

# ENROLLMENT(S)



(5)

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**AN ACT**

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**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**

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To approve the request of the District of Columbia government for the fiscal year ending September 30, 1998, and for other purposes.

**BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA**, That this act may be cited as the "Fiscal Year 1998 Budget Request Act of 1997".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 1998.

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA**

For payment to the District of Columbia for the fiscal year ending September 30, 1998, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

**FEDERAL CONTRIBUTION TO RETIREMENT FUNDS**

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

**DIVISION OF EXPENSES**

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

**GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$99,887,000 (including \$87,971,000 from local funds, \$7,268,000 from Federal funds, and \$4,648,000 from other funds): *Provided*, That not to

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exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That \$240,000 shall be available for citywide special elections with any amount not expended at the end of the fiscal year to be available for purchase of technology and equipment: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

**ECONOMIC DEVELOPMENT AND REGULATION**

Economic development and regulation, \$121,356,000 (including \$48,953,000 from local funds, \$46,773,000 from Federal funds, and \$25,630,000 from other funds): *Provided*, That four positions at the Department of Employment Services in which the employees are detailed to the Office of the Mayor shall be eliminated.

**PUBLIC SAFETY AND JUSTICE**

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$993,934,000 (including \$967,379,000 from local funds, \$19,586,000 from Federal funds, and \$6,969,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the Department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of

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Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1998, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department shall maintain a minimum of 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That no less than \$4,000,000 shall be available for the Fire and Emergency Medical Services Department for the purchase and repair of apparatus, implementation of an information system, other repairs, and to update fire fighting and emergency medical equipment: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole.

**PUBLIC EDUCATION SYSTEM**

Public education system, including the development of national defense education programs, \$738,128,000 and 10,033 full-time equivalent positions (including \$614,629,000 and 8,314 full-time equivalent positions from local funds, \$93,217,000 and 1,424 full-time equivalent positions from Federal funds, and \$30,282,000 and 295 full-time equivalent positions from other funds), to be allocated as follows: \$548,240,000 and 9,845 full-time equivalent positions (including \$462,188,000 and 8,489 full-time equivalent positions from local funds, \$79,716,000 and 1,251 full-time equivalent positions from Federal funds, and \$6,336,000 and 105 full-time equivalent positions from other funds), for the public schools of the District of Columbia; \$1,235,000 from local funds for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 1, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104-134); \$92,500,000 from local funds, for the District of Columbia Teachers' Retirement Fund; \$72,065,000 and 917 full-time equivalent positions (including \$36,573,000 and 572 full-time equivalent positions from local funds, \$12,000,000 and 156 full-time equivalent positions from Federal funds, and \$23,492,000 and 189 full-time equivalent positions from other funds) for the University of the District of Columbia; \$22,032,000 and 409 full-time equivalent positions (including \$20,429,000 and 398 full-time equivalent positions from local funds, \$1,149,000 and 10 full-time equivalent positions from Federal funds and \$454,000 and 1 full-time equivalent position from other funds) for the Public Library; \$2,056,000 and 9 full-time equivalent positions (including \$1,704,000 and 2 full-time equivalent positions from local funds and \$352,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That not less than \$1,200,000 shall be available for local school allotments in a restricted line item: *Provided further*, That not less than \$4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further*, That not less than \$2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further*, That not less than \$1,788,000 shall be available in a restricted line item for school counselors: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That not less than

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\$584,000 shall be available to support high school dropout prevention programs: *Provided further*, That not less than \$295,000 shall be available for youth leadership and conflict resolution programs: *Provided further*, That not less \$10,000,000 shall be available to support a pay raise for teachers during the SY 1997-1998: *Provided further*, That not less than \$250,000 shall be available to support Truancy Prevention Programs: *Provided further*, That funding to support any full-time equivalent employee ("FTE") assigned to a local school may be used at the discretion of the local school to fund any number of When-Actually-Employed positions (WAE) so long as the expenditure does not exceed the total amount allocated for the FTE positions: *Provided further*, That by the end of FY 1998, the District of Columbia Schools shall designate at least 2 or more District of Columbia Public School buildings as "Community Hubs" which, in addition to serving as educational facilities, shall serve as multi-purpose centers that provide opportunities to integrate support services and enable inter-generational users to meet the lifelong learning needs of community residents, and may support the following activities: before and after school care; counseling; tutoring; vocational and career training; art and sports programs; housing assistance; family literacy; health and nutrition programs; parent education; employment assistance; adult education; and access to state-of-the-art technology.

**HUMAN SUPPORT SERVICES**

Human support services, \$1,715,393,000 (including \$927,711,000 from local funds, \$744,887,000 from Federal funds, and \$42,795,000 from other funds): *Provided*, That \$22,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

**PUBLIC WORKS**

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$249,252,000 (including \$231,221,000 from local funds, \$7,430,000 from Federal funds, and \$10,601,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That \$3,000,000 shall be available for the purchase, operation, and maintenance of two mechanical street sweepings, one flusher truck, 5 packer trucks, one front-end loader, and various public litter containers: *Provided further*, That \$2,400,000 shall be available for recycling activities.

**FINANCING AND OTHER USES**

Financing and other expenses, \$445,345,000 (including for payment to the Washington Convention Center, \$5,400,000 from local funds; for reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648), section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219), section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515), and sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$367,256,000 from local funds; for the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)(1)); for payment of interest on short-term borrowing, \$18,630,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, \$4,896,000 from local funds; for the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,220,000 from local funds).

**ENTERPRISE AND OTHER USES**

Financing and other expenses \$14,996,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,467,000 (including \$2,135,000 from local funds and \$332,000 from other funds); for the Public Service Commission, \$4,517,000 (including \$4,250,000 from local funds, \$87,000 from Federal funds and \$180,000 from other funds), for the Office of the People's Counsel, \$2,428,000 from local funds; for the Office of Banking and Financial Institutions, \$210,000 (including \$100,000 from local funds and \$110,000 from other funds); and for the Department of Insurance and Securities Regulation, \$5,374,000 from other funds.

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**CAPITAL OUTLAY**

For construction projects, \$123,381,000 from Federal funds to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

**WATER AND SEWER AUTHORITY**

For the Water and Sewer Authority, \$283,433,000 from other funds of which \$41,423,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

**LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND**

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$234,900,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

**STARPLEX FUND**

For the Starplex Fund, \$5,936,000 from other funds, of which \$900,000 shall be transferred to the General Fund of the District of Columbia, for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.), and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as

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required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

**D.C. GENERAL HOSPITAL**

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$108,434,000 of which \$44,335,000 shall be derived by transfer from the general fund, and \$64,099,000 shall be derived from other funds.

**D.C. RETIREMENT BOARD**

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

**CORRECTIONAL INDUSTRIES FUND**

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$3,332,000.

**WASHINGTON CONVENTION CENTER ENTERPRISE FUND**

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

**CONTINGENT APPROPRIATIONS**

The Mayor is authorized to spend a sum no more than \$4,800,000 in excess of \$12,300,000 received from the sale of unclaimed property: *Provided*, That the Mayor shall use such appropriations to fund community-based AIDS-related services, above the "maintenance of effort level," with priority for the AIDS Drug Assistance Program and the Emergency Drug Assistance Program.

**GENERAL PROVISIONS**

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

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

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

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

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and

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for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

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

Sec. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

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

Sec. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

Sec. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

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

Sec. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): *Provided*, That for the fiscal year ending September 30, 1998, the above shall apply except as modified by Public Law 104-8.

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

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

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

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

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

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Sec. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

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

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

Sec. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

Sec. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99

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Stat. 1037; Public Law 99-177), as amended.

Sec. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order:  
*Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

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

Sec. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if--

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

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

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

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

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

**MONTHLY REPORTING REQUIREMENTS - BOARD OF EDUCATION**

Sec. 129. The Board of Education shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each month a report that sets forth--

- (1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;
- (2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;
- (3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;
- (4) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;
- (5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and
- (6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

**MONTHLY REPORTING REQUIREMENTS  
UNIVERSITY OF THE DISTRICT OF COLUMBIA**

Sec. 130. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority,

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and the Council of the District of Columbia no later than 15 calendar days after the end of each month a report that sets forth--

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

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

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

**ANNUAL REPORTING REQUIREMENTS**

Sec. 131. (a) In General -- The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth--

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location

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for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) Submission. -- The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Financial Responsibility and Management Assistance Authority, not later than February 15 of each year.

**ANNUAL BUDGETS AND BUDGET REVISIONS**

Sec. 132. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

**EDUCATIONAL BUDGET APPROVAL**

Sec. 133. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

**PUBLIC SCHOOL EMPLOYEE EVALUATIONS**

Sec. 134. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

**MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES**

Sec. 135. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 *et seq.*), is amended by adding a new section 2408 at the end to read as follows:

“Sec. 2408. Abolishment of Positions..

“(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement, either in effect or to be negotiated, for the fiscal year ending September 30, 1998, and every fiscal year thereafter, each agency head is authorized, within the agency head’s discretion, to identify positions for abolishment.

“(b) Prior to February 1, 1998, and every February 1 thereafter, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

“(c) Notwithstanding any rights or procedures established by any other provision of this act, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

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

“(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the United States Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

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

“(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

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

“(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

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

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creditable service for severance pay for employees separated pursuant to this section:

“(1) four years for an employee who qualified for veterans preference pursuant to this Act, and

“(2) three years for an employee who qualified for residency preference pursuant to this Act.

“(i) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

“(j) The Mayor shall submit to the Council a list of all positions to be abolished by agency and responsibility center by March 1, 1998, and every March 1 thereafter, or upon the delivery of termination notices to individual employees.

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

“(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, and every September 1 thereafter, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.”.

**OPERATING EXPENSES AND GRANTS**

**Sec. 136. Acceptance and Use of Grants . --**

(1) In General. -- The Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year as defined in Sec. 305(4) of P. L. 104-8, 109 Stat. 152 may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of Chief Financial Officer Report and Financial Responsibility and Management Assistance Authority Approval. -- No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until --

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104-8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) Prohibition on Spending in Anticipation of Approval or Receipt. -- No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

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

**POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS**

Sec. 137. Sec. 145(a)(2) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)(2)) is amended by adding subsections (a)(2)(A) and (a)(2)(B) to read as follows:

"(A) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1998 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.".

(B) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

**REFORM OF DISABILITY COMPENSATION PROGRAM**

Sec. 138. (a) Title XXIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Code, sec. 1-624.1 *et seq.*), is amended as follows:

(1) Section 2301 (D.C. Code, sec. 1-624.1) is amended as follows:

(A) Subsection (c) is amended by adding the phrase "and as designated by the Mayor to provide services to injured employees" after the phrase "state law" in the first sentence.

(B) Three new subsections (r), (s), and (t) are added to read as follows:

"(r) The term "qualified physician" means only the physicians and allied health professionals who are affiliated with the managed care organizations or groups of physicians that the Mayor designates to provide medical services to injured employees.

"(s) The term "allied health professional" means nurses, physical therapists, laboratory technicians, x-ray technicians, social workers, and other medical care providers within the scope of their practice as defined by law, provided they are employed by or otherwise affiliated with the medical care organization designated by the Mayor to provide services to injured employees.

"(t) The term "managed care organization" means an organization of physicians, group

**ENROLLED ORIGINAL**

of physicians, and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees that is designated by the Mayor to provide such care and treatment to injured employees.”.

(2) Section 2303 (D.C. Code, sec. 1-624.3.) is amended to read as follows:

(A) Subsection (a)(3) is amended to read as follows:

“(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on order of physicians and managed care organizations designated or approved by the Mayor.”.

(B) The undesigned paragraph following subsection (a)(3) is repealed.

(C) A new subsection (a-1) is added to read as follows:

“(a-1) With regard to subsection (a) of this section, the employee shall be provided medical services by managed care organizations or other health care providers designated by the Mayor and, in accordance with such rules, regulations and instructions as the Mayor considers necessary, may be furnished medical services, supplies, and appliances, and may be furnished reasonable transportation incident thereto. These expenses, when authorized by the Mayor, shall be paid from the Employees' Compensation Fund. Any medical services shall be subject to utilization review as provided in section 2323.”.

(3) Section 2324(c) (D.C. Code, sec. 1-624.24(c)), is repealed.

(b) This section shall apply to any disability compensation for injuries or claims of District of Columbia employees without regard to date of injury or claim or date of hire of the employee.

**SPECIAL MASTERS' BUDGETS**

Sec. 139. The District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 774; D.C. Code, sec. 1-201 *et seq.*), is amended by adding a new section 445a to read as follows:

“Sec. 445a. Special Master's budgets.

“All Special Masters appointed by the District of Columbia Superior Court or the United States District Court for the District of Columbia Circuit to any agency of the District of Columbia government shall prepare and annually submit to the District of Columbia Financial Responsibility and Management Assistance Authority, for inclusion in the annual budget, annual estimates of expenditures and appropriations. Such annual estimates shall be approved by the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Colombia pursuant to section 202 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47-392.2).”.

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**ELIMINATION OF SHIFT DIFFERENTIAL AND PREMIUM PAY**

Sec. 140. (a) Except as provided in subsection (b) of this section and notwithstanding any other provision of law or collective bargaining agreement, the entitlement to and computation of shift differentials and premium pay for all District employees shall be determined by the Mayor in accordance with the District's financial plan and budget.

(b) Subsection (a) of this section shall not apply to uniform members of the Fire and Emergency Medical Services Department or 24-hour health care workers of the Department of Human Services.

**ELIMINATION OF DENTAL, OPTICAL AND PREPAID LEGAL BENEFITS**

Sec. 141. Notwithstanding any other provision of law or collective bargaining agreement, the dental and optical benefits program and the prepaid legal benefits program shall be terminated for all District employees and no employee shall be entitled to receive dental, optical, or legal benefits beginning on October 1, 1997.

**COMMENCING OF ADVERSE ACTIONS FOR POLICE**

Sec. 142. Section 1601(b-1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-617.1(b-1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Except as provided in paragraph (2)" and inserting the phrase "Except as provided in paragraphs (2) and (3)" in its place.

(b) A new paragraph (3) is added to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, for members of the Metropolitan Police Department, no corrective or adverse action shall be commenced pursuant to this section more than 120 days, not including Saturdays, Sundays, or legal holidays, after the date that the agency knew or should have known of the act or occurrence allegedly constituting cause, as that term is defined in subsection (d) of this section.

**NOTICE TO POLICE OFFICERS FOR OUT-OF-SERVICE ASSIGNMENTS**

Sec. 143. (a) Notwithstanding any other provision of law or collective bargaining agreement, the Metropolitan Police Department shall change the advance notice that is required to be given to officers for out-of-schedule assignments from 28 days to 14 days.

(b) No officer shall be entitled to overtime for out-of-regular schedule assignments if the Metropolitan Police Department provides the officer with notice of the change in assignment at least 14 days in advance.

**TAXATION OF NONRESIDENT DISTRICT EMPLOYEES**

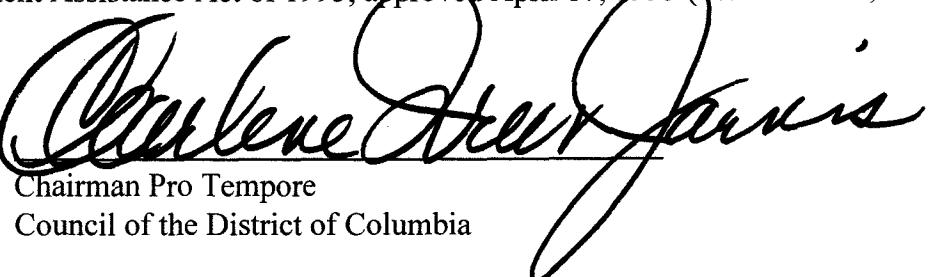
Sec. 144. Section 602(a)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.

**ENROLLED ORIGINAL**

1-233(a)(1)), is amended by adding the phrase ": Except, That the Council may impose a personal income tax on any District government employee who is not a resident of the District of Columbia" after the phrase "not a resident of the District".

Sec. 145. Section 47-1806.1 of the District of Columbia Code is amended by adding phrase "and nonresident who is an employee of the District of Columbia government" after the phrase "net income of every resident".

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code § 47-304) and section 208 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 134; D.C. Code § 47-392.8).



The signature is handwritten in black ink, appearing to read "Charlene Outer James". It is written in a flowing cursive script.

Chairman Pro Tempore  
Council of the District of Columbia

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Mayor  
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA  
COUNCIL PERIOD TWELVE  
RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B12-210

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED, 04-29-97

VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED, ALLEN AND THOMAS VOTED NO

ABSENT \_\_\_\_\_

SMITH

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Jarvis					Evans					Thomas, Sr.				
Allen					Mason									
Brazil					Patterson									
Chavous					Schwartz									
Cropp					Smith, Jr.									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Jarvis					Evans					Thomas, Sr.				
Allen					Mason									
Brazil					Patterson									
Chavous					Schwartz									
Cropp					Smith, Jr.									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Jarvis					Evans					Thomas, Sr.				
Allen					Mason									
Brazil					Patterson									
Chavous					Schwartz									
Cropp					Smith, Jr.									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

**ENROLLED ORIGINAL**

AN ACT

D.C. ACT 12-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 3, 1997

To approve the request of the District of Columbia government for the fiscal year ending September 30, 1998, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Revised Act 12-76 Fiscal Year 1998 Budget Request Act of 1997".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 1998.

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA**

For payment to the District of Columbia for the fiscal year ending September 30, 1998, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

**FEDERAL CONTRIBUTION TO RETIREMENT FUNDS**

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

**DIVISION OF EXPENSES**

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

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### **GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$104,782,000 (including \$86,971,000 from local funds, \$13,163,000 from Federal funds, and \$4,648,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That \$240,000 shall be available for citywide special elections with any amount not expended at the end of the fiscal year to be available for purchase of technology and equipment: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

### **ECONOMIC DEVELOPMENT AND REGULATION**

Economic development and regulation, \$125,342,000 (including \$45,644,000 from local funds, \$42,050,000 from Federal funds, \$12,000,000 from other funds collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and \$37,630,000 from additional other funds): *Provided*, That four positions at the Department of Employment Services in which the employees are detailed to the Office of the Mayor shall be eliminated.

### **PUBLIC SAFETY AND JUSTICE**

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$997,316,000 (including \$973,626,000 from local funds, \$16,721,000 from Federal funds, and \$6,969,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Council of the District of Columbia and to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the Department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That funds

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appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1998, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department shall maintain a minimum of 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That no less than \$4,000,000 shall be available for the Fire and Emergency Medical Services Department for the purchase and repair of apparatus, implementation of an information

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system, other repairs, and to update fire fighting and emergency medical equipment: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That not less than \$2,254,754 shall be available to support a pay raise for uniformed firefighters, which funding will be made available as savings achieved through the reduction in overtime costs and shift differential expenditures as firefighters currently on permanent performance of duty sick leave and receiving longevity incentives are retired and replaced by entry level firefighters compensated at a lesser pay rate.

### **PUBLIC EDUCATION SYSTEM**

Public education system, including the development of national defense education programs, \$763,959,000 and 10,033 full-time equivalent positions (including \$614,699,000 and 8,314 full-time equivalent positions from local funds, \$117,978,000 and 1,424 full-time equivalent positions from Federal funds, and \$31,282,000 and 295 full-time equivalent positions from other funds), to be allocated as follows: \$571,186,000 and 9,845 full-time equivalent positions (including \$461,188,000 and 8,489 full-time equivalent positions from local funds, \$102,662,000 and 1,251 full-time equivalent positions from Federal funds, and \$7,336,000 and 105 full-time equivalent positions from other funds), for the public schools of the District of Columbia; \$1,235,000 from local funds for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 1, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104-134); \$92,500,000 from local funds, for the District of Columbia Teachers' Retirement Fund; \$74,939,000 and 917 full-time equivalent positions (including \$37,643,000 and 572 full-time equivalent positions from local funds, \$13,804,000 and 156 full-time equivalent positions from Federal funds, and \$23,492,000 and 189 full-time equivalent positions from other funds) for the University of the District of Columbia: *Provided*, That \$2,300,000 shall be available for the University of the District of Columbia Law School; \$22,042,000 and 409 full-time equivalent positions (including \$20,429,000 and 398 full-time equivalent positions from local funds, \$1,159,000 and 10 full-time equivalent positions from Federal funds and \$454,000 and 1 full-time equivalent position from other funds) for the Public Library; \$2,057,000 and 9 full-time equivalent positions (including \$1,704,000 and 2 full-time equivalent positions from local funds and \$353,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That not less than \$1,200,000 shall be available for local school allotments in a restricted line item: *Provided further*, That not less than \$4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further*, That not less than \$2,800,000 shall be available to support substitute teachers in a restricted line item:

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*Provided further*, That not less than \$1,788,000 shall be available in a restricted line item for school counselors: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That not less than \$584,000 shall be available to support high school dropout prevention programs: *Provided further*, That not less than \$295,000 shall be available for youth leadership and conflict resolution programs: *Provided further*, That not less \$10,000,000 shall be available to support a pay raise for teachers during the SY 1997-1998: *Provided further*, That not less than \$250,000 shall be available to support Truancy Prevention Programs: *Provided further*, That funding to support any full-time equivalent employee ("FTE") assigned to a local school may be used at the discretion of the local school to fund any number of When-Actually-Employed positions (WAE) so long as the expenditure does not exceed the total amount allocated for the FTE positions: *Provided further*, That by the end of FY 1998, the District of Columbia Schools shall designate at least 2 or more District of Columbia Public School buildings as "Community Hubs" which, in addition to serving as educational facilities, shall serve as multi-purpose centers that provide opportunities to integrate support services and enable inter-generational users to meet the lifelong learning needs of community residents, and may support the following activities: before and after school care; counseling; tutoring; vocational and career training; art and sports programs; housing assistance; family literacy; health and nutrition programs; parent education; employment assistance; adult education; and access to state-of-the-art technology.

## **HUMAN SUPPORT SERVICES**

Human support services, \$1,686,530,000 (including \$923,491,000 from local funds, \$720,244,000 from Federal funds, and \$42,795,000 from other funds): *Provided*, That \$21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

## **PUBLIC WORKS**

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$240,674,000 (including \$226,723,000 from local funds, \$3,350,000 from Federal funds, and \$10,601,000 from other

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funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That \$3,000,000 shall be available for the purchase, operation, and maintenance of two mechanical street sweepings, one flusher truck, 5 packer trucks, one front-end loader, and various public litter containers: *Provided further*, That \$2,400,000 shall be available for recycling activities.

### **FINANCING AND OTHER USES**

Financing and other expenses, \$441,855,000 (including for payment to the Washington Convention Center, \$5,400,000 from local funds; for reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648), section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219), section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515), and sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$366,478,000 from local funds; for the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)(1)); for payment of interest on short-term borrowing, \$15,848,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, \$4,896,000 from local funds; for the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,220,000 from local funds); for equipment purchases, the Mayor may borrow \$5,169,000, through a general obligation bond issuance: *Provided*, That \$4,498,000 is allocated to the Department of Public Works, \$260,000 to the Department of Human Services, \$75,000 to the Department of Corrections, and \$336,000 to the Department of Recreation and Parks.

### **ENTERPRISE AND OTHER USES**

Financing and other expenses \$15,305,000 (including for the Cable Television Enterprise

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Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,467,000 (including \$2,135,000 from local funds and \$332,000 from other funds); for the Public Service Commission, \$4,517,000 (including \$4,250,000 from local funds, \$87,000 from Federal funds and \$180,000 from other funds), for the Office of the People's Counsel, \$2,428,000 from local funds; for the Office of Banking and Financial Institutions, \$210,000 (including \$100,000 from local funds and \$110,000 from other funds); and for the Department of Insurance and Securities Regulation, \$5,683,000 from other funds assessed on industries as follows: \$535,000 for securities dealers and brokers; \$346,000 for health maintenance organizations; and \$4,802,000 for all other insurance agencies.

### **CAPITAL OUTLAY**

For construction projects, \$128,624,000 from Federal funds to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

### **WATER AND SEWER AUTHORITY**

For the Water and Sewer Authority, \$283,433,000 from other funds of which \$41,423,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

### **LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND**

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$234,900,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

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### **STARPLEX FUND**

For the Starplex Fund, \$8,036,000 from other funds, of which \$3,000,000 shall be transferred to the General Fund of the District of Columbia, for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.), and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

### **D.C. GENERAL HOSPITAL**

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$108,434,000 of which \$44,335,000 shall be derived by transfer from the general fund, and \$64,099,000 shall be derived from other funds.

### **D.C. RETIREMENT BOARD**

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

### **CORRECTIONAL INDUSTRIES FUND**

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$3,332,000.

### **WASHINGTON CONVENTION CENTER ENTERPRISE FUND**

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

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### **CONTINGENT APPROPRIATIONS**

The Mayor is authorized to spend a sum no more than \$4,800,000 in excess of \$12,300,000 received from the sale of unclaimed property: *Provided*, That the Mayor shall use such appropriations to fund community-based AIDS-related services, above the "maintenance of effort level," with priority for the AIDS Drug Assistance Program and the Emergency Drug Assistance Program.

### **EXPENDITURES PENDING REVENUE**

The Mayor is authorized to spend up to \$9,541,000 contingent upon the District realizing revenue of \$9,641,000 pursuant to legislation establishing litter enforcement fees, private hauler disposal fees, public rights of ways fees: *Provided*, That \$1,380,000 shall be allocated to the Deputy Mayor for Economic Development; \$1,800,000 to the Department of Employment Services for summer youth employment; \$5,361,000 to the Department of Corrections; and \$1,000,000 to the Corporation Counsel. The Mayor is authorized to spend up to \$1,000,000 contingent upon the District realizing revenues of \$1,000,000 in real property taxes directly associated with the conversion of the George Washington University Hospital from a nonprofit entity to a for-profit entity: *Provided*, That \$1,000,000 shall be available to implement the 21st Century Public School Information System.

### **GENERAL PROVISIONS**

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

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

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the

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

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

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

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

Sec. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

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

Sec. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia

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

Sec. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

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

Sec. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): *Provided*, That for the fiscal year ending September 30, 1998, the above shall apply except as modified by Public Law 104-8.

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

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

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

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

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

Sec. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved

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December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

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

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

Sec. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

Sec. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

Sec. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of

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1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

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

Sec. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if--

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

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

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

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

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

### **MONTHLY REPORTING REQUIREMENTS - BOARD OF EDUCATION**

Sec. 129. The Board of Education shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each month a report that sets forth--

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

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within

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each responsibility center, for all funds, including capital funds;

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

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

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

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

### **MONTHLY REPORTING REQUIREMENTS UNIVERSITY OF THE DISTRICT OF COLUMBIA**

Sec. 130. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each month a report that sets forth--

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

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

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

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(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

### **ANNUAL REPORTING REQUIREMENTS**

Sec. 131. (a) In General -- The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth--

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) Submission. -- The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Financial Responsibility and Management Assistance Authority, not later than February 15 of each year.

### **ANNUAL BUDGETS AND BUDGET REVISIONS**

Sec. 132. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia

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Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

### **EDUCATIONAL BUDGET APPROVAL**

Sec. 133. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

### **PUBLIC SCHOOL EMPLOYEE EVALUATIONS**

Sec. 134. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

### **MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES**

Sec. 135. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 *et seq.*), is amended by adding a new section 2408 at the end to read as follows:

"Sec. 2408. Abolishment of Positions.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement, either in effect or to be negotiated, for the fiscal year ending September 30, 1998, and every fiscal year thereafter, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1998, and every February 1 thereafter, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this act, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

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

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the United States Department of Health and Human Services at Saint Elizabeths Hospital who

## **ENROLLED ORIGINAL**

accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

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

“(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

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

“(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

“(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:

“(1) four years for an employee who qualified for veterans preference pursuant to this Act, and

“(2) three years for an employee who qualified for residency preference pursuant to this Act.

“(i) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

“(j) The Mayor shall submit to the Council a list of all positions to be abolished by agency and responsibility center by March 1, 1998, and every March 1 thereafter, or upon the delivery of termination notices to individual employees.

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

“(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, and every September 1 thereafter, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.”.

## **OPERATING EXPENSES AND GRANTS**

### **Sec. 136. Acceptance and Use of Grants . --**

(1) In General. -- The Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year as defined in Sec. 305(4) of P. L. 104-8, 109 Stat. 152 may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of Chief Financial Officer Report and Financial Responsibility and Management Assistance Authority Approval. -- No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until --

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(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104-8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) Prohibition on Spending in Anticipation of Approval or Receipt. -- No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

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

## **POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS**

Sec. 137. Sec. 145(a)(2) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)(2)) is amended by adding subsections (a)(2)(A) and (a)(2)(B) to read as follows:

"(A) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1998 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.".

(B) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

## **REFORM OF DISABILITY COMPENSATION PROGRAM**

Sec. 138. (a) Title XXIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Code, sec. 1-624.1 *et seq.*), is amended as follows:

(1) Section 2301 (D.C. Code, sec. 1-624.1) is amended as follows:

(A) Subsection (c) is amended by adding the phrase "and as designated by

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the Mayor to provide services to injured employees" after the phrase "state law" in the first sentence.

(B) Three new subsections (r), (s), and (t) are added to read as follows:

"(r) The term "qualified physician" means only the physicians and allied health professionals who are affiliated with the managed care organizations or groups of physicians that the Mayor designates to provide medical services to injured employees.

"(s) The term "allied health professional" means nurses, physical therapists, laboratory technicians, x-ray technicians, social workers, and other medical care providers within the scope of their practice as defined by law, provided they are employed by or otherwise affiliated with the medical care organization designated by the Mayor to provide services to injured employees.

"(t) The term "managed care organization" means an organization of physicians, group of physicians, and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees that is designated by the Mayor to provide such care and treatment to injured employees.".

(2) Section 2303 (D.C. Code, sec. 1-624.3.) is amended to read as follows:

(A) Subsection (a)(3) is amended to read as follows:

"(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on order of physicians and managed care organizations designated or approved by the Mayor.".

(B) The undesignated paragraph following subsection (a)(3) is repealed.

(C) A new subsection (a-1) is added to read as follows:

"(a-1) With regard to subsection (a) of this section, the employee shall be provided medical services by managed care organizations or other health care providers designated by the Mayor and, in accordance with such rules, regulations and instructions as the Mayor considers necessary, may be furnished medical services, supplies, and appliances, and may be furnished reasonable transportation incident thereto. These expenses, when authorized by the Mayor, shall be paid from the Employees' Compensation Fund. Any medical services shall be subject to utilization review as provided in section 2323.".

(3) Section 2324(c) (D.C. Code, sec. 1-624.24(c)), is repealed.

(b) This section shall apply to any disability compensation for injuries or claims of District of Columbia employees without regard to date of injury or claim or date of hire of the employee.

## **SPECIAL MASTERS' BUDGETS**

Sec. 139. The District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 774; D.C. Code, sec. 1-201 *et seq.*), is amended by adding a new section 445a to read as follows:

"Sec. 445a. Special Master's budgets.

"All Special Masters appointed by the District of Columbia Superior Court or the United States District Court for the District of Columbia Circuit to any agency of the District of Columbia government shall prepare and annually submit to the District of Columbia Financial

## **ENROLLED ORIGINAL**

Responsibility and Management Assistance Authority, for inclusion in the annual budget, annual estimates of expenditures and appropriations. Such annual estimates shall be approved by the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Colombia pursuant to section 202 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47-392.2).".

### **ELIMINATION OF SHIFT DIFFERENTIAL AND PREMIUM PAY**

Sec. 140. (a) Except as provided in subsection (b) of this section and notwithstanding any other provision of law or collective bargaining agreement, the entitlement to and computation of shift differentials and premium pay for all District employees shall be determined by the Mayor in accordance with the District's financial plan and budget.

(b) Subsection (a) of this section shall not apply to uniform members of the Fire and Emergency Medical Services Department or 24-hour health care workers of the Department of Human Services.

### **ELIMINATION OF DENTAL, OPTICAL AND PREPAID LEGAL BENEFITS**

Sec. 141. Notwithstanding any other provision of law or collective bargaining agreement, the dental and optical benefits program and the prepaid legal benefits program shall be terminated for all District employees and no employee shall be entitled to receive dental, optical, or legal benefits beginning on October 1, 1997.

### **COMMENCING OF ADVERSE ACTIONS FOR POLICE**

Sec. 142. Section 1601(b-1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-617.1(b-1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Except as provided in paragraph (2)" and inserting the phrase "Except as provided in paragraphs (2) and (3)" in its place.

(b) A new paragraph (3) is added to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, for members of the Metropolitan Police Department, no corrective or adverse action shall be commenced pursuant to this section more than 120 days, not including Saturdays, Sundays, or legal holidays, after the date that the agency knew or should have known of the act or occurrence allegedly constituting cause, as that term is defined in subsection (d) of this section.

### **NOTICE TO POLICE OFFICERS FOR OUT-OF-SERVICE ASSIGNMENTS**

Sec. 143. (a) Notwithstanding any other provision of law or collective bargaining agreement, the Metropolitan Police Department shall change the advance notice that is required to be given to officers for out-of-schedule assignments from 28 days to 14 days.

(b) No officer shall be entitled to overtime for out-of-regular schedule assignments if the

## **ENROLLED ORIGINAL**

Metropolitan Police Department provides the officer with notice of the change in assignment at least 14 days in advance.

### **TAXATION OF NONRESIDENT DISTRICT EMPLOYEES**

Sec.144. Section 602(a)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(a)(1)), is amended by adding the phrase ": Except, That the Council may impose a personal income tax on any District government employee who is not a resident of the District of Columbia" after the phrase "not a resident of the District".

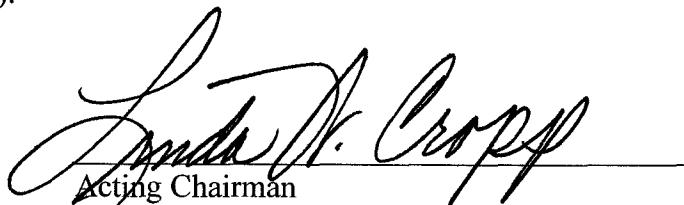
Sec. 145. Section 47-1806.1 of the District of Columbia Code is amended by adding phrase "and nonresident who is an employee of the District of Columbia government" after the phrase "net income of every resident".

### **REIMBURSEMENT FOR PRESIDENTIAL PROTECTION ASSISTANCE**

Sec. 146. (a) Notwithstanding the provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056, note), in carrying out the protection of the President and Vice-President of the United States, pursuant to section 3056(a) of Title 18 of the United States Code, the Secretary of the Treasury is authorized to reimburse the District of Columbia government for the utilization of law enforcement services, personnel, equipment, and facilities of the District of Columbia in furtherance of such protection. All claims for such reimbursement by the District of Columbia government will be submitted to the Secretary of the Treasury on a quarterly basis.

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

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code § 47-304) and section 208 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 134; D.C. Code § 47-392.8).



Linda W. Cropp  
Acting Chairman  
Council of the District of Columbia



## COUNCIL OF THE DISTRICT OF COLUMBIA

## COUNCIL PERIOD TWELVE

## RECORD OF OFFICIAL COUNCIL VOTE

Docket No. A12-94

 ITEM ON CONSENT CALENDAR ACTION & DATE

ADOPTED FINAL READING, 06-03-97

 VOICE VOTE  
RECORDED VOTE ON REQUESTAPPROVED, ALLEN, BRAZIL AND THOMAS VOTED NO  
ALL PRESENT

ABSENT \_\_\_\_\_

 ROLL CALL VOTE - Result \_\_\_\_\_)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Date

 ITEM ON CONSENT CALENDAR ACTION & DATE VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

 ROLL CALL VOTE - Result \_\_\_\_\_)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date

 ITEM ON CONSENT CALENDAR ACTION & DATE VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT \_\_\_\_\_

 ROLL CALL VOTE - Result \_\_\_\_\_)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

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AN ACT

**D.C. ACT 12-76**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 1997

To approve the request of the District of Columbia government for the fiscal year ending September 30, 1998, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 1998 Budget Request Act of 1997".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 1998.

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA**

For payment to the District of Columbia for the fiscal year ending September 30, 1998, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

**FEDERAL CONTRIBUTION TO RETIREMENT FUNDS**

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

**DIVISION OF EXPENSES**

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

**GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$99,887,000 (including \$87,971,000 from local funds, \$7,268,000 from Federal funds, and \$4,648,000 from other funds): *Provided*, That not to

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exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That \$240,000 shall be available for citywide special elections with any amount not expended at the end of the fiscal year to be available for purchase of technology and equipment: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

**ECONOMIC DEVELOPMENT AND REGULATION**

Economic development and regulation, \$121,356,000 (including \$48,953,000 from local funds, \$46,773,000 from Federal funds, and \$25,630,000 from other funds): *Provided*, That four positions at the Department of Employment Services in which the employees are detailed to the Office of the Mayor shall be eliminated.

**PUBLIC SAFETY AND JUSTICE**

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$993,934,000 (including \$967,379,000 from local funds, \$19,586,000 from Federal funds, and \$6,969,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the Department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of

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Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1998, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department shall maintain a minimum of 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That no less than \$4,000,000 shall be available for the Fire and Emergency Medical Services Department for the purchase and repair of apparatus, implementation of an information system, other repairs, and to update fire fighting and emergency medical equipment: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole.

**PUBLIC EDUCATION SYSTEM**

Public education system, including the development of national defense education programs, \$738,128,000 and 10,033 full-time equivalent positions (including \$614,629,000 and 8,314 full-time equivalent positions from local funds, \$93,217,000 and 1,424 full-time equivalent positions from Federal funds, and \$30,282,000 and 295 full-time equivalent positions from other funds), to be allocated as follows: \$548,240,000 and 9,845 full-time equivalent positions (including \$462,188,000 and 8,489 full-time equivalent positions from local funds, \$79,716,000 and 1,251 full-time equivalent positions from Federal funds, and \$6,336,000 and 105 full-time equivalent positions from other funds), for the public schools of the District of Columbia; \$1,235,000 from local funds for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 1, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104-134); \$92,500,000 from local funds, for the District of Columbia Teachers' Retirement Fund; \$72,065,000 and 917 full-time equivalent positions (including \$36,573,000 and 572 full-time equivalent positions from local funds, \$12,000,000 and 156 full-time equivalent positions from Federal funds, and \$23,492,000 and 189 full-time equivalent positions from other funds) for the University of the District of Columbia; \$22,032,000 and 409 full-time equivalent positions (including \$20,429,000 and 398 full-time equivalent positions from local funds, \$1,149,000 and 10 full-time equivalent positions from Federal funds and \$454,000 and 1 full-time equivalent position from other funds) for the Public Library; \$2,056,000 and 9 full-time equivalent positions (including \$1,704,000 and 2 full-time equivalent positions from local funds and \$352,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That not less than \$1,200,000 shall be available for local school allotments in a restricted line item: *Provided further*, That not less than \$4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further*, That not less than \$2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further*, That not less than \$1,788,000 shall be available in a restricted line item for school counselors: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That not less than

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\$584,000 shall be available to support high school dropout prevention programs: *Provided further*, That not less than \$295,000 shall be available for youth leadership and conflict resolution programs: *Provided further*, That not less \$10,000,000 shall be available to support a pay raise for teachers during the SY 1997-1998: *Provided further*, That not less than \$250,000 shall be available to support Truancy Prevention Programs: *Provided further*, That funding to support any full-time equivalent employee ("FTE") assigned to a local school may be used at the discretion of the local school to fund any number of When-Actually-Employed positions (WAE) so long as the expenditure does not exceed the total amount allocated for the FTE positions: *Provided further*, That by the end of FY 1998, the District of Columbia Schools shall designate at least 2 or more District of Columbia Public School buildings as "Community Hubs" which, in addition to serving as educational facilities, shall serve as multi-purpose centers that provide opportunities to integrate support services and enable inter-generational users to meet the lifelong learning needs of community residents, and may support the following activities: before and after school care; counseling; tutoring; vocational and career training; art and sports programs; housing assistance; family literacy; health and nutrition programs; parent education; employment assistance; adult education; and access to state-of-the-art technology.

### **HUMAN SUPPORT SERVICES**

Human support services, \$1,715,393,000 (including \$927,711,000 from local funds, \$744,887,000 from Federal funds, and \$42,795,000 from other funds): *Provided*, That \$22,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

### **PUBLIC WORKS**

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$249,252,000 (including \$231,221,000 from local funds, \$7,430,000 from Federal funds, and \$10,601,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That \$3,000,000 shall be available for the purchase, operation, and maintenance of two mechanical street sweepings, one flusher truck, 5 packer trucks, one front-end loader, and various public litter containers: *Provided further*, That \$2,400,000 shall be available for recycling activities.

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**FINANCING AND OTHER USES**

Financing and other expenses, \$445,345,000 (including for payment to the Washington Convention Center, \$5,400,000 from local funds; for reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648), section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219), section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515), and sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$367,256,000 from local funds; for the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)(1)); for payment of interest on short-term borrowing, \$18,630,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, \$4,896,000 from local funds; for the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,220,000 from local funds).

**ENTERPRISE AND OTHER USES**

Financing and other expenses \$14,996,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,467,000 (including \$2,135,000 from local funds and \$332,000 from other funds); for the Public Service Commission, \$4,517,000 (including \$4,250,000 from local funds, \$87,000 from Federal funds and \$180,000 from other funds), for the Office of the People's Counsel, \$2,428,000 from local funds; for the Office of Banking and Financial Institutions, \$210,000 (including \$100,000 from local funds and \$110,000 from other funds); and for the Department of Insurance and Securities Regulation, \$5,374,000 from other funds.

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**CAPITAL OUTLAY**

For construction projects, \$123,381,000 from Federal funds to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

**WATER AND SEWER AUTHORITY**

For the Water and Sewer Authority, \$283,433,000 from other funds of which \$41,423,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

**LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND**

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$234,900,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

**STARPLEX FUND**

For the Starplex Fund, \$5,936,000 from other funds, of which \$900,000 shall be transferred to the General Fund of the District of Columbia, for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.), and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as

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required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

**D.C. GENERAL HOSPITAL**

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$108,434,000 of which \$44,335,000 shall be derived by transfer from the general fund, and \$64,099,000 shall be derived from other funds.

**D.C. RETIREMENT BOARD**

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

**CORRECTIONAL INDUSTRIES FUND**

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$3,332,000.

**WASHINGTON CONVENTION CENTER ENTERPRISE FUND**

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

**CONTINGENT APPROPRIATIONS**

The Mayor is authorized to spend a sum no more than \$4,800,000 in excess of \$12,300,000 received from the sale of unclaimed property: *Provided*, That the Mayor shall use such appropriations to fund community-based AIDS-related services, above the "maintenance of effort level," with priority for the AIDS Drug Assistance Program and the Emergency Drug Assistance Program.

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**GENERAL PROVISIONS**

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

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

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

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

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and

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for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

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

Sec. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

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

Sec. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

Sec. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

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

Sec. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): *Provided*, That for the fiscal year ending September 30, 1998, the above shall apply except as modified by Public Law 104-8.

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

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

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

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

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

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Sec. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

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

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

Sec. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

Sec. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99

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Stat. 1037; Public Law 99-177), as amended.

Sec. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order:  
*Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

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

Sec. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if--

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

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

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

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

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

**MONTHLY REPORTING REQUIREMENTS - BOARD OF EDUCATION**

Sec. 129. The Board of Education shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each month a report that sets forth--

- (1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;
- (2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;
- (3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;
- (4) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;
- (5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and
- (6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

**MONTHLY REPORTING REQUIREMENTS  
UNIVERSITY OF THE DISTRICT OF COLUMBIA**

Sec. 130. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority,

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and the Council of the District of Columbia no later than 15 calendar days after the end of each month a report that sets forth--

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

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

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

**ANNUAL REPORTING REQUIREMENTS**

Sec. 131. (a) In General -- The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth--

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1997, fiscal year 1998, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location

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for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) Submission. -- The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Financial Responsibility and Management Assistance Authority, not later than February 15 of each year.

### **ANNUAL BUDGETS AND BUDGET REVISIONS**

Sec. 132. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

### **EDUCATIONAL BUDGET APPROVAL**

Sec. 133. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

### **PUBLIC SCHOOL EMPLOYEE EVALUATIONS**

Sec. 134. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

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**MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES**

Sec. 135. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 *et seq.*), is amended by adding a new section 2408 at the end to read as follows:

“Sec. 2408. Abolishment of Positions..

“(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement, either in effect or to be negotiated, for the fiscal year ending September 30, 1998, and every fiscal year thereafter, each agency head is authorized, within the agency head’s discretion, to identify positions for abolition.

“(b) Prior to February 1, 1998, and every February 1 thereafter, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

“(c) Notwithstanding any rights or procedures established by any other provision of this act, any District government employee, regardless of date of hire, who encumbers a position identified for abolition shall be separated without competition or assignment rights, except as provided in this section.

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

“(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the United States Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

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

“(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

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

“(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

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

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creditable service for severance pay for employees separated pursuant to this section:

“(1) four years for an employee who qualified for veterans preference pursuant to this Act, and

“(2) three years for an employee who qualified for residency preference pursuant to this Act.

“(i) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

“(j) The Mayor shall submit to the Council a list of all positions to be abolished by agency and responsibility center by March 1, 1998, and every March 1 thereafter, or upon the delivery of termination notices to individual employees.

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

“(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, and every September 1 thereafter, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.”.

**OPERATING EXPENSES AND GRANTS**

Sec. 136. Acceptance and Use of Grants . --

(1) In General. -- The Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year as defined in Sec. 305(4) of P. L. 104-8, 109 Stat. 152 may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of Chief Financial Officer Report and Financial Responsibility and Management Assistance Authority Approval. -- No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until --

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104-8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) Prohibition on Spending in Anticipation of Approval or Receipt. -- No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

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

**POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS**

Sec. 137. Sec. 145(a)(2) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)(2)) is amended by adding subsections (a)(2)(A) and (a)(2)(B) to read as follows:

"(A) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1998 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979."

(B) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

**REFORM OF DISABILITY COMPENSATION PROGRAM**

Sec. 138. (a) Title XXIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Code, sec. 1-624.1 *et seq.*), is amended as follows:

(1) Section 2301 (D.C. Code, sec. 1-624.1) is amended as follows:

(A) Subsection (c) is amended by adding the phrase "and as designated by the Mayor to provide services to injured employees" after the phrase "state law" in the first sentence.

(B) Three new subsections (r), (s), and (t) are added to read as follows:

"(r) The term "qualified physician" means only the physicians and allied health professionals who are affiliated with the managed care organizations or groups of physicians that the Mayor designates to provide medical services to injured employees.

"(s) The term "allied health professional" means nurses, physical therapists, laboratory technicians, x-ray technicians, social workers, and other medical care providers within the scope of their practice as defined by law, provided they are employed by or otherwise affiliated with the medical care organization designated by the Mayor to provide services to injured employees.

"(t) The term "managed care organization" means an organization of physicians, group

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of physicians, and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees that is designated by the Mayor to provide such care and treatment to injured employees.”.

(2) Section 2303 (D.C. Code, sec. 1-624.3.) is amended to read as follows:

(A) Subsection (a)(3) is amended to read as follows:

“(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on order of physicians and managed care organizations designated or approved by the Mayor.”.

(B) The undesignated paragraph following subsection (a)(3) is repealed.

(C) A new subsection (a-1) is added to read as follows:

“(a-1) With regard to subsection (a) of this section, the employee shall be provided medical services by managed care organizations or other health care providers designated by the Mayor and, in accordance with such rules, regulations and instructions as the Mayor considers necessary, may be furnished medical services, supplies, and appliances, and may be furnished reasonable transportation incident thereto. These expenses, when authorized by the Mayor, shall be paid from the Employees' Compensation Fund. Any medical services shall be subject to utilization review as provided in section 2323.”.

(3) Section 2324(c) (D.C. Code, sec. 1-624.24(c)), is repealed.

(b) This section shall apply to any disability compensation for injuries or claims of District of Columbia employees without regard to date of injury or claim or date of hire of the employee.

**SPECIAL MASTERS' BUDGETS**

Sec. 139. The District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 774; D.C. Code, sec. 1-201 *et seq.*), is amended by adding a new section 445a to read as follows:

“Sec. 445a. Special Master's budgets.

“All Special Masters appointed by the District of Columbia Superior Court or the United States District Court for the District of Columbia Circuit to any agency of the District of Columbia government shall prepare and annually submit to the District of Columbia Financial Responsibility and Management Assistance Authority, for inclusion in the annual budget, annual estimates of expenditures and appropriations. Such annual estimates shall be approved by the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Colombia pursuant to section 202 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47-392.2).”.

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**ELIMINATION OF SHIFT DIFFERENTIAL AND PREMIUM PAY**

Sec. 140. (a) Except as provided in subsection (b) of this section and notwithstanding any other provision of law or collective bargaining agreement, the entitlement to and computation of shift differentials and premium pay for all District employees shall be determined by the Mayor in accordance with the District's financial plan and budget.

(b) Subsection (a) of this section shall not apply to uniform members of the Fire and Emergency Medical Services Department or 24-hour health care workers of the Department of Human Services.

**ELIMINATION OF DENTAL, OPTICAL AND PREPAID LEGAL BENEFITS**

Sec. 141. Notwithstanding any other provision of law or collective bargaining agreement, the dental and optical benefits program and the prepaid legal benefits program shall be terminated for all District employees and no employee shall be entitled to receive dental, optical, or legal benefits beginning on October 1, 1997.

**COMMENCING OF ADVERSE ACTIONS FOR POLICE**

Sec. 142. Section 1601(b-1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-617.1(b-1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Except as provided in paragraph (2)" and inserting the phrase "Except as provided in paragraphs (2) and (3)" in its place.

(b) A new paragraph (3) is added to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, for members of the Metropolitan Police Department, no corrective or adverse action shall be commenced pursuant to this section more than 120 days, not including Saturdays, Sundays, or legal holidays, after the date that the agency knew or should have known of the act or occurrence allegedly constituting cause, as that term is defined in subsection (d) of this section.

**NOTICE TO POLICE OFFICERS FOR OUT-OF-SERVICE ASSIGNMENTS**

Sec. 143. (a) Notwithstanding any other provision of law or collective bargaining agreement, the Metropolitan Police Department shall change the advance notice that is required to be given to officers for out-of-schedule assignments from 28 days to 14 days.

(b) No officer shall be entitled to overtime for out-of-regular schedule assignments if the Metropolitan Police Department provides the officer with notice of the change in assignment at least 14 days in advance.

**TAXATION OF NONRESIDENT DISTRICT EMPLOYEES**

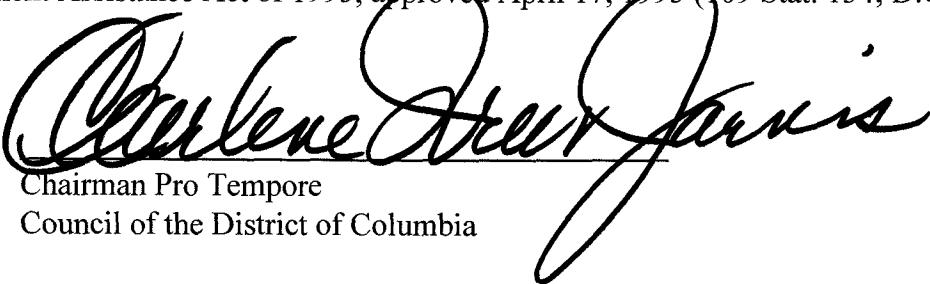
Sec. 144. Section 602(a)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.

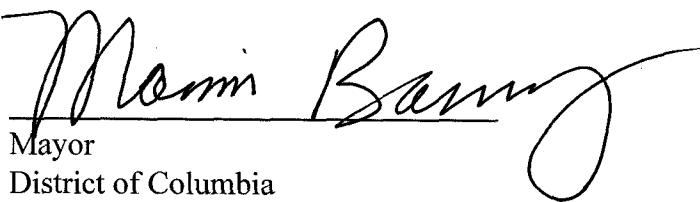
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1-233(a)(1)), is amended by adding the phrase ": Except, That the Council may impose a personal income tax on any District government employee who is not a resident of the District of Columbia" after the phrase "not a resident of the District".

Sec. 145. Section 47-1806.1 of the District of Columbia Code is amended by adding phrase "and nonresident who is an employee of the District of Columbia government" after the phrase "net income of every resident".

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code § 47-304) and section 208 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 134; D.C. Code § 47-392.8).

  
Chairman Pro Tempore  
Council of the District of Columbia

  
Mayor  
District of Columbia

Approved with Disapproval  
as to the Items or Provisions  
described in the attached Statement: May 13, 1997

COUNCIL OVERRIDE: MAY 15, 1997



COUNCIL OF THE DISTRICT OF COLUMBIA  
COUNCIL PERIOD TWELVE  
RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B12-210

| | ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT

ADOPTED FINAL READING, 04-29-97

APPROVED, ALLEN AND THOMAS VOTED NO

SMITH

| | ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Jarvis					Evans					Thomas, Sr.				
Allen					Mason									
Brazil					Patterson									
Chavous					Schwartz									
Cropp					Smith, Jr.									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

*Chayle J. M.*  
 ITEM ON CONSENT CALENDAR

ACTION & DATE

COUNCIL OVERRIDE, 05-15-97  
APPROVED

VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT

ALLEN, MASON AND SMITH

| | ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Jarvis					Smith, Jr.				
Allen					Mason					Thomas, Sr.				
Ambrose					Patterson									
Brazil					Schwartz									
Chavous														

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

*Chayle J. M.*  
 ITEM ON CONSENT CALENDAR

| | ACTION & DATE

| | VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT

| | ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Jarvis					Smith, Jr.				
Allen					Mason					Thomas, Sr.				
Ambrose					Patterson									
Brazil					Schwartz									
Chavous														

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date