priations Committees of the Senate and the House of Rep-
8 resentatives, the Senate Committee on Governmental Af-
9 fairs and the Committee on Government Reform and
10 Oversight of the House of Representatives not later than
11 April 1, 1998, on all measures necessary and steps to be
12 taken to ensure that the District's public schools open on
13 time to begin the 1998–99 academic year.

14 This Act may be cited as the District of Columbia
15 Appropriations Act, 1998.

Calendar No. 155

105TH CONGRESS
1ST Session

S. 1156

[Report No. 105-75]

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, 1998, and for other purposes.

SEPTEMBER 9, 1997

Read twice and placed on the calendar