

Calendar No. 481105TH CONGRESS
2^D SESSION**S. 2333****[Report No. 105-254]**

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, 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 1998

Mr. FAIRCLOTH, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1999, 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, 1999, and for other purposes, namely:

3 FISCAL YEAR 1999 APPROPRIATIONS

4 FEDERAL FUNDS

5 FEDERAL PAYMENT FOR MANAGEMENT REFORM

6 For payment to the District of Columbia,
7 \$25,000,000, to remain available until September 30,
8 1999, which shall be deposited into an escrow account of
9 the District of Columbia Financial Responsibility and
10 Management Assistance Authority and shall be disbursed
11 from such escrow account by the Authority pursuant to
12 the instructions of the Authority only for a program of
13 management reform pursuant to sections 11101–11106 of
14 the District of Columbia Management Reform Act of
15 1997, Public Law 105–33.

16 FEDERAL SUPPORT FOR ECONOMIC DEVELOPMENT IN

17 THE DISTRICT OF COLUMBIA

18 For payment to the District of Columbia Financial
19 Responsibility and Management Assistance Authority,
20 \$500,000 to conduct a study and prepare a report on the
21 feasibility of an economic development corporation for the
22 District of Columbia, said report to be submitted to the
23 Committees on Appropriations of the Senate and House
24 of Representatives, the Committee on Governmental Af-
25 fairs of the Senate, and the Committee on Government

1 Reform and Oversight of the House of Representatives,
2 not later than May 1, 1999: *Provided*, That no funds made
3 available pursuant to any provision of this Act or any
4 other act now or hereafter enacted shall be used to capital-
5 ize the National Capital Revitalization Act of 1998 (D.C.
6 Act 12–355) or for the purpose of implementing any of
7 the provisions of the National Capital Revitalization Act
8 of 1998.

9 FEDERAL PAYMENT FOR BOYS TOWN U.S.A.

10 OPERATIONS IN THE DISTRICT OF COLUMBIA

11 For a Federal contribution of \$7,100,000 to be paid
12 to the Board of Trustees of Boys Town U.S.A. for expan-
13 sion of the operations of Boys Town of Washington, lo-
14 cated at 4801 Sargent Road, Northeast, said funds to be
15 allocated as follows: \$4,700,000 in capital costs for the
16 construction of one emergency short-term residential cen-
17 ter and four long-term residential homes in the District
18 of Columbia; and \$2,400,000 in first-year operating ex-
19 penses for said facilities: *Provided*, That said Board of
20 Trustees shall provide quarterly financial reports during
21 fiscal year 1999 on the expenditure of said funds to the
22 Committees on Appropriations of the Senate and House
23 of Representatives, the Committee on Governmental Af-
24 fairs of the Senate, and the Committee on Government
25 Reform and Oversight of the House of Representatives.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
2 FOR THE NATION'S CAPITAL INFRASTRUCTURE FUND

3 For a Federal contribution to the District of Colum-
4 bia toward the cost of infrastructure needs, \$75,000,000,
5 which shall be deposited into an escrow account of the Dis-
6 trict of Columbia Financial Responsibility and Manage-
7 ment Assistance Authority and shall be disbursed from
8 such escrow account by the Authority pursuant to the in-
9 structions of the Authority, said funds to be used for the
10 repair and maintenance of roads, highways, bridges, and
11 transit in the District of Columbia: *Provided*, That of said
12 sums, not more than \$25,000,000 may be made available
13 by the District of Columbia Financial Responsibility and
14 Management Assistance Authority to the Washington
15 Metropolitan Area Transit Authority for improvements
16 and expansion of the Mount Vernon Square Metrorail sta-
17 tion located at the site of the proposed Washington Con-
18 vention Center project, such funds to remain available
19 until expended.

20 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
21 CORRECTIONS TRUSTEE OPERATIONS

22 For payment to the District of Columbia Corrections
23 Trustee, \$184,800,000 for the administration and oper-
24 ation of correctional facilities and for the administrative
25 operating costs of the Office of the Corrections Trustee,

1 as authorized by section 11202 of the National Capital
2 Revitalization and Self-Government Improvement Act of
3 1997, Public Law 105–33; of which \$178,300,000 shall
4 be available for expenses incurred in connection with the
5 housing, in both private, District of Columbia and federal
6 facilities, of the sentenced adult felon population of the
7 District of Columbia; \$4,225,000 shall be available for
8 personnel initiatives in the District of Columbia Depart-
9 ment of Corrections; \$750,000 shall be available for a sys-
10 tem of internal controls and audits within the Department
11 of Corrections; and \$1,525,000 shall be available for ad-
12 ministrative expenses.

13 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
14 COURTS

15 Notwithstanding any other provision of law,
16 \$128,000,000 for payment to the Joint Committee on Ju-
17 dicial Administration in the District of Columbia; of which
18 not to exceed \$121,000,000 shall be for District of Colum-
19 bia Courts operation, to be allocated as follows: for the
20 District of Columbia Court of Appeals, \$7,839,000 and
21 96 full-time equivalent (FTE) positions; for the District
22 of Columbia Superior Court, \$72,419,000 and 1,017
23 FTE's; for the District of Columbia court system,
24 \$40,742,000 and 120 FTE's; and \$7,000,000 shall be for
25 capital improvements for District of Columbia courthouse

1 facilities: *Provided*, That of amounts available for District
2 of Columbia Courts operation, not to exceed \$6,900,000
3 shall be for the Counsel for Child Abuse and Neglect pro-
4 gram pursuant to section 13 of title 11.01, D.C. Code, and
5 section 23.94 of title 16, D.C. Code, and of which not to
6 exceed \$25,036,000 shall be to carry out sections 26.02
7 and 26.04 of title 11, D.C. Code, relating to representa-
8 tion of neglected children under the Criminal Justice Act,
9 in total, \$31,936,000: *Provided further*, That subject to
10 normal reprogramming requirements contained in section
11 155 of this Act, this \$31,936,000 may be used for other
12 purposes under this heading: *Provided further*, That all
13 amounts under this heading shall be paid quarterly by the
14 Treasury of the United States based on quarterly appor-
15 tionments approved by the Office of Management and
16 Budget, with payroll and financial services to be provided
17 on a contractual basis with the United States Department
18 of Agriculture's National Finance Center [NFC], said
19 services to include the preparation of monthly financial re-
20 ports, copies of which shall be submitted directly by NFC
21 to the President and to the Committees on Appropriations
22 of the Senate and House of Representatives, the Commit-
23 tee on Governmental Affairs of the Senate, and the Com-
24 mittee on Government Reform and Oversight of the House
25 of Representatives.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
2 OFFENDER SUPERVISION, DEFENDER, AND COURT
3 SERVICES AGENCY

4 For payment to the District of Columbia Offender
5 Supervision, Defender, and Court Services Agency,
6 \$59,400,000, as authorized by the National Capital Revi-
7 talization and Self-Government Improvement Act of 1997,
8 Public Law 105–33; of which \$33,802,000 shall be for
9 necessary expenses of Parole Revocation, Adult Probation
10 and Offender Supervision, to include expenses relating to
11 supervision of adults subject to protection orders or provi-
12 sion of services for or related to such persons;
13 \$14,486,000 shall be available to the Public Defender
14 Service; and \$11,112,000 shall be available to the Pretrial
15 Services Agency.

16 FEDERAL PAYMENT TO THE GEORGETOWN
17 WATERFRONT PARK FUND

18 For payment to the Georgetown Waterfront Park
19 Fund, \$1,000,000 for the construction and landscaping of
20 Georgetown Waterfront Park, property described on the
21 District of Columbia Surveyor's Plat Number S.O. 84–
22 230: *Provided*, That the Georgetown Waterfront Park
23 Fund provide an amount equal to one dollar for every dol-
24 lar expended, in cash or in kind, to carry out the activities
25 supported by the grant.

1 FEDERAL PAYMENT FOR A NATIONAL MUSEUM OF
 2 AMERICAN MUSIC AND A CITY MUSEUM

3 For a Federal contribution to the District of Colum-
 4 bia to establish a National Museum of American Music
 5 and a City Museum and Visitors Center, \$1,000,000
 6 which shall be deposited into an escrow account held by
 7 the District of Columbia Financial Responsibility and
 8 Management Assistance Authority, to remain available
 9 until expended: *Provided*, That \$500,000 shall be available
 10 from this appropriation for the Historical Society of
 11 Washington, D.C. for a needs and design study for a City
 12 Museum and Visitors Center: *Provided further*, That
 13 \$500,000 shall be available from this appropriation for the
 14 Federal City Council to conduct a needs and design study
 15 for a National Museum of American Music.

16 DISTRICT OF COLUMBIA FUNDS
 17 OPERATING EXPENSES
 18 DIVISION OF EXPENSES

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

23 GOVERNMENTAL DIRECTION AND SUPPORT

24 Governmental direction and support, \$164,717,000
 25 (including \$137,058,000 from local funds, \$13,955,000

1 from Federal funds, and \$13,704,000 from other funds):
2 *Provided*, That not to exceed \$2,500 for the Mayor,
3 \$2,500 for the Chairman of the Council of the District
4 of Columbia, and \$2,500 for the Chief Management Offi-
5 cer shall be available from this appropriation for official
6 purposes: *Provided further*, That any program fees col-
7 lected from the issuance of debt shall be available for the
8 payment of expenses of the debt management program of
9 the District of Columbia: *Provided further*, That no reve-
10 nues from Federal sources shall be used to support the
11 operations or activities of the Statehood Commission and
12 Statehood Compact Commission: *Provided further*, That
13 the District of Columbia shall identify the sources of fund-
14 ing for Admission to Statehood from its own locally-gen-
15 erated revenues.

16 ECONOMIC DEVELOPMENT AND REGULATION

17 Economic development and regulation, \$156,039,000
18 (including \$45,162,000 from local funds; \$80,365,000
19 from Federal funds; and \$30,512,000 from other funds,
20 including \$12,000,000 collected in the form of BID tax
21 revenue collected by the District of Columbia on behalf
22 of business improvement districts pursuant to the Busi-
23 ness Improvement Districts Act of 1996, effective May 29,
24 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.),

1 and the Business Improvement Districts Temporary
2 Amendment Act of 1997 (Bill 12–230)).

3 PUBLIC SAFETY AND JUSTICE

4 Public safety and justice, including purchase or lease
5 of 135 passenger-carrying vehicles for replacement only,
6 including 130 for police-type use and five for fire-type use,
7 without regard to the general purchase price limitation for
8 the current fiscal year, \$751,346,000 (including
9 \$513,160,000 from local funds, \$25,887,000 from Federal
10 funds, and \$212,299,000 from other funds): *Provided*,
11 That the Metropolitan Police Department is authorized to
12 replace not to exceed 25 passenger-carrying vehicles and
13 the Department of Fire and Emergency Medical Services
14 of the District of Columbia is authorized to replace not
15 to exceed five passenger-carrying vehicles annually when-
16 ever the cost of repair to any damaged vehicle exceeds
17 three-fourths of the cost of the replacement: *Provided fur-*
18 *ther*, That not to exceed \$500,000 shall be available from
19 this appropriation for the Chief of Police for the preven-
20 tion and detection of crime: *Provided further*, That the
21 Metropolitan Police Department shall provide quarterly
22 reports to the Committees on Appropriations of the House
23 and Senate on efforts to increase efficiency and improve
24 the professionalism in the department: *Provided further*,
25 That notwithstanding any other provision of law, or May-

1 or's Order 86-45, issued March 18, 1986, the Metropoli-
2 tan Police Department's delegated small purchase author-
3 ity shall be \$500,000: *Provided further*, That the District
4 of Columbia government may not require the Metropolitan
5 Police Department to submit to any other procurement re-
6 view process, or to obtain the approval of or be restricted
7 in any manner by any official or employee of the District
8 of Columbia government, for purchases that do not exceed
9 \$500,000: *Provided further*, That the Mayor shall reim-
10 burse the District of Columbia National Guard for ex-
11 penses incurred in connection with services that are per-
12 formed in emergencies by the National Guard in a militia
13 status and are requested by the Mayor, in amounts that
14 shall be jointly determined and certified as due and pay-
15 able for these services by the Mayor and the Commanding
16 General of the District of Columbia National Guard: *Pro-*
17 *vided further*, That such sums as may be necessary for
18 reimbursement to the District of Columbia National
19 Guard under the preceding proviso shall be available from
20 this appropriation, and the availability of the sums shall
21 be deemed as constituting payment in advance for emer-
22 gency services involved: *Provided further*, That the Metro-
23 politan Police Department is authorized to maintain 3,800
24 sworn officers, with leave for a 50 officer attrition: *Pro-*
25 *vided further*, That no more than 15 members of the Met-

1 ropolitan Police Department shall be detailed or assigned
2 to the Executive Protection Unit, until the Chief of Police
3 submits a recommendation to the Council for its review:
4 *Provided further*, That \$100,000 shall be available for in-
5 mates released on medical and geriatric parole: *Provided*
6 *further*, That, commencing on December 31, 1998, the
7 Metropolitan Police Department shall provide to the Com-
8 mittees on Appropriations of the Senate and House of
9 Representatives, the Committee on Governmental Affairs
10 of the Senate, and the Committee on Government Reform
11 and Oversight of the House of Representatives, semi-an-
12 nual reports on the status of crime reduction in each of
13 the 83 police service areas established throughout the Dis-
14 trict of Columbia, said reports to be delivered to Congress
15 by June 30 and December 31, 1999: *Provided further*,
16 That funds appropriated for expenses under the District
17 of Columbia Criminal Justice Act, approved September 3,
18 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec.
19 11-2601 et seq.), for the fiscal year ending September 30,
20 1999, shall be available for obligations incurred under the
21 Act in each fiscal year since inception in fiscal year 1975:
22 *Provided further*, That funds appropriated for expenses
23 under the District of Columbia Neglect Representation
24 Equity Act of 1984, effective March 13, 1985 (D.C. Law
25 5-129; D.C. Code, sec. 16-2304), for the fiscal year end-

1 ing September 30, 1999, shall be available for obligations
 2 incurred under the Act in each fiscal year since inception
 3 in fiscal year 1985: *Provided further*, That funds appro-
 4 priated for expenses under the District of Columbia
 5 Guardianship, Protective Proceedings, and Durable Power
 6 of Attorney Act of 1986, effective February 27, 1987
 7 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal
 8 year ending September 30, 1999, shall be available for ob-
 9 ligations incurred under the Act in each fiscal year since
 10 inception in fiscal year 1989.

11 PUBLIC EDUCATION SYSTEM

12 Public education system, including the development
 13 of national defense education programs, \$773,334,000 (in-
 14 cluding \$640,135,000 from local funds, \$110,247,000
 15 from Federal funds, and \$22,952,000 from other funds),
 16 to be allocated as follows: \$644,805,000 (including
 17 \$545,000,000 from local funds, \$95,121,000 from Federal
 18 funds, and \$4,684,000 from other funds), for the public
 19 schools of the District of Columbia; \$18,600,000 from
 20 local funds for the District of Columbia Teachers' Retire-
 21 ment Fund; \$12,235,000 from local funds for public char-
 22 ter schools; \$72,088,000 (including \$40,148,000 from
 23 local funds, \$14,079,000 from Federal funds, and
 24 \$17,861,000 from other funds) for the University of the
 25 District of Columbia; \$23,419,000 (including \$22,326,000

1 from local funds, \$686,000 from Federal funds, and
2 \$407,000 from other funds) for the Public Library;
3 \$2,187,000 (including \$1,826,000 from local funds and
4 \$361,000 from Federal funds) for the Commission on the
5 Arts and Humanities: *Provided further*, That the public
6 schools of the District of Columbia are authorized to ac-
7 cept not to exceed 31 motor vehicles for exclusive use in
8 the driver education program: *Provided further*, That not
9 to exceed \$2,500 for the Chief Executive Officer/Super-
10 intendent of Schools, \$2,500 for the President of the Uni-
11 versity of the District of Columbia, and \$2,000 for the
12 Public Librarian shall be available from this appropriation
13 for official purposes: *Provided further*, That this appro-
14 priation shall not be available to subsidize the education
15 of nonresidents of the District of Columbia at the Univer-
16 sity of the District of Columbia, unless the Board of
17 Trustees of the University of the District of Columbia
18 adopts, for the fiscal year ending September 30, 1999, a
19 tuition rate schedule that will establish the tuition rate
20 for nonresident students at a level no lower than the non-
21 resident tuition rate charged at comparable public institu-
22 tions of higher education in the metropolitan area.

23 HUMAN SUPPORT SERVICES

24 Human support services, \$1,514,751,000 (including
25 \$614,679,000 from local funds, \$886,682,000 from Fed-

1 eral funds, and \$13,390,000 from other funds): *Provided*,
 2 That \$21,089,000 of this appropriation, to remain avail-
 3 able until expended, shall be available solely for District
 4 of Columbia employees' disability compensation: *Provided*
 5 *further*, That a peer review committee shall be established
 6 to review medical payments and the type of service re-
 7 ceived by a disability compensation claimant: *Provided fur-*
 8 *ther*, That the District of Columbia shall not provide free
 9 government services such as water, sewer, solid waste dis-
 10 posal or collection, utilities, maintenance, repairs, or simi-
 11 lar services to any legally constituted private nonprofit or-
 12 ganization (as defined in section 411(5) of Public Law
 13 100-77, approved July 22, 1987) providing emergency
 14 shelter services in the District, if the District would not
 15 be qualified to receive reimbursement pursuant to the
 16 Stewart B. McKinney Homeless Assistance Act, approved
 17 July 22, 1987 (101 Stat. 485; Public Law 100-77; 42
 18 U.S.C. 11301 et seq.).

19 PUBLIC WORKS

20 Public works, including rental of one passenger-car-
 21 rying vehicle for use by the Mayor and three passenger-
 22 carrying vehicles for use by the Council of the District of
 23 Columbia and leasing of passenger-carrying vehicles,
 24 \$266,912,000 (including \$257,242,000 from local funds,
 25 \$3,216,000 from Federal funds, and \$6,454,000 from

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

4 FINANCING AND OTHER USES

5 Financing and other uses, \$451,623,000 (including
6 for payment to the Washington Convention Center Enter-
7 prise Fund, \$5,400,000 from local funds; reimbursement
8 to the United States of funds loaned in compliance with
9 An Act to provide for the establishment of a modern, ade-
10 quate, and efficient hospital center in the District of Co-
11 lumbia, approved August 7, 1946 (60 Stat. 896; Public
12 Law 79-648); section 1 of An Act to authorize the Com-
13 missioners of the District of Columbia to borrow funds
14 for capital improvement programs and to amend provi-
15 sions of law relating to Federal Government participation
16 in meeting costs of maintaining the Nation's Capital City,
17 approved June 6, 1958 (72 Stat. 183; Public Law 85-
18 451; D.C. Code, sec. 9-219); section 4 of An Act to au-
19 thorize the Commissioners of the District of Columbia to
20 plan, construct, operate, and maintain a sanitary sewer
21 to connect the Dulles International Airport with the Dis-
22 trict of Columbia system, approved June 12, 1960 (74
23 Stat. 211; Public Law 86-515); and sections 723 and
24 743(f) of the District of Columbia Home Rule Act of
25 1973, approved December 24, 1973, as amended (87 Stat.

1 821; Public Law 93–198; D.C. Code, sec. 47–321, note;
2 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–
3 219, note), including interest as required thereby,
4 \$382,170,000 from local funds; for the purpose of elimi-
5 nating the \$331,589,000 general fund accumulated deficit
6 as of September 30, 1990, \$38,453,000 from local funds,
7 as authorized by section 461(a) of the District of Colum-
8 bia Home Rule Act, approved December 24, 1973, as
9 amended (105 Stat. 540; Public Law 102–106; D.C. Code,
10 sec. 47–321(a)(1); for payment of interest on short-term
11 borrowing, \$11,000,000 from local funds; for lease pay-
12 ments in accordance with the Certificates of Participation
13 involving the land site underlying the building located at
14 One Judiciary Square, \$7,926,000 from local funds; for
15 human resources development, including costs of increased
16 employee training, administrative reforms, and an execu-
17 tive compensation system, \$6,674,000 from local funds).

18 PRODUCTIVITY SAVINGS

19 The Chief Financial Officer of the District of Colum-
20 bia shall, under the direction of the District of Columbia
21 Financial Responsibility and Management Assistance Au-
22 thority, make reductions of \$10,000,000 in local funds to
23 one or more appropriation headings in this Act for produc-
24 tivity savings.

1 ing \$239,493,000 for the Water and Sewer Authority and
2 \$33,821,000 for the Washington Aqueduct) of which
3 \$28,104,000 shall be apportioned and payable to the Dis-
4 trict's debt service fund for repayment of loans and inter-
5 est incurred for capital improvement projects.

6 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

7 For the Lottery and Charitable Games Enterprise
8 Fund, established by the District of Columbia Appropria-
9 tion Act for the fiscal year ending September 30, 1982,
10 approved December 4, 1981 (95 Stat. 1174, 1175; Public
11 Law 97-91), as amended, for the purpose of implementing
12 the Law to Legalize Lotteries, Daily Numbers Games, and
13 Bingo and Raffles for Charitable Purposes in the District
14 of Columbia, effective March 10, 1981 (D.C. Law 3-172;
15 D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.),
16 \$225,200,000: *Provided*, That the District of Columbia
17 shall identify the source of funding for this appropriation
18 title from the District's own locally-generated revenues:
19 *Provided further*, That no revenues from Federal sources
20 shall be used to support the operations or activities of the
21 Lottery and Charitable Games Control Board.

22 CABLE TELEVISION ENTERPRISE FUND

23 For the Cable Television Enterprise Fund, estab-
24 lished by the Cable Television Communications Act of

1 1981, effective October 22, 1983 (D.C. Law 5–36; D.C.
2 Code, sec. 43–1801 et seq.), \$2,108,000 from local funds.

3 PUBLIC SERVICE COMMISSION

4 For the Public Service Commission, \$5,026,000 (in-
5 cluding \$252,000 from Federal funds and \$4,774,000
6 from other funds).

7 OFFICE OF THE PEOPLE’S COUNSEL

8 For the Office of the People’s Counsel, \$2,501,000
9 from other funds.

10 OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

11 For the Office of Banking and Financial Institutions,
12 \$640,000 (including \$390,000 from local funds and
13 \$250,000 from other funds).

14 DEPARTMENT OF INSURANCE AND SECURITIES

15 REGULATION

16 For the Department of Insurance and Securities Reg-
17 ulation, \$7,001,000 from other funds.

18 D.C. GENERAL HOSPITAL

19 For the District of Columbia General Hospital, estab-
20 lished by Reorganization Order No. 57 of the Board of
21 Commissioners, effective August 15, 1953, \$113,599,000
22 of which \$46,835,000 shall be derived by transfer from
23 the general fund and \$66,764,000 shall be derived from
24 other funds.

1 STARPLEX FUND

2 For the Starplex Fund, \$8,751,000 from other funds
3 for expenses incurred by the Armory Board in the exercise
4 of its powers granted by An Act To Establish A District
5 of Columbia Armory Board, and for other purposes, ap-
6 proved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-
7 301 et seq.) and the District of Columbia Stadium Act
8 of 1957, approved September 7, 1957 (71 Stat. 619; Pub-
9 lic Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*,
10 That the Mayor shall submit a budget for the Armory
11 Board for the forthcoming fiscal year as required by sec-
12 tion 442(b) of the District of Columbia Home Rule Act,
13 approved December 24, 1973 (87 Stat. 824; Public Law
14 93-198; D.C. Code, sec. 47-301(b)).

15 D.C. RETIREMENT BOARD

16 For the D.C. Retirement Board, established by sec-
17 tion 121 of the District of Columbia Retirement Reform
18 Act of 1979, approved November 17, 1979 (93 Stat. 866;
19 D.C. Code, sec. 1-711), \$18,202,000 from the earnings
20 of the applicable retirement funds to pay legal, manage-
21 ment, investment, and other fees and administrative ex-
22 penses of the District of Columbia Retirement Board: *Pro-*
23 *vided*, That the District of Columbia Retirement Board
24 shall provide to the Congress and to the Council of the
25 District of Columbia a quarterly report of the allocations

1 of charges by fund and of expenditures of all funds: *Pro-*
 2 *vided further*, That the District of Columbia Retirement
 3 Board shall provide the Mayor, for transmittal to the
 4 Council of the District of Columbia, an itemized account-
 5 ing of the planned use of appropriated funds in time for
 6 each annual budget submission and the actual use of such
 7 funds in time for each annual audited financial report.

8 CORRECTIONAL INDUSTRIES FUND

9 For the Correctional Industries Fund, established by
 10 the District of Columbia Correctional Industries Estab-
 11 lishment Act, approved October 3, 1964 (78 Stat. 1000;
 12 Public Law 88-622), \$3,332,000 from other funds.

13 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

14 For the Washington Convention Center Enterprise
 15 Fund, \$53,539,000 of which \$5,400,000 shall be derived
 16 by transfer from the general fund.

17 PERSONNEL

18 The government of the District of Columbia shall em-
 19 ploy no more than 32,900 FTE positions, exclusive of
 20 intra-district FTE positions, during fiscal year 1999.

21 CAPITAL OUTLAY

22 For construction projects, a net increase of
 23 \$1,711,160,737 (including a rescission of \$114,430,742 of
 24 which \$24,437,811 is from local funds and \$89,992,931
 25 is from highway trust funds appropriated under this head-

1 ing in prior fiscal years, and an additional \$1,825,591,479
 2 of which \$718,234,161 is from local funds, \$24,452,538
 3 is from the highway trust fund, and \$1,082,904,780 is
 4 from Federal funds), to remain available until expended:
 5 *Provided*, That funds for use of each capital project imple-
 6 menting agency shall be managed and controlled in ac-
 7 cordance with all procedures and limitations established
 8 under the Financial Management System: *Provided fur-*
 9 *ther*, That all funds provided by this appropriation title
 10 shall be available only for the specific projects and pur-
 11 poses intended: *Provided further*, That notwithstanding
 12 the foregoing, all authorizations for capital outlay
 13 projects, except those projects covered by the first sen-
 14 tence of section 23(a) of the Federal-Aid Highway Act of
 15 1968, approved August 23, 1968 (82 Stat. 827; Public
 16 Law 90-495; D.C. Code, sec. 7-134, note), for which
 17 funds are provided by this appropriation title, shall expire
 18 on September 30, 2000, except authorizations for projects
 19 as to which funds have been obligated in whole or in part
 20 prior to September 30, 2000: *Provided further*, That, upon
 21 expiration of any such project authorization, the funds
 22 provided herein for the project shall lapse.

23 GENERAL PROVISIONS

24 SECTION 101. The expenditure of any appropriation
 25 under this Act for any consulting service through procure-

1 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
2 to those contracts where such expenditures are a matter
3 of public record and available for public inspection, except
4 where otherwise provided under existing law, or under ex-
5 isting Executive order issued pursuant to existing law.

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

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

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

1 SEC. 105. Appropriations in this Act shall be avail-
2 able for expenses of travel and for the payment of dues
3 of organizations concerned with the work of the District
4 of Columbia government, when authorized by the Mayor:
5 *Provided*, That, in the case of the Council of the District
6 of Columbia, funds may be expended with the authoriza-
7 tion of the chair of the Council.

8 SEC. 106. There are appropriated from the applicable
9 funds of the District of Columbia such sums as may be
10 necessary for making refunds and for the payment of
11 judgments that have been entered against the District of
12 Columbia government: *Provided*, That nothing contained
13 in this section shall be construed as modifying or affecting
14 the provisions of section 11(c)(3) of title XII of the Dis-
15 trict of Columbia Income and Franchise Tax Act of 1947,
16 approved March 31, 1956 (70 Stat. 78; Public Law 84-
17 460; D.C. Code, sec. 47-1812.11(c)(3)).

18 SEC. 107. Appropriations in this Act shall be avail-
19 able for the payment of public assistance without reference
20 to the requirement of section 544 of the District of Colum-
21 bia Public Assistance Act of 1982, effective April 6, 1982
22 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the
23 non-Federal share of funds necessary to qualify for Fed-
24 eral assistance under the Juvenile Justice and Delin-
25 quency Prevention Act of 1974 (42 U.S.C. 5781 et seq.);

1 the Victims of Crime Act of 1984 (42 U.S.C. 1061); and
2 the provisions of the Violent Crime Control and Law En-
3 forcement Act of 1994, authorizing the violent offender
4 incarceration and truth-in-sentencing grant programs (42
5 U.S.C. 13702).

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

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

17 SEC. 110. None of the funds appropriated in this Act
18 shall be made available to pay the salary of any employee
19 of the District of Columbia government whose name, title,
20 grade, salary, past work experience, and salary history are
21 not available for inspection by the House and Senate Com-
22 mittees on Appropriations, the Subcommittee on the Dis-
23 trict of Columbia of the House Committee on Government
24 Reform and Oversight, the Subcommittee on Oversight of
25 Government Management, Restructuring and the District

1 of Columbia of the Senate Committee on Governmental
2 Affairs, and the Council of the District of Columbia, or
3 their duly authorized representative.

4 SEC. 111. There are appropriated from the applicable
5 funds of the District of Columbia such sums as may be
6 necessary for making payments authorized by the District
7 of Columbia Revenue Recovery Act of 1977, effective Sep-
8 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-
9 421 et seq.).

10 SEC. 112. No part of this appropriation shall be used
11 for publicity or propaganda purposes or implementation
12 of any policy including boycott designed to support or de-
13 feat legislation pending before Congress or any State legis-
14 lature.

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

22 SEC. 114. The Mayor shall not borrow any funds for
23 capital projects unless the Mayor has obtained prior ap-
24 proval from the Council of the District of Columbia, by

1 resolution, identifying the projects and amounts to be fi-
2 nanced with such borrowings.

3 SEC. 115. The Mayor shall not expend any moneys
4 borrowed for capital projects for the operating expenses
5 of the District of Columbia government.

6 SEC. 116. None of the funds appropriated by this Act
7 may be obligated or expended by reprogramming except
8 pursuant to advance approval of the reprogramming
9 granted according to the procedure set forth in the Joint
10 Explanatory Statement of the Committee of Conference
11 (House Report No. 96-443), which accompanied the Dis-
12 trict of Columbia Appropriation Act, 1980, approved Octo-
13 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-
14 fied in House Report No. 98-265, and in accordance with
15 the Reprogramming Policy Act of 1980, effective Septem-
16 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361
17 et seq.): *Provided*, That for the fiscal year ending Septem-
18 ber 30, 1999 the above shall apply except as modified by
19 Public Law 104-8.

20 SEC. 117. None of the Federal funds provided in this
21 Act shall be obligated or expended to provide a personal
22 cook, chauffeur, or other personal servants to any officer
23 or employee of the District of Columbia.

24 SEC. 118. None of the Federal funds provided in this
25 Act shall be obligated or expended to procure passenger

1 automobiles as defined in the Automobile Fuel Efficiency
2 Act of 1980, approved October 10, 1980 (94 Stat. 1824;
3 Public Law 96–425; 15 U.S.C. 2001(2)), with an Environ-
4 mental Protection Agency estimated miles per gallon aver-
5 age of less than 22 miles per gallon: *Provided*, That this
6 section shall not apply to security, emergency rescue, or
7 armored vehicles.

8 SEC. 119. (a) Notwithstanding section 422(7) of the
9 District of Columbia Home Rule Act of 1973, approved
10 December 24, 1973 (87 Stat. 790; Public Law 93–198;
11 D.C. Code, sec. 1–242(7)), the City Administrator shall
12 be paid, during any fiscal year, a salary at a rate estab-
13 lished by the Mayor, not to exceed the rate established
14 for Level IV of the Executive Schedule under 5 U.S.C.
15 5315.

16 (b) For purposes of applying any provision of law lim-
17 iting the availability of funds for payment of salary or pay
18 in any fiscal year, the highest rate of pay established by
19 the Mayor under subsection (a) of this section for any po-
20 sition for any period during the last quarter of calendar
21 year 1998 shall be deemed to be the rate of pay payable
22 for that position for September 30, 1998.

23 (c) Notwithstanding section 4(a) of the District of
24 Columbia Redevelopment Act of 1945, approved August
25 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code,

1 sec. 5–803(a)), the Board of Directors of the District of
2 Columbia Redevelopment Land Agency shall be paid, dur-
3 ing any fiscal year, per diem compensation at a rate estab-
4 lished by the Mayor.

5 SEC. 120. Notwithstanding any other provisions of
6 law, the provisions of the District of Columbia Govern-
7 ment Comprehensive Merit Personnel Act of 1978, as
8 amended effective March 3, 1979 (D.C. Law 2–139; D.C.
9 Code, sec. 1–601.1 et seq.), enacted pursuant to section
10 422(3) of the District of Columbia Home Rule Act of
11 1973, approved December 24, 1973 (87 Stat. 790; Public
12 Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with
13 respect to the compensation of District of Columbia em-
14 ployees: *Provided*, That for pay purposes, employees of the
15 District of Columbia government shall not be subject to
16 the provisions of title 5, United States Code.

17 SEC. 121. The Chief Financial Officer of the District
18 of Columbia may pay rentals and repair, alter, and im-
19 prove rented premises, without regard to the provisions
20 of section 322 of the Economy Act of 1932 (Public Law
21 72–212; 40 U.S.C. 278a), based upon a determination by
22 the Chief Financial Officer that, by reason of cir-
23 cumstances set forth in such determination, the payment
24 of these rents and the execution of this work, without ref-
25 erence to the limitations of section 322, is advantageous

1 to the District in terms of economy, efficiency, and the
2 District's best interest.

3 SEC. 122. No later than 30 days after the end of the
4 first quarter of the fiscal year ending September 30, 1999,
5 the Mayor of the District of Columbia shall submit to the
6 Council of the District of Columbia the new fiscal year
7 1999 revenue estimates as of the end of the first quarter
8 of fiscal year 1999. These estimates shall be used in the
9 budget request for the fiscal year ending September 30,
10 2000. The officially revised estimates at midyear shall be
11 used for the midyear report.

12 SEC. 123. No sole source contract with the District
13 of Columbia government or any agency thereof may be re-
14 newed or extended without opening that contract to the
15 competitive bidding process as set forth in section 303 of
16 the District of Columbia Procurement Practices Act of
17 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.
18 Code, sec. 1-1183.3), except that the District of Columbia
19 government or any agency thereof may renew or extend
20 sole source contracts for which competition is not feasible
21 or practical: *Provided*, That the determination as to
22 whether to invoke the competitive bidding process has
23 been made in accordance with duly promulgated rules and
24 procedures and said determination has been reviewed and

1 approved by the District of Columbia Financial Respon-
2 sibility and Management Assistance Authority.

3 SEC. 124. For purposes of the Balanced Budget and
4 Emergency Deficit Control Act of 1985 (99 Stat. 1037;
5 Public Law 99–177), as amended, the term “program,
6 project, and activity” shall be synonymous with and refer
7 specifically to each account appropriating Federal funds
8 in this Act, and any sequestration order shall be applied
9 to each of the accounts rather than to the aggregate total
10 of those accounts: *Provided*, That sequestration orders
11 shall not be applied to any account that is specifically ex-
12 empted from sequestration by the Balanced Budget and
13 Emergency Deficit Control Act.

14 SEC. 125. In the event a sequestration order is issued
15 pursuant to the Balanced Budget and Emergency Deficit
16 Control Act, after the amounts appropriated to the Dis-
17 trict of Columbia for the fiscal year involved have been
18 paid to the District of Columbia, the Mayor of the District
19 of Columbia shall pay to the Secretary of the Treasury,
20 within 15 days after receipt of a request therefor from
21 the Secretary of the Treasury, such amounts as are se-
22 questered by the order: *Provided*, That the sequestration
23 percentage specified in the order shall be applied propor-
24 tionately to each of the Federal appropriation accounts in
25 this Act that are not specifically exempted from sequestra-

1 tion by the Balanced Budget and Emergency Deficit Con-
2 trol Act.

3 SEC. 126. (a) An entity of the District of Columbia
4 government may accept and use a gift or donation during
5 fiscal year 1999 if—

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

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

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

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

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

1 SEC. 127. None of the Federal funds provided in this
2 Act may be used by the District of Columbia to provide
3 for salaries, expenses, or other costs associated with the
4 offices of United States Senator or United States Rep-
5 resentative under section 4(d) of the District of Columbia
6 Statehood Constitutional Convention Initiatives of 1979,
7 effective March 10, 1981 (D.C. Law 3-171; D.C. Code,
8 sec. 1-113(d)).

9 SEC. 128. Funds authorized or previously appro-
10 priated to the government of the District of Columbia by
11 this or any other act to procure the necessary hardware
12 and installation of new software, conversion, testing, and
13 training to improve or replace its financial management
14 system are also available for the acquisition of accounting
15 and financial management services and the leasing of nec-
16 essary hardware, software or any other related goods or
17 services, as determined by the District of Columbia Finan-
18 cial Responsibility and Management Assistance Authority.

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

24 SEC. 130. U.S. ARMY CORPS OF ENGINEERS SERV-
25 ICES TO DISTRICT OF COLUMBIA PUBLIC SCHOOLS. In

1 using the funds for repair and improvement of the District
2 of Columbia's public school facilities made available under
3 this Act or any other Act, any entity of the District of
4 Columbia government, including the District of Columbia
5 Financial Responsibility and Management Assistance Au-
6 thority, or its designee, may place orders for engineering
7 and construction and related services with the Chief of
8 Engineers of the U.S. Army Corps of Engineers. The
9 Chief of Engineers may accept such orders on a reimburs-
10 able basis and may provide any part of such services by
11 contract. In providing such services, the Chief of Engi-
12 neers shall follow the Federal Acquisition Regulations and
13 the implementing Department of Defense regulations.
14 This section shall apply to fiscal year 1999 and each fiscal
15 year thereafter.

16 SEC. 131. None of the funds made available in this
17 Act may be used to implement or enforce the Health Care
18 Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C.
19 Code, sec. 36-1401 et seq.) or to otherwise implement or
20 enforce any system of registration of unmarried, cohabit-
21 ing couples (whether homosexual, heterosexual, or les-
22 bian), including but not limited to registration for the pur-
23 pose of extending employment, health, or governmental
24 benefits to such couples on the same basis as such benefits
25 are extended to legally married couples.

1 SEC. 132. (a) No later than October 1, 1998, or with-
2 in 30 calendar days after the date of the enactment of
3 the District of Columbia Appropriations Act, 1999, which-
4 ever occurs later, and each succeeding year, the Chief Ex-
5 ecutive Officer/Superintendent of the District of Columbia
6 Public Schools and the University of the District of Co-
7 lumbia shall submit to the appropriate congressional com-
8 mittees, the Mayor, the District of Columbia Council, the
9 Consensus Commission, and the District of Columbia Fi-
10 nancial Responsibility and Management Assistance Au-
11 thority, a revised appropriated funds operating budget for
12 the public school system and the University of the District
13 of Columbia for such fiscal year that is in the total amount
14 of the approved appropriation and that realigns budgeted
15 data for personal services and other-than-personal serv-
16 ices, respectively, with anticipated actual expenditures.

17 (b) The revised budget required by subsection (a) of
18 this section shall be submitted in the format of the budget
19 that the Chief Executive Officer/Superintendent of the
20 District of Columbia Public Schools and the University of
21 the District of Columbia submit to the Mayor of the Dis-
22 trict of Columbia for inclusion in the Mayor's budget sub-
23 mission to the Council of the District of Columbia pursu-
24 ant to section 442 of the District of Columbia Home Rule

1 Act, Public Law 93–198, as amended (D.C. Code, sec. 47–
2 301).

3 SEC. 133. The Emergency Transitional Education
4 Board of Trustees, the Board of Trustees of the Univer-
5 sity of the District of Columbia, the Board of Library
6 Trustees, and the Board of Governors of the University
7 of the District of Columbia School of Law shall vote on
8 and approve their respective annual or revised budgets be-
9 fore submission to the Mayor of the District of Columbia
10 for inclusion in the Mayor’s budget submission to the
11 Council of the District of Columbia in accordance with sec-
12 tion 442 of the District of Columbia Home Rule Act, Pub-
13 lic Law 93–198, as amended (D.C. Code, sec. 47–301),
14 or before submitting their respective budgets directly to
15 the Council.

16 SEC. 134. (a) CEILING ON TOTAL OPERATING EX-
17 PENSES. IN GENERAL.—Notwithstanding any other provi-
18 sion of law, the total amount appropriated in this Act for
19 operating expenses for the District of Columbia for fiscal
20 year 1999 under the caption “Division of Expenses” shall
21 not exceed the sum of the total revenues of the District
22 of Columbia for such fiscal year, unless additional expendi-
23 tures which the Chief Financial Officer of the District of
24 Columbia certifies will produce additional revenues during
25 such fiscal year are at least equal to 200 percent of such

1 additional expenditures, and are approved by the District
2 of Columbia Financial Responsibility and Management
3 Assistance Authority (hereinafter in this section referred
4 to as “Authority”).

5 (b) ENFORCEMENT.—The Chief Financial Officer
6 and the Authority shall take such steps as are necessary
7 to assure that the District of Columbia meets the require-
8 ments of this section, including the apportioning by the
9 Chief Financial Officer of the appropriations and funds
10 made available to the District during fiscal year 1999.

11 (c) REPORT ON EXPENDITURES BY AUTHORITY.—
12 Not later than 30 calendar days after the end of each fis-
13 cal quarter starting October 1, 1998, the Authority shall
14 submit a report to the Committees on Appropriations of
15 the Senate and the House of Representatives, the Commit-
16 tee on Governmental Affairs of the Senate, and the Com-
17 mittee on Government Reform and Oversight of the House
18 of Representatives, providing an itemized accounting of all
19 non-appropriated funds obligated or expended by the Au-
20 thority for the quarter. The report shall include informa-
21 tion on the date, amount, purpose, and vendor name, and
22 a description of the services or goods provided with respect
23 to the expenditures of such funds.

24 (d) REPORTS.—The Chief Financial Officer shall in-
25 clude in the quarterly financial report required by Section

1 456(d), as amended, of the Home Rule Act information
2 on all Federal, private, and other grants subject to this
3 subsection.

4 SEC. 135. UNIVERSITY OF THE DISTRICT OF COLUM-
5 BIA INVESTMENT AUTHORITY. Section 108(b) of the Dis-
6 trict of Columbia Public Education Act (D.C. Code, sec.
7 31-1408) is amended by striking the period at the end
8 of the sentence and adding the phrase “, except that the
9 funds appropriated in this section also may be invested
10 in equity-based securities if approved by the Chief Finan-
11 cial Officer of the District of Columbia.”.

12 SEC. 136. If a department or agency of the govern-
13 ment of the District of Columbia is under the administra-
14 tion of a court-appointed receiver or other court-appointed
15 official during fiscal year 1999 or any succeeding fiscal
16 year, the receiver or official shall prepare and submit to
17 the Mayor, for inclusion in the annual budget of the Dis-
18 trict of Columbia for the year, annual estimates of the
19 expenditures and appropriations necessary for the mainte-
20 nance and operation of the department or agency. All such
21 estimates shall be forwarded by the Mayor to the Council,
22 for its action pursuant to sections 446 and 603(c) of the
23 District of Columbia Home Rule Act, without revision but
24 subject to the Mayor’s recommendations. Notwithstanding
25 any provision of the District of Columbia Home Rule Act,

1 the Council may comment or make recommendations con-
2 cerning such annual estimates but shall have no authority
3 under such Act to revise such estimates.

4 SEC. 137. The District of Columbia Financial Re-
5 sponsibility and Management Assistance Authority and
6 the Chief Executive Officer/Superintendent of the District
7 of Columbia Public Schools are hereby directed to report
8 to the Appropriations Committees of the Senate and the
9 House of Representatives, the Committee on Govern-
10 mental Affairs of the Senate, and the Committee on Gov-
11 ernment Reform and Oversight of the House of Represent-
12 atives not later than April 1, 1999, on all measures nec-
13 essary and steps to be taken to ensure that the District's
14 Public Schools open on time to begin the 1999–2000 aca-
15 demic year.

16 SEC. 138. (a) Notwithstanding any other provision
17 of law, rule, or regulation, an employee of the District of
18 Columbia Public Schools shall be—

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

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

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

24 (b) School-based personnel shall constitute a separate
25 competitive area from nonschool-based personnel who shall

1 not compete with school-based personnel for retention pur-
2 poses.

3 SEC. 139. (a) SOURCE OF PAYMENT FOR EMPLOY-
4 EES DETAILED WITHIN GOVERNMENT.—For purposes of
5 determining the amount of funds expended by any entity
6 within the District of Columbia government during fiscal
7 year 1999 and each succeeding fiscal year, any expendi-
8 tures of the District government attributable to any officer
9 or employee of the District government who provides serv-
10 ices which are within the authority and jurisdiction of the
11 entity (including any portion of the compensation paid to
12 the officer or employee attributable to the time spent in
13 providing such services) shall be treated as expenditures
14 made from the entity’s budget, without regard to whether
15 the officer or employee is assigned to the entity or other-
16 wise treated as an officer or employee of the entity.

17 (b) MODIFICATION OF REDUCTION IN FORCE PROCE-
18 DURES.—The District of Columbia Government Com-
19 prehensive Merit Personnel Act of 1978 (D.C. Code, sec.
20 1–601.1 et seq.), as amended, is further amended in sec-
21 tion 2408(a) by deleting “1998” and inserting, “1999”;
22 in subsection (b), by deleting “1998” and inserting,
23 “1999”; in subsection (i), by deleting “1998” and insert-
24 ing, “1999”; and in subsection (k), by deleting “1998”
25 and inserting, “1999”.

1 SEC. 140. ASSESSMENT AND PLACEMENT OF SPE-
2 CIAL EDUCATION STUDENTS. Notwithstanding any other
3 provision of law, not later than 120 days after the date
4 that a District of Columbia Public Schools [DCPS] stu-
5 dent is referred for evaluation or assessment—

6 (1) the District of Columbia Board of Edu-
7 cation (referred to in this section as the “Board”),
8 or its successor and DCPS shall assess or evaluate
9 a student who may have a disability and who may
10 require special education services; and

11 (2) if a student is classified as having a disabil-
12 ity, as defined in section 101(a)(1) of the Individuals
13 with Disabilities Education Act (84 Stat. 175; 20
14 U.S.C. 1401(a)(1)) or in section 7(8) of the Reha-
15 bilitation Act of 1973 (87 Stat. 359; 29 U.S.C.
16 706(8)), the Board and DCPS shall place that stu-
17 dent in an appropriate program of special education
18 services.

19 SEC. 141. Notwithstanding any provision of any Fed-
20 erally-granted charter or any other provision of law, begin-
21 ning with fiscal year 1999 and for each fiscal year here-
22 after, the real property of the National Education Associa-
23 tion located in the District of Columbia shall be subject
24 to taxation by the District of Columbia in the same man-
25 ner as any similar organization.

1 SEC. 142. 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 District of Co-
5 lumbia Financial Responsibility and Management Assist-
6 ance Authority. Appropriations made by this Act for such
7 programs or functions are conditioned only on the ap-
8 proval by the Authority of the required reorganization
9 plans.

10 SEC. 143. Notwithstanding any other provision of
11 law, rule, or regulation, the evaluation process and instru-
12 ments for evaluating District of Columbia Public Schools
13 employees shall be a non-negotiable item for collective bar-
14 gaining purposes.

15 SEC. 144. The District of Columbia Financial Re-
16 sponsibility and Management Assistance Authority (here-
17 inafter in this section referred to as “the Authority”) shall
18 report to the Appropriations Committees of the Senate
19 and House of Representatives, the Committee on Govern-
20 mental Affairs of the Senate, and the Committee on Gov-
21 ernment Reform and Oversight of the House of Represent-
22 atives by February 15, 1999, on the status of all partner-
23 ships or agreements entered into from January 1, 1994
24 through September 30, 1998, between the District of Co-
25 lumbia government and any nonprofit organization that

1 provides medical care, substance abuse treatment, low in-
2 come housing, food and shelter services, abstinence pro-
3 grams, or educational services to children, adults and fam-
4 ilies residing in the District. For those partnerships or
5 agreements that have been terminated, the Authority shall
6 report to Congress on the plans by the District govern-
7 ment for reinitiating the partnerships or agreements with
8 the respective nonprofit organization.

9 SEC. 145. REPEAL OF RESIDENCY REQUIREMENT
10 REINSTATEMENT AMENDMENT ACT OF 1998. The Resi-
11 dency Requirement Reinstatement Amendment Act of
12 1998 (D.C. Act 12–340) is hereby repealed.

13 SEC. 146. RESERVE.—The District of Columbia Fi-
14 nancial Responsibility and Management Assistance Act of
15 1995, Public Law 104–8 (Approved April 17, 1995), Sec.
16 202 is amended to include the following:

17 “(i) RESERVE.—Beginning with the Fiscal Year
18 2000 fiscal plan or budget submitted pursuant to this Act,
19 said Act shall contain \$150,000,000 for a Reserve to be
20 established by the Chief Financial Officer for the District
21 of Columbia and the District of Columbia Financial Re-
22 sponsibility and Management Assistance Authority: *Pro-*
23 *vided*, That the reserve shall only be expended according
24 to criteria established by the Chief Financial Officer and

1 approved by the District of Columbia Financial Respon-
2 sibility and Management Assistance Authority.”.

3 SEC. 147. REVENUE ACCUMULATED BY UNAPPRO-
4 PRIATED FEES.—Funds accumulated during fiscal year
5 1999 through fees that are otherwise non-appropriated
6 funds to the District of Columbia may be expended during
7 fiscal year 1999 by the Chief Financial Officer up to the
8 amount certified by the Chief Financial Officer with the
9 prior written approval of the District of Columbia Finan-
10 cial Responsibility and Management Assistance Authority.

11 SEC. 148. LIBRARY FUNDRAISING AUTHORITY.—
12 D.C. Code Section 37–105 is amended by striking the
13 word “and” after section (11) and striking the period
14 after section (12) and adding the following phrase:

15 “, (13) Notwithstanding any other provision of law,
16 the Board of Trustees of the District of Columbia Public
17 Library is authorized to hire a fundraiser and to raise
18 funds from private sources and expend those funds for the
19 benefit of the District of Columbia Public Library, with
20 the prior review and approval of the Chief Financial Offi-
21 cer for the District of Columbia and the District of Colum-
22 bia Financial Responsibility and Management Assistance
23 Authority.”.

24 SEC. 149. DISTRICT OF COLUMBIA ADOPTION IM-
25 PROVEMENT ACT OF 1998. (a) SHORT TITLE.—This sec-

1 tion may be cited as the “District of Columbia Adoption
2 Improvement Act of 1998”.

3 (b) REPORT AND DATABASE.—

4 (1) REPORT.—Not later than 30 days after the
5 date of enactment of this Act, the District of Colum-
6 bia Child and Family Services (referred to in this
7 section as “Family Services”) shall report to Con-
8 gress the number of children in the custody of the
9 District of Columbia that are legally free for adop-
10 tion.

11 (2) DATABASE.—Not later than 90 days after
12 the date of enactment of this Act, Family Services
13 shall establish a database listing and tracking any
14 child who is in the custody of the District of Colum-
15 bia with the goal of adoption or legally free for adop-
16 tion.

17 (c) TRANSFER OF SOME FUNCTIONS TO PRIVATE
18 SERVICE PROVIDERS.—

19 (1) IN GENERAL.—

20 (A) PRIVATE CONTRACTS.—Not later than
21 September 30, 1999, Family Services shall
22 enter into contracts with private service provid-
23 ers to perform some of the adoption recruit-
24 ment and placement functions of Family Serv-

1 ices including recruitment, homestudy, and
2 placements.

3 (B) COMPETITIVE BIDDING.—Any contract
4 entered into pursuant to subparagraph (A)
5 shall be subject to the competitive bidding proc-
6 ess and an outcomes based out-sourcing.

7 (C) PERFORMANCE-BASED COMPENSA-
8 TION.—

9 (i) IN GENERAL.—Any contract en-
10 tered into pursuant to subparagraph (A)
11 shall compensate the winning bidder pur-
12 suant to subparagraph (B) solely upon
13 completion of a service.

14 (ii) COMPLETION.—For purposes of
15 clause (i), completion occurs when—

16 (I) in the case of recruitment,
17 Family Services receives a completed
18 homestudy for the adoptive family,
19 which recommends licensure for the
20 adoptive family;

21 (II) in the case of homestudies, a
22 homestudy is delivered to Family
23 Services by the contractor in a form
24 specified in advance by Family Serv-
25 ices; or

1 (III) in the case of placements,
2 the adoption is finalized.

3 (D) REMOVAL OF BARRIERS TO ADOPT-
4 TION.—Family Services shall meet regularly
5 with all private service providers awarded con-
6 tracts under this subsection, and shall make its
7 best efforts to eliminate all administrative and
8 judicial barriers to adoption identified by the
9 private service providers.

10 (E) NO EMBARGOES.—No child may be ex-
11 clusively assigned to a specific private service
12 provider or otherwise embargoed, but shall be
13 available for recruitment and placement by any
14 service provider awarded a contract for recruit-
15 ment or placement services pursuant to this
16 subsection.

17 (2) CUSTODY AND RESPONSIBILITY.—Family
18 Services shall retain the custody of any child on
19 whose behalf a private service provider performs re-
20 cruitment and placement functions pursuant to a
21 contract entered into under this subsection.

22 SEC. 150. CLARIFICATION OF RESPONSIBILITY FOR
23 ADULT OFFENDER SUPERVISION IN THE DISTRICT OF
24 COLUMBIA. (a) Section 11233(b)(2) of the National Cap-

1 ital Revitalization and Self-Government Improvement Act
2 of 1997 (Public Law 105–33) is amended by—

3 (1) striking “; and” in subparagraph (F) and
4 inserting “;”;

5 (2) striking “Columbia.” in subparagraph (G)
6 and inserting “Columbia; and”; and

7 (3) inserting after subparagraph (G) the follow-
8 ing:

9 “(H) carry out all functions which have
10 heretofore been carried out by the Social Serv-
11 ices Division of the Superior Court relating to
12 supervision of adults subject to protection or-
13 ders or provision of services for or related to
14 such persons.”.

15 (b) Section 11–1722 of the District of Columbia Code
16 is amended—

17 (1) in subsection (a)—

18 (A) by inserting “juvenile” after “all” in
19 the first sentence; and

20 (B) by amending the second sentence to
21 read as follows: “The Director shall have no ju-
22 risdiction over any adult under supervision.”;

23 (2) in subsection (b), inserting “including the
24 agency established by section 11233(a) of the Na-

1 tional Capital Revitalization and Self-Government
2 Improvement Act of 1997,” after “Columbia,”; and
3 (3) in subsection (c), by inserting “juvenile”
4 after “of”.

5 SEC. 151. Public Law 104–8 is amended by adding
6 new Section 109 as follows:

7 **“SEC. 109. CHIEF MANAGEMENT OFFICER.**

8 “(a) The Authority may employ a Chief Management
9 Officer of the District of Columbia, who shall be appointed
10 by the Chair with the consent of the Authority. The Chief
11 Management Officer shall assist the Authority in the ful-
12 fillment of its responsibilities under the District of Colum-
13 bia Management Reform Act of 1997, Subtitle B of the
14 National Capital Revitalization and Self-Government Im-
15 provement Act of 1997, Title XI of Public Law 105–33,
16 to improve the effectiveness and efficiency of the District
17 of Columbia Government. The Authority may delegate to
18 the Chief Management Officer responsibility for oversight
19 and supervision of the departments and functions of the
20 District of Columbia Government as the Authority may
21 determine. The Chief Management Officer shall report di-
22 rectly to the Authority, through the Chair of the Author-
23 ity, and shall be directed in his or her performance by
24 a majority of the Authority. The Chief Management Offi-
25 cer shall be paid at an annual rate determined by the Au-

1 thority sufficient in the judgment of the Authority to ob-
2 tain the services of an individual with the skills and experi-
3 ence required to discharge the duties of the office.

4 “(b) STAFF.—With the approval of the Chair, the
5 Chief Management Officer may appoint and fix the pay
6 of additional personnel as the Chief Management Officer
7 considers appropriate.

8 “(c) EMPLOYMENT CONTRACT.—Notwithstanding
9 any other provision of law, the employment agreement en-
10 tered into as of January 15, 1998, between the Chief Man-
11 agement Officer and the District of Columbia Financial
12 Responsibility and Management Assistance Authority
13 shall be valid in all respects.”.

14 SEC. 152. Section 47–317.2(e) of the D.C. Code is
15 amended to read as follows—

16 “SALARY.—The Chief Financial Officer shall be paid
17 at an annual rate determined by the Authority sufficient
18 in the judgment of the Authority to obtain the services
19 of an individual with the skills and experience required
20 to discharge the duties of the office.”.

21 SEC. 153. Section 1–1182.8(a)(1)(E) of the D.C.
22 Code is amended to read as follows—

23 “The Inspector General shall be paid at an annual
24 rate determined by the Authority sufficient in the judg-
25 ment of the Authority to obtain the services of an individ-

1 ual with the skills and experience required to discharge
2 the duties of the office.”.

3 SEC. 154. Section 1–1182.8(a)(4)(A) of the D.C.
4 Code is amended to read as follows—

5 “(A) Audit the financial statement and report de-
6 scribed in paragraph (3)(H) for a fiscal year, except that
7 the financial statement and report may not be audited by
8 the same auditor (or an auditor employed by or affiliated
9 with the same auditor) for more than 5 consecutive fiscal
10 years; and”.

11 SEC. 155. None of the funds provided under this Act,
12 or provided under previous appropriations Acts to the
13 agencies funded by this Act, both Federal and District
14 government agencies, that remain available for obligation
15 or expenditure in fiscal year 1999, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 for an agency through a reprogramming of funds which:
20 (1) creates new programs; (2) eliminates a program,
21 project, or activity; (3) establishes or changes allocations
22 specifically denied, limited or increased by Congress in the
23 Act; (4) increases funds or personnel by any means for
24 any project or activity for which funds have been denied
25 or restricted; (5) reestablishes through reprogramming

1 any program or project previously deferred through re-
2 programming; (6) augments existing programs, projects,
3 or activities through a reprogramming of funds in excess
4 of \$1,000,000 or 20 percent, whichever is more; or (7)
5 increases by 20 percent or more personnel assigned to a
6 specific program, project or activity, unless the Appropria-
7 tions Committees of both the Senate and House of Rep-
8 resentatives are notified in writing fifteen days in advance
9 of such reprogramming of funds.

10 SEC. 156. DEFICIT REDUCTION AND REVITALIZA-
11 TION.—Notwithstanding any other provision of law or this
12 Act, funds allocated to management reform by the District
13 of Columbia Financial Responsibility and Management
14 Assistance Authority under this heading in Public Law
15 105–100 (111 Stat. 2159), as contained in the Authority’s
16 notification of June 24, 1998, shall remain available for
17 management reform until September 30, 1999.

18 SEC. 157. Section 47–391.2(a) of the District of Co-
19 lumbia Code is amended to read as follows:

20 “(a) EXECUTIVE DIRECTOR.—The Authority shall
21 have an Executive Director who shall be appointed by the
22 Chair with the consent of the Authority. The Executive
23 Director shall be paid at an annual rate determined by
24 the Authority sufficient in the judgement of the Authority

1 to obtain the services of an individual with the skills and
2 experience required to discharge the duties of the office.”.

3 This Act may be cited as the “District of Columbia
4 Appropriations Act, 1999”.

Calendar No. 481

105TH CONGRESS
2^D SESSION

S. 2333

[Report No. 105-254]

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, 1999, and for other purposes.

JULY 21, 1998

Read twice and placed on the calendar