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100th CONGRESS
2d Session

S. 2562

[Report No. 100-398]

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, 1989, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 1988

Mr. HARKIN (from the Committee on Appropriations) reported the following bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the District
5 of Columbia for the fiscal year ending September 30, 1989,
6 and for other purposes, namely:
TITLE I—FISCAL YEAR 1989 APPROPRIATIONS

Federal Payment to the District of Columbia

For payment to the District of Columbia for the fiscal year ending September 30, 1989, $430,500,000: Provided, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

Federal Payment for Water and Sewer Services

For payment to the District of Columbia for the fiscal year ending September 30, 1989, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, $27,130,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43–1552 and 43–1612).

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.
1 Transitional Payment for Saint Elizabeths Hospital

2 For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98–621), $20,000,000.

3 Criminal Justice Initiative

4 The $50,000,000 previously appropriated under "Criminal Justice Initiative" for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1989, for the design and construction of a prison within the District of Columbia shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison: Provided, That construction may not commence unless access and parking for construction vehicles is provided solely at a location other than city streets: Provided further, That the facility may not open unless parking for staff and access and egress is provided other than to 19th Street, Southeast: Provided further,
1 That the Mayor take steps to ensure that a portion of the site
2 of the old D.C. jail become a neighborhood shopping center:
3 *Provided further*, That District officials meet monthly with
4 neighborhood representatives to inform them of current plans
5 and discuss problems: *Provided further*, That the District of
6 Columbia shall operate and maintain a free, 24-hour tele-
7 phone information service whereby residents of the area sur-
8 rounding the new prison, can promptly obtain information
9 from District officials on all disturbances at the prison, in-
10 cluding escapes, fires, riots, and similar incidents: *Provided
11 further*, That the District of Columbia shall also take steps to
12 publicize the availability of that service among the residents
13 of the area surrounding the new prison.

**Inaugural Expenses Payment**

15 For payment to the District of Columbia in lieu of re-
16 imbursements for expenses incurred in connection with Presi-
17 dential inauguration activities, $2,300,000, as authorized by
18 section 737(b) of the District of Columbia Self-Government
19 and Governmental Reorganization Act, Public Law 93–198,

**Division of Expenses**

22 The following amounts are appropriated for the District
23 of Columbia for the current fiscal year out of the general fund
24 of the District of Columbia, except as otherwise specifically
25 provided.
GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $118,439,000:

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 expenditures 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 notwithstanding any other provision of law, there is hereby appropriated $6,948,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which $807,000 shall be derived from the general fund and not to exceed $6,141,000 shall be derived from the earnings of the applicable retirement funds: Provided further, That the District of Columbia Retirement Board shall provide to the Congress and 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 fi-
nancial report: *Provided further*, That of the $150,000 ap-
propriated for fiscal year 1989 for Admission to Statehood,
$75,000 shall be for the Statehood Commission and $75,000
shall be for the Statehood Compact Commission: *Provided
further*, That the District of Columbia shall identify the
sources of funding for Admission to Statehood from its own
locally-generated revenues: *Provided further*, That no reve-
eues from Federal sources shall be used to support the oper-
ations or activities of the Statehood Commission and State-
hood Compact Commission: *Provided further*, That no part of
these funds shall be used for lobbying to support or defeat
legislation pending before Congress or any State legislature.

**Economic Development and Regulation**

Economic development and regulation, $144,616,000: *Provided*, That the District of Columbia Housing Finance
Agency, established by section 201 of the District of Colum-
bia Housing Finance Agency Act, effective March 3, 1979
(D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its
capability of repayments as determined each year by the
Council of the District of Columbia from the Agency’s annual
audited financial statements to the Council of the District of
Columbia, shall repay to the general fund an amount equal to
the appropriated administrative costs plus interest at a rate of
four percent per annum for a term of 15 years, with a defer-
ral of payments for the first three years: *Provided further,*
1 That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Agency and shall be repaid to the District of Columbia only from available operating revenues of the Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia: Provided further, That up to $270,000 within the 15 percent set-aside for special programs within the Tenant Assistance Program shall be targeted for the single-room occupancy initiative.

14 **PUBLIC SAFETY AND JUSTICE**

15 Public safety and justice, including purchase of not to exceed 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, $734,207,000, of which $250,000 of this appropriation shall be available to the Metropolitan Police Department during fiscal year 1989 to pay for police salaries, transportation, communications, drug testing services and equipment, and other related expenses for establishing and operating a drug interdiction task force at the Lorton prison complex upon a joint agreement with appropriate Fed-
eral authorities: Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department 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 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, 1989, shall be available for obligations incurred under that Act in each fiscal year since inception in 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, 1989, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1985: Provided further, That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of
civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: 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 officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia shall also take steps to publicize the availability of that 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 and Prince William County, Virginia for expenses incurred by the counties during fiscal year 1989 in relation to the Lorton prison complex. 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, riots, and similar disturbances involving the prison: Provided further, That none of the funds appropriated by this Act may
be used to implement any plan that includes the closing of
Engine Company 3, located at 439 New Jersey Avenue,
Northwest: Provided further, That the staffing levels of two
piece engine companys within the Fire Department shall be
maintained in accordance with the provisions of article III,
section 18 of the Fire Department Rules and Regulations as
then in effect, until final adjudication by the relevant courts:
Provided further, That none of the funds provided in this Act
may be used to implement District of Columbia Board of
Parole notice of emergency and proposed rulemaking as filed
with the District of Columbia Register July 25, 1986: Provided further, That the Mayor shall reimburse the District of
Columbia National Guard for expenses incurred in connection
with services which are performed in emergencies by the Na-
tional Guard in a militia status and which 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 Na-
tional Guard under the preceding proviso shall be available
from this appropriation, and their availability shall be
deemed as constituting payment in advance for the emergen-
cy services involved.
Public education system, including the development of national defense education programs, $623,981,000, to be allocated as follows: $452,460,000 for the public schools of the District of Columbia; $70,100,000 for the District of Columbia Teachers' Retirement Fund; $76,310,000 for the University of the District of Columbia; $18,515,000 for the Public Library; $4,192,000 for the Commission on the Arts and Humanities; $1,948,000 for the District of Columbia School of Law; and $456,000 for the Educational Institution Licensure Commission: 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 expenditures for official purposes: 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, 1989, 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.

HUMAN SUPPORT SERVICES

Human support services, $745,665,000: Provided, That
$17,000,000 of this appropriation, to remain available until
expended, shall be available solely for District of Columbia
employees' disability compensation: Provided further, That
$500,000 shall be paid to the Alexander Graham Bell Asso-
ciation for the Deaf, for the sole purpose of the operation of
Project Volta, within 15 days of the certification to the
Mayor of the District of Columbia that an equal amount of
private contributions has been received: Provided further,
That of the funds provided for the D.C. General Hospital
subsidy, $646,000 shall be used for providing health care to
homeless persons.

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, $218,925,000, of which not to exceed $3,900,000 shall
be available for the School Transit Subsidy: Provided, That
this appropriation shall not be available for collecting ashes
or miscellaneous refuse from hotels and places of business:
Provided further, That the Taxicab Commission shall report
to the Committees on Appropriations of the Senate and House of Representatives by September 1, 1988, or within 15 days of the enactment of this Act, on a plan to issue and implement regulations on the age of vehicles, frequency of inspection, cleanliness of vehicles and other items contained in Senate Report 100–162.

WASHINGTON CONVENTION CENTER FUND


REPAYMENT OF LOANS AND INTEREST

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 section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $235,796,000.

Repayment of General Fund Deficit

For the purpose of reducing the $204,593,000 general fund accumulated deficit as of September 30, 1987, $20,000,000, of which not less than $19,000,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both): Provided, That if the Federal payment to the District of Columbia for fiscal year 1989 is reduced pursuant to an order issued by the President under section 252 of the Balanced Budget and Emergency Deficit
Control Act of 1985 (Public Law 99–177, approved December 12, 1985), the percentage (if any) by which the $20,000,000 set aside for repayment of the general fund accumulated deficit under this appropriation title is reduced as a consequence shall not exceed the percentage by which the Federal payment is reduced pursuant to such order.

**SHORT-TERM BORROWINGS**

For the purpose of funding interest related to borrowing funds for short-term cash needs, $4,570,000.

**OPTICAL AND DENTAL BENEFITS**

For optical and dental costs for nonunion employees, $2,569,000.

**INAUGURAL EXPENSES**

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), $2,300,000, which shall be apportioned by the Mayor within the various appropriation headings in this Act.

**ENERGY ADJUSTMENT**

The Mayor shall reduce authorized energy appropriations and expenditures within object class 30a (energy) in the
amount of $2,070,000, within one or several of the various appropriation headings in this Act.

**PERSONAL SERVICES ADJUSTMENT**

The Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13, and 14 in the amount of $2,747,000 through a selective hiring freeze within one or several of the various appropriation headings in this Act.

**CAPITAL OUTLAY**

For construction projects, $148,336,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 to 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); 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, secs. 9–219 and 47–3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85–692; D.C.
Code, sec. 40–805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91–143; D.C. Code, secs. 1–2451, 1–2452, 1–2454, 1–2456, and 1–2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That $10,276,000 shall be available for project management and $7,298,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: Provided further, 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 $950,000 for the Department of Recreation and $4,703,000 for the Department of Public Works for pay-as-you-go capital projects shall be financed from general fund operating revenues: 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, 1990, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1990: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse: Provided further, That $10,000,000 shall be provided without regard to fiscal year limitation for the Federal City Communications Center, and be advanced to the extent that outstanding obligations are due and payable.

**WATER AND SEWER ENTERPRISE FUND**

For the Water and Sewer Enterprise Fund, $200,805,000, of which $34,085,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $24,200,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions which are applicable to general fund capital improvement projects and are set forth in this Act under the Capital Outlay appropriation title shall apply to projects ap-
proved under this appropriation title: Provided further, That
of the $29,652,000 in water and sewer enterprise fund
operating revenues for pay-as-you-go capital projects,
$10,500,000 shall fund new authority in the fiscal year 1989
capital budget, $15,110,000 shall fund prior year capital
project authority, and $4,042,000 shall provide a cash re-
serve in the capital projects fund in order to meet financing
needs caused by the time lag in securing bond financing.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise
Fund, established by the District of Columbia Appropriation
Act for fiscal year 1982, approved December 4, 1981, as
amended (95 Stat. 1174, 1175; Public Law 97–91), 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,
and 22–1516 et seq.), $8,050,000, to be derived from non-
Federal District of Columbia revenues: Provided, That the
District of Columbia shall identify the sources of funding for
this appropriation title from its own locally-generated reve-
uues: 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.
Cable Television Enterprise Fund

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.), $1,000,000.

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, except for those funds and programs for the Metropolitan Police Department under the heading
“Public Safety and Justice” which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department; and the appropriation under the heading “Repayment of General Fund Deficit” which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose.

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 gov-
ernment: 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. 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. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

Sec. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1989, for the compensation of any person appointed to a permanent
position in the District of Columbia government during any month in which the number of employees exceeds 38,507, the number of positions authorized by this Act.

Sec. 111. 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. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1990, shall be transmitted to the Congress by no later than April 15, 1989.

Sec. 113. 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 House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council
of the District of Columbia, or their duly authorized represen-
tative.

Sec. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be nec-
*essary for making payments authorized by the District of Co-

Sec. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

Sec. 116. 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 legisla-
tion pending before Congress or any State legislature.

Sec. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or
for medical procedures necessary for the termination of an
ectopic pregnancy.

Sec. 118. 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 reasona-
ble time after the close of each quarter, the Mayor shall
report to the Council of the District of Columbia and the
Congress the actual borrowing and spending progress com-
pared with projections.

Sec. 119. The Mayor shall not borrow any funds for
capital projects unless he has obtained prior approval from
the Council of the District of Columbia, by resolution, identi-
fying the projects and amounts to be financed with such
borrowings.

Sec. 120. The Mayor shall not expend any moneys bor-
rowed for capital projects for the operating expenses of the
District of Columbia government.

Sec. 121. None of the funds appropriated in this Act
may be used for the implementation of a personnel lottery
with respect to the hiring of fire fighters or police officers.

Sec. 122. None of the funds appropriated by this Act
may be obligated or expended by reprogramming except pur-
suant to advance approval of the reprogramming granted ac-
cording to the procedure set forth in the Joint Explanatory
Statement of the Committee of Conference (House Report

Sec. 123. 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. 124. 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. 125. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act, 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) for any position for any period during the last quarter of calendar year 1988 shall be deemed to be the rate of pay payable for that position for September 30, 1988.
(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.

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. 127. 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), 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. 128. No later than 30 days after the end of the first quarter of fiscal year 1989, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1989 revenue estimates as of the end of the first quarter of fiscal year 1989. These estimates shall be used in the fiscal year 1990 annual budget request. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 129. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 806; Public Law 93–198; D.C. Code, sec. 47–326), is amended by striking out
"sold before October 1, 1988" and inserting in lieu thereof "sold before October 1, 1989".

SEC. 130. 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), 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. 131. For purposes of the Balanced Budget and Emergency Deficit Control Act of 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
Section 132. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (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 which are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

Section 133. (a) Within 30 days after the date of the enactment of this Act, the United States, acting through a duly authorized official, shall convey to the District of Columbia, without consideration, all right, title, and interest of the United States, in the real property described in subsection (b) (and any improvements thereon).

(b) The real property referred to in subsection (a) is that property which is described in the Maryland Department of Assessments and Taxation, Prince George's County, tax map
Sec. 134. None of the funds available to the District of Columbia government shall be used for any purpose involved in billing individual agencies or establishments for water and water services and sanitary sewer services traditionally funded under the account "Federal Payment for Water and Sewer Services" unless and until existing statutes (sections 106 and 212 of the District of Columbia Public Works Act of 1954, as amended, Public Law 364, approved May 18, 1954; 68 Stat. 101; D.C. Code, sections 43–1552 and 43–1612), are amended to specifically provide for such billing.

Sec. 135. (a) Subject to the provisions of subsections (b), (c), and (d), the Secretary of the Treasury (hereafter in this section referred to as the "Secretary") shall insure or guarantee the payment of interest and principal on a loan made by the Government of the District of Columbia or other lender to the Washington Center, a not-for-profit corporation incorporated in the District of Columbia, (hereafter in this section referred to as the "Center") in an amount not to exceed $20,000,000, for the construction of an educational housing facility.

(b) The Secretary shall not issue the guarantee pursuant to subsection (a) unless the Mayor of the District of Columbia certifies that—
(1) the debt to be guaranteed is construction loan advances and the nonrecourse long-term mortgage debt which replaces the loan advances in connection with a project which is the security for the mortgage debt and which contains approximately 135 to 165 apartments, and associated organization board and care, administra-
tive, and classroom space;

(2) the total certified project cost subject to mort-
gage indebtedness will not exceed $20,000,000 and all debt related to or supported by the guarantee will be used for or in connection with the project to be con-
structed; and

(3) the project is to be constructed within the boundaries of the District of Columbia, in accordance with all applicable zoning, development, and District of Columbia Capital City plan and guidelines.

(c)(1) The United States shall be entitled to recover from the Center the amount of any payment made pursuant to the insurance issued to the Center under this section. Upon making any such payment, the United States shall be subordinated to all of the rights of the recipient of the pay-
ment with respect to which the payment was made.

(2) Any insurance issued under subsection (a) shall be incontestable in the hands of the Center, and as to any lend-
ers which make or contract to make a loan to the Center.
(d) Insurance may be issued by the Secretary under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed a per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, considering interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Secretary may charge a premium for such insurance in an amount determined by him to be necessary to cover administrative expenses and probable losses under subsections (a). Such insurance shall be subject to such further terms and conditions as the Secretary determines to be necessary.

(e) The Center shall provide annual reports to the Appropriations Committee of the Senate and House of Representatives and to the Secretary of the Treasury detailing the financial status of the center and shall include such information as the number of students served, including the percentage of minority and low income students participating in the programs of the Center, and efforts to involve students from the District of Columbia.
Sec. 136. Section 11–1563(d), D.C. Code is amended—

(A) by inserting "or while receiving retirement salary under this subchapter but before having recouped all contributions," before "the lump-sum credit for retirement"; and

(B) by inserting "or the balance after deduction of retirement salary paid prior to death, if applicable," before "shall be paid,"

Sec. 137. Section 11–1703(b), D.C. Code is amended—(A) by adding the following second paragraph:

“If an Executive Officer of the District of Columbia Courts, who has served at least five years as Executive Officer and is at least fifty years of age is removed from office, in accordance with this section, the removal shall be treated for all purposes of retirement as an involuntary retirement of a judge in accordance with section 11–1526(b) and 11–1564(b).”

Sec. 138. No funds provided by this or any other Act may be used to condemn, vacate, or raze the Employment Security Building, located at 500 C Street NW., Washington, District of Columbia, until June 30, 1989.

Sec. 139. Up to 118 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of cal-
endar year 1989 shall be excluded from the computation of
the rate of disability retirement under subsection 145(a) of the
District of Columbia Retirement Reform Act, as amended,
approved September 30, 1983 (97 Stat. 727; D.C. Code
1–725(a)), for purposes of reducing the authorized Federal pay-
ment 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.

TITLE II—FISCAL YEAR 1988 SUPPLEMENTAL
APPROPRIATIONS

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for the
fiscal year ending September 30, 1988, in the District of Co-
lumbia Appropriations Act, 1988, approved December 21,
1987 (Public Law No. 100–202, sec. 101(c); 101 Stat.
1329–91 to 1329–92), $1,357,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for the
fiscal year ending September 30, 1988, in the District of Co-
lumbia Appropriations Act, 1988, approved December 21,
1987 (Public Law No. 100–202, sec. 101(c); 101 Stat.
1329–92), $11,136,000 are rescinded.
PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice", $33,251,000.

PUBLIC EDUCATION SYSTEM

(including rescission)

For an additional amount for "Public education system", $8,886,000, to be allocated as follows:

$10,000,000 additional for the public schools of the District of Columbia and a rescission in the amount of $210,000 for the District of Columbia School of Law, $549,000 for the Public Library and $355,000 for the Commission on the Arts.

HUMAN SUPPORT SERVICES

(including rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1988, in the District of Columbia Appropriations Act, 1988, approved December 21, 1987 (Public Law No. 100–202, sec. 101(c); 101 Stat. 1329–94), $15,811,000 are rescinded: Provided, That an additional $2,545,000, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: Provided further, That within funds remaining available under this head for the Commission on Mental Health, $400,000 shall be available for the fiscal year ending September 30, 1988, for the purpose of granting
funds to a private non-profit organization establishing and operating a residential facility for mentally disabled mothers and their infants as a demonstration of the cost-effectiveness of early intervention to keep families at risk together, together with $264,000 in each of the fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991.

PUBLIC WORKS

(INCLUDING RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1988, in the District of Columbia Appropriations Act, 1988, approved December 21, 1987 (Public Law No. 100–202, sec. 101(c); 101 Stat. 1329–94), $6,293,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

For an additional amount for “Repayment of loans and interest”, $3,469,000.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for “Repayment of general fund deficit”, $118,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for “Optical and dental benefits”, $1,080,000.

PERSONAL SERVICES

For an additional amount for “Personal services”, for pay increases and related costs, to be transferred by the
Mayor of the District of Columbia to the appropriations for fiscal year 1988 from which employees are properly payable, $34,377,000, which includes a 12 percent pay absorption to be apportioned among the various appropriation titles by the Mayor.

**CAPITAL OUTLAY**

For an additional amount for "Capital outlay", $6,340,000.

**WATER AND SEWER ENTERPRISE FUND**

For an additional amount for "Water and sewer enterprise fund", $39,750,000, of which $8,385,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects and $31,365,000 in water and sewer enterprise fund operating revenues for pay-as-you-go capital projects, $10,500,000 of this $31,365,000 shall fund new authority in the Fiscal Year 1988 Supplemental Budget and Rescissions of Authority Request Act of 1988 and $20,865,000 of this $31,365,000 shall fund prior year capital project authority. An additional amount for construction projects, $10,500,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.).
1. **Lottery and Charitable Games Enterprise Fund**

2. For an additional amount for "Lottery and Charitable Games Enterprise Fund", $764,000.

3. **Administrative Provision**

4. Sec. 201. Funds appropriated by this title shall become available upon enactment.

5. This Act may be cited as the "District of Columbia Appropriations Act, 1989".
A BILL
[REPORTEL NO. 100-398]
52 SESSION
S. 2562
101ST CONGRESS
Calendar No. 758