

104TH CONGRESS
2D SESSION

H. R. 3845

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1996

Ordered to be printed with amendments of the Senate numbered

AN ACT

Making appropriations for 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, 1997, 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
5 District of Columbia for the fiscal year ending September
6 30, 1997, and for other purposes, namely:

7 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
8 For payment to the District of Columbia for the fiscal
9 year ending September 30, 1997, \$660,000,000, as au-
10 thorized by section 502(a) of the District of Columbia
11 Self-Government and Governmental Reorganization Act,

1 Public Law 93-198, as amended (D.C. Code, Sec. 47-
2 3406.1).

3 FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

4 For the Federal contribution to the Police Officers
5 and Fire Fighters', Teachers', and Judges' Retirement
6 Funds, as authorized by the District of Columbia Retire-
7 ment Reform Act, approved November 17, 1979 (93 Stat.
8 866; Public Law 96-122), \$52,070,000.

9 PRESIDENTIAL INAUGURATION

10 For payment to the District of Columbia in lieu of
11 reimbursement for expenses incurred in connection with
12 Presidential inauguration activities, \$5,702,000, as au-
13 thorized by section 737(b) of the District of Columbia
14 Self-Government and Governmental Reorganization Act,
15 Public Law 93-198, as amended (D.C. Code, sec. 1-
16 1803), which shall be apportioned by the Chief Financial
17 Officer within the various appropriation headings in this
18 Act.

19 DIVISION OF EXPENSES

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

1 GOVERNMENTAL DIRECTION AND SUPPORT

2 Governmental direction and support, \$115,663,000
3 and 1,440 full-time equivalent positions (including
4 \$98,691,000 and 1,371 full-time equivalent positions from
5 local funds, \$12,192,000 and 8 full-time equivalent posi-
6 tions from Federal funds, and \$4,780,000 and 61 full-time
7 equivalent positions from other funds): *Provided*, **(1)That**
8 ~~funds expended for the Executive Office of the Mayor are~~
9 ~~not to exceed \$1,753,000: *Provided further*~~; That not to
10 exceed \$2,500 for the Mayor, \$2,500 for the Chairman
11 of the Council of the District of Columbia, and \$2,500
12 for the City Administrator shall be available from this ap-
13 propriation for official purposes: *Provided further*, That
14 any program fees collected from the issuance of debt shall
15 be available for the payment of expenses of the debt man-
16 agement program of the District of Columbia: *Provided*
17 *further*, That no revenues from Federal sources shall be
18 used to support the operations or activities of the State-
19 hood Commission and Statehood Compact Commission:
20 *Provided further*, That the District of Columbia shall iden-
21 tify the sources of funding for Admission to Statehood
22 from its own locally-generated revenues.

23 ECONOMIC DEVELOPMENT AND REGULATION

24 Economic development and regulation, \$135,704,000
25 and 1,501 full-time equivalent positions (including

1 \$67,196,000 and 720 full-time equivalent positions from
2 local funds, \$45,708,000 and 524 full-time equivalent po-
3 sitions from Federal funds, and \$22,800,000 and 257 full-
4 time equivalent positions from other funds): *Provided*,
5 That the District of Columbia Housing Finance Agency,
6 established by section 201 of the District of Columbia
7 Housing Finance Agency Act, effective March 3, 1979
8 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon
9 its capability of repayments as determined each year by
10 the Council of the District of Columbia from the Housing
11 Finance Agency's annual audited financial statements to
12 the Council of the District of Columbia, shall repay to the
13 general fund an amount equal to the appropriated admin-
14 istrative costs plus interest at a rate of four percent per
15 annum for a term of 15 years, with a deferral of payments
16 for the first three years ~~(2)~~: *Provided further*, That not-
17 withstanding the foregoing provision, the obligation to
18 repay all or part of the amounts due shall be subject to
19 the rights of the owners of any bonds or notes issued by
20 the Housing Finance Agency and shall be repaid to the
21 District of Columbia government only from available oper-
22 ating revenues of the Housing Finance Agency that are
23 in excess of the amounts required for debt service, reserve
24 funds, and operating expenses: *Provided further*, That
25 upon commencement of the debt service payments, such

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

3 PUBLIC SAFETY AND JUSTICE

4 (3) (INCLUDING TRANSFER OF FUNDS)

5 Public safety and justice, including purchase of 135
6 passenger-carrying vehicles for replacement only, includ-
7 ing 130 for police-type use and five for fire-type use, with-
8 out regard to the general purchase price limitation for the
9 current fiscal year, \$1,041,281,000 and 11,842 full-time
10 equivalent positions (including \$1,012,112,000 and
11 11,726 full-time equivalent positions from local funds,
12 \$19,310,000 and 112 full-time equivalent positions from
13 Federal funds, and \$9,859,000 and 4 full-time equivalent
14 positions from other funds): *Provided*, That the Metropoli-
15 tan Police Department is authorized to replace not to ex-
16 ceed 25 passenger-carrying vehicles and the Fire Depart-
17 ment of the District of Columbia is authorized to replace
18 not to exceed five passenger-carrying vehicles annually
19 whenever the cost of repair to any damaged vehicle ex-
20 ceeds three-fourths of the cost of the replacement: *Pro-*
21 *vided further*, That not to exceed \$500,000 shall be avail-
22 able from this appropriation for the Chief of Police for
23 the prevention and detection of crime: *Provided further*,
24 That the Metropolitan Police Department shall provide
25 quarterly reports to the Committees on Appropriations of

1 the House and Senate on efforts to increase efficiency and
2 improve the professionalism in the department: *Provided*
3 *further*, That notwithstanding any other provision of law,
4 or Mayor's Order 86-45, issued March 18, 1986, the Met-
5 ropolitan Police Department's delegated small purchase
6 authority shall be \$500,000: *Provided further*, That the
7 District of Columbia government may not require the Met-
8 ropolitan Police Department to submit to any other pro-
9 curement review process, or to obtain the approval of or
10 be restricted in any manner by any official or employee
11 of the District of Columbia government, for purchases
12 that do not exceed \$500,000: *Provided further*, That funds
13 appropriated for expenses under the District of Columbia
14 Criminal Justice Act, approved September 3, 1974 (88
15 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601
16 et seq.), for the fiscal year ending September 30, 1997,
17 shall be available for obligations incurred under the Act
18 in each fiscal year since inception in fiscal year 1975: *Pro-
19 vided further*, That funds appropriated for expenses under
20 the District of Columbia Neglect Representation Equity
21 Act of 1984, effective March 13, 1985 (D.C. Law 5-129;
22 D.C. Code, sec. 16-2304), for the fiscal year ending Sep-
23 tember 30, 1997, shall be available for obligations in-
24 curred under the Act in each fiscal year since inception
25 in fiscal year 1985: *Provided further*, That funds appro-

1 priated for expenses under the District of Columbia
2 Guardianship, Protective Proceedings, and Durable Power
3 of Attorney Act of 1986, effective February 27, 1987
4 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal
5 year ending September 30, 1997, shall be available for ob-
6 ligations incurred under the Act in each fiscal year since
7 inception in fiscal year 1989: *Provided further*, That not
8 to exceed \$1,500 for the Chief Judge of the District of
9 Columbia Court of Appeals, \$1,500 for the Chief Judge
10 of the Superior Court of the District of Columbia, and
11 \$1,500 for the Executive Officer of the District of Colum-
12 bia Courts shall be available from this appropriation for
13 official purposes: *Provided further*, That the District of
14 Columbia shall operate and maintain a free, 24-hour tele-
15 phone information service whereby residents of the area
16 surrounding Lorton prison in Fairfax County, Virginia,
17 can promptly obtain information from District of Colum-
18 bia government officials on all disturbances at the prison,
19 including escapes, riots, and similar incidents: *Provided*
20 *further*, That the District of Columbia government shall
21 also take steps to publicize the availability of the 24-hour
22 telephone information service among the residents of the
23 area surrounding the Lorton prison: *Provided further*,
24 That not to exceed \$100,000 of this appropriation shall
25 be used to reimburse Fairfax County, Virginia, and Prince

1 William County, Virginia, for expenses incurred by the
2 counties during the fiscal year ending September 30,
3 1997, in relation to the Lorton prison complex: *Provided*
4 *further*, That such reimbursements shall be paid in all in-
5 stances in which the District requests the counties to pro-
6 vide police, fire, rescue, and related services to help deal
7 with escapes, fires, riots, and similar disturbances involv-
8 ing the prison: *Provided further*, That the Mayor shall re-
9 imburse the District of Columbia National Guard for ex-
10 penses incurred in connection with services that are per-
11 formed in emergencies by the National Guard in a militia
12 status and are requested by the Mayor, in amounts that
13 shall be jointly determined and certified as due and pay-
14 able for these services by the Mayor and the Commanding
15 General of the District of Columbia National Guard: *Pro-*
16 *vided further*, That such sums as may be necessary for
17 reimbursement to the District of Columbia National
18 Guard under the preceding proviso shall be available from
19 this appropriation, and the availability of the sums shall
20 be deemed as constituting payment in advance for emer-
21 gency services involved(4): *Provided further*, That in addi-
22 tion to the \$1,041,281,000 appropriated under this heading,
23 an additional \$651,000 shall be transferred from the De-
24 partment of Public Works to the District of Columbia Court
25 System for maintenance and repair of elevators/escalators,

1 heating, ventilation, and air conditioning systems, fire
2 alarms and security systems, materials and services for
3 building maintenance and repair, and trash removal.

4 PUBLIC EDUCATION SYSTEM

5 Public education system, including the development
6 of national defense education programs, \$758,815,000
7 and 11,276 full-time equivalent positions (including
8 \$632,379,000 and 10,045 full-time equivalent positions
9 from local funds, \$98,479,000 and 1,009 full-time equiva-
10 lent positions from Federal funds, and \$27,957,000 and
11 222 full-time equivalent positions from other funds), to
12 be allocated as follows: \$573,430,000 and 9,935 full-time
13 equivalent positions (including \$479,679,000 and 9,063
14 full-time equivalent positions from local funds,
15 \$85,823,000 and 840 full-time equivalent positions from
16 Federal funds, and \$7,928,000 and 32 full-time equivalent
17 positions from other funds), for the public schools of the
18 District of Columbia; \$2,835,000 from local funds for
19 public charter schools: *Provided*, That if the entirety of
20 this allocation has not been provided as payments to one
21 or more public charter schools by May 1, 1997, and re-
22 mains unallocated, the funds will revert to the general
23 fund of the District of Columbia in accordance with sec-
24 tion 2403(a)(2)(D) of the District of Columbia School Re-
25 form Act of 1995 (Public Law 104-134); \$88,100,000

1 from local funds for the District of Columbia Teachers'
2 Retirement Fund; \$69,801,000 and 917 full-time equiva-
3 lent positions (including \$38,479,000 and 572 full-time
4 equivalent positions from local funds, \$11,747,000 and
5 156 full-time equivalent positions from Federal funds, and
6 \$19,575,000 and 189 full-time equivalent positions from
7 other funds) for the University of the District of Colum-
8 bia; \$22,429,000 and 415 full-time equivalent positions
9 (including \$21,529,000 and 408 full-time equivalent posi-
10 tions from local funds, \$446,000 and 6 full-time equiva-
11 lent positions from Federal funds, and \$454,000 and 1
12 full-time equivalent position from other funds) for the
13 Public Library; \$2,220,000 and 9 full-time equivalent po-
14 sitions (including \$1,757,000 and 2 full-time equivalent
15 positions from local funds and \$463,000 and 7 full-time
16 equivalent positions from Federal funds) for the Commis-
17 sion on the Arts and Humanities: *Provided*, That the pub-
18 lic schools of the District of Columbia are authorized to
19 accept not to exceed 31 motor vehicles for exclusive use
20 in the driver education program: *Provided further*, That
21 not to exceed \$2,500 for the Superintendent of Schools,
22 \$2,500 for the President of the University of the District
23 of Columbia, and \$2,000 for the Public Librarian shall
24 be available from this appropriation for official purposes:
25 *Provided further*, That not less than \$9,200,000 shall be

1 available from this appropriation for school repairs in a
2 restricted line item: *Provided further*, That not less than
3 \$1,200,000 shall be available for local school allotments
4 in a restricted line item: *Provided further*, That not less
5 than \$4,500,000 shall be available to support kindergarten
6 aides in a restricted line item: *Provided further*, That not
7 less than \$2,800,000 shall be available to support sub-
8 stitute teachers in a restricted line item: *Provided further*,
9 That not less than \$1,788,000 shall be available in a re-
10 stricted line item for school counselors: *Provided further*,
11 That this appropriation shall not be available to subsidize
12 the education of nonresidents of the District of Columbia
13 at the University of the District of Columbia, unless the
14 Board of Trustees of the University of the District of Co-
15 lumbia adopts, for the fiscal year ending September 30,
16 1997, a tuition rate schedule that will establish the tuition
17 rate for nonresident students at a level no lower than the
18 nonresident tuition rate charged at comparable public in-
19 stitutions of higher education in the metropolitan area.

20 HUMAN SUPPORT SERVICES

21 Human support services, \$1,685,707,000 and 6,344
22 full-time equivalent positions (including \$961,399,000 and
23 3,814 full-time equivalent positions from local funds,
24 \$676,665,000 and 2,444 full-time equivalent positions
25 from Federal funds, and \$47,643,000 and 86 full-time

1 equivalent positions from other funds): *Provided*, That
2 \$24,793,000 of this appropriation, to remain available
3 until expended, shall be available solely for District of Co-
4 lumbia employees' disability compensation: *Provided fur-*
5 *ther*, That the District of Columbia shall not provide free
6 government services such as water, sewer, solid waste dis-
7 posal or collection, utilities, maintenance, repairs, or simi-
8 lar services to any legally constituted private nonprofit or-
9 ganization (as defined in section 411(5) of Public Law
10 100-77, approved July 22, 1987) providing emergency
11 shelter services in the District, if the District would not
12 be qualified to receive reimbursement pursuant to the
13 Stewart B. McKinney Homeless Assistance Act, approved
14 July 22, 1987 (101 Stat. 485; Public Law 100-77; 42
15 U.S.C. 11301 et seq.).

16 PUBLIC WORKS

17 Public works, including rental of one passenger-car-
18 rying vehicle for use by the Mayor and three passenger-
19 carrying vehicles for use by the Council of the District of
20 Columbia and purchase of passenger-carrying vehicles for
21 replacement only, \$247,967,000 and 1,252 full-time equiv-
22 alent positions (including \$234,391,000 and 1,149 full-
23 time equivalent positions from local funds, \$3,047,000 and
24 32 full-time equivalent positions from Federal funds, and
25 \$10,529,000 and 71 full-time equivalent positions from

1 other funds): *Provided*, That this appropriation shall not
2 be available for collecting ashes or miscellaneous refuse
3 from hotels and places of business.

4 WASHINGTON CONVENTION CENTER FUND TRANSFER

5 PAYMENT

6 For payment to the Washington Convention Center
7 Enterprise Fund, \$5,400,000 from local funds.

8 REPAYMENT OF LOANS AND INTEREST

9 For reimbursement to the United States of funds
10 loaned in compliance with An Act to provide for the estab-
11 lishment of a modern, adequate, and efficient hospital cen-
12 ter in the District of Columbia, approved August 7, 1946
13 (60 Stat. 896; Public Law 79-648); section 1 of An Act
14 to authorize the Commissioners of the District of Colum-
15 bia to borrow funds for capital improvement programs and
16 to amend provisions of law relating to Federal Govern-
17 ment participation in meeting costs of maintaining the
18 Nation's Capital City, approved June 6, 1958 (72 Stat.
19 183; Public Law 85-451; D.C. Code, sec. 9-219); section
20 4 of An Act to authorize the Commissioners of the District
21 of Columbia to plan, construct, operate, and maintain a
22 sanitary sewer to connect the Dulles International Airport
23 with the District of Columbia system, approved June 12,
24 1960 (74 Stat. 211; Public Law 86-515); sections 723
25 and 743(f) of the District of Columbia Self-Government

1 and Governmental Reorganization Act of 1973, approved
2 December 24, 1973, as amended (87 Stat. 821; Public
3 Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat.
4 1156; Public Law 95-131; D.C. Code, sec. 9-219, note),
5 including interest as required thereby, \$333,710,000 from
6 local funds.

7 REPAYMENT OF GENERAL FUND RECOVERY DEBT

8 For the purpose of eliminating the \$331,589,000
9 general fund accumulated deficit as of September 30,
10 1990, \$38,314,000 from local funds, as authorized by sec-
11 tion 461(a) of the District of Columbia Self-Government
12 and Governmental Reorganization Act, approved Decem-
13 ber 24, 1973, as amended (105 Stat. 540; Public Law
14 102-106; D.C. Code, sec. 47-321(a)(1)).

15 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

16 For payment of interest on short-term borrowing,
17 \$34,461,000 from local funds.

18 PRESIDENTIAL INAUGURATION

19 For reimbursement for necessary expenses incurred
20 in connection with Presidential inauguration activities as
21 authorized by section 737(b) of the District of Columbia
22 Self-Government and Governmental Reorganization Act,
23 Public Law 93-198, as amended, approved December 24,
24 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), \$5,702,000,

1 which shall be apportioned by the Chief Financial Officer
2 within the various appropriation headings in this Act.

3 CERTIFICATES OF PARTICIPATION

4 For lease payments in accordance with the Certifi-
5 cates of Participation involving the land site underlying
6 the building located at One Judiciary Square, \$7,926,000.

7 HUMAN RESOURCES DEVELOPMENT

8 For Human resources development, including costs of
9 increased employee training, administrative reforms, and
10 an executive compensation system, \$12,257,000.

11 COST REDUCTION INITIATIVES

12 The Chief Financial Officer of the District of Colum-
13 bia shall, on behalf of the Mayor and under the direction
14 of the District of Columbia Financial Responsibility and
15 Management Assistance Authority, make reductions of
16 \$47,411,000 and 2,411 full-time equivalent positions as
17 follows: \$4,488,000 in real estate initiatives, \$6,317,000
18 in management information systems, \$2,271,000 in en-
19 ergy cost initiatives, \$12,960,000 in purchasing and pro-
20 curement initiatives, and workforce reductions of 2,411
21 full-time positions and \$21,375,000.

22 CAPITAL OUTLAY

23 (INCLUDING RESCISSIONS)

24 For construction projects, an increase of
25 ~~(5)~~\$46,923,000 \$75,923,000 (including an increase of

1 \$34,000,000 for the highway trust fund, reallocations and
2 rescissions for a net rescission of \$120,496,000 from local
3 funds appropriated under this heading in prior fiscal years
4 and an additional \$133,419,000 in Federal funds), as au-
5 thorized by An Act authorizing the laying of water mains
6 and service sewers in the District of Columbia, the levying
7 of assessments therefor, and for other purposes, approved
8 April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C.
9 Code, secs. 43-1512 through 43-1519); the District of
10 Columbia Public Works Act of 1954, approved May 18,
11 1954 (68 Stat. 101; Public Law 83-364); An Act to au-
12 thorize the Commissioners of the District of Columbia to
13 borrow funds for capital improvement programs and to
14 amend provisions of law relating to Federal Government
15 participation in meeting costs of maintaining the Nation's
16 Capital City, approved June 6, 1958 (72 Stat. 183; Public
17 Law 85-451); including acquisition of sites, preparation
18 of plans and specifications, conducting preliminary sur-
19 veys, erection of structures, including building improve-
20 ment and alteration and treatment of grounds, to remain
21 available until expended: *Provided*, That funds for use of
22 each capital project implementing agency shall be man-
23 aged and controlled in accordance with all procedures and
24 limitations established under the Financial Management
25 System: *Provided further*, That all funds provided by this

1 appropriation title shall be available only for the specific
2 projects and purposes intended: *Provided further*, That
3 notwithstanding the foregoing, all authorizations for cap-
4 ital outlay projects, except those projects covered by the
5 first sentence of section 23(a) of the Federal-Aid Highway
6 Act of 1968, approved August 23, 1968 (82 Stat. 827;
7 Public Law 90-495; D.C. Code, sec. 7-134, note), for
8 which funds are provided by this appropriation title, shall
9 expire on September 30, 1998, except authorizations for
10 projects as to which funds have been obligated in whole
11 or in part prior to September 30, 1998: *Provided further*,
12 That upon expiration of any such project authorization the
13 funds provided herein for the project shall lapse.

14 WATER AND SEWER ENTERPRISE FUND

15 For the Water and Sewer Enterprise Fund,
16 \$221,362,000 from other funds of which \$41,833,000
17 shall be apportioned and payable to the debt service fund
18 for repayment of loans and interest incurred for capital
19 improvement projects.

20 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

21 For the Lottery and Charitable Games Enterprise
22 Fund, 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 \$247,900,000 and 100 full-time equivalent positions (in-
6 cluding \$7,850,000 and 100 full-time equivalent positions
7 for administrative expenses and \$240,050,000 for non-ad-
8 ministrative expenses from revenue generated by the Lot-
9 tery Board), to be derived from non-Federal District of
10 Columbia revenues: *Provided*, That the District of Colum-
11 bia shall identify the source of funding for this appropria-
12 tion title from the District's own locally-generated reve-
13 nues: *Provided further*, That no revenues from Federal
14 sources shall be used to support the operations or activi-
15 ties of the Lottery and Charitable Games Control Board.

16 CABLE TELEVISION ENTERPRISE FUND

17 For the Cable Television Enterprise Fund, estab-
18 lished by the Cable Television Communications Act of
19 1981, effective October 22, 1983 (D.C. Law 5-36; D.C.
20 Code, sec. 43-1801 et seq.), \$2,511,000 and 8 full-time
21 equivalent positions (including \$2,179,000 and 8 full-time
22 equivalent positions from local funds and \$332,000 from
23 other funds).

1 STARPLEX FUND

2 For the Starplex Fund, \$8,717,000 from other funds
3 for expenses incurred by the Armory Board in the exercise
4 of its powers granted by An Act To Establish A District
5 of Columbia Armory Board, and for other purposes, ap-
6 proved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–
7 301 et seq.) and the District of Columbia Stadium Act
8 of 1957, approved September 7, 1957 (71 Stat. 619; Pub-
9 lic Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*,
10 That the Mayor shall submit a budget for the Armory
11 Board for the forthcoming fiscal year as required by sec-
12 tion 442(b) of the District of Columbia Self-Government
13 and Governmental Reorganization Act, approved Decem-
14 ber 24, 1973 (87 Stat. 824; Public Law 93–198; D.C.
15 Code, sec. 47–301(b)).

16 D.C. GENERAL HOSPITAL

17 For the District of Columbia General Hospital, estab-
18 lished by Reorganization Order No. 57 of the Board of
19 Commissioners, effective August 15, 1953, \$112,419,000
20 of which \$59,735,000 shall be derived by transfer from
21 the general fund and \$52,684,000 shall be derived from
22 other funds.

23 D.C. RETIREMENT BOARD

24 For the D.C. Retirement Board, established by sec-
25 tion 121 of the District of Columbia Retirement Reform

1 Act of 1989, approved November 17, 1979 (93 Stat. 866;
2 D.C. Code, sec. 1–711), \$16,667,000 and 13 full-time
3 equivalent positions from the earnings of the applicable
4 retirement funds to pay legal, management, investment,
5 and other fees and administrative expenses of the District
6 of Columbia Retirement Board: *Provided*, That the Dis-
7 trict of Columbia Retirement Board shall provide to the
8 Congress and to the Council of the District of Columbia
9 a quarterly report of the allocations of charges by fund
10 and of expenditures of all funds: *Provided further*, That
11 the District of Columbia Retirement Board shall provide
12 the Mayor, for transmittal to the Council of the District
13 of Columbia, an item accounting of the planned use of ap-
14 propriated funds in time for each annual budget submis-
15 sion and the actual use of such funds in time for each
16 annual audited financial report.

17 CORRECTIONAL INDUSTRIES FUND

18 For the Correctional Industries Fund, established by
19 the District of Columbia Correctional Industries Estab-
20 lishment Act, approved October 3, 1964 (78 Stat. 1000;
21 Public Law 88–622), \$3,052,000 and 50 full-time equiva-
22 lent positions from other funds.

1 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

2 For the Washington Convention Center Enterprise
3 Fund, \$47,996,000 of which \$5,400,000 shall be derived
4 by transfer from the general fund.

5 DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY

6 AND MANAGEMENT ASSISTANCE AUTHORITY

7 For the District of Columbia Financial Responsibility
8 and Management Assistance Authority, established by sec-
9 tion 101(a) of the District of Columbia Financial Respon-
10 sibility and Management Assistance Act of 1995, approved
11 April 17, 1995 (109 Stat. 97; Public Law 104-8),
12 \$3,400,000.

13 GENERAL PROVISIONS

14 SEC. 101. The expenditure of any appropriation
15 under this Act for any consulting service through procure-
16 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
17 to those contracts where such expenditures are a matter
18 of public record and available for public inspection, except
19 where otherwise provided under existing law, or under ex-
20 isting Executive order issued pursuant to existing law.

21 SEC. 102. Except as otherwise provided in this Act,
22 all vouchers covering expenditures of appropriations con-
23 tained in this Act shall be audited before payment by the
24 designated certifying official and the vouchers as approved

1 shall be paid by checks issued by the designated disbursing
2 official.

3 SEC. 103. Whenever in this Act, an amount is speci-
4 fied within an appropriation for particular purposes or ob-
5 jects of expenditure, such amount, unless otherwise speci-
6 fied, shall be considered as the maximum amount that
7 may be expended for said purpose or object rather than
8 an amount set apart exclusively therefor.

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

17 SEC. 105. Appropriations in this Act shall be avail-
18 able for expenses of travel and for the payment of dues
19 of organizations concerned with the work of the District
20 of Columbia government, when authorized by the Mayor:
21 *Provided*, That the Council of the District of Columbia
22 and the District of Columbia Courts may expend such
23 funds without authorization by the Mayor.

24 SEC. 106. There are appropriated from the applicable
25 funds of the District of Columbia such sums as may be

1 necessary for making refunds and for the payment of
2 judgments that have been entered against the District of
3 Columbia government: *Provided*, That nothing contained
4 in this section shall be construed as modifying or affecting
5 the provisions of section 11(c)(3) of title XII of the Dis-
6 trict of Columbia Income and Franchise Tax Act of 1947,
7 approved March 31, 1956 (70 Stat. 78; Public Law 84-
8 460; D.C. Code, sec. 47-1812.11(c)(3)).

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

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

21 SEC. 109. No funds appropriated in this Act for the
22 District of Columbia government for the operation of edu-
23 cational institutions, the compensation of personnel, or for
24 other educational purposes may be used to permit, encour-
25 age, facilitate, or further partisan political activities.

1 Nothing herein is intended to prohibit the availability of
2 school buildings for the use of any community or partisan
3 political group during non-school hours.

4 SEC. 110. None of the funds appropriated in this Act
5 shall be made available to pay the salary of any employee
6 of the District of Columbia government whose name, title,
7 grade, salary, past work experience, and salary history are
8 not available for inspection by the House and Senate Com-
9 mittees on Appropriations, the Subcommittee on the Dis-
10 trict of Columbia of the House Committee on Government
11 Reform and Oversight, the Subcommittee on Oversight of
12 Government Management and the District of Columbia of
13 the Senate Committee on Governmental Affairs, and the
14 Council of the District of Columbia, or their duly author-
15 ized representative.

16 SEC. 111. There are appropriated from the applicable
17 funds of the District of Columbia such sums as may be
18 necessary for making payments authorized by the District
19 of Columbia Revenue Recovery Act of 1977, effective Sep-
20 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-
21 421 et seq.).

22 SEC. 112. No part of this appropriation shall be used
23 for publicity or propaganda purposes or implementation
24 of any policy including boycott designed to support or de-

1 feat legislation pending before Congress or any State legis-
2 lature.

3 SEC. 113. At the start of the fiscal year, the Mayor
4 shall develop an annual plan, by quarter and by project,
5 for capital outlay borrowings: *Provided*, That within a rea-
6 sonable time after the close of each quarter, the Mayor
7 shall report to the Council of the District of Columbia and
8 the Congress the actual borrowings and spending progress
9 compared with projections.

10 SEC. 114. The Mayor shall not borrow any funds for
11 capital projects unless the Mayor has obtained prior ap-
12 proval from the Council of the District of Columbia, by
13 resolution, identifying the projects and amounts to be fi-
14 nanced with such borrowings.

15 SEC. 115. The Mayor shall not expend any moneys
16 borrowed for capital projects for the operating expenses
17 of the District of Columbia government.

18 SEC. 116. None of the funds appropriated by this Act
19 may be obligated or expended by reprogramming except
20 pursuant to advance approval of the reprogramming
21 granted according to the procedure set forth in the Joint
22 Explanatory Statement of the Committee of Conference
23 (House Report No. 96-443), which accompanied the Dis-
24 trict of Columbia Appropriation Act, 1980, approved Octo-
25 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-

1 fied in House Report No. 98-265, and in accordance with
2 the Reprogramming Policy Act of 1980, effective Septem-
3 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361
4 et seq.): *Provided*, That for the fiscal year ending Septem-
5 ber 30, 1997 the above shall apply except as modified by
6 Public Law 104-8.

7 SEC. 117. None of the Federal funds provided in this
8 Act shall be obligated or expended to provide a personal
9 cook, chauffeur, or other personal servants to any officer
10 or employee of the District of Columbia.

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

20 SEC. 119. (a) Notwithstanding section 422(7) of the
21 District of Columbia Self-Government and Governmental
22 Reorganization Act of 1973, approved December 24, 1973
23 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-
24 242(7)), the City Administrator shall be paid, during any
25 fiscal year, a salary at a rate established by the Mayor,

1 not to exceed the rate established for level IV of the Exec-
2 utive Schedule under 5 U.S.C. 5315.

3 (b) For purposes of applying any provision of law lim-
4 iting the availability of funds for payment of salary or pay
5 in any fiscal year, the highest rate of pay established by
6 the Mayor under subsection (a) of this section for any po-
7 sition for any period during the last quarter of calendar
8 year 1996 shall be deemed to be the rate of pay payable
9 for that position for September 30, 1996.

10 (c) Notwithstanding section 4(a) of the District of
11 Columbia Redevelopment Act of 1945, approved August
12 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code,
13 sec. 5-803(a)), the Board of Directors of the District of
14 Columbia Redevelopment Land Agency shall be paid, dur-
15 ing any fiscal year, per diem compensation at a rate estab-
16 lished by the Mayor.

17 SEC. 120. Notwithstanding any other provisions of
18 law, the provisions of the District of Columbia Govern-
19 ment Comprehensive Merit Personnel Act of 1978, effec-
20 tive March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-
21 601.1 et seq.), enacted pursuant to section 422(3) of the
22 District of Columbia Self-Government and Governmental
23 Reorganization Act of 1973, approved December 24, 1973
24 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-
25 242(3)), shall apply with respect to the compensation of

1 District of Columbia employees: *Provided*, That for pay
2 purposes, employees of the District of Columbia govern-
3 ment shall not be subject to the provisions of title 5, Unit-
4 ed States Code.

5 SEC. 121. The Director of the Department of Admin-
6 istrative Services may pay rentals and repair, alter, and
7 improve rented premises, without regard to the provisions
8 of section 322 of the Economy Act of 1932 (Public Law
9 72-212; 40 U.S.C. 278a), based upon a determination by
10 the Director, that by reason of circumstances set forth in
11 such determination, the payment of these rents and the
12 execution of this work, without reference to the limitations
13 of section 322, is advantageous to the District in terms
14 of economy, efficiency, and the District's best interest.

15 SEC. 122. No later than 30 days after the end of the
16 first quarter of the fiscal year ending September 30, 1997,
17 the Mayor of the District of Columbia shall submit to the
18 Council of the District of Columbia the new fiscal year
19 1997 revenue estimates as of the end of the first quarter
20 of fiscal year 1997. These estimates shall be used in the
21 budget request for the fiscal year ending September 30,
22 1998. The officially revised estimates at midyear shall be
23 used for the midyear report.

24 SEC. 123. No sole source contract with the District
25 of Columbia government or any agency thereof may be re-

1 newed or extended without opening that contract to the
2 competitive bidding process as set forth in section 303 of
3 the District of Columbia Procurement Practices Act of
4 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.
5 Code, sec. 1-1183.3), except that the District of Columbia
6 Public Schools may renew or extend sole source contracts
7 for which competition is not feasible or practical, provided
8 that the determination as to whether to invoke the com-
9 petitive bidding process has been made in accordance with
10 duly promulgated Board of Education rules and proce-
11 dures.

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

1 SEC. 125. In the event a sequestration order is issued
2 pursuant to the Balanced Budget and Emergency Deficit
3 Control Act of 1985, approved December 12, 1985 (99
4 Stat. 1037; Public Law 99-177), as amended, after the
5 amounts appropriated to the District of Columbia for the
6 fiscal year involved have been paid to the District of Co-
7 lumbia, the Mayor of the District of Columbia shall pay
8 to the Secretary of the Treasury, within 15 days after re-
9 ceipt of a request therefor from the Secretary of the
10 Treasury, such amounts as are sequestered by the order:
11 *Provided*, That the sequestration percentage specified in
12 the order shall be applied proportionately to each of the
13 Federal appropriation accounts in this Act that are not
14 specifically exempted from sequestration by the Balanced
15 Budget and Emergency Deficit Control Act of 1985, ap-
16 proved December 12, 1985 (99 Stat. 1037; Public Law
17 99-177), as amended.

18 SEC. 126. Nothing in this Act shall be construed to
19 authorize any office, agency or entity to expend funds for
20 programs or functions for which a reorganization plan is
21 required but has not been approved by the Council pursu-
22 ant to section 422(12) of the District of Columbia Self-
23 Government and Governmental Reorganization Act of
24 1973, approved December 24, 1973 (87 Stat. 790; Public
25 Law 93-198; D.C. Code, sec. 1-242(12)) and the Govern-

1 mental Reorganization Procedures Act of 1981, effective
2 October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1–
3 299.1 to 1-299.7). Appropriations made by this Act for
4 such programs or functions are conditioned on the ap-
5 proval by the Council, prior to October 1, 1996, of the
6 required reorganization plans.

7 SEC. 127. (a) An entity of the District of Columbia
8 government may accept and use a gift or donation during
9 fiscal year 1997 if—

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

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

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

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

24 (d) This section shall not apply to the District of Co-
25 lumbia Board of Education, which may, pursuant to the

1 laws and regulations of the District of Columbia, accept
2 and use gifts to the public schools without prior approval
3 by the Mayor.

4 SEC. 128. None of the Federal funds provided in this
5 Act may be used by the District of Columbia to provide
6 for salaries, expenses, or other costs associated with the
7 offices of United States Senator or United States Rep-
8 resentative under section 4(d) of the District of Columbia
9 Statehood Constitutional Convention Initiatives of 1979,
10 effective March 10, 1981 (D.C. Law 3-171; D.C. Code,
11 sec. 1-113(d)).

12 PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

13 ~~(6)SEC. 129. None of the funds appropriated under~~
14 ~~this Act shall be expended for any abortion except where~~
15 ~~the life of the mother would be endangered if the fetus~~
16 ~~were carried to term or where the pregnancy is the result~~
17 ~~of an act of rape or incest.~~

18 *SEC. 129. None of the Federal funds appropriated*
19 *under this Act shall be expended for any abortion except*
20 *where the life of the mother would be endangered if the fetus*
21 *were carried to term or where the pregnancy is the result*
22 *of an act of rape or incest.*

23 PROHIBITION ON DOMESTIC PARTNERS ACT

24 ~~(7)SEC. 130. No funds made available pursuant to~~
25 ~~any provision of this Act shall be used to implement or~~

1 enforce any system of registration of unmarried, cohabit-
2 ing couples whether they are homosexual, lesbian, or het-
3 erosexual, including but not limited to registration for the
4 purpose of extending employment, health, or governmental
5 benefits to such couples on the same basis that such bene-
6 fits are extended to legally married couples; nor shall any
7 funds made available pursuant to any provision of this Act
8 otherwise be used to implement or enforce D.C. Act 9-
9 188, signed by the Mayor of the District of Columbia on
10 April 15, 1992.

11 *SEC. 130. No Federal funds made available pursuant*
12 *to any provision of this Act shall be used to implement or*
13 *enforce any system of registration of unmarried, cohabitati-*
14 *ing couples whether they are homosexual, lesbian, or hetero-*
15 *sexual, including but not limited to registration for the pur-*
16 *pose of extending employment, health, or governmental ben-*
17 *efits to such couples on the same basis that such benefits*
18 *are extended to legally married couples; nor shall any Fed-*
19 *eral funds made available pursuant to any provision of this*
20 *Act otherwise be used to implement or enforce D.C. Act 9-*
21 *188, signed by the Mayor of the District of Columbia on*
22 *April 15, 1992.*

1 COMPENSATION OF MEMBERS OF JUDICIAL NOMINATION
2 COMMISSION

3 SEC. 131. (a) IN GENERAL.—Effective as if included
4 in the enactment of the District of Columbia Appropria-
5 tions Act, 1996, section 434(b)(5) of the District of Co-
6 lumbia Self-Government and Governmental Reorganiza-
7 tion Act is amended to read as follows:

8 “(5) Members of the Commission shall serve without
9 compensation for services rendered in connection with
10 their official duties on the Commission.”.

11 (b) CONFORMING AMENDMENT.—Section 133(b) of
12 the District of Columbia Appropriations Act, 1996 is here-
13 by repealed, and the provision of law amended by such
14 section is hereby restored as if such section had not been
15 enacted into law.

16 MONTHLY REPORTING REQUIREMENTS—BOARD OF
17 EDUCATION

18 SEC. 132. The Board of Education shall submit to
19 the Congress, the Mayor, ~~(8)~~*the District of Columbia Fi-*
20 nancial Responsibility and Management Assistance Author-
21 ity, and the Council of the District of Columbia no later
22 than fifteen (15) calendar days after the end of each
23 month a report that sets forth—

24 (1) current month expenditures and obligations,
25 year-to-date expenditures and obligations, and total
26 fiscal year expenditure projections vs. budget broken

1 out on the basis of control center, responsibility cen-
2 ter, agency reporting code, and object class, and for
3 all funds, including capital financing;

4 (2) a breakdown of FTE positions and staff for
5 the most current pay period broken out on the basis
6 of control center, responsibility center, and agency
7 reporting code within each responsibility center, for
8 all funds, including capital funds;

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

14 (4) a list of all active contracts in excess of
15 \$10,000 annually, which contains the name of each
16 contractor; the budget to which the contract is
17 charged broken out on the basis of control center,
18 responsibility center, and agency reporting code; and
19 contract identifying codes used by the D.C. Public
20 Schools; payments made in the last month and year-
21 to-date, the total amount of the contract and total
22 payments made for the contract and any modifica-
23 tions, extensions, renewals; and specific modifica-
24 tions made to each contract in the last month;

4 (6) changes made in the last month to the orga-
5 nizational structure of the D.C. Public Schools, dis-
6 playing previous and current control centers and re-
7 sponsibility centers, the names of the organizational
8 entities that have been changed, the name of the
9 staff member supervising each entity affected, and
10 the reasons for the structural change.

MONTHLY REPORTING REQUIREMENTS

UNIVERSITY OF THE DISTRICT OF COLUMBIA

13 SEC. 133. The University of the District of Columbia
14 shall submit to the Congress, the Mayor, ~~(9)~~*the District*
15 *of Columbia Financial Responsibility and Management As-*
16 *sistance Authority*, and the Council of the District of Co-
17 lumbia no later than fifteen (15) calendar days after the
18 end of each month a report that sets forth—

19 (1) current month expenditures and obligations,
20 year-to-date expenditures and obligations, and total
21 fiscal year expenditure projections vs. budget broken
22 out on the basis of control center, responsibility cen-
23 ter, and object class, and for all funds, non-appro-
24 priated funds, and capital financing;

25 (2) a breakdown of FTE positions and all em-
26 ployees for the most current pay period broken out

1 on the basis of control center and responsibility cen-
2 ter, for all funds, including capital funds;

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

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

18 (5) all reprogramming requests and reports
19 that have been made by the University of the Dis-
20 trict of Columbia within the last month in compli-
21 ance with applicable law; and

22 (6) changes made in the last month to the orga-
23 nizational structure of the University of the District
24 of Columbia, displaying previous and current control
25 centers and responsibility centers, the names of the

1 organizational entities that have been changed, the
2 name of the staff member supervising each entity af-
3 fected, and the reasons for the structural change.

4 ANNUAL REPORTING REQUIREMENTS

5 SEC. 134. (a) The Board of Education of the District
6 of Columbia and the University of the District of Colum-
7 bia shall annually compile an accurate and verifiable re-
8 port on the positions and employees in the public school
9 system and the university, respectively. The annual report
10 shall set forth—

11 (1) the number of validated schedule A posi-
12 tions in the District of Columbia Public Schools and
13 the University of the District of Columbia for fiscal
14 year 1996, fiscal year 1997, and thereafter on a full-
15 time equivalent basis, including a compilation of all
16 positions by control center, responsibility center,
17 funding source, position type, position title, pay
18 plan, grade, and annual salary; and

19 (2) a compilation of all employees in the Dis-
20 trict of Columbia Public Schools and the University
21 of the District of Columbia as of the preceding De-
22 cember 31, verified as to its accuracy in accordance
23 with the functions that each employee actually per-
24 forms, by control center, responsibility center, agen-
25 cy reporting code, program (including funding
26 source), activity, location for accounting purposes,

1 job title, grade and classification, annual salary, and
2 position control number.

3 (b) SUBMISSION.—The annual report required by
4 subsection (a) of this section shall be submitted to the
5 Congress, the Mayor, the District of Columbia Council,
6 the Consensus Commission, and the Authority, not later
7 than February 15 of each year.

8 ANNUAL BUDGETS AND BUDGET REVISIONS

9 SEC. 135. (a) No later than October 1, 1996, or within
10 in 15 calendar days after the date of the enactment of
11 the District of Columbia Appropriations Act, 1997, which-
12 ever occurs later, and each succeeding year, the Board of
13 Education and the University of the District of Columbia
14 shall submit to the appropriate congressional committees,
15 the Mayor, the District of Columbia Council, the Consen-
16 sus Commission, and the District of Columbia Financial
17 Responsibility and Management Assistance Authority, a
18 revised appropriated funds operating budget for the public
19 school system and the University of the District of Colum-
20 bia for such fiscal year that is in the total amount of the
21 approved appropriation and that realigns budgeted data
22 for personal services and other-than-personal services, re-
23 spectively, with anticipated actual expenditures.

24 (b) The revised budget required by subsection (a) of
25 this section shall be submitted in the format of the budget
26 that the Board of Education and the University of the

1 District of Columbia submit to the Mayor of the District
2 of Columbia for inclusion in the Mayor's budget submis-
3 sion to the Council of the District of Columbia pursuant
4 to section 442 of the District of Columbia Self-Govern-
5 ment and Governmental Reorganization Act, Public Law
6 93-198, as amended (D.C. Code, sec. 47-301).

7 EDUCATIONAL BUDGET APPROVAL

8 SEC. 136. The Board of Education, the Board of
9 Trustees of the University of the District of Columbia, the
10 Board of Library Trustees, and the Board of Governors
11 of the D.C. School of Law shall vote on and approve their
12 respective annual or revised budgets before submission to
13 the Mayor of the District of Columbia for inclusion in the
14 Mayor's budget submission to the Council of the District
15 of Columbia in accordance with section 442 of the District
16 of Columbia Self-Government and Governmental Reorga-
17 nization Act, Public Law 93-198, as amended (D.C. Code,
18 sec. 47-301), or before submitting their respective budgets
19 directly to the Council.

20 PUBLIC SCHOOL EMPLOYEE EVALUATIONS

21 SEC. 137. Notwithstanding any other provision of
22 law, rule, or regulation, the evaluation process and instru-
23 ments for evaluating District of Columbia Public Schools
24 employees shall be a non-negotiable item for collective bar-
25 gaining purposes.

1 MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-

2 IN-FORCE PROCEDURES

3 SEC. 138. The District of Columbia Government
4 Comprehensive Merit Personnel Act of 1978, D.C. Code,
5 sec. 1–601.1 et seq.), is amended—

6 (1) in section 301 (D.C. Code, sec. 1–603.1)—

7 (A) by inserting after paragraph (13), the
8 following new paragraph:

9 “(13A) The term ‘nonschool-based personnel’
10 means any employee of the District of Columbia
11 public schools who is not based at a local school or
12 who does not provide direct services to individual
13 students.”; and

14 (B) by inserting after paragraph (15), the
15 following new paragraph:

16 “(15A) The term ‘school administrators’ means
17 principals, assistant principals, school program di-
18 rectors, coordinators, instructional supervisors, and
19 support personnel of the District of Columbia public
20 schools.”;

21 (2) in section 801A(b)(2) (D.C. Code, sec. 1–
22 609.1(b)(2)(L))—

23 (A) by striking “(L) reduction-in-force”
24 and inserting “(L)(i) reduction-in-force”; and

17 SEC. 139. (a) Notwithstanding any other provision
18 of law, rule, or regulation, an employee of the District of
19 Columbia Public Schools shall be—

20 (1) classified as an Educational Service em-
21 ployee;

22 (2) placed under the personnel authority of the
23 Board of Education; and

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

1 (b) School-based personnel shall constitute a separate
2 competitive area from nonschool-based personnel who shall
3 not compete with school-based personnel for retention pur-
4 poses.

5 MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

6 SEC. 140. (a) Section 2401 of the District of Colum-
7 bia Government Comprehensive Merit Personnel Act of
8 1978 (D.C. Code, sec. 1-625.1 et seq.) is amended by
9 amending the third sentence to read as follows: “A person-
10 nel authority may establish lesser competitive areas within
11 an agency on the basis of all or a clearly identifiable seg-
12 ment of an agency’s mission or a division or major subdivi-
13 sion of an agency.”.

14 (b) The District of Columbia Government Com-
15 prehensive Merit Personnel Act of 1978 (D.C. Code, sec.
16 1–601.1 et seq.), as amended by section 149 of the Dis-
17 trict of Columbia Appropriations Act, 1996 (Public Law
18 104–134), is amended by adding at the end the following
19 new section:

20 SEC. 2407. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR

21 1997.

22 "(a) Notwithstanding any other provision of law, reg-
23 ulation, or collective bargaining agreement either in effect
24 or to be negotiated while this legislation is in effect for
25 the fiscal year ending September 30, 1997, each agency

1 head is authorized, within the agency head's discretion,
2 to identify positions for abolition.

3 “(b) Prior to February 1, 1997, each personnel au-
4 thority shall make a final determination that a position
5 within the personnel authority is to be abolished.

6 “(c) Notwithstanding any rights or procedures estab-
7 lished by any other provision of this title, any District gov-
8 ernment employee, regardless of date of hire, who encum-
9 bers a position identified for abolition shall be sepa-
10 rated without competition or assignment rights, except as
11 provided in this section.

12 “(d) An employee affected by the abolition of a
13 position pursuant to this section who, but for this section
14 would be entitled to compete for retention, shall be entitled
15 to one round of lateral competition pursuant to Chapter
16 24 of the District of Columbia Personnel Manual, which
17 shall be limited to positions in the employee's competitive
18 level.

19 “(e) Each employee who is a bona fide resident of
20 the District of Columbia shall have added 5 years to his
21 or her creditable service for reduction-in-force purposes.
22 For purposes of this subsection only, a nonresident Dis-
23 trict employee who was hired by the District government
24 prior to January 1, 1980, and has not had a break in
25 service since that date, or a former employee of the United

1 States Department of Health and Human Services at
2 Saint Elizabeths Hospital who accepted employment with
3 the District government on October 1, 1987, and has not
4 had a break in service since that date, shall be considered
5 a District resident.

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

9 “(g) Neither the establishment of a competitive area
10 smaller than an agency, nor the determination that a spe-
11 cific position is to be abolished, nor separation pursuant
12 to this section shall be subject to review except as fol-
13 lows—

14 “(1) an employee may file a complaint contest-
15 ing a determination or a separation pursuant to title
16 XV of this Act or section 303 of the Human Rights
17 Act of 1977, effective December 13, 1977 (D.C.
18 Law 2-38; D.C. Code, sec. 1-2543); and

19 “(2) an employee may file with the Office of
20 Employee Appeals an appeal contesting that the sep-
21 aration procedures of subsections (d) and (f) of this
22 section were not properly applied.

23 “(h) An employee separated pursuant to this section
24 shall be entitled to severance pay in accordance with title
25 XI of this Act, except that the following shall be included

1 in computing creditable service for severance pay for em-
2 ployees separated pursuant to this section—

3 “(1) four years for an employee who qualified
4 for veterans preference under this Act, and

5 “(2) three years for an employee who qualified
6 for residency preference under this Act.

7 “(i) Separation pursuant to this section shall not af-
8 feet an employee’s rights under either the Agency Reem-
9 ployment Priority Program or the Displaced Employee
10 Program established pursuant to Chapter 24 of the Dis-
11 trict Personnel Manual.

12 “(j) The Mayor shall submit to the Council a listing
13 of all positions to be abolished by agency and responsibility
14 center by March 1, 1997, or upon the delivery of termi-
15 nation notices to individual employees.

16 “(k) Notwithstanding the provisions of section 1708
17 or section 2402(d), the provisions of this Act shall not be
18 deemed negotiable.

19 “(l) A personnel authority shall cause a 30-day termi-
20 nation notice to be served, no later than September 1,
21 1997, on any incumbent employee remaining in any posi-
22 tion identified to be abolished pursuant to subsection (b)
23 of this section”.

1 **(10) CEILING ON EXPENSES AND DEFICIT**2 SEC. 141. (a) CEILING ON TOTAL OPERATING EX-
3 PENSES AND DEFICIT.—4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, the total amount appropriated in
6 this Act for operating expenses for the District of
7 Columbia for fiscal year 1997 under the caption
8 “DIVISION OF EXPENSES” shall not exceed the less-
9 er of—10 (A) the sum of the total revenues of the
11 District of Columbia for such fiscal year and
12 \$40,000,000; or13 (B) \$5,108,913,000 (of which
14 \$134,528,000 shall be from intra-District
15 funds).16 (2) ENFORCEMENT.—The Chief Financial Offi-
17 cer of the District of Columbia and the District of
18 Columbia Financial Responsibility and Management
19 Assistance Authority shall take such steps as are
20 necessary to assure that the District of Columbia
21 meets the requirements of this section, including the
22 apportioning by the Chief Financial Officer of the
23 appropriations and funds made available to the Dis-
24 trict during fiscal year 1997.

1 (b) ACCEPTANCE AND USE OF GRANTS NOT IN-
2 CLUDED IN CEILING.—

3 (1) IN GENERAL.—Notwithstanding subsection
4 (a), the Mayor of the District of Columbia may ac-
5 cept, obligate, and expend Federal, private, and
6 other grants received by the District government
7 that are not reflected in the amounts appropriated
8 in this Act.

9 (2) REQUIREMENT OF CHIEF FINANCIAL OFFI-
10 CER REPORT AND FINANCIAL RESPONSIBILITY AND
11 MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—
12 No such Federal, private, or other grant may be ac-
13 cepted, obligated, or expended pursuant to para-
14 graph (1) until—

15 (A) the Chief Financial Officer of the Dis-
16 trict submits to the District of Columbia Finan-
17 cial Responsibility and Management Assistance
18 Authority established by Public Law 104-8
19 (109 Stat. 97) a report setting forth detailed
20 information regarding such grant; and

21 (B) the District of Columbia Financial Re-
22 sponsibility and Management Assistance Au-
23 thority has reviewed and approved the accept-
24 ance, obligation, and expenditure of such grant
25 in accordance with review and approval proce-

1 dures consistent with the provisions of Public
2 Law 104-8, the District of Columbia Financial
3 Responsibility and Management Assistance Act
4 of 1995.

5 (3) PROHIBITION ON SPENDING IN ANTICIPA-
6 TION OF APPROVAL OR RECEIPT.—No amount may
7 be obligated or expended from the general fund or
8 other funds of the District government in anticipa-
9 tion of the approval or receipt of a grant under
10 paragraph (2)(B) or in anticipation of the approval
11 or receipt of a Federal, private, or other grant not
12 subject to such paragraph.

13 (4) MONTHLY REPORTS.—The Chief Financial
14 Officer of the District shall prepare a monthly re-
15 port setting forth detailed information regarding all
16 Federal, private, and other grants subject to this
17 subsection. Each such report shall be submitted to
18 the Council of the District of Columbia, and to the
19 Committees on Appropriations of the House of Rep-
20 resentatives and the Senate, not later than 15 days
21 after the end of the month covered by the report.

22 ACCEPTANCE AND USE OF GRANTS

23 SEC. 141. (a) ACCEPTANCE AND USE OF GRANTS.—

24 (1) IN GENERAL.—*The Mayor of the District of*
25 *Columbia may accept, obligate, and expend Federal,*

1 *private, and other grants received by the District gov-*
2 *ernment that are not reflected in the amounts appro-*
3 *priated in this Act.*

4 *(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER*
5 *REPORT AND FINANCIAL RESPONSIBILITY AND MAN-*
6 *AGEMENT ASSISTANCE AUTHORITY APPROVAL.*—No
7 *such Federal, private, or other grant may be accepted,*
8 *obligated, or expended pursuant to paragraph (1)*
9 *until—*

10 *(A) the Chief Financial Officer of the Dis-*
11 *trict submits to the District of Columbia Financial*
12 *Financial Responsibility and Management Assistance*
13 *Authority established by Public Law 104-8 (109*
14 *Stat. 97) a report setting forth detailed informa-*
15 *tion regarding such grant; and*

16 *(B) the District of Columbia Financial Re-*
17 *sponsibility and Management Assistance Author-*
18 *ity has reviewed and approved the acceptance,*
19 *obligation, and expenditure of such grant in ac-*
20 *cordance with review and approval procedures*
21 *consistent with the provisions of Public Law*
22 *104-8, the District of Columbia Financial Re-*
23 *sponsibility and Management Assistance Act of*
24 *1995.*

20 SEC. 142. Notwithstanding any other provision of
21 law, during any control period in effect under subtitle A
22 of title H of the District of Columbia Financial Respon-
23 sibility and Management Assistance Act of 1995 the fol-
24 lowing shall apply:

7 The Office of the Treasurer.

8 The Controller of the District of Columbia.

9 The Office of the Budget.

12 The Department of Finance and Revenue.

13 The District of Columbia Financial Responsibility
14 and Management Assistance Authority established
15 pursuant to Public Law 104-8, approved April 17,
16 1995, may remove such individuals from office for
17 cause, after consultation with the Mayor and the
18 Chief Financial Officer.

1 occurring during a control period in effect under sub-
2 title A of title H of the District of Columbia Finan-
3 cial Responsibility and Management Assistance Act
4 of 1995, annual estimates of the expenditures and
5 appropriations necessary for the operation of the Of-
6 fice of the Chief Financial Officer for the year. All
7 such estimates shall be forwarded by the Mayor to
8 the Council of the District of Columbia for its action
9 pursuant to sections 446 and 603(c) of the District
10 of Columbia Self-Government and Governmental Re-
11 organization Act, Public Law 93-198, approved De-
12 cember 24, 1973, without revision but subject to rec-
13 ommendations. Notwithstanding any other provi-
14 sions of the District of Columbia Self-Government
15 and Governmental Reorganization Act, Public Law
16 93-198, approved December 24, 1973, the Council
17 may comment or make recommendations concerning
18 such estimates, but shall have no authority to revise
19 such estimates.

20 CHIEF FINANCIAL OFFICER POWERS DURING CONTROL

PERIODS

22 *SEC. 142. Notwithstanding any other provision of law,*
23 *during any control period in effect under subtitle A of title*
24 *II of the District of Columbia Financial Responsibility and*
25 *Management Assistance Act of 1995 the following shall*
26 *apply:*

8 *The Office of the Treasurer.*

9 *The Controller of the District of Columbia.*

10 *The Office of the Budget.*

13 *The Department of Finance and Revenue.*

14 *The District of Columbia Financial Responsibility*
15 *and Management Assistance Authority* established
16 *pursuant to Public Law 104-8, approved April 17,*
17 *1995, may remove such individuals from office for*
18 *cause, after consultation with the Mayor and the*
19 *Chief Financial Officer.*

1 93–198), as amended, for each fiscal year occurring
2 during a control period in effect under subtitle A of
3 title II of the District of Columbia Financial Respon-
4 sibility and Management Assistance Act of 1995, an-
5 nual estimates of the expenditures and appropriations
6 necessary for the operation of the Office of the Chief
7 Financial Officer for the year. All such estimates
8 shall be forwarded by the Mayor to the Council of the
9 District of Columbia for its action pursuant to sec-
10 tions 446 and 603(c) of the District of Columbia Self-
11 Government and Governmental Reorganization Act,
12 Public Law 93–198, approved December 24, 1973,
13 without revision but subject to recommendations. Not-
14 withstanding any other provisions of the District of
15 Columbia Self-Government and Governmental Reor-
16 ganization Act, Public Law 93–198, approved Decem-
17 ber 24, 1973, the Council may comment or make rec-
18 ommendations concerning such estimates, but shall
19 have no authority to revise such estimates.

20 POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

21 SEC. 143. (a) Up to 50 police officers and up to 50
22 Fire and Emergency Medical Services members with less
23 than 20 years of departmental service who were hired be-
24 fore February 14, 1980, and who retire on disability be-
25 fore the end of calendar year 1997 shall be excluded from
26 the computation of the rate of disability retirements under

1 subsection 145(a) of the District of Columbia Retirement
2 Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–
3 725(a)), for purposes of reducing the authorized Federal
4 payment to the District of Columbia Police Officers and
5 Fire Fighters' Retirement Fund pursuant to subsection
6 145(c) of the District of Columbia Retirement Reform Act
7 of 1979.

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

15 (c) This section shall not go into effect until 15 days
16 after the Mayor transmits the actuarial report required
17 by section 142(d) of the District of Columbia Retirement
18 Reform Act of 1979 (Public Law 96–122, approved No-
19 vember 17, 1979) to the District of Columbia Retirement
20 Board, the Speaker of the House of Representatives, and
21 the President pro tempore of the Senate.

22 SEC. 144. (a) Section 451(c)(3) of the District of Co-
23 lumbia Self-Government and Governmental Reorganiza-
24 tion Act, approved December 24, 1973 (87 Stat. 803; D.C.

1 Code, sec. 1–1130(c)(3)), is amended by striking the word
2 “section” and inserting the word “subsection” in its place.

3 DISTRICT OF COLUMBIA SCHOOL REFORM

4 SEC. 145. Section 2204(c)(2) of the District of Co-
5 lumbia School Reform Act of 1995 (Public Law 104–134)
6 is amended to read as follows:

7 “(2) TUITION, FEES, AND PAYMENTS.—

8 “(A) PROHIBITION.—A public charter
9 school may not, with respect to any student
10 other than a nonresident student, charge tui-
11 tion, impose fees, or otherwise require payment
12 for participation in any program, educational
13 offering, or activity that—

14 “(i) enrolls students in any grade
15 from kindergarten through grade 12; or

16 “(ii) is funded in whole or part
17 through an annual local appropriation.

18 “(B) EXCEPTION.—A public charter school
19 may impose fees or otherwise require payment,
20 at rates established by the Board of Trustees of
21 the school, for any program, educational offer-
22 ing, or activity not described in clause (i) or (ii)
23 of subparagraph (A), including adult education
24 programs, or for field trips or similar activi-
25 ties.”.

1 SEC. 146. (a) COMPLIANCE WITH BUY AMERICAN
2 ACT.—None of the funds made available in this Act may
3 be expended by an entity unless the entity agrees that in
4 expending the funds the entity will comply with the Buy
5 American Act (41 U.S.C. 10a–10c).

6 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
7 ING NOTICE.—

8 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
9 AND PRODUCTS.—In the case of any equipment or
10 product that may be authorized to be purchased
11 with financial assistance provided using funds made
12 available in this Act, it is the sense of the Congress
13 that entities receiving the assistance should, in ex-
14 pending the assistance, purchase only American-
15 made equipment and products to the greatest extent
16 practicable.

17 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—
18 In providing financial assistance using funds made
19 available in this Act, the head of each agency of the
20 Federal or District of Columbia government shall
21 provide to each recipient of the assistance a notice
22 describing the statement made in paragraph (1) by
23 the Congress.

24 (c) PROHIBITION OF CONTRACTS WITH PERSONS
25 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

1 If it has been finally determined by a court or Federal
2 agency that any person intentionally affixed a label bear-
3 ing a “Made in America” inscription, or any inscription
4 with the same meaning, to any product sold in or shipped
5 to the United States that is not made in the United
6 States, the person shall be ineligible to receive any con-
7 tract or subcontract made with funds made available in
8 this Act, pursuant to the debarment, suspension, and ineli-
9 gibility procedures described in sections 9.400 through
10 9.409 of title 48, Code of Federal Regulations.

11 **(12)SEC. 147.** *Notwithstanding any other law, the*
12 *District of Columbia Housing Finance Agency, established*
13 *by section 210 of the District of Columbia Housing Finance*
14 *Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C.*
15 *Code, sec. 45-2111) shall not be required to repay moneys*
16 *advanced by the District government (including accrued in-*
17 *terest thereon) pursuant to Congressional appropriations*
18 *for fiscal years 1980 through 1992.*

19 **(13)SEC. 148.** *Section 2561(b) of the District of Co-*
20 *lumbia School Reform Act of 1995 (Public Law 104-134)*
21 *is amended to read as follows:*

22 “(b) **LIMITATION.**—A waiver under subsection (a) shall
23 not apply to requirements under 40 U.S.C. 267a-276a-7
24 and Executive Order 11246.”

1 **(14)SEC. 149. ENERGY AND WATER SAVINGS AT DIS-**
2 **TRICT OF COLUMBIA FACILITIES.—**

3 **(a) REDUCTION IN FACILITY ENERGY COSTS AND**
4 **WATER CONSUMPTION.—**

5 *IN GENERAL.—The Director of the District*
6 *of Columbia Office of Energy shall, subject to the*
7 *contract approval provisions of Public Law 104—*
8 *8—*

9 *(A) develop a comprehensive plan to*
10 *identify and accomplish energy conservation*
11 *measures to achieve maximum cost-effective*
12 *energy and water savings;*

13 *(B) enter into innovative financing*
14 *and contractual mechanisms including, but*
15 *not limited to utility demand-side manage-*
16 *ment programs and energy savings perform-*
17 *ance contracts and water conservation per-*
18 *formance contracts: Provided, That the*
19 *terms of such contracts do not exceed twen-*
20 *ty-five years; and*

21 *(C) permit and encourage each depart-*
22 *ment or agency and other instrumentality*
23 *of the District of Columbia to participate in*
24 *programs conducted by any gas, electric or*
25 *water utility of the management of elec-*

1 *tricity or gas demand or for energy or*
2 *water and conservation.*

3 This Act may be cited as the District of Columbia
4 Appropriations Act, 1997.

Passed the House of Representatives July 26, 1996.

Attest: ROBIN H. CARLE,
Clerk.

Passed the Senate July 25, 1996.

Attest: KELLY D. JOHNSTON,
Secretary.