

**Calendar No. 155**105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 1156****[Report No. 105-75]**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

SEPTEMBER 9, 1997

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

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**A BILL**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That, the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the

1 District of Columbia for the fiscal year ending September  
 2 30, 1998, and for other purposes, namely:

3                                   **FEDERAL FUNDS**

4           **FEDERAL PAYMENT FOR MANAGEMENT REFORM**

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

18   **FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE**

19                                   **NATION’S CAPITAL**

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

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

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

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

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

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

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
2 COURTS

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

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

1                   DISTRICT OF COLUMBIA FUNDS  
2                   OPERATING EXPENSES  
3                   DIVISION OF EXPENSES

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

8                   GOVERNMENTAL DIRECTION AND SUPPORT

9           Governmental direction and support, \$105,177,000  
10 (including \$84,316,000, from local funds, \$14,013,000  
11 from Federal funds, and \$6,848,000 from other funds):  
12 *Provided*, That not to exceed \$2,500 for the Mayor,  
13 \$2,500 for the Chairman of the Council of the District  
14 of Columbia, and \$2,500 for the City Administrator shall  
15 be available from this appropriation for official purposes:  
16 *Provided further*, That any program fees collected from the  
17 issuance of debt shall be available for the payment of ex-  
18 penses of the debt management program of the District  
19 of Columbia: *Provided further*, That no revenues from  
20 Federal sources shall be used to support the operations  
21 or activities of the Statehood Commission and Statehood  
22 Compact Commission: *Provided further*, That the District  
23 of Columbia shall identify the sources of funding for Ad-  
24 mission to Statehood from its own locally-generated reve-  
25 nues: *Provided further*, That \$240,000 shall be available

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

5           ECONOMIC DEVELOPMENT AND REGULATION

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

16           PUBLIC SAFETY AND JUSTICE

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

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

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

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

9 PUBLIC EDUCATION SYSTEM

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

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

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

#### 9 HUMAN SUPPORT SERVICES

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

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

5 PUBLIC WORKS

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

20 FINANCING AND OTHER USES

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

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

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

## 20 ENTERPRISE FUNDS

### 21 ENTERPRISE AND OTHER USES

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

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

11 WATER AND SEWER AUTHORITY AND THE WASHINGTON  
 12 AQUEDUCT

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

20 LOTTERY AND CHARITABLE GAMES CONTROL BOARD

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



## 1 D.C. GENERAL HOSPITAL

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

## 8 D.C. RETIREMENT BOARD

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

## 1 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

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

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

## 14 CAPITAL OUTLAY

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

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

#### 12 DEFICIT REDUCTION AND REVITALIZATION

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

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

7                                   GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16           (1) in subsection (a)(1), by—

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

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

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

24           (2) in subsection (b)(1), by—

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

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

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

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

9 (4) in subsection (c)(1), by—

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

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

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

16 (5) in subsection (c)(2)(A), by—

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

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

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

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

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

3 (7) in subsection (d)(1), by—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the District of Columbia Appropriations Act, 1998, which-  
2 ever occurs later, and each succeeding year, the Emer-  
3 gency Transitional Education Board of Trustees and the  
4 University of the District of Columbia shall submit to the  
5 appropriate congressional committees, the Mayor, the Dis-  
6 trict of Columbia Council, the Consensus Commission, and  
7 the District of Columbia Financial Responsibility and  
8 Management Assistance Authority, a revised appropriated  
9 funds operating budget for the public school system and  
10 the University of the District of Columbia for such fiscal  
11 year that is in the total amount of the approved appropria-  
12 tion and that realigns budgeted data for personal services  
13 and other-than-personal services, respectively, with antici-  
14 pated actual expenditures.

15 (b) The revised budget required by subsection (a) of  
16 this section shall be submitted in the format of the budget  
17 that the Emergency Transitional Education Board of  
18 Trustees and the University of the District of Columbia  
19 submit to the Mayor of the District of Columbia for inclu-  
20 sion in the Mayor's budget submission to the Council of  
21 the District of Columbia pursuant to section 442 of the  
22 District of Columbia Self-Government and Governmental  
23 Reorganization Act, Public Law 93-198, as amended  
24 (D.C. Code, sec. 47-301).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Calendar No. 155

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1156**

[Report No. 105-75]

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**A BILL**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

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SEPTEMBER 9, 1997

Read twice and placed on the calendar