

# Union Calendar No. 357

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3845

[Report No. 104-689]

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, 1997, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 1996

Mr. WALSH, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## 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, 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

1 District of Columbia for the fiscal year ending September  
2 30, 1997, and for other purposes, namely:

3 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

4 For payment to the District of Columbia for the fiscal  
5 year ending September 30, 1997, \$660,000,000, as au-  
6 thorized by section 502(a) of the District of Columbia  
7 Self-Government and Governmental Reorganization Act,  
8 Public Law 93–198, as amended (D.C. Code, Sec. 47–  
9 3406.1).

10 FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

11 For the Federal contribution to the Police Officers  
12 and Fire Fighters', Teachers', and Judges' Retirement  
13 Funds, as authorized by the District of Columbia Retire-  
14 ment Reform Act, approved November 17, 1979 (93 Stat.  
15 866; Public Law 96–122), \$52,070,000.

16 PRESIDENTIAL INAUGURATION

17 For payment to the District of Columbia in lieu of  
18 reimbursement for expenses incurred in connection with  
19 Presidential inauguration activities, \$5,702,000, as au-  
20 thorized by section 737(b) of the District of Columbia  
21 Self-Government and Governmental Reorganization Act,  
22 Public Law 93–198, as amended (D.C. Code, sec. 1–  
23 1803), which shall be apportioned by the Chief Financial  
24 Officer within the various appropriation headings in this  
25 Act.

## 1 DIVISION OF EXPENSES

2 The following amounts are appropriated for the Dis-  
3 trict of Columbia for the current fiscal year out of the  
4 general fund of the District of Columbia, except as other-  
5 wise specifically provided.

## 6 GOVERNMENTAL DIRECTION AND SUPPORT

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

1 tify the sources of funding for Admission to Statehood  
2 from its own locally-generated revenues.

3           ECONOMIC DEVELOPMENT AND REGULATION

4           Economic development and regulation, \$135,704,000  
5 and 1,501 full-time equivalent positions (including  
6 \$67,196,000 and 720 full-time equivalent positions from  
7 local funds, \$45,708,000 and 524 full-time equivalent po-  
8 sitions from Federal funds, and \$22,800,000 and 257 full-  
9 time equivalent positions from other funds): *Provided*,  
10 That the District of Columbia Housing Finance Agency,  
11 established by section 201 of the District of Columbia  
12 Housing Finance Agency Act, effective March 3, 1979  
13 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon  
14 its capability of repayments as determined each year by  
15 the Council of the District of Columbia from the Housing  
16 Finance Agency's annual audited financial statements to  
17 the Council of the District of Columbia, shall repay to the  
18 general fund an amount equal to the appropriated admin-  
19 istrative costs plus interest at a rate of four percent per  
20 annum for a term of 15 years, with a deferral of payments  
21 for the first three years: *Provided further*, That notwith-  
22 standing the foregoing provision, the obligation to repay  
23 all or part of the amounts due shall be subject to the  
24 rights of the owners of any bonds or notes issued by the  
25 Housing Finance Agency and shall be repaid to the Dis-

1 trict of Columbia government only from available operat-  
2 ing revenues of the Housing Finance Agency that are in  
3 excess of the amounts required for debt service, reserve  
4 funds, and operating expenses: *Provided further*, That  
5 upon commencement of the debt service payments, such  
6 payments shall be deposited into the general fund of the  
7 District of Columbia.

8 PUBLIC SAFETY AND JUSTICE

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

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

1 D.C. Code, sec. 16–2304), for the fiscal year ending Sep-  
2 tember 30, 1997, shall be available for obligations in-  
3 curred under the Act in each fiscal year since inception  
4 in fiscal year 1985: *Provided further*, That funds appro-  
5 priated for expenses under the District of Columbia  
6 Guardianship, Protective Proceedings, and Durable Power  
7 of Attorney Act of 1986, effective February 27, 1987  
8 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal  
9 year ending September 30, 1997, shall be available for ob-  
10 ligations incurred under the Act in each fiscal year since  
11 inception in fiscal year 1989: *Provided further*, That not  
12 to exceed \$1,500 for the Chief Judge of the District of  
13 Columbia Court of Appeals, \$1,500 for the Chief Judge  
14 of the Superior Court of the District of Columbia, and  
15 \$1,500 for the Executive Officer of the District of Colum-  
16 bia Courts shall be available from this appropriation for  
17 official purposes: *Provided further*, That the District of  
18 Columbia shall operate and maintain a free, 24-hour tele-  
19 phone information service whereby residents of the area  
20 surrounding Lorton prison in Fairfax County, Virginia,  
21 can promptly obtain information from District of Colum-  
22 bia government officials on all disturbances at the prison,  
23 including escapes, riots, and similar incidents: *Provided*  
24 *further*, That the District of Columbia government shall  
25 also take steps to publicize the availability of the 24-hour

1 telephone information service among the residents of the  
2 area surrounding the Lorton prison: *Provided further,*  
3 That not to exceed \$100,000 of this appropriation shall  
4 be used to reimburse Fairfax County, Virginia, and Prince  
5 William County, Virginia, for expenses incurred by the  
6 counties during the fiscal year ending September 30,  
7 1997, in relation to the Lorton prison complex: *Provided*  
8 *further,* That such reimbursements shall be paid in all in-  
9 stances in which the District requests the counties to pro-  
10 vide police, fire, rescue, and related services to help deal  
11 with escapes, fires, riots, and similar disturbances involv-  
12 ing the prison: *Provided further,* That the Mayor shall re-  
13 imburse the District of Columbia National Guard for ex-  
14 penses incurred in connection with services that are per-  
15 formed in emergencies by the National Guard in a militia  
16 status and are requested by the Mayor, in amounts that  
17 shall be jointly determined and certified as due and pay-  
18 able for these services by the Mayor and the Commanding  
19 General of the District of Columbia National Guard: *Pro-*  
20 *vided further,* That such sums as may be necessary for  
21 reimbursement to the District of Columbia National  
22 Guard under the preceding proviso shall be available from  
23 this appropriation, and the availability of the sums shall  
24 be deemed as constituting payment in advance for emer-  
25 gency services involved.



## 1 PUBLIC EDUCATION SYSTEM

2 Public education system, including the development  
3 of national defense education programs, \$758,815,000  
4 and 11,276 full-time equivalent positions (including  
5 \$632,379,000 and 10,045 full-time equivalent positions  
6 from local funds, \$98,479,000 and 1,009 full-time equiva-  
7 lent positions from Federal funds, and \$27,957,000 and  
8 222 full-time equivalent positions from other funds), to  
9 be allocated as follows: \$573,430,000 and 9,935 full-time  
10 equivalent positions (including \$479,679,000 and 9,063  
11 full-time equivalent positions from local funds,  
12 \$85,823,000 and 840 full-time equivalent positions from  
13 Federal funds, and \$7,928,000 and 32 full-time equivalent  
14 positions from other funds), for the public schools of the  
15 District of Columbia; \$2,835,000 from local funds for  
16 public charter schools: *Provided*, That if the entirety of  
17 this allocation has not been provided as payments to one  
18 or more public charter schools by May 1, 1997, and re-  
19 mains unallocated, the funds will revert to the general  
20 fund of the District of Columbia in accordance with sec-  
21 tion 2403(a)(2)(D) of the District of Columbia School Re-  
22 form Act of 1995 (Public Law 104–134); \$88,100,000  
23 from local funds for the District of Columbia Teachers’  
24 Retirement Fund; \$69,801,000 and 917 full-time equiva-  
25 lent positions (including \$38,479,000 and 572 full-time

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

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

17 HUMAN SUPPORT SERVICES

18 Human support services, \$1,685,707,000 and 6,344  
19 full-time equivalent positions (including \$961,399,000 and  
20 3,814 full-time equivalent positions from local funds,  
21 \$676,665,000 and 2,444 full-time equivalent positions  
22 from Federal funds, and \$47,643,000 and 86 full-time  
23 equivalent positions from other funds): *Provided*, That  
24 \$24,793,000 of this appropriation, to remain available  
25 until expended, shall be available solely for District of Co-

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

13 PUBLIC WORKS

14 Public works, including rental of one passenger-car-  
15 rying vehicle for use by the Mayor and three passenger-  
16 carrying vehicles for use by the Council of the District of  
17 Columbia and purchase of passenger-carrying vehicles for  
18 replacement only, \$247,967,000 and 1,252 full-time equiv-  
19 alent positions (including \$234,391,000 and 1,149 full-  
20 time equivalent positions from local funds, \$3,047,000 and  
21 32 full-time equivalent positions from Federal funds, and  
22 \$10,529,000 and 71 full-time equivalent positions from  
23 other funds): *Provided*, That this appropriation shall not  
24 be available for collecting ashes or miscellaneous refuse  
25 from hotels and places of business.

1 WASHINGTON CONVENTION CENTER FUND TRANSFER  
2 PAYMENT

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

5 REPAYMENT OF LOANS AND INTEREST

6 For reimbursement to the United States of funds  
7 loaned in compliance with An Act to provide for the estab-  
8 lishment of a modern, adequate, and efficient hospital cen-  
9 ter in the District of Columbia, approved August 7, 1946  
10 (60 Stat. 896; Public Law 79–648); section 1 of An Act  
11 to authorize the Commissioners of the District of Colum-  
12 bia to borrow funds for capital improvement programs and  
13 to amend provisions of law relating to Federal Govern-  
14 ment participation in meeting costs of maintaining the  
15 Nation’s Capital City, approved June 6, 1958 (72 Stat.  
16 183; Public Law 85–451; D.C. Code, sec. 9–219); section  
17 4 of An Act to authorize the Commissioners of the District  
18 of Columbia to plan, construct, operate, and maintain a  
19 sanitary sewer to connect the Dulles International Airport  
20 with the District of Columbia system, approved June 12,  
21 1960 (74 Stat. 211; Public Law 86–515); sections 723  
22 and 743(f) of the District of Columbia Self-Government  
23 and Governmental Reorganization Act of 1973, approved  
24 December 24, 1973, as amended (87 Stat. 821; Public  
25 Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat.

1 1156; Public Law 95–131; D.C. Code, sec. 9–219, note),  
2 including interest as required thereby, \$333,710,000 from  
3 local funds.

4 REPAYMENT OF GENERAL FUND RECOVERY DEBT

5 For the purpose of eliminating the \$331,589,000  
6 general fund accumulated deficit as of September 30,  
7 1990, \$38,314,000 from local funds, as authorized by sec-  
8 tion 461(a) of the District of Columbia Self-Government  
9 and Governmental Reorganization Act, approved Decem-  
10 ber 24, 1973, as amended (105 Stat. 540; Public Law  
11 102–106; D.C. Code, sec. 47–321(a)(1)).

12 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

13 For payment of interest on short-term borrowing,  
14 \$34,461,000 from local funds.

15 PRESIDENTIAL INAUGURATION

16 For reimbursement for necessary expenses incurred  
17 in connection with Presidential inauguration activities as  
18 authorized by section 737(b) of the District of Columbia  
19 Self-Government and Governmental Reorganization Act,  
20 Public Law 93–198, as amended, approved December 24,  
21 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), \$5,702,000,  
22 which shall be apportioned by the Chief Financial Officer  
23 within the various appropriation headings in this Act.

## 1 CERTIFICATES OF PARTICIPATION

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

## 5 HUMAN RESOURCES DEVELOPMENT

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

## 9 COST REDUCTION INITIATIVES

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

## 20 CAPITAL OUTLAY

21 (INCLUDING RESCISSIONS)

22 For construction projects, an increase of \$46,923,000  
23 (including an increase of \$34,000,000 for the highway  
24 trust fund, reallocations and rescissions for a net rescis-  
25 sion of \$120,496,000 from local funds appropriated under

1 this heading in prior fiscal years and an additional  
2 \$133,419,000 in Federal funds), as authorized by An Act  
3 authorizing the laying of water mains and service sewers  
4 in the District of Columbia, the levying of assessments  
5 therefor, and for other purposes, approved April 22, 1904  
6 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–  
7 1512 through 43–1519); the District of Columbia Public  
8 Works Act of 1954, approved May 18, 1954 (68 Stat. 101;  
9 Public Law 83–364); An Act to authorize the Commis-  
10 sioners of the District of Columbia to borrow funds for  
11 capital improvement programs and to amend provisions of  
12 law relating to Federal Government participation in meet-  
13 ing costs of maintaining the Nation’s Capital City, ap-  
14 proved June 6, 1958 (72 Stat. 183; Public Law 85–451);  
15 including acquisition of sites, preparation of plans and  
16 specifications, conducting preliminary surveys, erection of  
17 structures, including building improvement and alteration  
18 and treatment of grounds, to remain available until ex-  
19 pended: *Provided*, That funds for use of each capital  
20 project implementing agency shall be managed and con-  
21 trolled in accordance with all procedures and limitations  
22 established under the Financial Management System: *Pro-*  
23 *vided further*, That all funds provided by this appropria-  
24 tion title shall be available only for the specific projects  
25 and purposes intended: *Provided further*, That notwith-



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

12 WATER AND SEWER ENTERPRISE FUND

13 For the Water and Sewer Enterprise Fund,  
14 \$221,362,000 from other funds of which \$41,833,000  
15 shall be apportioned and payable to the debt service fund  
16 for repayment of loans and interest incurred for capital  
17 improvement projects.

18 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

19 For the Lottery and Charitable Games Enterprise  
20 Fund, established by the District of Columbia Appropria-  
21 tion Act for the fiscal year ending September 30, 1982,  
22 approved December 4, 1981 (95 Stat. 1174, 1175; Public  
23 Law 97-91), as amended, for the purpose of implementing  
24 the Law to Legalize Lotteries, Daily Numbers Games, and  
25 Bingo and Raffles for Charitable Purposes in the District

1 of Columbia, effective March 10, 1981 (D.C. Law 3–172;  
2 D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.),  
3 \$247,900,000 and 100 full-time equivalent positions (in-  
4 cluding \$7,850,000 and 100 full-time equivalent positions  
5 for administrative expenses and \$240,050,000 for non-ad-  
6 ministrative expenses from revenue generated by the Lot-  
7 tery Board), to be derived from non-Federal District of  
8 Columbia revenues: *Provided*, That the District of Colum-  
9 bia shall identify the source of funding for this appropria-  
10 tion title from the District’s own locally-generated reve-  
11 nues: *Provided further*, That no revenues from Federal  
12 sources shall be used to support the operations or activi-  
13 ties of the Lottery and Charitable Games Control Board.

14 CABLE TELEVISION ENTERPRISE FUND

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

22 STARPLEX FUND

23 For the Starplex Fund, \$8,717,000 from other funds  
24 for expenses incurred by the Armory Board in the exercise  
25 of its powers granted by An Act To Establish A District

1 of Columbia Armory Board, and for other purposes, ap-  
2 proved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-  
3 301 et seq.) and the District of Columbia Stadium Act  
4 of 1957, approved September 7, 1957 (71 Stat. 619; Pub-  
5 lic Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*,  
6 That the Mayor shall submit a budget for the Armory  
7 Board for the forthcoming fiscal year as required by sec-  
8 tion 442(b) of the District of Columbia Self-Government  
9 and Governmental Reorganization Act, approved Decem-  
10 ber 24, 1973 (87 Stat. 824; Public Law 93-198; D.C.  
11 Code, sec. 47-301(b)).

12 D.C. GENERAL HOSPITAL

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

19 D.C. RETIREMENT BOARD

20 For the D.C. Retirement Board, established by sec-  
21 tion 121 of the District of Columbia Retirement Reform  
22 Act of 1989, approved November 17, 1979 (93 Stat. 866;  
23 D.C. Code, sec. 1-711), \$16,667,000 and 13 full-time  
24 equivalent positions from the earnings of the applicable  
25 retirement funds to pay legal, management, investment,

1 and other fees and administrative expenses of the District  
2 of Columbia Retirement Board: *Provided*, That the Dis-  
3 trict of Columbia Retirement Board shall provide to the  
4 Congress and to the Council of the District of Columbia  
5 a quarterly report of the allocations of charges by fund  
6 and of expenditures of all funds: *Provided further*, That  
7 the District of Columbia Retirement Board shall provide  
8 the Mayor, for transmittal to the Council of the District  
9 of Columbia, an item accounting of the planned use of ap-  
10 propriated funds in time for each annual budget submis-  
11 sion and the actual use of such funds in time for each  
12 annual audited financial report.

13                   CORRECTIONAL INDUSTRIES FUND

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

19                   WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

1 DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY  
2 AND MANAGEMENT ASSISTANCE AUTHORITY

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

9 GENERAL PROVISIONS

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

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

23 SEC. 103. Whenever in this Act, an amount is speci-  
24 fied within an appropriation for particular purposes or ob-  
25 jects of expenditure, such amount, unless otherwise speci-

1 fied, shall be considered as the maximum amount that  
2 may be expended for said purpose or object rather than  
3 an amount set apart exclusively therefor.

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

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

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

1 triet of Columbia Income and Franchise Tax Act of 1947,  
2 approved March 31, 1956 (70 Stat. 78; Public Law 84–  
3 460; D.C. Code, sec. 47–1812.11(c)(3)).

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

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

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

24       SEC. 110. None of the funds appropriated in this Act  
25 shall be made available to pay the salary of any employee

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

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

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

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



1 shall report to the Council of the District of Columbia and  
2 the Congress the actual borrowings and spending progress  
3 compared with projections.

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

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

12       SEC. 116. None of the funds appropriated by this Act  
13 may be obligated or expended by reprogramming except  
14 pursuant to advance approval of the reprogramming  
15 granted according to the procedure set forth in the Joint  
16 Explanatory Statement of the Committee of Conference  
17 (House Report No. 96-443), which accompanied the Dis-  
18 trict of Columbia Appropriation Act, 1980, approved Octo-  
19 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-  
20 fied in House Report No. 98-265, and in accordance with  
21 the Reprogramming Policy Act of 1980, effective Septem-  
22 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361  
23 et seq.): *Provided*, That for the fiscal year ending Septem-  
24 ber 30, 1997 the above shall apply except as modified by  
25 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 1996 shall be deemed to be the rate of pay payable  
3 for that position for September 30, 1996.

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, Unit-  
23 ed 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, 1997,  
11 the Mayor of the District of Columbia shall submit to the  
12 Council of the District of Columbia the new fiscal year  
13 1997 revenue estimates as of the end of the first quarter  
14 of fiscal year 1997. These estimates shall be used in the  
15 budget request for the fiscal year ending September 30,  
16 1998. 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 Public Schools may renew or extend sole source contracts

1 for which competition is not feasible or practical, provided  
2 that the determination as to whether to invoke the com-  
3 petitive bidding process has been made in accordance with  
4 duly promulgated Board of Education rules and proce-  
5 dures.

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

19       SEC. 125. In the event a sequestration order is issued  
20 pursuant to the Balanced Budget and Emergency Deficit  
21 Control Act of 1985, approved December 12, 1985 (99  
22 Stat. 1037; Public Law 99–177), as amended, after the  
23 amounts appropriated to the District of Columbia for the  
24 fiscal year involved have been paid to the District of Co-  
25 lumbia, the Mayor of the District of Columbia shall pay

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

11       SEC. 126. Nothing in this Act shall be construed to  
12 authorize any office, agency or entity to expend funds for  
13 programs or functions for which a reorganization plan is  
14 required but has not been approved by the Council pursu-  
15 ant to section 422(12) of the District of Columbia Self-  
16 Government and Governmental Reorganization Act of  
17 1973, approved December 24, 1973 (87 Stat. 790; Public  
18 Law 93–198; D.C. Code, sec. 1–242(12)) and the Govern-  
19 mental Reorganization Procedures Act of 1981, effective  
20 October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–  
21 299.1 to 1–299.7). Appropriations made by this Act for  
22 such programs or functions are conditioned on the ap-  
23 proval by the Council, prior to October 1, 1996, of the  
24 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 1997 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 PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

7 SEC. 129. 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 PROHIBITION ON DOMESTIC PARTNERS ACT

13 SEC. 130. No funds made available pursuant to any  
14 provision of this Act shall be used to implement or enforce  
15 any system of registration of unmarried, cohabiting cou-  
16 ples whether they are homosexual, lesbian, or hetero-  
17 sexual, including but not limited to registration for the  
18 purpose of extending employment, health, or governmental  
19 benefits to such couples on the same basis that such bene-  
20 fits are extended to legally married couples; nor shall any  
21 funds made available pursuant to any provision of this Act  
22 otherwise be used to implement or enforce D.C. Act 9–  
23 188, signed by the Mayor of the District of Columbia on  
24 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, and the Council of the District  
20 of Columbia no later than fifteen (15) calendar days after  
21 the end of each month a report that sets forth—

22 (1) current month expenditures and obligations,  
23 year-to-date expenditures and obligations, and total  
24 fiscal year expenditure projections vs. budget broken  
25 out on the basis of control center, responsibility cen-

1 ter, agency reporting code, and object class, and for  
2 all funds, including capital financing;

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

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

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

1           (5) all reprogramming requests and reports  
2 that are required to be, and have been, submitted to  
3 the Board of Education; and

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.

11           MONTHLY REPORTING REQUIREMENTS

12           UNIVERSITY OF THE DISTRICT OF COLUMBIA

13       SEC. 133. The University of the District of Columbia  
14 shall submit to the Congress, the Mayor, and the Council  
15 of the District of Columbia no later than fifteen (15) cal-  
16 endar days after the end of each month a report that sets  
17 forth—

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

24           (2) a breakdown of FTE positions and all em-  
25 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  
4 by subsection (a) of this section shall be submitted  
5 to the Congress, the Mayor, the District of Columbia  
6 Council, the Consensus Commission, and the Au-  
7 thority, not later than February 15 of each year.

8 ANNUAL BUDGETS AND BUDGET REVISIONS

9 SEC. 135. (a) No later than October 1, 1996, or with-  
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



1 (B) by inserting after subparagraph (L)(i),  
2 the following new clause:

3 “(ii) notwithstanding any other provi-  
4 sion of law, the Board of Education shall  
5 not issue rules that require or permit non-  
6 school-based personnel or school adminis-  
7 trators to be assigned or reassigned to the  
8 same competitive level as classroom teach-  
9 ers;” and

10 (3) in section 2402 (D.C. Code, sec. 1–625.2),  
11 by adding at the end the following new subsection:

12 “(f) Notwithstanding any other provision of law, the  
13 Board of Education shall not require or permit nonschool-  
14 based personnel or school administrators to be assigned  
15 or reassigned to the same competitive level as classroom  
16 teachers.”.

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 abolishment.

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 abolishment shall be sepa-  
10 rated without competition or assignment rights, except as  
11 provided in this section.

12       “(d) An employee affected by the abolishment 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 fect 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”.

24 CEILING ON EXPENSES AND DEFICIT

25 SEC. 141. (a) CEILING ON TOTAL OPERATING EX-  
26 PENSES AND DEFICIT.—

1           (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, the total amount appropriated in  
3 this Act for operating expenses for the District of  
4 Columbia for fiscal year 1997 under the caption  
5 “DIVISION OF EXPENSES” shall not exceed the less-  
6 er of—

7                   (A) the sum of the total revenues of the  
8 District of Columbia for such fiscal year and  
9 \$40,000,000; or

10                   (B) \$5,108,913,000 (of which  
11 \$134,528,000 shall be from intra-District  
12 funds).

13           (2) ENFORCEMENT.—The Chief Financial Offi-  
14 cer of the District of Columbia and the District of  
15 Columbia Financial Responsibility and Management  
16 Assistance Authority shall take such steps as are  
17 necessary to assure that the District of Columbia  
18 meets the requirements of this section, including the  
19 apportioning by the Chief Financial Officer of the  
20 appropriations and funds made available to the Dis-  
21 trict during fiscal year 1997.

22           (b) ACCEPTANCE AND USE OF GRANTS NOT IN-  
23 CLUDED IN CEILING.—

24           (1) IN GENERAL.—Notwithstanding subsection  
25 (a), the Mayor of the District of Columbia may ac-

1       cept, obligate, and expend Federal, private, and  
2       other grants received by the District government  
3       that are not reflected in the amounts appropriated  
4       in this Act.

5               (2) REQUIREMENT OF CHIEF FINANCIAL OFFI-  
6       CER REPORT AND FINANCIAL RESPONSIBILITY AND  
7       MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—

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

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

17              (B) the District of Columbia Financial Re-  
18      sponsibility and Management Assistance Au-  
19      thority has reviewed and approved the accept-  
20      ance, obligation, and expenditure of such grant  
21      in accordance with review and approval proce-  
22      dures consistent with the provisions of Public  
23      Law 104–8, the District of Columbia Financial  
24      Responsibility and Management Assistance Act  
25      of 1995.

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

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

18          CHIEF FINANCIAL OFFICER POWERS DURING CONTROL  
19                                                                   PERIODS

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

25                  (a) the heads and all personnel of the following  
26                  offices, together with all other District of Columbia



1 executive branch accounting, budget, and financial  
2 management personnel, shall be appointed by, shall  
3 serve at the pleasure of, and shall act under the di-  
4 rection and control of the Chief Financial Officer:

5 The Office of the Treasurer.

6 The Controller of the District of Columbia.

7 The Office of the Budget.

8 The Office of Financial Information Serv-  
9 ices.

10 The Department of Finance and Revenue.

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

17 (b) The Chief Financial Officer shall prepare  
18 and submit to the Mayor, for inclusion in the annual  
19 budget of the District of Columbia under part D of  
20 title IV of the District of Columbia Self-Government  
21 and Governmental Reorganization Act of 1973, ap-  
22 proved December 24, 1973 (87 Stat. 774; Public  
23 Law 93–198), as amended, for each fiscal year oc-  
24 ccurring during a control period in effect under sub-  
25 title A of title II of the District of Columbia Finan-

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

18       POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

19       SEC. 143. (a) Up to 50 police officers and up to 50  
20       Fire and Emergency Medical Services members with less  
21       than 20 years of departmental service who were hired be-  
22       fore February 14, 1980, and who retire on disability be-  
23       fore the end of calendar year 1997 shall be excluded from  
24       the computation of the rate of disability retirements under  
25       subsection 145(a) of the District of Columbia Retirement  
26       Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–

1 725(a)), for purposes of reducing the authorized Federal  
2 payment to the District of Columbia Police Officers and  
3 Fire Fighters' Retirement Fund pursuant to subsection  
4 145(c) of the District of Columbia Retirement Reform Act  
5 of 1979.

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

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

20 SEC. 144. (a) Section 451(c)(3) of the District of Co-  
21 lumbia Self-Government and Governmental Reorganiza-  
22 tion Act, approved December 24, 1973 (87 Stat. 803; D.C.  
23 Code, sec. 1–1130(c)(3)), is amended by striking the word  
24 “section” and inserting the word “subsection” in its place.

1 DISTRICT OF COLUMBIA SCHOOL REFORM

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

5 “(2) TUITION, FEES, AND PAYMENTS.—

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

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

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

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

24 This Act may be cited as the District of Columbia  
25 Appropriations Act, 1997.

Calendar No. 357

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3845**

[Report No. 104-689]

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## **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, 1997, and for other purposes.

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JULY 18, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed