

Calendar No. 509

104TH CONGRESS
2D Session

H. R. 3845

[Report No. 104-328]

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.

JULY 23, 1996

Reported with amendments

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2^D SESSION**H. R. 3845****[Report No. 104–328]**

IN THE SENATE OF THE UNITED STATES

JULY 23, 1996

Received; read twice and referred to the Committee on Appropriations

JULY 23, 1996

Reported by Mr. JEFFORDS, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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:

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

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

8 FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

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

14 PRESIDENTIAL INAUGURATION

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

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

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

1 Act of 1984, effective March 13, 1985 (D.C. Law 5–129;
2 D.C. Code, sec. 16–2304), for the fiscal year ending Sep-
3 tember 30, 1997, shall be available for obligations in-
4 curred under the Act in each fiscal year since inception
5 in fiscal year 1985: *Provided further*, That funds appro-
6 priated for expenses under the District of Columbia
7 Guardianship, Protective Proceedings, and Durable Power
8 of Attorney Act of 1986, effective February 27, 1987
9 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal
10 year ending September 30, 1997, shall be available for ob-
11 ligations incurred under the Act in each fiscal year since
12 inception in fiscal year 1989: *Provided further*, That not
13 to exceed \$1,500 for the Chief Judge of the District of
14 Columbia Court of Appeals, \$1,500 for the Chief Judge
15 of the Superior Court of the District of Columbia, and
16 \$1,500 for the Executive Officer of the District of Colum-
17 bia Courts shall be available from this appropriation for
18 official purposes: *Provided further*, That the District of
19 Columbia shall operate and maintain a free, 24-hour tele-
20 phone information service whereby residents of the area
21 surrounding Lorton prison in Fairfax County, Virginia,
22 can promptly obtain information from District of Colum-
23 bia government officials on all disturbances at the prison,
24 including escapes, riots, and similar incidents: *Provided*
25 *further*, That the District of Columbia government shall

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

1 agency services involved: *Provided further, That in addition*
 2 *to the \$1,041,281,000 appropriated under this heading, an*
 3 *additional \$651,000 shall be transferred from the Depart-*
 4 *ment of Public Works to the District of Columbia Court*
 5 *System for maintenance and repair of elevators/escalators,*
 6 *heating, ventilation, and air conditioning systems, fire*
 7 *alarms and security systems, materials and services for*
 8 *building maintenance and repair, and trash removal.*

9 PUBLIC EDUCATION SYSTEM

10 Public education system, including the development
 11 of national defense education programs, \$758,815,000
 12 and 11,276 full-time equivalent positions (including
 13 \$632,379,000 and 10,045 full-time equivalent positions
 14 from local funds, \$98,479,000 and 1,009 full-time equiva-
 15 lent positions from Federal funds, and \$27,957,000 and
 16 222 full-time equivalent positions from other funds), to
 17 be allocated as follows: \$573,430,000 and 9,935 full-time
 18 equivalent positions (including \$479,679,000 and 9,063
 19 full-time equivalent positions from local funds,
 20 \$85,823,000 and 840 full-time equivalent positions from
 21 Federal funds, and \$7,928,000 and 32 full-time equivalent
 22 positions from other funds), for the public schools of the
 23 District of Columbia; \$2,835,000 from local funds for
 24 public charter schools: *Provided, That if the entirety of*
 25 *this allocation has not been provided as payments to one*

1 or more public charter schools by May 1, 1997, and re-
2 mains unallocated, the funds will revert to the general
3 fund of the District of Columbia in accordance with sec-
4 tion 2403(a)(2)(D) of the District of Columbia School Re-
5 form Act of 1995 (Public Law 104–134); \$88,100,000
6 from local funds for the District of Columbia Teachers’
7 Retirement Fund; \$69,801,000 and 917 full-time equiva-
8 lent positions (including \$38,479,000 and 572 full-time
9 equivalent positions from local funds, \$11,747,000 and
10 156 full-time equivalent positions from Federal funds, and
11 \$19,575,000 and 189 full-time equivalent positions from
12 other funds) for the University of the District of Colum-
13 bia; \$22,429,000 and 415 full-time equivalent positions
14 (including \$21,529,000 and 408 full-time equivalent posi-
15 tions from local funds, \$446,000 and 6 full-time equiva-
16 lent positions from Federal funds, and \$454,000 and 1
17 full-time equivalent position from other funds) for the
18 Public Library; \$2,220,000 and 9 full-time equivalent po-
19 sitions (including \$1,757,000 and 2 full-time equivalent
20 positions from local funds and \$463,000 and 7 full-time
21 equivalent positions from Federal funds) for the Commis-
22 sion on the Arts and Humanities: *Provided*, That the pub-
23 lic schools of the District of Columbia are authorized to
24 accept not to exceed 31 motor vehicles for exclusive use
25 in the driver education program: *Provided further*, That

1 not to exceed \$2,500 for the Superintendent of Schools,
2 \$2,500 for the President of the University of the District
3 of Columbia, and \$2,000 for the Public Librarian shall
4 be available from this appropriation for official purposes:
5 *Provided further*, That not less than \$9,200,000 shall be
6 available from this appropriation for school repairs in a
7 restricted line item: *Provided further*, That not less than
8 \$1,200,000 shall be available for local school allotments
9 in a restricted line item: *Provided further*, That not less
10 than \$4,500,000 shall be available to support kindergarten
11 aides in a restricted line item: *Provided further*, That not
12 less than \$2,800,000 shall be available to support sub-
13 stitute teachers in a restricted line item: *Provided further*,
14 That not less than \$1,788,000 shall be available in a re-
15 stricted line item for school counselors: *Provided further*,
16 That this appropriation shall not be available to subsidize
17 the education of nonresidents of the District of Columbia
18 at the University of the District of Columbia, unless the
19 Board of Trustees of the University of the District of Co-
20 lumbia adopts, for the fiscal year ending September 30,
21 1997, a tuition rate schedule that will establish the tuition
22 rate for nonresident students at a level no lower than the
23 nonresident tuition rate charged at comparable public in-
24 stitutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, \$1,685,707,000 and 6,344 full-time equivalent positions (including \$961,399,000 and 3,814 full-time equivalent positions from local funds, \$676,665,000 and 2,444 full-time equivalent positions from Federal funds, and \$47,643,000 and 86 full-time equivalent positions from other funds): *Provided*, That \$24,793,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of

1 Columbia and purchase of passenger-carrying vehicles for
 2 replacement only, \$247,967,000 and 1,252 full-time equiv-
 3 alent positions (including \$234,391,000 and 1,149 full-
 4 time equivalent positions from local funds, \$3,047,000 and
 5 32 full-time equivalent positions from Federal funds, and
 6 \$10,529,000 and 71 full-time equivalent positions from
 7 other funds): *Provided*, That this appropriation shall not
 8 be available for collecting ashes or miscellaneous refuse
 9 from hotels and places of business.

10 WASHINGTON CONVENTION CENTER FUND TRANSFER

11 PAYMENT

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

14 REPAYMENT OF LOANS AND INTEREST

15 For reimbursement to the United States of funds
 16 loaned in compliance with An Act to provide for the estab-
 17 lishment of a modern, adequate, and efficient hospital cen-
 18 ter in the District of Columbia, approved August 7, 1946
 19 (60 Stat. 896; Public Law 79–648); section 1 of An Act
 20 to authorize the Commissioners of the District of Colum-
 21 bia to borrow funds for capital improvement programs and
 22 to amend provisions of law relating to Federal Govern-
 23 ment participation in meeting costs of maintaining the
 24 Nation’s Capital City, approved June 6, 1958 (72 Stat.
 25 183; Public Law 85–451; D.C. Code, sec. 9–219); section

1 4 of An Act to authorize the Commissioners of the District
2 of Columbia to plan, construct, operate, and maintain a
3 sanitary sewer to connect the Dulles International Airport
4 with the District of Columbia system, approved June 12,
5 1960 (74 Stat. 211; Public Law 86–515); sections 723
6 and 743(f) of the District of Columbia Self-Government
7 and Governmental Reorganization Act of 1973, approved
8 December 24, 1973, as amended (87 Stat. 821; Public
9 Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat.
10 1156; Public Law 95–131; D.C. Code, sec. 9–219, note),
11 including interest as required thereby, \$333,710,000 from
12 local funds.

13 REPAYMENT OF GENERAL FUND RECOVERY DEBT

14 For the purpose of eliminating the \$331,589,000
15 general fund accumulated deficit as of September 30,
16 1990, \$38,314,000 from local funds, as authorized by sec-
17 tion 461(a) of the District of Columbia Self-Government
18 and Governmental Reorganization Act, approved Decem-
19 ber 24, 1973, as amended (105 Stat. 540; Public Law
20 102–106; D.C. Code, sec. 47–321(a)(1)).

21 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

22 For payment of interest on short-term borrowing,
23 \$34,461,000 from local funds.

1 PRESIDENTIAL INAUGURATION

2 For reimbursement for necessary expenses incurred
3 in connection with Presidential inauguration activities as
4 authorized by section 737(b) of the District of Columbia
5 Self-Government and Governmental Reorganization Act,
6 Public Law 93–198, as amended, approved December 24,
7 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), \$5,702,000,
8 which shall be apportioned by the Chief Financial Officer
9 within the various appropriation headings in this Act.

10 CERTIFICATES OF PARTICIPATION

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

14 HUMAN RESOURCES DEVELOPMENT

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

18 COST REDUCTION INITIATIVES

19 The Chief Financial Officer of the District of Colum-
20 bia shall, on behalf of the Mayor and under the direction
21 of the District of Columbia Financial Responsibility and
22 Management Assistance Authority, make reductions of
23 \$47,411,000 and 2,411 full-time equivalent positions as
24 follows: \$4,488,000 in real estate initiatives, \$6,317,000
25 in management information systems, \$2,271,000 in en-

1 ergy cost initiatives, \$12,960,000 in purchasing and pro-
 2 curement initiatives, and workforce reductions of 2,411
 3 full-time positions and \$21,375,000.

4 CAPITAL OUTLAY

5 (INCLUDING RESCISSIONS)

6 For construction projects, an increase of ~~\$46,923,000~~
 7 *\$75,923,000* (including an increase of \$34,000,000 for the
 8 highway trust fund, reallocations and rescissions for a net
 9 rescission of \$120,496,000 from local funds appropriated
 10 under this heading in prior fiscal years and an additional
 11 \$133,419,000 in Federal funds), as authorized by An Act
 12 authorizing the laying of water mains and service sewers
 13 in the District of Columbia, the levying of assessments
 14 therefor, and for other purposes, approved April 22, 1904
 15 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–
 16 1512 through 43–1519); the District of Columbia Public
 17 Works Act of 1954, approved May 18, 1954 (68 Stat. 101;
 18 Public Law 83–364); An Act to authorize the Commis-
 19 sioners of the District of Columbia to borrow funds for
 20 capital improvement programs and to amend provisions of
 21 law relating to Federal Government participation in meet-
 22 ing costs of maintaining the Nation’s Capital City, ap-
 23 proved June 6, 1958 (72 Stat. 183; Public Law 85–451);
 24 including acquisition of sites, preparation of plans and
 25 specifications, conducting preliminary surveys, erection of

1 structures, including building improvement and alteration
 2 and treatment of grounds, to remain available until ex-
 3 pended: *Provided*, That funds for use of each capital
 4 project implementing agency shall be managed and con-
 5 trolled in accordance with all procedures and limitations
 6 established under the Financial Management System: *Pro-*
 7 *vided further*, That all funds provided by this appropria-
 8 tion title shall be available only for the specific projects
 9 and purposes intended: *Provided further*, That notwith-
 10 standing the foregoing, all authorizations for capital out-
 11 lay projects, except those projects covered by the first sen-
 12 tence of section 23(a) of the Federal-Aid Highway Act of
 13 1968, approved August 23, 1968 (82 Stat. 827; Public
 14 Law 90-495; D.C. Code, sec. 7-134, note), for which
 15 funds are provided by this appropriation title, shall expire
 16 on September 30, 1998, except authorizations for projects
 17 as to which funds have been obligated in whole or in part
 18 prior to September 30, 1998: *Provided further*, That upon
 19 expiration of any such project authorization the funds pro-
 20 vided herein for the project shall lapse.

21 WATER AND SEWER ENTERPRISE FUND

22 For the Water and Sewer Enterprise Fund,
 23 \$221,362,000 from other funds of which \$41,833,000
 24 shall be apportioned and payable to the debt service fund

1 for repayment of loans and interest incurred for capital
2 improvement projects.

3 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

4 For the Lottery and Charitable Games Enterprise
5 Fund, established by the District of Columbia Appropria-
6 tion Act for the fiscal year ending September 30, 1982,
7 approved December 4, 1981 (95 Stat. 1174, 1175; Public
8 Law 97–91), as amended, for the purpose of implementing
9 the Law to Legalize Lotteries, Daily Numbers Games, and
10 Bingo and Raffles for Charitable Purposes in the District
11 of Columbia, effective March 10, 1981 (D.C. Law 3–172;
12 D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.),
13 \$247,900,000 and 100 full-time equivalent positions (in-
14 cluding \$7,850,000 and 100 full-time equivalent positions
15 for administrative expenses and \$240,050,000 for non-ad-
16 ministrative expenses from revenue generated by the Lot-
17 tery Board), to be derived from non-Federal District of
18 Columbia revenues: *Provided*, That the District of Colum-
19 bia shall identify the source of funding for this appropria-
20 tion title from the District’s own locally-generated reve-
21 nues: *Provided further*, That no revenues from Federal
22 sources shall be used to support the operations or activi-
23 ties of the Lottery and Charitable Games Control Board.

1 CABLE TELEVISION ENTERPRISE FUND

2 For the Cable Television Enterprise Fund, estab-
3 lished by the Cable Television Communications Act of
4 1981, effective October 22, 1983 (D.C. Law 5–36; D.C.
5 Code, sec. 43–1801 et seq.), \$2,511,000 and 8 full-time
6 equivalent positions (including \$2,179,000 and 8 full-time
7 equivalent positions from local funds and \$332,000 from
8 other funds).

9 STARPLEX FUND

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

1 D.C. GENERAL HOSPITAL

2 For the District of Columbia General Hospital, estab-
3 lished by Reorganization Order No. 57 of the Board of
4 Commissioners, effective August 15, 1953, \$112,419,000
5 of which \$59,735,000 shall be derived by transfer from
6 the general fund and \$52,684,000 shall be derived from
7 other funds.

8 D.C. RETIREMENT BOARD

9 For the D.C. Retirement Board, established by sec-
10 tion 121 of the District of Columbia Retirement Reform
11 Act of 1989, approved November 17, 1979 (93 Stat. 866;
12 D.C. Code, sec. 1-711), \$16,667,000 and 13 full-time
13 equivalent positions from the earnings of the applicable
14 retirement funds to pay legal, management, investment,
15 and other fees and administrative expenses of the District
16 of Columbia Retirement Board: *Provided*, That the Dis-
17 trict of Columbia Retirement Board shall provide to the
18 Congress and to the Council of the District of Columbia
19 a quarterly report of the allocations of charges by fund
20 and of expenditures of all funds: *Provided further*, That
21 the District of Columbia Retirement Board shall provide
22 the Mayor, for transmittal to the Council of the District
23 of Columbia, an item accounting of the planned use of ap-
24 propriated funds in time for each annual budget submis-

1 sion and the actual use of such funds in time for each
2 annual audited financial report.

3 CORRECTIONAL INDUSTRIES FUND

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

9 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

13 DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY

14 AND MANAGEMENT ASSISTANCE AUTHORITY

15 For the District of Columbia Financial Responsibility
16 and Management Assistance Authority, established by sec-
17 tion 101(a) of the District of Columbia Financial Respon-
18 sibility and Management Assistance Act of 1995, approved
19 April 17, 1995 (109 Stat. 97; Public Law 104–8),
20 \$3,400,000.

21 GENERAL PROVISIONS

22 SEC. 101. The expenditure of any appropriation
23 under this Act for any consulting service through procure-
24 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
25 to those contracts where such expenditures are a matter

1 of public record and available for public inspection, except
2 where otherwise provided under existing law, or under ex-
3 isting Executive order issued pursuant to existing law.

4 SEC. 102. Except as otherwise provided in this Act,
5 all vouchers covering expenditures of appropriations con-
6 tained in this Act shall be audited before payment by the
7 designated certifying official and the vouchers as approved
8 shall be paid by checks issued by the designated disbursing
9 official.

10 SEC. 103. Whenever in this Act, an amount is speci-
11 fied within an appropriation for particular purposes or ob-
12 jects of expenditure, such amount, unless otherwise speci-
13 fied, shall be considered as the maximum amount that
14 may be expended for said purpose or object rather than
15 an amount set apart exclusively therefor.

16 SEC. 104. Appropriations in this Act shall be avail-
17 able, when authorized by the Mayor, for allowances for
18 privately-owned automobiles and motorcycles used for the
19 performance of official duties at rates established by the
20 Mayor: *Provided*, That such rates shall not exceed the
21 maximum prevailing rates for such vehicles as prescribed
22 in the Federal Property Management Regulations 101–7
23 (Federal Travel Regulations).

24 SEC. 105. Appropriations in this Act shall be avail-
25 able for expenses of travel and for the payment of dues

1 of organizations concerned with the work of the District
2 of Columbia government, when authorized by the Mayor:
3 *Provided*, That the Council of the District of Columbia
4 and the District of Columbia Courts may expend such
5 funds without authorization by the Mayor.

6 SEC. 106. There are appropriated from the applicable
7 funds of the District of Columbia such sums as may be
8 necessary for making refunds and for the payment of
9 judgments that have been entered against the District of
10 Columbia government: *Provided*, That nothing contained
11 in this section shall be construed as modifying or affecting
12 the provisions of section 11(c)(3) of title XII of the Dis-
13 trict of Columbia Income and Franchise Tax Act of 1947,
14 approved March 31, 1956 (70 Stat. 78; Public Law 84–
15 460; D.C. Code, sec. 47–1812.11(c)(3)).

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

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

4 SEC. 109. No funds appropriated in this Act for the
5 District of Columbia government for the operation of edu-
6 cational institutions, the compensation of personnel, or for
7 other educational purposes may be used to permit, encour-
8 age, facilitate, or further partisan political activities.
9 Nothing herein is intended to prohibit the availability of
10 school buildings for the use of any community or partisan
11 political group during non-school hours.

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

24 SEC. 111. There are appropriated from the applicable
25 funds of the District of Columbia such sums as may be

1 necessary for making payments authorized by the District
2 of Columbia Revenue Recovery Act of 1977, effective Sep-
3 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-
4 421 et seq.).

5 SEC. 112. No part of this appropriation shall be used
6 for publicity or propaganda purposes or implementation
7 of any policy including boycott designed to support or de-
8 feat legislation pending before Congress or any State legis-
9 lature.

10 SEC. 113. At the start of the fiscal year, the Mayor
11 shall develop an annual plan, by quarter and by project,
12 for capital outlay borrowings: *Provided*, That within a rea-
13 sonable time after the close of each quarter, the Mayor
14 shall report to the Council of the District of Columbia and
15 the Congress the actual borrowings and spending progress
16 compared with projections.

17 SEC. 114. The Mayor shall not borrow any funds for
18 capital projects unless the Mayor has obtained prior ap-
19 proval from the Council of the District of Columbia, by
20 resolution, identifying the projects and amounts to be fi-
21 nanced with such borrowings.

22 SEC. 115. The Mayor shall not expend any moneys
23 borrowed for capital projects for the operating expenses
24 of the District of Columbia government.

1 SEC. 116. None of the funds appropriated by this Act
2 may be obligated or expended by reprogramming except
3 pursuant to advance approval of the reprogramming
4 granted according to the procedure set forth in the Joint
5 Explanatory Statement of the Committee of Conference
6 (House Report No. 96-443), which accompanied the Dis-
7 trict of Columbia Appropriation Act, 1980, approved Octo-
8 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-
9 fied in House Report No. 98-265, and in accordance with
10 the Reprogramming Policy Act of 1980, effective Septem-
11 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361
12 et seq.): *Provided*, That for the fiscal year ending Septem-
13 ber 30, 1997 the above shall apply except as modified by
14 Public Law 104-8.

15 SEC. 117. None of the Federal funds provided in this
16 Act shall be obligated or expended to provide a personal
17 cook, chauffeur, or other personal servants to any officer
18 or employee of the District of Columbia.

19 SEC. 118. None of the Federal funds provided in this
20 Act shall be obligated or expended to procure passenger
21 automobiles as defined in the Automobile Fuel Efficiency
22 Act of 1980, approved October 10, 1980 (94 Stat. 1824;
23 Public Law 96-425; 15 U.S.C. 2001(2)), with an Environ-
24 mental Protection Agency estimated miles per gallon aver-
25 age of less than 22 miles per gallon: *Provided*, That this

1 section shall not apply to security, emergency rescue, or
2 armored vehicles.

3 SEC. 119. (a) Notwithstanding section 422(7) of the
4 District of Columbia Self-Government and Governmental
5 Reorganization Act of 1973, approved December 24, 1973
6 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–
7 242(7)), the City Administrator shall be paid, during any
8 fiscal year, a salary at a rate established by the Mayor,
9 not to exceed the rate established for level IV of the Exec-
10 utive Schedule under 5 U.S.C. 5315.

11 (b) For purposes of applying any provision of law lim-
12 iting the availability of funds for payment of salary or pay
13 in any fiscal year, the highest rate of pay established by
14 the Mayor under subsection (a) of this section for any po-
15 sition for any period during the last quarter of calendar
16 year 1996 shall be deemed to be the rate of pay payable
17 for that position for September 30, 1996.

18 (c) Notwithstanding section 4(a) of the District of
19 Columbia Redevelopment Act of 1945, approved August
20 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code,
21 sec. 5–803(a)), the Board of Directors of the District of
22 Columbia Redevelopment Land Agency shall be paid, dur-
23 ing any fiscal year, per diem compensation at a rate estab-
24 lished by the Mayor.

1 SEC. 120. Notwithstanding any other provisions of
2 law, the provisions of the District of Columbia Govern-
3 ment Comprehensive Merit Personnel Act of 1978, effec-
4 tive March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–
5 601.1 et seq.), enacted pursuant to section 422(3) of the
6 District of Columbia Self-Government and Governmental
7 Reorganization Act of 1973, approved December 24, 1973
8 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–
9 242(3)), shall apply with respect to the compensation of
10 District of Columbia employees: *Provided*, That for pay
11 purposes, employees of the District of Columbia govern-
12 ment shall not be subject to the provisions of title 5, Unit-
13 ed States Code.

14 SEC. 121. The Director of the Department of Admin-
15 istrative Services may pay rentals and repair, alter, and
16 improve rented premises, without regard to the provisions
17 of section 322 of the Economy Act of 1932 (Public Law
18 72–212; 40 U.S.C. 278a), based upon a determination by
19 the Director, that by reason of circumstances set forth in
20 such determination, the payment of these rents and the
21 execution of this work, without reference to the limitations
22 of section 322, is advantageous to the District in terms
23 of economy, efficiency, and the District’s best interest.

24 SEC. 122. No later than 30 days after the end of the
25 first quarter of the fiscal year ending September 30, 1997,

1 the Mayor of the District of Columbia shall submit to the
2 Council of the District of Columbia the new fiscal year
3 1997 revenue estimates as of the end of the first quarter
4 of fiscal year 1997. These estimates shall be used in the
5 budget request for the fiscal year ending September 30,
6 1998. The officially revised estimates at midyear shall be
7 used for the midyear report.

8 SEC. 123. No sole source contract with the District
9 of Columbia government or any agency thereof may be re-
10 newed or extended without opening that contract to the
11 competitive bidding process as set forth in section 303 of
12 the District of Columbia Procurement Practices Act of
13 1985, effective February 21, 1986 (D.C. Law 6–85; D.C.
14 Code, sec. 1–1183.3), except that the District of Columbia
15 Public Schools may renew or extend sole source contracts
16 for which competition is not feasible or practical, provided
17 that the determination as to whether to invoke the com-
18 petitive bidding process has been made in accordance with
19 duly promulgated Board of Education rules and proce-
20 dures.

21 SEC. 124. For purposes of the Balanced Budget and
22 Emergency Deficit Control Act of 1985, approved Decem-
23 ber 12, 1985 (99 Stat. 1037; Public Law 99–177), as
24 amended, the term “program, project, and activity” shall
25 be synonymous with and refer specifically to each account

1 appropriating Federal funds in this Act, and any seques-
2 tration order shall be applied to each of the accounts rath-
3 er than to the aggregate total of those accounts: *Provided*,
4 That sequestration orders shall not be applied to any ac-
5 count that is specifically exempted from sequestration by
6 the Balanced Budget and Emergency Deficit Control Act
7 of 1985, approved December 12, 1985 (99 Stat. 1037;
8 Public Law 99–177), as amended.

9 SEC. 125. In the event a sequestration order is issued
10 pursuant to the Balanced Budget and Emergency Deficit
11 Control Act of 1985, approved December 12, 1985 (99
12 Stat. 1037; Public Law 99–177), as amended, after the
13 amounts appropriated to the District of Columbia for the
14 fiscal year involved have been paid to the District of Co-
15 lumbia, the Mayor of the District of Columbia shall pay
16 to the Secretary of the Treasury, within 15 days after re-
17 ceipt of a request therefor from the Secretary of the
18 Treasury, such amounts as are sequestered by the order:
19 *Provided*, That the sequestration percentage specified in
20 the order shall be applied proportionately to each of the
21 Federal appropriation accounts in this Act that are not
22 specifically exempted from sequestration by the Balanced
23 Budget and Emergency Deficit Control Act of 1985, ap-
24 proved December 12, 1985 (99 Stat. 1037; Public Law
25 99–177), as amended.

1 SEC. 126. Nothing in this Act shall be construed to
2 authorize any office, agency or entity to expend funds for
3 programs or functions for which a reorganization plan is
4 required but has not been approved by the Council pursu-
5 ant to section 422(12) of the District of Columbia Self-
6 Government and Governmental Reorganization Act of
7 1973, approved December 24, 1973 (87 Stat. 790; Public
8 Law 93–198; D.C. Code, sec. 1–242(12)) and the Govern-
9 mental Reorganization Procedures Act of 1981, effective
10 October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–
11 299.1 to 1–299.7). Appropriations made by this Act for
12 such programs or functions are conditioned on the ap-
13 proval by the Council, prior to October 1, 1996, of the
14 required reorganization plans.

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

18 (1) the Mayor approves the acceptance and use
19 of the gift or donation: *Provided*, That the Council
20 of the District of Columbia may accept and use gifts
21 without prior approval by the Mayor; and

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

24 (b) Each entity of the District of Columbia govern-
25 ment shall keep accurate and detailed records of the ac-

1 ceptance and use of any gift or donation under subsection
 2 (a) of this section, and shall make such records available
 3 for audit and public inspection.

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

7 (d) This section shall not apply to the District of Co-
 8 lumbia Board of Education, which may, pursuant to the
 9 laws and regulations of the District of Columbia, accept
 10 and use gifts to the public schools without prior approval
 11 by the Mayor.

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

20 PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

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

1 *SEC. 129. None of the Federal funds appropriated*
 2 *under this Act shall be expended for any abortion except*
 3 *where the life of the mother would be endangered if the fetus*
 4 *were carried to term or where the pregnancy is the result*
 5 *of an act of rape or incest.*

6 PROHIBITION ON DOMESTIC PARTNERS ACT

7 ~~SEC. 130. No funds made available pursuant to any~~
 8 ~~provision of this Act shall be used to implement or enforce~~
 9 ~~any system of registration of unmarried, cohabiting cou-~~
 10 ~~ples whether they are homosexual, lesbian, or hetero-~~
 11 ~~sexual, including but not limited to registration for the~~
 12 ~~purpose of extending employment, health, or governmental~~
 13 ~~benefits to such couples on the same basis that such bene-~~
 14 ~~fits are extended to legally married couples; nor shall any~~
 15 ~~funds made available pursuant to any provision of this Act~~
 16 ~~otherwise be used to implement or enforce D.C. Act 9-~~
 17 ~~188, signed by the Mayor of the District of Columbia on~~
 18 ~~April 15, 1992.~~

19 *SEC. 130. No Federal funds made available pursuant*
 20 *to any provision of this Act shall be used to implement or*
 21 *enforce any system of registration of unmarried, cohabitat-*
 22 *ing couples whether they are homosexual, lesbian, or hetero-*
 23 *sexual, including but not limited to registration for the pur-*
 24 *pose of extending employment, health, or governmental ben-*
 25 *efits to such couples on the same basis that such benefits*

1 *are extended to legally married couples; nor shall any Fed-*
 2 *eral funds made available pursuant to any provision of this*
 3 *Act otherwise be used to implement or enforce D.C. Act 9–*
 4 *188, signed by the Mayor of the District of Columbia on*
 5 *April 15, 1992.*

6 COMPENSATION OF MEMBERS OF JUDICIAL NOMINATION

7 COMMISSION

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

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

16 (b) CONFORMING AMENDMENT.—Section 133(b) of
 17 the District of Columbia Appropriations Act, 1996 is here-
 18 by repealed, and the provision of law amended by such
 19 section is hereby restored as if such section had not been
 20 enacted into law.

21 MONTHLY REPORTING REQUIREMENTS—BOARD OF

22 EDUCATION

23 SEC. 132. The Board of Education shall submit to
 24 the Congress, the Mayor, *the District of Columbia Finan-*
 25 *cial Responsibility and Management Assistance Authority,*
 26 and the Council of the District of Columbia no later than

1 fifteen (15) calendar days after the end of each month
2 a report that sets forth—

3 (1) current month expenditures and obligations,
4 year-to-date expenditures and obligations, and total
5 fiscal year expenditure projections vs. budget broken
6 out on the basis of control center, responsibility center,
7 agency reporting code, and object class, and for
8 all funds, including capital financing;

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

14 (3) a list of each account for which spending is
15 frozen and the amount of funds frozen, broken out
16 by control center, responsibility center, detailed object,
17 and agency reporting code, and for all funding
18 sources;

19 (4) a list of all active contracts in excess of
20 \$10,000 annually, which contains the name of each
21 contractor; the budget to which the contract is
22 charged broken out on the basis of control center,
23 responsibility center, and agency reporting code; and
24 contract identifying codes used by the D.C. Public
25 Schools; payments made in the last month and year-

1 to-date, the total amount of the contract and total
 2 payments made for the contract and any modifica-
 3 tions, extensions, renewals; and specific modifica-
 4 tions made to each contract in the last month;

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

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

15 MONTHLY REPORTING REQUIREMENTS

16 UNIVERSITY OF THE DISTRICT OF COLUMBIA

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

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

1 ter, and object class, and for all funds, non-appro-
2 priated funds, and capital financing;

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

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

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

22 (5) all reprogramming requests and reports
23 that have been made by the University of the Dis-
24 trict of Columbia within the last month in compli-
25 ance with applicable law; and

1 (6) changes made in the last month to the orga-
2 nizational structure of the University of the District
3 of Columbia, displaying previous and current control
4 centers and responsibility centers, the names of the
5 organizational entities that have been changed, the
6 name of the staff member supervising each entity af-
7 fected, and the reasons for the structural change.

8 ANNUAL REPORTING REQUIREMENTS

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

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

23 (2) a compilation of all employees in the Dis-
24 trict of Columbia Public Schools and the University
25 of the District of Columbia as of the preceding De-
26 cember 31, verified as to its accuracy in accordance

1 with the functions that each employee actually per-
2 forms, by control center, responsibility center, agen-
3 cy reporting code, program (including funding
4 source), activity, location for accounting purposes,
5 job title, grade and classification, annual salary, and
6 position control number.

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

12 ANNUAL BUDGETS AND BUDGET REVISIONS

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

1 for personal services and other-than-personal services, re-
2 spectively, with anticipated actual expenditures.

3 (b) The revised budget required by subsection (a) of
4 this section shall be submitted in the format of the budget
5 that the Board of Education and the University of the
6 District of Columbia submit to the Mayor of the District
7 of Columbia for inclusion in the Mayor's budget submis-
8 sion to the Council of the District of Columbia pursuant
9 to section 442 of the District of Columbia Self-Govern-
10 ment and Governmental Reorganization Act, Public Law
11 93–198, as amended (D.C. Code, sec. 47–301).

12 EDUCATIONAL BUDGET APPROVAL

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

1 PUBLIC SCHOOL EMPLOYEE EVALUATIONS

2 SEC. 137. Notwithstanding any other provision of
3 law, rule, or regulation, the evaluation process and instru-
4 ments for evaluating District of Columbia Public Schools
5 employees shall be a non-negotiable item for collective bar-
6 gaining purposes.

7 MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-
8 IN-FORCE PROCEDURES

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

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

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

15 “(13A) The term ‘nonschool-based personnel’
16 means any employee of the District of Columbia
17 public schools who is not based at a local school or
18 who does not provide direct services to individual
19 students.”; and

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

22 “(15A) The term ‘school administrators’ means
23 principals, assistant principals, school program di-
24 rectors, coordinators, instructional supervisors, and
25 support personnel of the District of Columbia public
26 schools.”;

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

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

5 (B) by inserting after subparagraph (L)(i),
6 the following new clause:

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

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

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

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

24 (1) classified as an Educational Service em-
25 ployee;

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

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

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

8 MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

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

17 (b) The District of Columbia Government Com-
18 prehensive Merit Personnel Act of 1978 (D.C. Code, sec.
19 1–601.1 et seq.), as amended by section 149 of the Dis-
20 trict of Columbia Appropriations Act, 1996 (Public Law
21 104–134), is amended by adding at the end the following
22 new section:

23 **“SEC. 2407. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR**
24 **1997.**

25 “(a) Notwithstanding any other provision of law, reg-
26 ulation, or collective bargaining agreement either in effect

1 or to be negotiated while this legislation is in effect for
2 the fiscal year ending September 30, 1997, each agency
3 head is authorized, within the agency head's discretion,
4 to identify positions for abolishment.

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

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

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

21 “(e) Each employee who is a bona fide resident of
22 the District of Columbia shall have added 5 years to his
23 or her creditable service for reduction-in-force purposes.
24 For purposes of this subsection only, a nonresident Dis-
25 trict employee who was hired by the District government

1 prior to January 1, 1980, and has not had a break in
2 service since that date, or a former employee of the United
3 States Department of Health and Human Services at
4 Saint Elizabeths Hospital who accepted employment with
5 the District government on October 1, 1987, and has not
6 had a break in service since that date, shall be considered
7 a District resident.

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

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

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

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

1 “(h) An employee separated pursuant to this section
2 shall be entitled to severance pay in accordance with title
3 XI of this Act, except that the following shall be included
4 in computing creditable service for severance pay for em-
5 ployees separated pursuant to this section—

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

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

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

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

19 “(k) Notwithstanding the provisions of section 1708
20 or section 2402(d), the provisions of this Act shall not be
21 deemed negotiable.

22 “(l) A personnel authority shall cause a 30-day termi-
23 nation notice to be served, no later than September 1,
24 1997, on any incumbent employee remaining in any posi-

tion identified to be abolished pursuant to subsection (b) of this section”.

CEILING ON EXPENSES AND DEFICIT

SEC. 141. (a) CEILING ON TOTAL OPERATING EXPENSES AND DEFICIT.—

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

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

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

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District 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-

dures consistent with the provisions of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

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

ACCEPTANCE AND USE OF GRANTS

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

(1) IN GENERAL.—The Mayor of the District of 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 Finan-*
12 *cial 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.*

18 CHIEF FINANCIAL OFFICER POWERS DURING CONTROL
19 PERIODS

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-

PERIODS

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

1 *accounting, budget, and financial management per-*
 2 *sonnel, (except legislative and judicial personnel)*
 3 *shall be appointed by, shall serve at the pleasure of,*
 4 *and shall act under the direction and control of the*
 5 *Chief Financial Officer:*

6 *The Office of the Treasurer.*

7 *The Controller of the District of Columbia.*

8 *The Office of the Budget.*

9 *The Office of Financial Information Serv-*
 10 *ices.*

11 *The Department of Finance and Revenue.*

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

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

1 *title II of the District of Columbia Financial Respon-*
2 *sibility and Management Assistance Act of 1995, an-*
3 *nual estimates of the expenditures and appropriations*
4 *necessary for the operation of the Office of the Chief*
5 *Financial Officer for the year. All such estimates*
6 *shall be forwarded by the Mayor to the Council of the*
7 *District of Columbia for its action pursuant to sec-*
8 *tions 446 and 603(c) of the District of Columbia Self-*
9 *Government and Governmental Reorganization Act,*
10 *Public Law 93–198, approved December 24, 1973,*
11 *without revision but subject to recommendations. Not-*
12 *withstanding any other provisions of the District of*
13 *Columbia Self-Government and Governmental Reor-*
14 *ganization Act, Public Law 93–198, approved Decem-*
15 *ber 24, 1973, the Council may comment or make rec-*
16 *ommendations concerning such estimates, but shall*
17 *have no authority to revise 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 SEC. 146. (a) COMPLIANCE WITH BUY AMERICAN
25 ACT.—None of the funds made available in this Act may

1 be expended by an entity unless the entity agrees that in
2 expending the funds the entity will comply with the Buy
3 American Act (41 U.S.C. 10a–10c).

4 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-
5 ING NOTICE.—

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

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

22 (c) PROHIBITION OF CONTRACTS WITH PERSONS
23 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
24 If it has been finally determined by a court or Federal
25 agency that any person intentionally affixed a label bear-

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

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

17 *SEC. 148. Section 2561(b) of the District of Columbia*
 18 *School Reform Act of 1995 (Public Law 104–134) is amend-*
 19 *ed to read as follows:*

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

23 *SEC. 149. ENERGY AND WATER SAVINGS AT DISTRICT*
 24 *OF COLUMBIA FACILITIES.—*

1 (a) *REDUCTION IN FACILITY ENERGY COSTS AND*
2 *WATER CONSUMPTION.*—

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

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

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

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

- 1 This Act may be cited as the District of Columbia
- 2 Appropriations Act, 1997.