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Conference Report

101ST CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES {

REPORT
101-270

MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990, AND FOR OTHER PURPOSES

OCTOBER 5, 1989.—Ordered to be printed

Mr. DIXON, from the Committee of Conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3026]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3026) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 9, 10, 12, and 13, and agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

Restore the matter stricken, amended to read as follows:

SEC. 137. For the fiscal year ending September 30, 1990, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 4, 5, 7, 8, 11, 14, 15, 16, 18, 19, 21, and 22.

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WILLIAM H. NATCHER,
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LES AU COIN,
STENY H. HOYER,
BOB CARR,
JAMIE L. WHITTEN,
DEAN A. GALLO,
BILL GREEN,
RALPH REGULA,
SILVIO O. CONTE,

Managers on the Part of the House.

BROCK ADAMS,
WYCHE FOWLER,
J. ROBERT KERREY,
ROBERT C. BYRD,
PHIL GRAMM,
PETE V. DOMENICI,
MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3026) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

Amendment No. 1: Appropriates \$8,685,000 for the first quarter payment as proposed by the Senate instead of \$34,740,000 for the full year payment as proposed by the House. The reduction of \$26,055,000 below the House level will be paid by Federal agencies and other organizations from their own budgets. The conferees are recommending under amendment number 16 that the District's Public Works Act of 1954 be amended to allow for a one-year trial in which Federal agencies and other organizations will pay for water and sewer services provided to them by the District government. A further discussion of this issue may be found under amendment number 16.

CRIMINAL JUSTICE INITIATIVE

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates \$20,300,000 for fiscal year 1991 for the construction of the 800-bed Correctional Treatment Facility within the District of Columbia. The cost of the facility is estimated at \$85 million with completion expected in November 1991. The \$20,300,000 recommended by the conferees will provide a total of \$70,300,000 in Federal Funds with the balance of \$14,700,000 coming from long-term borrowings by the District government as provided for in the fiscal year 1989 supplemental (103 Stat. 117; Public Law 101-45, approved June 30, 1989).

Correctional Treatment Facility.—The conferees express concern about the need to mitigate the adverse effects that construction of the new Correctional Treatment Facility (CTF) being built in Southeast Washington will have on the historic Congressional Cemetery and the adjacent residential neighborhood. The conferees also agree that the CTF should be constructed as quickly as possible. The conferees direct that District officials continue to meet with

representatives of neighborhood groups, residents, and the Cemetery association about mitigating the effects of the facility on their neighborhood. One option with merit could be an integrated landscaping plan designed to maximize screening of the neighborhood and Congressional Cemetery from the new facility.

The conferees are also concerned about the effect of water run-off from the construction site of the CFT onto the Congressional Cemetery. The conferees direct the District's Department of Public Works (DPW) to submit a plan by November 30, 1989 to the House and Senate Committees on Appropriations to resolve the water run-off problem during construction and after the facility has opened. DPW may consult with any other appropriate agency of the District or Federal governments that it deems necessary in preparing its plan.

It is the conferees' express intent that these consultations and report are not intended to delay the project in any way whatsoever.

DRUG EMERGENCY

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates \$31,772,000 in Federal funds to close open-air drug markets, to increase police visibility, and to provide for speedier court processing of drug-related violent cases. These funds will be used to hire 700 new police officers, to provide eight additional Superior Court judges and supporting staff, and to fund drug prevention programs in the public schools and drug treatment programs in the Department of Human Services. A further discussion of these programs is included under amendments number 5, 9 and 10, and 12. Appointment of the eight additional judges is contingent upon enactment of authorizing legislation which is discussed under amendment number 18.

GOVERNMENTAL DIRECTION AND SUPPORT

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes \$150,000 in local funds and language proposed by the House earmarking the funds for Admission to Statehood and inserts language proposed by the Senate that provides an additional \$150,000 in local funds to remain available until expended to close open-air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases. The conferees recommended the transfer of these funds to the Metropolitan Police Department under amendment number 5 for the purposes specified by the Senate amendment.

Census Regulations.—The conferees have become aware that prisoners housed at the District's Lorton Prison Complex are counted at the location under Census Bureau regulations. While this is the normal practice when taking a census, the unique nature of the Lorton Complex, i.e., the prison facility of one jurisdiction within the borders of another jurisdiction, was certainly not contemplated when those regulations were promulgated. As the

Mayor's Commission on Budget and Financial Priorities begins its work, the conferees believe that the financial effects of this regulation should be considered as part of deliberations on the appropriate level of the Federal payment. The conferees also agree that the appropriate authorizing committees with jurisdiction over census matters and District government affairs may want to review the equity of the present regulations.

PUBLIC SAFETY AND JUSTICE

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *\$861,341,000, of which \$150,000 shall be derived by transfer from "Government Direction and Support"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action appropriates \$861,341,000 including \$150,000 to be derived by transfer from "Governmental Direction and Support," instead of \$833,206,000 as proposed by the House and \$861,191,000 as proposed by the Senate. The increase of \$28,135,000 above the House allowance will finance additional activities in the District's war on drugs.

Metropolitan Police Department.—The conference agreement appropriates \$250,041,000 including \$150,000 to be transferred from "Governmental Direction and Support" instead of \$232,411,000 as proposed by the House and \$255,560,000 as proposed by the Senate. The increase of \$17,630,000 above the House level provides nine-month funding for the department to hire an additional 700 new police officers to increase police visibility on the streets, to close down open-air drug markets, and to stem the increases in drug-related crime in the Nation's Capital. With the 700 new hires recommended by the conferees and the 300 new police officers already included in the District's budget request, the Metropolitan Police Department will have a total of 5,133 authorized police positions in fiscal year 1990, which exceeds the previous department high of 5,100 reached in fiscal year 1970 and maintained through fiscal year 1974. The conferees recognize that it will not be possible to hire 1,000 new police officers early enough in the fiscal year to require the use of all of the funds provided and that reprogramming requests will no doubt be necessary for increased recruitment efforts and other measures designed to deal with the current emergency. The conferees are also recommending language under amendment number 7 to allow the \$17,630,000 provided for the 700 new police officers to remain available until expended. District officials are directed not to use these carryover funds to replace part of the base in the department's fiscal year 1991 budget. Nor is the department to absorb a disproportionate share of mandatory increases, such as pay costs, than other District agencies.

The situation with crime in the District should not be viewed as business as usual, and in order to provide police officials with maximum flexibility in managing the department in its efforts in the

war on crime, the conferees direct that the drug emergency funds of \$17,630,000 shall be available exclusively to the department with the first priority given to the hiring of new police officers to bring the level up to the authorized strength of 5,133. If not expended for personal services, the funds may be used to purchase goods and services in the non-personal object classes including support and other materials as well as capital items.

The conferees request that quarterly reports be provided to the House and Senate Committees on Appropriations showing the amounts obligated and expended and the purposes, in detail, for which the funds were obligated and expended.

A summary of the number of sworn officers authorized and funded for fiscal years 1969-1990 follows:

METROPOLITAN POLICE DEPARTMENT—UNIFORMED (SWORN) POLICE OFFICERS

	Number authorized	Number funded
Fiscal year:		
1969.....	4,100	3,341
1970.....	5,100	4,295
1971.....	5,100	5,013
1972.....	5,100	4,727
1973.....	5,100	4,974
1974.....	5,100	4,909
1975.....	4,750	4,700
1976.....	4,630	4,567
1977.....	4,470	4,333
1978.....	4,150	4,096
1979.....	4,120	4,120
1980.....	4,242	4,096
1981.....	4,025	3,880
1982.....	4,121	3,880
1983.....	3,958	3,880
1984.....	3,958	3,845
1985.....	3,958	3,845
1986.....	3,958	3,845
1987.....	3,958	3,855
1988.....	3,958	3,855
1989.....	4,133	4,055
1990.....	5,133	5,055

Court of Appeals.—The conference action provides \$4,996,000 for the Court of Appeals as proposed by the Senate instead of \$4,707,000 as proposed by the House. The increase of \$289,000 above the House allowance will cover mandatory fringe benefit costs and increases in the cost of computerized legal research as well as necessary expenses of replacing and maintaining court equipment and printing of the court's decisions. The increase agreed to by the conferees will provide interim assistance for the Court of Appeals in handling its caseload although it does not address the congestion and delay problems identified in recent studies of the court by various judicial organizations.

Superior Court.—The conference action provides \$64,939,000 as proposed by the Senate instead of \$62,339,000 as proposed by the House. The increase of \$2,600,000 above the House allowance includes \$1,500,000 to fund eight additional associate judges, subject to the enactment of authorizing legislation, and 56 related staff to

assist the court in attempting to address the critical emergency resulting from the increasing numbers of violent crimes cases. The conferees agree that the increases recommended are a conservative response to the actual needs of the Superior Court and relate solely to the increases of 700 police officers. While the additional eight associate judges recommended by the conferees, the Superior Court will consist of a chief judge and 58 associate judges. The conferees recognize that the eight new judges will not be appointed immediately since the appointment is contingent upon the enactment of authorizing legislation, and are recommending language in amendment number 7 to allow these funds to remain available until expended so they can be used for their intended purpose and possibly reduce the Superior Court's requirement in fiscal year 1991. As noted earlier, appointment of the eight new judges is contingent upon action by the authorizing committee and is discussed under amendment 18. The conferees urge those committees to act swiftly in keeping with the emergency nature of the action by the conferees in recommending an additional appropriation of \$31,772,000 for the drug emergency.

An additional \$100,000 is included for overtime costs in the Superior Court to allow the Court to be open more hours to deal with the increased caseload.

D.C. Court System.—The conference action provides \$22,125,000 as proposed by the Senate instead of \$20,178,000 as proposed by the House. The increase of \$1,947,000 includes \$1,500,000, for a security system for the courthouse that will use contract guards who will be trained, certified, deputized and supervised by the U.S. Marshals Service. The conferees direct that the courts and the District include this amount in the budget base for courthouse security in future years. The conference action also includes \$374,000 and nine court reporter positions transferred from the Superior Court, \$56,000 and one training officer position transferred to the Superior Court, and \$129,000 to restore funds for staff training and staff overtime to better handle the increasing caseloads in the D.C. court and for premiums for judges' liability insurance which would not be necessary except for the fact that the Council for the District of Columbia has failed to complete action on legislation amending the D.C. Code to ensure appropriate liability coverage for judicial employees comparable to that provided for medical employees under D.C. Code, sec. 1-1215(b). The need for this legislation results from the liability exposure created by the Supreme Court decision in the case of *Pulliam v. Allen* (1984) 104 S. Ct. 1970. This issue was first called to the attention of District officials in House Report 99-223, dated July 24, 1985. The report stated that—

* * * the Committee urges the Mayor and Council to pursue the expedited passage of legislation amending the D.C. Code to ensure appropriate coverage for judicial employees thereby eliminating the need for funds to cover insurance premiums in fiscal year 1986.

That was over four years ago.

Office of the Corporation Counsel.—The conference action provides \$13,989,000 instead of \$13,384,000 as proposed by the House and the Senate. The increase of \$605,000 is for 10 additional attor-

neys and five supporting staff to assist the office in fighting the war on drugs which ranges from direct prosecution of juvenile drug offenders to defending anti-drug legislative initiatives and employee drug testing programs. The Office is also involved in bringing forfeiture actions against property used by drug dealers, fighting against false arrest and Constitutional tort lawsuits brought by drug arrestees, and dealing with the societal consequences of drug abuse such as abused and neglected children. The conferees agree that the Office of the Corporation Counsel is part of the prosecutorial apparatus for the District and should be included in efforts to deal with the war on drugs.

Department of Corrections.—The conference action provides \$232,529,000 instead of \$227,465,000 as proposed by the House and the Senate. The increase of \$5,064,000 will restore the undetermined reductions recommended by the Senate to cover the fiscal year 1989 fourth quarter payment to the Federal Bureau of Prisons which was forgiven in the fiscal year 1989 supplemental (103 Stat. 117, Public Law 101-45, approved June 30, 1989). The conference agreement provides \$36,311,000 for payment to the Federal Bureau of Prisons to cover the costs of housing District inmates in Federal facilities as proposed by the Senate.

FIRE DEPARTMENT

Amendment No. 6: Deletes language proposed by the House and stricken by the Senate which would have required the District to maintain staffing levels of two-piece engine companies in accordance with the Fire Department Rules and Regulations until final adjudication by the relevant courts or October 1, 1990, whichever occurred later. The conferees agree that District officials are required to abide by the Fire Department Rules and Regulations and should not submit budget requests which are inconsistent with its own rules and regulations. While the conferees are deleting the subject language without prejudice, District officials are directed to submit budget requests which are consistent with, rather than contrary to, the District's existing rules and regulations.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: : *Provided further, That \$17,630,000 for the Metropolitan Police Department and \$2,600,000 for the District of Columbia Superior Court shall remain available until expended.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides that the additional funds provided to the Metropolitan Police Department to hire 700 new police officers and to the Superior Court for eight new judges and related staff in connection with the Drug Emergency shall remain available until expended. The conferees believe it will not be possible to hire 700 new police officers or to nominate and confirm the eight new judges at the beginning of the fiscal year, and are therefore recommending that those funds remain available until expended.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks \$36,311,000 for payment to the Federal Bureau of Prisons to cover the costs of housing District inmates in Federal facilities. The \$36,311,000 includes the fiscal year 1989 fourth quarter payment of \$5,064,000 previously forgiven in the fiscal year 1989 supplemental (103 Stat. 117, Public Law 101-45, approved June 30, 1989).

PUBLIC EDUCATION SYSTEM

Amendment Nos. 9 and 10: Appropriate \$691,120,000 of which \$502,346,000 is for the public schools as proposed by the Senate, instead of \$689,353,000 of which \$500,579,000 is for the public schools as proposed by the House. The increase of \$1,767,000 above the House allowance includes (1) \$1,347,000 as proposed by the Senate for after-school activities to provide students with safe places to spend their out-of-school hours and constructive alternatives to street life, and (2) \$420,000 as proposed by the Senate to fund 70 to 100 slots by contract in the Options Program at the National Children's Museum. The Options Program was developed by the National Learning Center to provide a drug intervention program of educational therapy for high risk students from ages 10 to 14.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That funds provided under this head in Public Law 100-202 (101 Stat. 1329-94) to match private contributions to the District of Columbia Public Schools Foundation shall be available until September 30, 1990.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action extends the availability of \$200,000 in District funds for the D.C. Public Schools Foundation ACCORD Program to September 30, 1990 instead of September 30, 1989 as proposed by the Senate. The ACCORD Program is a partnership between business and civic communities, government agencies and the public schools charged with developing a five-year model demonstration project to provide high school students with necessary skills to obtain entry level career employment in both the public and private sectors.

This \$200,000 was appropriated in fiscal year 1988 (Public Law 100-202, approved December 22, 1987) contingent upon receipt of \$200,000 in private sector contributions which the Foundation has not yet raised.

The conferees request that detailed quarterly reports be provided to the House and Senate Committees on Appropriations on the ACCORD Program setting out the progress made to date as well as a comparison of the program's goals and objectives with the accomplishments.

HUMAN SUPPORT SERVICES

Amendment No. 12: Appropriates \$827,918,000 as proposed by the Senate instead of \$825,898,000 as proposed by the House. The increase of \$2,020,000 above the House allowance will fund a program to locate and provide treatment on demand for drug abusers who are pregnant in an effort to combat the striking increases in crack cocaine infants who are born with an addiction to cocaine as a result of drug abuse by their mothers.

Project Volta.—The conferees find the amount of time it has taken the District's Department of Human Services to consummate a contract with Alexander Graham Bell Association for the Deaf on Project Volta to be completely unacceptable. It has been two years since \$990,000 was made available for the early infancy detection program to identify hearing-impaired children. The conferees have been advised that the problem has been over a District requirement that contracts be entered into only for services rendered, which is a sound requirement. However, if District officials were committed to this project, a way would have been found to make a portion of the amount available as a grant, or to pay at the beginning of the month rather than at the end. The conferees direct that the amount made available for this program be made as a grant to the Bell Association. The conferees further direct that DHS make monthly reports to the House and Senate Committees on Appropriations on the status of this project, including when the grant will be made. The reports are to continue until such time as the grant is made.

Emergency shelter and exorbitant costs.—The District has a serious housing problem. In 1984, the District provided services for a total 541 families. In 1988 that was the number who entered shelters daily.

The Mayor has pledged to end the use of the Capital City Inn. But, as noted in the news media, little progress has been made because as soon as people move out, the same number of persons need to move in. This need precludes the closing of any facilities, even those in such conditions as the Capital City Inn.

The District is also facing a new law which limits the stay for homeless people to 15 days in hotels and six months in transitional housing.

This year, the Federal Department of Housing and Urban Development (HUD) proposed goals and timetables for the District for the repair and habitation of vacant units for housing. Little action has been recorded.

Therefore, the conferees strongly request a thorough explanation of the status of the goals and timetables proposed by HUD and the identification of those officials responsible for implementation. Most important, the report should delineate the District's plan for breaking the pattern of homelessness and the use of hotels for those without shelter. The conferees request District officials to provide a report in time for review of the fiscal year 1991 budget.

Transitional housing needs.—It has recently come to the conferees attention that in order to comply with court orders on the provision of emergency shelter, as required by Initiative 17 (D.C. Law

7-86), the city plans to terminate two \$300,000 programs that have longer-term goals.

According to city documents, the ConServe program is considered a model program that enables homeless families to improve their living conditions by helping them find apartments and providing rent subsidies for up to a year. This type of program is essential when the number of homeless families continues to grow, and 75 percent of the District's expenditures for homeless assistance is directed toward providing for family needs.

The other program, New Endeavors for Women, provides shelter, meals and counseling assistance, and after one year of operation has placed 80 percent of its women in permanent housing. New Endeavors operates from District-owned space that will have to be converted to emergency shelter by the first of the year.

These two programs, and others like them, provide homeless individuals with the means to become self-sufficient again and offer the best opportunity to break the cycle of homelessness and hopelessness.

PUBLIC WORKS

Suitland Parkway.—The conferees are aware that the National Park Service is currently renovating the Suitland Parkway. The Congress has strongly supported this project and has provided funding to complete the important safety and physical improvements to the parkway. The conferees are also aware that the District Government owns and is responsible for maintenance on that portion of the parkway within the District of Columbia. In order to accomplish completion of the total renovation to this gateway to the capital from the south, including the portion within the District of Columbia, the conferees direct the District to develop a plan for the renovation of the District-owned portion of the parkway consistent with the parkway standards and submit such plan, along with a schedule and cost estimates for completion, to the House and Senate Committees on Appropriations by April 1, 1990.

CAPITAL OUTLAY

Amendment No. 13: Restates the total amount appropriated for the "capital outlay" appropriation as proposed by the Senate to clarify that the \$20,300,000 for the Correctional Treatment Facility is included in that total and is not over and above the total. This amendment is related to amendment number 14.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which clarifies that \$20,300,000 in Federal funds appropriated for fiscal year 1991 in amendment number 2 is available solely for the Correctional Treatment Facility to be constructed in the District of Columbia.

GENERAL PROVISIONS

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the number stricken and inserted by said amendment, insert the following: 39,262.

Sec. 110A. (a) No funds appropriated by this Act may be expended for the compensation of any person appointed to fill any vacant position in any agency under the personnel control of the Mayor unless:

(1) The position is to be filled by a sworn officer of the Metropolitan Police Department; or

(2) The position is to be filled as follows:

(A) By a person who is currently employed by the District of Columbia government at a grade level that is equal to the grade level of the position to be filled; or

(B) By a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled, and who is willing to assume a lower grade level in order to fill the position.

(b) Subsection (a) of this section shall not apply to any position for which the City Administrator certifies that:

(1) the position is necessary to the fulfillment of an identified essential governmental function; and

(2) the position cannot be filled from within the District of Columbia government:

(A) At a grade level that is equal to the grade level of the position to be filled; or

(B) by a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled, and who is willing to assume a lower grade level in order to fill the position.

(c) The City Administrator shall submit the certification required by subsection (b) of this section to the Council on the 1st day of each month.

SEC. 110B. (a) APPLICATION FOR EMPLOYMENT, PROMOTIONS, AND REDUCTIONS IN FORCE.—

(1) IN GENERAL.—The rules issued pursuant to the amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203) shall include the provisions described in paragraph (2).

(2) DESCRIPTION OF POLICIES.—

(A) POLICY REGARDING APPLICATION FOR EMPLOYMENT.—The Mayor of the District of Columbia may not give an applicant for District of Columbia government employment in the Career Service who claims a District residency preference more than a 5 point hiring preference over an applicant not claiming such a preference, and, in the case of equally qualified applicants, shall give an applicant claiming such a preference priority in hiring over an applicant not claiming such a preference.

(B) POLICY REGARDING PROMOTIONS AND REDUCTIONS IN FORCE FOR CAREER SERVICE EMPLOYEES.—In calculating years of service for the purpose of implementing a reduction-in-force, the Mayor may not credit an employee in the Career Service who claims a District residency preference with more than 1 year of additional service credit, and in

the case of equally qualified employees, shall give an employee claiming such a preference priority in promotion over an employee not claiming such a preference.

(C) INDIVIDUALS SUBJECT TO PROVISIONS.—The amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 shall apply only with respect to individuals claiming a District residency preference or applying for employment with the District of Columbia on or after March 16, 1989.

(b) SCOPE OF 5-YEAR DISTRICT RESIDENCY REQUIREMENT FOR EMPLOYEES CLAIMING PREFERENCE.—

(1) CAREER SERVICE EMPLOYEES.—Section 801(e)(5) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (section 1-608.1(e)(5), D.C. Code), as amended by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203), is amended by adding at the end the following new paragraph:

“(7)(A) Except as provided in subparagraph (B), the Mayor may not require an individual to reside in the District of Columbia as a condition of employment in the Career Service.

“(B) The Mayor shall provide notice to each employee in the Career Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 5 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989.”

(2) EDUCATIONAL SERVICE EMPLOYEES.—Section 801A(d) of such Act (section 1-609.1(d), D.C. Code), as amended by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203), is amended by adding at the end the following new paragraph:

“(7)(A) Except as provided in subparagraph (B), the Boards may not require an individual to reside in the District of Columbia as a condition of employment in the Educational Service.

“(B) The Mayor shall provide notice to each employee in the Educational Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 5 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989.”

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides an employment ceiling of 39,262 instead of 38,475 as proposed by the House and 39,569 as proposed by the Senate. The increase of 787 above the House allowance relates primarily to the drug emergency and consists of 700 new police officers, 10 additional attorneys and five support positions for the Office of Corporation Counsel, eight additional associate judges and 56 support positions for the Superior Court, and eight court reporters for the Court system.

The conference action inserts language in section 110A submitted under section 132 of the District's budget which, according to information received by the conferees, is designed to reallocate existing personnel resources to eliminate nonessential positions and favor the filling of essential positions. As vacancies occur in areas where

required services may suffer without refilling the positions, the language is supposed to provide an incentive to move existing personnel from nonessential positions where the existing employees may be underemployed, to the essential positions where employees and their capabilities and talents will be maximized.

The conference action inserts language in section 110B relating to a hiring preference system for career and educational employees of the District government. The conferees are sensitive to the issue of Home Rule, but are concerned that residency should not remain a prerequisite for employment with the District of Columbia government.

As urged in House Report 100-680 accompanying the fiscal year 1989 District of Columbia Appropriations Act (Public Law 100-462, approved October 1, 1988), the District government has taken steps to implement a hiring preference system that supercedes the residency requirement imposed upon District government employees since 1980.

The conferees have included bill language under section 110B that codifies major portions of the regulations proposed by the Mayor implementing the Residency Preference Amendment Act of 1988 (D.C. Law 7-203). The language recommended by the conferees is intended to assure that the District of Columbia government implements a residency preference system rather than a residency requirement for career and educational service positions.

The language recommended by the conferees makes the new preference system effective as of March 16, 1989. No provision of the Residency Preference Amendment Act of 1988 or any regulations promulgated pursuant to that Act are to be imposed retroactively on District of Columbia employees in the Career or Educational Services. Further, the District Government and the Board of Governors of the School of Law, the District of Columbia Board of Education and the Board of Trustees of the University of the District of Columbia shall not impose upon any employee in the Career or Educational Services an obligation of residency unless that individual selected a preference option on or after March 16, 1989. For the Career Service, the effect of the language proposed by the conferees provides:

A maximum five point preference to new employees;

Residency will be a tie-breaker to a resident who claims a preference on promotions;

In case of a reduction-in-force, a maximum of one (1) year of service will be added to the service of a resident who claimed the preference;

The five (5) year District Residency Requirement will apply only to applicants who claim the preference and are appointed on or after March 16, 1989 who claim the preference.

For the Educational Service, District of Columbia residency will be required of only those employees who have received or who will receive a residency preference in regard to their hiring or promotion on or after March 16, 1989. Such employees will be required to live in the District of Columbia for a period of five years following the date of their employment or promotion as is required under current law.

All Excepted Service employees and Executive Service employees of the District hired after December 31, 1979, will continue to be required to live in the District of Columbia for the duration of their employment in the Excepted and Executive Services as required under current law.

The conferees agree that District officials are not required to provide the report concerning the hiring preference system that was requested in House Report 101-186 and Senate Report 101-124 accompanying H.R. 3026.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 133. (a) It is the purpose of this section to improve the means by which the District of Columbia is paid for water and sanitary sewer services furnished to the Government of the United States or any department, agency, or independent establishment thereof.

(b) Section 106 of title I of the District of Columbia Public Works Act of 1954 (68 Stat. 102; D.C. Code, sec. 43-1552) is amended by—

(1) striking in subsection (a) all that follows the sentence beginning with "Payment shall be made as provided in subsection (b)"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990, the government of the District of Columbia shall receive payment for water services from funds appropriated or otherwise available to the Federal departments, independent establishments, or agencies. In accordance with the provisions of paragraphs (2) and (3) of this subsection, quarterly payments to the District shall be made from funds deposited by said departments, establishments, or agencies in a United States Treasury account entitled 'Federal Payment for Water and Sewer Services'. In the absence of sufficient funds in said account, payment shall be made from funds available to the United States Treasury. Amounts made available to the District shall be provided not later than the second day of each fiscal quarter, without further justification, and shall not be less than the aggregated sum of the adjusted quarterly estimates provided for in paragraph (2) of this subsection.

"(2) By April 15 of each calendar year the District shall provide the Office of Management and Budget, for inclusion in the President's budget of the respective Federal departments, independent establishments, or agencies, an estimate of the cost of service for the fiscal year commencing October 1st of the following calendar year. The estimate shall provide, for each fiscal quarter, the total estimated cost of such service and an itemized estimate of such costs by Federal department, independent establishment, or agency. The District's estimates on a quarterly or yearly basis shall reflect such adjustments as are necessary to account for actual usage variances from the estimated amounts for the fiscal year ending on September 30th of the calendar year preceding April 15th.

"(3) Each Federal department, independent establishment, or agency receiving water services in buildings, establishments, or other

places shall pay from funds specifically appropriated or otherwise available to it, quarterly and on the first day of each such fiscal quarter, to an account in the United States Treasury entitled 'Federal Payment for Water and Sewer Services' an amount equal to the adjusted quarterly estimates of said services as provided for in paragraph (2) of this subsection.

"(4) The amount or time period for late payment of water charges involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer."

(c) Section 212 of the District of Columbia Public Works Act of 1954 (68 Stat. 108; D.C. Code, sec. 43-1612) is amended by—

(1) striking in subsection (a) all that follows "Provided, That"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990, the government of the District of Columbia shall receive payment for sanitary sewer services from funds appropriated or otherwise available to the Federal departments, independent establishments, or agencies. In accordance with the provisions of paragraphs (2) and (3) of this subsection, quarterly payments to the District shall be made from funds deposited by said departments, establishments, or agencies in a United States Treasury account entitled 'Federal Payment for Water and Sewer Services'. In the absence of sufficient funds in said account, payment shall be made from funds available to the United States Treasury. Amounts made available to the District shall be provided not later than the second day of each fiscal quarter, without further justification, and shall not be less than the aggregated sum of the adjusted quarterly estimates provided for in paragraph (2) of this subsection.

"(2) By April 15 of each calendar year the District shall provide the Office of Management and Budget, for inclusion in the President's budget of the respective Federal departments, independent establishments, or agencies, an estimate of the cost of service for the fiscal year commencing October 1st of the following calendar year. The estimate shall provide, for each fiscal quarter, the total estimated cost of such service and an itemized estimate of such costs by Federal department, independent establishment, or agency. The District's estimates on a quarterly or yearly basis shall reflect such adjustments as are necessary to account for actual usage variances from the estimated amounts for the fiscal year ending on September 30th of the calendar year preceding April 15th.

"(3) Each Federal department, independent establishment, or agency receiving sanitary sewer services in buildings, establishments, or other places shall pay from funds specifically appropriated or otherwise available to it, quarterly and on the first day of each such fiscal quarter, to an account in the United States Treasury entitled 'Federal Payment for Water and Sewer Services' an amount equal to the adjusted quarterly estimates of said services as provided for in paragraph (2) of this subsection.

"(4) The amount or time period for late payment of water charges involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Colum-

bia shall not be different from those imposed by the District of Columbia on its most favored customer."

(d) The first sentence of subsection (d) of section 207 of the District of Columbia Public Works Act of 1954 (68 Stat. 106) is amended to read as follows: "Whenever a property upon which a sanitary sewer service charge is a public park, or uses water from the water supply system of the District for an industrial or commercial purpose in such a manner that the water so used is likewise not discharged into the sanitary sewage works of the District, the quantity of water so used and not discharged into the sanitary sewage works of the District may be excluded in determining the sanitary sewer service charge on such property, if such exclusion is previously requested in writing by the owner or occupant thereof and approved in writing by the District government in advance of the billing period involved."

(e) The amendments made by this section shall take effect January 1, 1990, and shall terminate September 30, 1990.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends the District's Public Works Act of 1954 to authorize the District government to bill and receive payments directly from Federal departments, independent establishments, and agencies traditionally funded under the account "Federal Payment for Water and Sewer Services." This provision is effective on a trial basis for fiscal year 1990 only and will be reviewed in connection with the fiscal year 1991 budget request to determine the efficiency and effectiveness of this new system of billing and collecting for water and sanitary sewer services which the District government provides to Federal departments and independent establishments. There are sound management and resource conservation reasons for Federal agencies to be more alert to their water consumption. One tool to heighten Federal managers' awareness of consumption would be the requirement that they budget and pay for these services.

The language proposed by the conferees in Section 133 of the bill authorizes the District government to receive direct quarterly payments from the Federal government. These payments, to be based on estimated usage, are to be made to the District by the United States Treasury not later than the second day of each fiscal quarter rather than the first day of each quarter under the present system. It is the conferees' intent that the District not bill individual Federal agencies. According to information provided by the Office of Management and Budget, a total of \$38,100,000 has been budgeted in fiscal year 1990 within the budgets of various agencies for this purpose, even though the actual amount requested in the President's Budget for Fiscal Year 1990 (H. Doc. 101-4, page I-Z13) is \$34,700,000 or \$3,600,000 less. It should be noted that the District government has not requested this change in procedure and there is some question as to whether they are prepared administratively and/or financially to implement these revisions.

Since the Office of Management and Budget has reported that the required funds are included in agency budgets and concurrent with the sound management and resource conservation reasons for Federal agencies to be more alert to their water consumption as

they are with their rental and maintenance costs, the language proposed by the conferees requires the United States Treasury to be responsible for the quarterly payments, including making the payments itself if funds for such payments are not available in the Treasury account "Federal Payment for Water and Sewer Services" by or on the second day of each fiscal quarter. It is the intent of the conferees that the United States Treasury, in conjunction with the Office of Management and Budget, ensure that Federal agencies budget for and quarterly reimburse the Treasury account. The conferees believe that this system will enhance Federal managers accountability for these resources while not burdening the District with directly billing and collecting from the Federal and independent agencies' accounts.

To ensure the accuracy of this system, the language directs the District to verify the estimated payment amounts by reading meters in Federal facilities not less than once per fiscal year. These actual usage readings will provide the basis for adjustments to estimated usage. The District Government, as part of each April 15th submission to the Office of Management and Budget, is required to adjust estimated costs to reflect actual usage during the most recently completed fiscal year. The conferees anticipate that the April 15th estimate of cost will reflect both actual usage for the fiscal year ended six months previously to April 15th and the estimated cost for usage commencing with the start of the fiscal year eighteen months hence or when the President's budget for which the April 15th estimate was furnished is enacted. Under this system, each agency's estimated costs will be adjusted for actual usage not later than two years after the conclusion of each quarter; for example, the actual usage for the first quarter of fiscal year 1989 would be reflected as an adjustment to the estimated costs during the first quarter of fiscal year 1991.

The conferees direct the District government to provide a report on the operation of this new procedure during hearings on the fiscal year 1991 budget.

Amendment No. 17: Amends language proposed by the House and stricken by the Senate requiring the District government to pay interest on its fiscal year 1990 quarterly payments to the United States Treasury that are made more than 60 days after receipt of the itemized statement from the Federal Bureau of Prisons showing the amounts due for the preceding quarter. The language proposed by the House required such interest payments to be made for fiscal year 1990 and for every fiscal year thereafter whereas the language agreed to by the conferees is for fiscal year 1990 only. The conferees will revisit this issue during hearings on the District's fiscal year 1991 budget.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 138. Section 11-903, District of Columbia Code, is amended to read as follows:

“§ 11-903. Composition.

“Subject to the enactment of authorizing legislation, the Superior Court of the District of Columbia shall consist of a chief judge and fifty-eight associate judges.”

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action changes the section number and amends the D.C. Code to increase the number of associate judges for the Superior Court from 50 to 58, subject to the enactment of authorizing legislation. The conferees agree to the need for eight additional judges because of the current and projected caseload resulting from the drug epidemic and the additional case filings expected from the 1,000 new police officers funded in this bill. Funds for the increase of eight judges and support staff are included under amendment number 5. It is important to the integrity of the criminal justice system that drug offenders be tried and punished as swiftly as possible after they are arrested.

Accordingly, the conferees urge the authorizing committees to act swiftly in keeping with the emergency nature of the recommendation made by the conferees in the accompanying bill.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number “138” named in said amendment, insert, “139”

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action changes the section number and allows the release of \$6,700,000, appropriated in fiscal year 1988, to the consortium of institutions of higher education in the Washington, D.C. metropolitan area for the purpose of constructing and equipping an academic research library to link the library and information resources of the universities participating in the consortium. The conferees have been advised that the universities involved have committed a total of \$9,000,000, excluding the value of the land which has been donated for the facility.

Amendment No. 20: Deletes language proposed by the Senate which would have rescinded language exempting the Federal payment to the District from the apportionment process.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which establishes a “Task Force on Substance Abusing Pregnant Women and Infants Exposed to Maternal Substance Abuse During Pregnancy”. The conferees direct that coordination of services for pregnant substance abusing women and their infants will include linkages with medical care providers, local health departments, department of social services, providers of shelter to abused and homeless women, and public housing programs. The services for pregnant and post-partum females subject to coordination shall include substance abuse and addiction treatment (outpatient, inpatient hospitalization, and residential), prenatal and post-partum health care, sup-

port such as child care and transportation, education and skill building services such as parenting and job seeking classes, innovative methods of outreach to target women at risk early in pregnancy, effective screening procedures, and after care. Services for infants and very young children at risk shall also be subject to coordination, including direct intervention, treatment or rehabilitation services, support, and resources for their biological or foster parents. Strategies for coordinating the delivery of services shall include co-locating multiple facilities, case management, and involving significant others such as the male partners of pregnant females to aid in outreach. In addition, coordinated training programs for social service, public health, and medical professionals working with pregnant substance abusing women and their infants shall also be made a priority.

The task force is required to submit a report to Congress within one year after the date of enactment of this Act at which time it will cease to exist.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 141. Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization to deny:

(a) the use of any facility service or benefit set aside for the practice or promotion of religion; or

(b) the granting of any endorsement, approval, or recognition, to any person or persons that are organized for, or engaged in, the promotion of any homosexual or heterosexual lifestyle or belief that is contrary to its religious doctrine.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees recommend language under section 141 which may allow discriminatory practices by educational institutions in the free exercise of their religious liberties where specific homosexual and heterosexual lifestyles or beliefs are contrary to that institution's particular religious doctrine.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1990 recommended by the Committee of Conference, with comparisons to the fiscal year 1989 amount, the 1990 budget estimates, and the House and Senate bills for 1990 follow:

FEDERAL FUNDS	
New budget (obligational) authority, fiscal year 1989	\$556,910,000
Budget estimates of new (obligational) authority, fiscal year 1990.....	532,310,000
House bill, fiscal year 1990	532,310,000
Senate bill, fiscal year 1990	538,027,000
Conference agreement, fiscal year 1990	538,027,000
Conference agreement compared with:	
New budget (obligational) fiscal year 1989.....	—18,883,000

Budget estimates of new (obligational) authority, fiscal year 1990	+5,717,000
House bill, fiscal year 1990.....	+5,717,000
Senate bill, fiscal year 1990.....	

DISTRICT OF COLUMBIA FUNDS

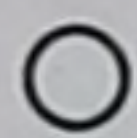
<i>New budget (obligational) authority, fiscal year 1989.....</i>	<i>\$3,365,193,000</i>
<i>Budget estimates of new (obligational) authority, fiscal year 1990.....</i>	<i>3,424,193,000</i>
<i>House bill, fiscal year 1990</i>	<i>3,449,993,000</i>
<i>Senate bill, fiscal year 1990.....</i>	<i>3,481,765,000</i>
<i>Conference agreement, fiscal year 1990</i>	<i>3,481,765,000</i>
<i>Conference agreement compared with:</i>	
<i>New budget (obligational) authority, fiscal year 1989.....</i>	<i>+116,572,000</i>
<i>Budget estimates of new (obligational) authority, fiscal year 1990.....</i>	<i>+57,572,000</i>
<i>House bill, fiscal year 1990.....</i>	<i>+31,772,000</i>
<i>Senate bill, fiscal year 1990.....</i>	

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