

108TH CONGRESS
1ST SESSION

H. R. 2765

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2003

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

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, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 District of Columbia for the fiscal year ending September
6 30, 2004, and for other purposes, namely:

7 **TITLE I—FEDERAL FUNDS**

8 **FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT**

9 For a Federal payment to the District of Columbia,
10 to be deposited into a dedicated account, for a nationwide

1 program to be administered by the Mayor, for District of
2 Columbia resident tuition support, \$17,000,000, to remain
3 available until expended: *Provided*, That such funds, in-
4 cluding any interest accrued thereon, may be used on be-
5 half of eligible District of Columbia residents to pay an
6 amount based upon the difference between in-State and
7 out-of-State tuition at public institutions of higher edu-
8 cation, or to pay up to \$2,500 each year at eligible private
9 institutions of higher education: *Provided further*, That the
10 awarding of such funds may be prioritized on the basis
11 of a resident's academic merit, the income and need of
12 eligible students and such other factors as may be author-
13 ized: *Provided further*, That the District of Columbia gov-
14 ernment shall maintain a dedicated account for the Resi-
15 dent Tuition Support Program that shall consist of the
16 Federal funds appropriated to the Program in this Act
17 and any subsequent appropriations, any unobligated bal-
18 ances from prior fiscal years, and any interest earned in
19 this or any fiscal year: *Provided further*, That the account
20 shall be under the control of the District of Columbia
21 Chief Financial Officer who shall use those funds solely
22 for the purposes of carrying out the Resident Tuition Sup-
23 port Program: *Provided further*, That the Office of the
24 Chief Financial Officer shall provide a quarterly financial
25 report to the Committees on Appropriations of the House

1 of Representatives and Senate for these funds showing;
2 by object class, the expenditures made and the purpose
3 therefor: *Provided further*, That not more than 7 percent
4 of the total amount appropriated for this program may
5 be used for administrative expenses.

6 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
7 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

8 For necessary expenses, as determined by the Mayor
9 of the District of Columbia in written consultation with
10 the elected county or city officials of surrounding jurisdic-
11 tions, \$15,000,000, to remain available until expended, to
12 reimburse the District of Columbia for the costs of pro-
13 viding public safety at events related to the presence of
14 the national capital in the District of Columbia, and for
15 the costs of providing support to respond to immediate
16 and specific terrorist threats or attacks in the District of
17 Columbia or surrounding jurisdictions: *Provided*, That any
18 amount provided under this heading shall be available only
19 after notice of its proposed use has been transmitted by
20 the President to Congress and such amount has been ap-
21 portioned pursuant to chapter 15 of title 31, United
22 States Code.

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1 ration of monthly financial reports, copies of which shall
 2 be submitted directly by GSA to the President and to the
 3 Committees on Appropriations of the House of Represent-
 4 atives and Senate, the Committee on Government Reform
 5 of the House of Representatives, and the Committee on
 6 Governmental Affairs of the Senate: *Provided further,*
 7 That 30 days after providing written notice to the Com-
 8 mittees on Appropriations of the House of Representatives
 9 and Senate, the District of Columbia Courts may reallo-
 10 cate funds provided under this heading for the Court of
 11 Appeals, District of Columbia Superior Court, and the
 12 District of Columbia Court System: *Provided further,* That
 13 such reallocation may increase or decrease funding for
 14 such entity by no more than 2 percent.

15 DEFENDER SERVICES IN DISTRICT OF COLUMBIA

16 COURTS

17 For payments authorized under section 11-2604 and
 18 section 11-2605, D.C. Official Code (relating to represen-
 19 tation provided under the District of Columbia Criminal
 20 Justice Act), payments for counsel appointed in pro-
 21 ceedings in the Family Court of the Superior Court of the
 22 District of Columbia under chapter 23 of title 16, D.C.
 23 Official Code, and payments for counsel authorized under
 24 section 21-2060, D.C. Official Code (relating to represen-
 25 tation provided under the District of Columbia Guardian-

1 ship, Protective Proceedings, and Durable Power of Attor-
2 ney Act of 1986), \$32,000,000, to remain available until
3 expended: *Provided further*, That the funds provided in
4 this Act under the heading “Federal Payment to the Dis-
5 trict of Columbia Courts” (other than the \$31,651,000
6 provided under such heading for capital improvements for
7 District of Columbia courthouse facilities) may also be
8 used for payments under this heading: *Provided further*,
9 That in addition to the funds provided under this heading,
10 the Joint Committee on Judicial Administration in the
11 District of Columbia shall use funds provided in this Act
12 under the heading “Federal Payment to the District of
13 Columbia Courts” (other than the \$31,651,000 provided
14 under such heading for capital improvements for District
15 of Columbia courthouse facilities), to make payments de-
16 scribed under this heading for obligations incurred during
17 any fiscal year: *Provided further*, That funds provided
18 under this heading shall be administered by the Joint
19 Committee on Judicial Administration in the District of
20 Columbia: *Provided further*, That notwithstanding any
21 other provision of law, this appropriation shall be appor-
22 tioned quarterly by the Office of Management and Budget
23 and obligated and expended in the same manner as funds
24 appropriated for expenses of other Federal agencies, with
25 payroll and financial services to be provided on a contrac-

1 tual basis with the General Services Administration
2 (GSA), said services to include the preparation of monthly
3 financial reports, copies of which shall be submitted di-
4 rectly by GSA to the President and to the Committees
5 on Appropriations of the House of Representatives and
6 Senate, the Committee on Government Reform of the
7 House of Representatives, and the Committee on Govern-
8 mental Affairs of the Senate.

9 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
10 FENDER SUPERVISION AGENCY FOR THE DISTRICT
11 OF COLUMBIA

12 (INCLUDING TRANSFER OF FUNDS)

13 For salaries and expenses, including the transfer and
14 hire of motor vehicles, of the Court Services and Offender
15 Supervision Agency for the District of Columbia, as au-
16 thorized by the National Capital Revitalization and Self-
17 Government Improvement Act of 1997, \$163,081,000, of
18 which not to exceed \$2,000 is for official receptions and
19 representation expenses related to Community Supervision
20 and Pretrial Services Agency programs; of which not to
21 exceed \$25,000 is for dues and assessments relating to
22 the implementation of the Court Services and Offender
23 Supervision Agency Interstate Supervision Act of 2002;
24 of which \$100,460,000 shall be for necessary expenses of
25 Community Supervision and Sex Offender Registration, to

1 include expenses relating to the supervision of adults sub-
2 ject to protection orders or the provision of services for
3 or related to such persons; of which \$37,411,000 shall be
4 available to the Pretrial Services Agency; and of which
5 \$25,210,000 shall be transferred to the Public Defender
6 Service for the District of Columbia: *Provided*, That not-
7 withstanding any other provision of law, all amounts
8 under this heading shall be apportioned quarterly by the
9 Office of Management and Budget and obligated and ex-
10 pended in the same manner as funds appropriated for sal-
11 aries and expenses of other Federal agencies: *Provided fur-*
12 *ther*, That notwithstanding chapter 33 of title 40, United
13 States Code, the Director may acquire by purchase, lease,
14 condemnation, or donation, and renovate as necessary,
15 Building Number 17, 1900 Massachusetts Avenue, South-
16 east, Washington, District of Columbia to house or super-
17 vise offenders and defendants, with funds made available
18 for this purpose in Public Law 107-96: *Provided further*,
19 That the Director is authorized to accept and use gifts
20 in the form of in-kind contributions of space and hospi-
21 tality to support offender and defendant programs, and
22 equipment and vocational training services to educate and
23 train offenders and defendants: *Provided further*, That the
24 Director shall keep accurate and detailed records of the
25 acceptance and use of any gift or donation under the pre-

1 vious proviso, and shall make such records available for
2 audit and public inspection.

3 ~~FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA~~
4 ~~WATER AND SEWER AUTHORITY~~

5 For a Federal payment to the District of Columbia
6 Water and Sewer Authority, \$35,000,000, to remain avail-
7 able until expended, to continue implementation of the
8 Combined Sewer Overflow Long-Term Plan: *Provided,*
9 That the District of Columbia Water and Sewer Authority
10 provides a 100 percent match for this payment.

11 ~~FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT~~
12 ~~INITIATIVE~~

13 For a Federal payment to the District of Columbia
14 Department of Transportation, \$4,300,000, to remain
15 available until September 30, 2005, for design and con-
16 struction of a continuous pedestrian and bicycle trail sys-
17 tem from the Potomac River to the District's border with
18 Maryland.

19 ~~FEDERAL PAYMENT TO THE CRIMINAL JUSTICE~~
20 ~~COORDINATING COUNCIL~~

21 For a Federal payment to the Criminal Justice Co-
22 ordinating Council, \$1,300,000, to support initiatives re-
23 lated to the coordination of Federal and local criminal jus-
24 tice resources in the District of Columbia.

1 FEDERAL PAYMENT FOR CAPITAL DEVELOPMENT IN
2 THE DISTRICT OF COLUMBIA

3 For a Federal payment to the District of Columbia
4 for capital development, \$8,000,000, to remain available
5 until expended, for the Unified Communications Center.

6 FEDERAL PAYMENT FOR PUBLIC SCHOOL FACILITIES

7 For a Federal payment to the District of Columbia
8 Public Schools, \$4,500,000, of which \$500,000 shall be
9 for a window repair and reglazing program and
10 \$4,000,000 shall be for a playground repair and replace-
11 ment program.

12 FEDERAL PAYMENT FOR THE FAMILY LITERACY
13 PROGRAM

14 For a Federal payment to the District of Columbia,
15 \$2,000,000 for the Family Literacy Program to address
16 the needs of literacy-challenged parents while endowing
17 their children with an appreciation for literacy and
18 strengthening familial ties: *Provided*, That the District of
19 Columbia shall provide a 100 percent match with local
20 funds as a condition of receiving this payment.

21 FEDERAL PAYMENT FOR A DISTRICT OF COLUMBIA
22 SCHOLARSHIP PROGRAM

23 For a Federal payment for a District of Columbia
24 scholarship program, \$10,000,000, subject to authoriza-
25 tion.

1 FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER
 2 OF THE DISTRICT OF COLUMBIA

3 For a Federal payment to the Chief Financial Officer
 4 of the District of Columbia, \$10,000,000 for education;
 5 public safety and health, economic development, and infra-
 6 structure initiatives in the District of Columbia.

7 TITLE H—DISTRICT OF COLUMBIA FUNDS
 8 OPERATING EXPENSES

9 DIVISION OF EXPENSES

10 The following amounts are appropriated for the Dis-
 11 trict of Columbia for the current fiscal year out of the
 12 general fund of the District of Columbia, except as other-
 13 wise specifically provided: *Provided*, That notwithstanding
 14 any other provision of law, except as provided in section
 15 450A of the District of Columbia Home Rule Act (D.C.
 16 Official Code, sec. 1-204.50a) and section 117 of this Act,
 17 the total amount appropriated in this Act for operating
 18 expenses for the District of Columbia for fiscal year 2004
 19 under this heading shall not exceed the lesser of the sum
 20 of the total revenues of the District of Columbia for such
 21 fiscal year or \$6,326,138,000 (of which \$3,832,734,000
 22 shall be from local funds, \$1,568,734,000 shall be from
 23 Federal grant funds, \$910,904,000 shall be from other
 24 funds, and \$13,766,000 shall be from private funds); in
 25 addition, \$59,800,000 from funds previously appropriated

1 in this Act as Federal payments: *Provided further*, That
 2 this amount may be increased by proceeds of one-time
 3 transactions, which are expended for emergency or unan-
 4 ticipated operating or capital needs: *Provided further*,
 5 That such increases shall be approved by enactment of
 6 local District law and shall comply with all reserve require-
 7 ments contained in the District of Columbia Home Rule
 8 Act as amended by this Act: *Provided further*, That the
 9 Chief Financial Officer of the District of Columbia shall
 10 take such steps as are necessary to assure that the Dis-
 11 trict of Columbia meets these requirements, including the
 12 apportioning by the Chief Financial Officer of the appro-
 13 priations and funds made available to the District during
 14 fiscal year 2004, except that the Chief Financial Officer
 15 may not reprogram for operating expenses any funds de-
 16 rived from bonds, notes, or other obligations issued for
 17 capital projects.

18 GOVERNMENTAL DIRECTION AND SUPPORT

19 Governmental direction and support, \$284,415,000
 20 (including \$206,825,000 from local funds, \$57,440,000
 21 from Federal grant funds, and \$20,150,000 from other
 22 funds), in addition, \$10,000,000 from funds previously
 23 appropriated in this Act under the heading "Federal Pay-
 24 ment to the Chief Financial Officer of the District of Co-
 25 lumbia": *Provided*, That not to exceed \$2,500 for the

1 Mayor, \$2,500 for the Chairman of the Council of the Dis-
2 trict of Columbia, \$2,500 for the City Administrator, and
3 \$2,500 for the Office of the Chief Financial Officer shall
4 be available from this appropriation for official purposes:
5 *Provided further*, That any program fees collected from the
6 issuance of debt shall be available for the payment of ex-
7 penses of the debt management program of the District
8 of Columbia: *Provided further*, That no revenues from
9 Federal sources shall be used to support the operations
10 or activities of the Statehood Commission and Statehood
11 Compact Commission: *Provided further*, That the District
12 of Columbia shall identify the sources of funding for Ad-
13 mission to Statehood from its own locally generated reve-
14 nues: *Provided further*, That notwithstanding any other
15 provision of law, or Mayor's Order 86-45, issued March
16 18, 1986, the Office of the Chief Technology Officer's del-
17 egated small purchase authority shall be \$500,000: *Pro-*
18 *vided further*, That the District of Columbia government
19 may not require the Office of the Chief Technology Officer
20 to submit to any other procurement review process, or to
21 obtain the approval of or be restricted in any manner by
22 any official or employee of the District of Columbia gov-
23 ernment, for purchases that do not exceed \$500,000: *Pro-*
24 *vided further*, That not to exceed \$25,000, to remain avail-
25 able until expended, of the funds in the District of Colum-

1 bia Antitrust Fund established pursuant to section 820
 2 of the District of Columbia Procurement Practices Act of
 3 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-308.20)
 4 is hereby made available for the use of the Office of the
 5 Corporation Counsel of the District of Columbia in accord-
 6 ance with the laws establishing this fund.

7 ECONOMIC DEVELOPMENT AND REGULATION

8 Economic development and regulation, \$276,647,000
 9 (including \$53,336,000 from local funds, \$91,077,000
 10 from Federal grant funds, \$132,109,000 from other
 11 funds, and \$125,000 from private funds), of which
 12 \$15,000,000 collected by the District of Columbia in the
 13 form of BID tax revenue shall be paid to the respective
 14 BIDs pursuant to the Business Improvement Districts Act
 15 of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-
 16 1215.01 et seq.), and the Business Improvement Districts
 17 Amendment Act of 1997 (D.C. Law 12-26; D.C. Official
 18 Code, sec. 2-1215.15 et seq.): *Provided*, That such funds
 19 are available for acquiring services provided by the Gen-
 20 eral Services Administration: *Provided further*, That Busi-
 21 ness Improvement Districts shall be exempt from taxes
 22 levied by the District of Columbia.

23 PUBLIC SAFETY AND JUSTICE

24 Public safety and justice, \$745,958,000 (including
 25 \$716,715,000 from local funds, \$10,290,000 from Federal

1 grant funds, \$18,944,000 from other funds, and \$9,000
 2 from private funds), in addition, \$1,300,000 from funds
 3 previously appropriated in this Act under the heading
 4 “Federal Payment to the Criminal Justice Coordinating
 5 Council”: *Provided*, That not to exceed \$500,000 shall be
 6 available from this appropriation for the Chief of Police
 7 for the prevention and detection of crime: *Provided further*,
 8 That the Mayor shall reimburse the District of Columbia
 9 National Guard for expenses incurred in connection with
 10 services that are performed in emergencies by the National
 11 Guard in a militia status and are requested by the Mayor,
 12 in amounts that shall be jointly determined and certified
 13 as due and payable for these services by the Mayor and
 14 the Commanding General of the District of Columbia Na-
 15 tional Guard: *Provided further*, That such sums as may
 16 be necessary for reimbursement to the District of Colum-
 17 bia National Guard under the preceding proviso shall be
 18 available from this appropriation, and the availability of
 19 the sums shall be deemed as constituting payment in ad-
 20 vance for emergency services involved.

21 PUBLIC EDUCATION SYSTEM

22 (INCLUDING TRANSFERS OF FUNDS)

23 Public education system, including the development
 24 of national defense education programs, \$1,157,841,000
 25 (including \$962,941,000 from local funds, \$156,708,000

1 from Federal grant funds, \$27,074,000 from other funds,
 2 \$4,302,000 from private funds, and not to exceed
 3 \$6,816,000, to remain available until expended, from the
 4 Medicaid and Special Education Reform Fund established
 5 pursuant to the Medicaid and Special Education Reform
 6 Fund Establishment Act of 2002 (D.C. Law 14–190; D.C.
 7 Official Code 4–204.51 et seq.)), in addition, \$17,000,000
 8 from funds previously appropriated in this Act under the
 9 heading “Federal Payment for Resident Tuition Support”
 10 and \$4,500,000 from funds previously appropriated in this
 11 Act under the heading “Federal Payment for Public
 12 School Facilities”, to be allocated as follows:

13 (1) DISTRICT OF COLUMBIA PUBLIC
 14 SCHOOLS.—\$870,135,000 (including \$738,444,000
 15 from local funds, \$114,749,000 from Federal grant
 16 funds, \$6,527,000 from other funds, \$3,599,000
 17 from private funds, and not to exceed \$6,816,000, to
 18 remain available until expended, from the Medicaid
 19 and Special Education Reform Fund established
 20 pursuant to the Medicaid and Special Education Re-
 21 form Fund Establishment Act of 2002 (D.C. Law
 22 14–190; D.C. Official Code 4–204.51 et seq.)), in
 23 addition, \$4,500,000 from funds previously appro-
 24 priated in this Act under the heading “Federal Pay-
 25 ment for Public School Facilities” shall be available

1 for District of Columbia Public Schools: *Provided*,
2 That notwithstanding any other provision of law,
3 rule, or regulation, the evaluation process and in-
4 struments for evaluating District of Columbia Public
5 School employees shall be a non-negotiable item for
6 collective bargaining purposes: *Provided further*,
7 That this appropriation shall not be available to sub-
8 sidize the education of any nonresident of the Dis-
9 trict of Columbia at any District of Columbia public
10 elementary or secondary school during fiscal year
11 2004 unless the nonresident pays tuition to the Dis-
12 trict of Columbia at a rate that covers 100 percent
13 of the costs incurred by the District of Columbia
14 that are attributable to the education of the non-
15 resident (as established by the Superintendent of the
16 District of Columbia Public Schools): *Provided fur-*
17 *ther*, That notwithstanding the amounts otherwise
18 provided under this heading or any other provision
19 of law, there shall be appropriated to the District of
20 Columbia Public Schools on July 1, 2004, an
21 amount equal to 10 percent of the total amount pro-
22 vided for the District of Columbia Public Schools in
23 the proposed budget of the District of Columbia for
24 fiscal year 2005 (as submitted to Congress); and the
25 amount of such payment shall be chargeable against

1 the final amount provided for the District of Colum-
 2 bia Public Schools under the District of Columbia
 3 Appropriations Act, 2005: *Provided further,* That
 4 not to exceed \$2,500 for the Superintendent of
 5 Schools shall be available from this appropriation for
 6 official purposes: *Provided further,* That the District
 7 of Columbia Public Schools shall submit to the
 8 Board of Education by January 1 and July 1 of
 9 each year a Schedule A showing all the current
 10 funded positions of the District of Columbia Public
 11 Schools, their compensation levels, and indicating
 12 whether the positions are encumbered: *Provided fur-*
 13 *ther,* That the Board of Education shall approve or
 14 disapprove each Schedule A within 30 days of its
 15 submission and provide the Council of the District
 16 of Columbia a copy of the Schedule A upon its ap-
 17 proval.

18 (2) STATE EDUCATION OFFICE.—\$38,752,000
 19 (including \$9,959,000 from local funds, \$28,617,000
 20 from Federal grant funds, and \$176,000 from other
 21 funds), in addition, \$17,000,000 from funds pre-
 22 viously appropriated in this Act under the heading
 23 “Federal Payment for Resident Tuition Support”
 24 shall be available for the State Education Office:
 25 *Provided,* That of the amounts provided to the State

1 Education Office, \$500,000 from local funds shall
 2 remain available until June 30, 2005 for an audit of
 3 the student enrollment of each District of Columbia
 4 Public School and of each District of Columbia pub-
 5 lie charter school.

6 ~~(3) DISTRICT OF COLUMBIA PUBLIC CHARTER~~
 7 ~~SCHOOLS.—\$137,531,000 from local funds shall be~~
 8 ~~available for District of Columbia a public charter~~
 9 ~~schools: *Provided*, That there shall be quarterly dis-~~
 10 ~~bursement of funds to the District of Columbia pub-~~
 11 ~~lie charter schools, with the first payment to occur~~
 12 ~~within 15 days of the beginning of the fiscal year:~~
 13 ~~*Provided further*, That if the entirety of this alloca-~~
 14 ~~tion has not been provided as payments to any pub-~~
 15 ~~lie charter schools currently in operation through the~~
 16 ~~per pupil funding formula, the funds shall be avail-~~
 17 ~~able as follows: (A) the first \$3,000,000 shall be de-~~
 18 ~~posited in the Credit Enhancement Revolving Fund~~
 19 ~~established pursuant to section 603(e) of the Stu-~~
 20 ~~dent Loan Marketing Association Reorganization~~
 21 ~~Act of 1996 (Public Law 104–208; 110 Stat. 3009;~~
 22 ~~20 U.S.C. 1155(e)); and (B) the balance shall be for~~
 23 ~~public education in accordance with section~~
 24 ~~2403(b)(2) of the District of Columbia School Re-~~
 25 ~~form Act of 1995 (D.C. Official Code, sec. 38–~~

1 ~~1804.03(b)(2))~~: *Provided further*, That of the
 2 amounts made available to District of Columbia pub-
 3 lic charter schools, \$25,000 shall be made available
 4 to the Office of the Chief Financial Officer as au-
 5 thorized by section 2403(b)(6) of the District of Co-
 6 lumbia School Reform Act of 1995 (D.C. Official
 7 Code, sec. ~~38-1804.03(b)(6))~~: *Provided further*, That
 8 \$660,000 of this amount shall be available to the
 9 District of Columbia Public Charter School Board
 10 for administrative costs: *Provided further*, That not-
 11 withstanding the amounts otherwise provided under
 12 this heading or any other provision of law, there
 13 shall be appropriated to the District of Columbia
 14 public charter schools on July 1, 2004, an amount
 15 equal to 25 percent of the total amount provided for
 16 payments to public charter schools in the proposed
 17 budget of the District of Columbia for fiscal year
 18 2005 (as submitted to Congress); and the amount of
 19 such payment shall be chargeable against the final
 20 amount provided for such payments under the Dis-
 21 trict of Columbia Appropriations Act, 2005.

22 (4) UNIVERSITY OF THE DISTRICT OF COLUM-
 23 BIA.—\$80,660,000 (including \$48,656,000 from
 24 local funds, \$11,867,000 from Federal grant funds,
 25 \$19,434,000 from other funds, and \$703,000 from

1 private funds) shall be available for the University of
2 the District of Columbia: *Provided*, That this appro-
3 priation shall not be available to subsidize the edu-
4 cation of nonresidents of the District of Columbia at
5 the University of the District of Columbia, unless
6 the Board of Trustees of the University of the Dis-
7 trict of Columbia adopts, for the fiscal year ending
8 September 30, 2004, a tuition rate schedule that will
9 establish the tuition rate for nonresident students at
10 a level no lower than the nonresident tuition rate
11 charged at comparable public institutions of higher
12 education in the metropolitan area: *Provided further*,
13 That notwithstanding the amounts otherwise pro-
14 vided under this heading or any other provision of
15 law, there shall be appropriated to the University of
16 the District of Columbia on July 1, 2004, an
17 amount equal to 10 percent of the total amount pro-
18 vided for the University of the District of Columbia
19 in the proposed budget of the District of Columbia
20 for fiscal year 2005 (as submitted to Congress), and
21 the amount of such payment shall be chargeable
22 against the final amount provided for the University
23 of the District of Columbia under the District of Co-
24 lumbia Appropriations Act, 2005: *Provided further*,
25 That not to exceed \$2,500 for the President of the

1 University of the District of Columbia shall be avail-
 2 able from this appropriation for official purposes:

3 ~~(5) DISTRICT OF COLUMBIA PUBLIC LIBRAR-~~
 4 ~~IES.—\$28,287,000 (including \$26,750,000 from~~
 5 ~~local funds, \$1,000,000 from Federal grant funds,~~
 6 ~~and \$537,000 from other funds) shall be available~~
 7 ~~for the District of Columbia Public Libraries: *Pro-*~~
 8 ~~*vided*, That not to exceed \$2,000 for the Public Li-~~
 9 ~~brarian shall be available from this appropriation for~~
 10 ~~official purposes.~~

11 ~~(6) COMMISSION ON THE ARTS AND HUMAN-~~
 12 ~~ITIES.—\$2,476,000 (including \$1,601,000 from local~~
 13 ~~funds, \$475,000 from Federal grant funds, and~~
 14 ~~\$400,000 from other funds) shall be available for~~
 15 ~~the Commission on the Arts and Humanities.~~

16 HUMAN SUPPORT SERVICES

17 ~~(INCLUDING TRANSFER OF FUNDS)~~

18 Human support services, \$2,360,067,000 (including
 19 \$1,030,223,000 from local funds, \$1,247,945,000 from
 20 Federal grant funds, \$24,330,000 from other funds,
 21 \$9,330,000 from private funds, and \$48,239,000, to re-
 22 main available until expended, from the Medicaid and Spe-
 23 cial Education Reform Fund established pursuant to the
 24 Medicaid and Special Education Reform Fund Establish-
 25 ment Act of 2002 (D.C. Act 14-403)): *Provided*, That the

1 funds available from the Medicaid and Special Education
 2 Reform Fund are allocated as follows: not more than
 3 \$18,744,000 for Child and Family Services; not more than
 4 \$7,795,000 for the Department of Human Services; and
 5 not more than \$21,700,000 for the Department of Mental
 6 Health: *Provided further*, That \$27,959,000 of this appro-
 7 priation, to remain available until expended, shall be avail-
 8 able solely for District of Columbia employees' disability
 9 compensation: *Provided further*, That \$7,500,000 of this
 10 appropriation, to remain available until expended, shall be
 11 deposited in the Addiction Recovery Fund, established
 12 pursuant to section 5 of the Choice in Drug Treatment
 13 Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec.
 14 7-3004) and used exclusively for the purpose of the Drug
 15 Treatment Choice Program established pursuant to sec-
 16 tion 4 of the Choice in Drug Treatment Act of 2000 (D.C.
 17 Law 13-146; D.C. Official Code, sec. 7-3003): *Provided*
 18 *further*, That no less than \$2,000,000 of this appropri-
 19 ation shall be available exclusively for the purpose of fund-
 20 ing the pilot substance abuse program for youth ages 14
 21 through 21 years established pursuant to section 4212 of
 22 the Pilot Substance Abuse Program for Youth Act of 2001
 23 (D.C. Law 14-28; D.C. Official Code, sec. 7-3101): *Pro-*
 24 *vided further*, That \$4,500,000 of this appropriation, to
 25 remain available until expended, shall be deposited in the

1 Interim Disability Assistance Fund established pursuant
 2 to section 201 of the District of Columbia Public Assist-
 3 ance Act of 1982 (D.C. Law 4-101; D.C. Official Code,
 4 sec. 4-202.01), to be used exclusively for the Interim Dis-
 5 ability Assistance program and the purposes for that pro-
 6 gram set forth in section 407 of the District of Columbia
 7 Public Assistance Act of 1982 (D.C. Law 13-252; D.C.
 8 Official Code, sec. 4-204.07): *Provided further*, That not
 9 less than \$640,531 of this appropriation shall be available
 10 exclusively for the purpose of funding the Burial Assist-
 11 ance Program established by section 1802 of the Burial
 12 Assistance Program Reestablishment Act of 1999 (D.C.
 13 Law 13-38; D.C. Official Code, sec. 4-1001).

14 PUBLIC WORKS

15 Public works, including rental of one passenger-car-
 16 rying vehicle for use by the Mayor and three passenger-
 17 carrying vehicles for use by the Council of the District of
 18 Columbia and leasing of passenger-carrying vehicles,
 19 \$327,046,000 (including \$308,028,000 from local funds,
 20 \$5,274,000 from Federal grant funds, and \$13,744,000
 21 from other funds): *Provided*, That this appropriation shall
 22 not be available for collecting ashes or miscellaneous
 23 refuse from hotels and places of business.

1 CASH RESERVE

2 For the cumulative cash reserve established pursuant
3 to section 202(j)(2) of the District of Columbia Financial
4 Responsibility and Management Assistance Act of 1995
5 (D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000
6 from local funds.

7 EMERGENCY AND CONTINGENCY RESERVE FUNDS

8 For the emergency reserve fund and the contingency
9 reserve fund under section 450A of the District of Colum-
10 bia Home Rule Act (D.C. Official Code, sec. 1-204.50a),
11 such amounts from local funds as are necessary to meet
12 the balance requirements for such funds under such sec-
13 tion.

14 REPAYMENT OF LOANS AND INTEREST

15 For payment of principal, interest, and certain fees
16 directly resulting from borrowing by the District of Co-
17 lumbia to fund District of Columbia capital projects as
18 authorized by sections 462, 475, and 490 of the District
19 of Columbia Home Rule Act (D.C. Official Code, secs. 1-
20 204.62, 1-204.75, and 1-204.90), \$311,504,000 from
21 local funds: *Provided*, That for equipment leases, the
22 Mayor may finance \$14,300,000 of equipment cost, plus
23 cost of issuance not to exceed 2 percent of the par amount
24 being financed on a lease purchase basis with a maturity
25 not to exceed 5 years.

1 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

2 For payment of interest on short-term borrowing,
3 \$3,000,000 from local funds.

4 CERTIFICATES OF PARTICIPATION

5 For principal and interest payments on the District's
6 Certificates of Participation, issued to finance the ground
7 lease underlying the building located at One Judiciary
8 Square, \$4,911,000 from local funds.

9 SETTLEMENTS AND JUDGMENTS

10 For making refunds and for the payment of legal set-
11 tlements or judgments that have been entered against the
12 District of Columbia government, \$22,522,000 from local
13 funds: *Provided*, That this appropriation shall not be con-
14 strued as modifying or affecting the provisions of section
15 103 of this Act.

16 WILSON BUILDING

17 For expenses associated with the John A. Wilson
18 building, \$3,704,000 from local funds.

19 WORKFORCE INVESTMENTS

20 For workforce investments, \$22,308,000 from local
21 funds, to be transferred by the Mayor of the District of
22 Columbia within the various appropriation headings in
23 this Act for which employees are properly payable.

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$19,639,000 (including \$11,455,000 from local funds and \$8,184,000 from other funds): *Proposed*

~~4. That anticipated employee health insurance cost increases and contract security costs, \$5,799,000 from local funds.~~

For Pay-As-You-Go Capital funds in lieu of capital financing, \$11,267,000 from local funds, to be transferred to the Capital Fund, subject to the Criteria for Spending Pay-As-You-Go Funding Amendment Act of 2003, approved by the Council of the District of Columbia on 1st reading, May 6, 2003 (title 25 of Bill 15-218): *Provided*, that pursuant to this Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other purposes of this Act, such sums as may be necessary to carry out the purposes of this Act.

For a Tax Increment Financing Program,
40,000 from local funds.

For making refunds associated with disallowed Medicaid funding, an amount not to exceed \$57,000,000 in

1 local funds, to remain available until expended: *Provided*,
 2 That funds are derived from a transfer from the funds
 3 identified in the fiscal year 2002 comprehensive annual
 4 financial report as the District of Columbia's Grants Dis-
 5 allowance balance.

6 EMERGENCY PLANNING AND SECURITY COSTS

7 From funds previously appropriated in this Act under
 8 the heading "Federal Payment for Emergency Planning
 9 and Security Costs in the District of Columbia",
 10 \$15,000,000.

11 FAMILY LITERACY

12 From funds previously appropriated in this Act under
 13 the heading "Federal Payment for the Family Literacy
 14 Program", \$2,000,000.

15 SCHOLARSHIP PROGRAM

16 From funds previously appropriated in this Act under
 17 the heading "Federal Payment for a District of Columbia
 18 Scholarship Program", \$10,000,000.

19 ENTERPRISE AND OTHER FUNDS

20 WATER AND SEWER AUTHORITY

21 For operation of the Water and Sewer Authority,
 22 \$259,095,000 from other funds, of which \$18,692,000
 23 shall be apportioned for repayment of loans and interest
 24 incurred for capital improvement projects and payable to
 25 the District's debt service fund.

1 For construction projects, \$199,807,000, to be dis-
 2 tributed as follows: \$99,449,000 for the Blue Plains
 3 Wastewater Treatment Plant, \$16,739,000 for the sewer
 4 program, \$42,047,000 for the combined sewer program,
 5 \$5,993,000 for the stormwater program, \$24,431,000 for
 6 the water program, and \$11,148,000 for the capital equip-
 7 ment program; in addition, \$35,000,000 from funds pre-
 8 viously appropriated in this Act under the heading “Fed-
 9 eral Payment to the District of Columbia Water and
 10 Sewer Authority”: *Provided*, That the requirements and
 11 restrictions that are applicable to general fund capital im-
 12 provement projects and set forth in this Act under the
 13 Capital Outlay appropriation account shall apply to
 14 projects approved under this appropriation account.

15 WASHINGTON AQUEDUCT

16 For operation of the Washington Aqueduct,
 17 \$55,553,000 from other funds.

18 STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

19 For operation of the Stormwater Permit Compliance
 20 Enterprise Fund, \$3,501,000 from other funds.

21 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

22 For the Lottery and Charitable Games Enterprise
 23 Fund, established by the District of Columbia Appropria-
 24 tion Act, 1982, for the purpose of implementing the Law
 25 to Legalize Lotteries, Daily Numbers Games, and Bingo

1 and Raffles for Charitable Purposes in the District of Co-
 2 lumbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301
 3 et seq. and sec. 22-1716 et seq.), \$242,755,000 from
 4 other funds: *Provided*, That the District of Columbia shall
 5 identify the source of funding for this appropriation title
 6 from the District's own locally generated revenues: *Pro-*
 7 *vided further*, That no revenues from Federal sources shall
 8 be used to support the operations or activities of the Lot-
 9 tery and Charitable Games Control Board.

10 SPORTS AND ENTERTAINMENT COMMISSION

11 For the Sports and Entertainment Commission,
 12 \$13,979,000 from local funds.

13 DISTRICT OF COLUMBIA RETIREMENT BOARD

14 For the District of Columbia Retirement Board, es-
 15 tablished pursuant to section 121 of the District of Colum-
 16 bia Retirement Reform Act of 1979 (D.C. Official Code,
 17 sec. 1-711), \$13,895,000 from the earnings of the appli-
 18 cable retirement funds to pay legal, management, invest-
 19 ment, and other fees and administrative expenses of the
 20 District of Columbia Retirement Board: *Provided*, That
 21 the District of Columbia Retirement Board shall provide
 22 to the Congress and to the Council of the District of Co-
 23 lumbia a quarterly report of the allocations of charges by
 24 fund and of expenditures of all funds: *Provided further*,
 25 That the District of Columbia Retirement Board shall pro-

1 vide the Mayor, for transmittal to the Council of the Dis-
 2 trict of Columbia, an itemized accounting of the planned
 3 use of appropriated funds in time for each annual budget
 4 submission and the actual use of such funds in time for
 5 each annual audited financial report.

6 ~~WASHINGTON CONVENTION CENTER ENTERPRISE FUND~~

7 For the Washington Convention Center Enterprise
 8 Fund, \$69,742,000 from other funds.

9 ~~NATIONAL CAPITAL REVITALIZATION CORPORATION~~

10 For the National Capital Revitalization Corporation,
 11 \$7,849,000 from other funds.

12 ~~CAPITAL OUTLAY~~

13 ~~(INCLUDING RESCISSIONS)~~

14 For construction projects, an increase of
 15 \$1,004,796,000, of which \$601,708,000 shall be from
 16 local funds, \$46,014,000 from Highway Trust funds,
 17 \$38,311,000 from the Rights-of-way funds, \$218,880,000
 18 from Federal grant funds, and a rescission of \$99,884,000
 19 from local funds appropriated under this heading in prior
 20 fiscal years, for a net amount of \$904,913,000, to remain
 21 available until expended; in addition, \$8,000,000 from
 22 funds previously appropriated in this Act under the head-
 23 ing "Federal Payment for Capital Development in the Dis-
 24 trict of Columbia" and \$4,300,000 from funds previously
 25 appropriated in this Act under the heading "Federal Pay-

1 ment for the Anacostia Waterfront Initiative”: *Provided*,
 2 That funds for use of each capital project implementing
 3 agency shall be managed and controlled in accordance
 4 with all procedures and limitations established under the
 5 Financial Management System: *Provided further*, That all
 6 funds provided by this appropriation title shall be available
 7 only for the specific projects and purposes intended.

8 TITLE III—GENERAL PROVISIONS

9 SEC. 101. Whenever in this Act, an amount is speci-
 10 fied within an appropriation for a particular purposes or
 11 objects of expenditure, such amount, unless otherwise
 12 specified, shall be considered as the maximum amount
 13 that may be expended for said purpose or object rather
 14 than an amount set apart exclusively therefor.

15 SEC. 102. Appropriations in this act shall be available
 16 for expenses of travel and for the payment of dues of orga-
 17 nizations concerned with the work of the District of Co-
 18 lumbia government, when authorized by the Mayor: *Pro-*
 19 *vided*, That in the case of the Council of the District of
 20 Columbia, funds may be expended with the authorization
 21 of the Chairman of the Council.

22 SEC. 103. There are appropriated from the applicable
 23 funds of the District of Columbia such sums as may be
 24 necessary for making refunds and for the payment of legal
 25 settlements or judgments that have entered against the

1 District of Columbia government: *Provided*, That nothing
2 contained in this section shall be construed as modifying
3 or affecting the provisions of section ~~11(e)(3)~~ of title XII
4 of the District of Columbia Income and Franchise Tax Act
5 of 1947 (D.C. Official Code, sec. 47–1812.11(e)(3)).

6 SEC. 104. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly to provided herein.

9 SEC. 105. No funds appropriated in this Act for the
10 District of Columbia government for the operation of edu-
11 cational institutions, the compensation of personnel, or for
12 other educational purposes may be used to permit, encour-
13 age, facilitate, or further partisan political activities.
14 Nothing herein is intended to prohibit the availability of
15 school buildings for the use of any community or partisan
16 political group during non-school hours.

17 SEC. 106. None of the funds appropriated in this Act
18 shall be made available to pay the salary of any employee
19 of the District of Columbia government whose name, title,
20 grade, and salary are not available for inspection by the
21 Committees on Appropriations of the House of Represent-
22 atives and Senate, the Committee on Government Reform
23 of the House of Representatives, the Committee on Gov-
24 ernmental Affairs of the Senate, and the Council of the

1 District of Columbia, or their duly authorized representa-
2 tive.

3 ~~SEC. 107. (a) Except as provided in subsection (b),~~
4 ~~no part of this appropriation shall be used for publicity~~
5 ~~or propaganda purposes or implementation of any policy~~
6 ~~including boycott designed to support or defeat legislation~~
7 ~~pending before Congress or any State legislature.~~

8 ~~(b) The District of Columbia may use local funds pro-~~
9 ~~vided in this Act to carry out lobbying activities on any~~
10 ~~matter other than—~~

11 ~~(1) the promotion or support of any boycott; or~~

12 ~~(2) statehood for the District of Columbia or~~
13 ~~voting representation in Congress for the District of~~
14 ~~Columbia.~~

15 ~~(c) Nothing in this section may be construed to pro-~~
16 ~~hibit any elected official from advocating with respect to~~
17 ~~any of the issues referred to in subsection (b).~~

18 ~~SEC. 108. (a) None of the funds provided under this~~
19 ~~Act to the agencies funded by this Act, both Federal and~~
20 ~~District government agencies, that remain available for~~
21 ~~obligation or expenditure in fiscal year 2004, or provided~~
22 ~~from any accounts in the Treasury of the United States~~
23 ~~derived by the collection of fees available to the agencies~~
24 ~~funded by this Act, shall be available for obligation or ex-~~

1 penditures for an agency through a reprogramming of
2 funds which—

3 (1) creates new programs;

4 (2) eliminates a program, project, or responsi-
5 bility center;

6 (3) establishes or changes allocations specifi-
7 cally denied, limited or increased under this Act;

8 (4) increases funds or personnel by any means
9 for any program, project, or responsibility center for
10 which funds have been denied or restricted;

11 (5) reestablishes any program or project pre-
12 viously deferred through reprogramming;

13 (6) augments any existing program, project, or
14 responsibility center through a reprogramming of
15 funds in excess of \$1,000,000 or 10 percent, which-
16 ever is less; or

17 (7) increases by 20 percent or more personnel
18 assigned to a specific program, project or responsi-
19 bility center;

20 unless the Committee on Appropriations of the House of
21 Representatives and Senate are notified in writing 30 days
22 in advance of the reprogramming.

23 (b) None the local funds contained in this Act may
24 be available for obligation or expenditure for an agency
25 through a transfer of any local funds from one appropria-

tion heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 109. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.); enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of fiscal year 2004, the Mayor of the District of Columbia shall submit to the Council of the District

1 of Columbia and the Committees on Appropriations of the
2 House of Representatives and Senate the new fiscal year
3 2004 revenue estimates as of the end of such quarter.
4 These estimates shall be used in the budget request for
5 fiscal year 2005. The officially revised estimates at mid-
6 year shall be used for the midyear report.

7 SEC. 112. No sole source contract with the District
8 of Columbia government or any agency thereof may be re-
9 newed or extended without opening that contract to the
10 competitive bidding process as set forth in section 303 of
11 the District of Columbia Procurement Practices Act of
12 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-303.03),
13 except that the District of Columbia government or any
14 agency thereof may renew or extend sole source contracts
15 for which competition is not feasible or practical, but only
16 if the determination as to whether to invoke the competi-
17 tive bidding process has been made in accordance with
18 duly promulgated rules and procedures and has been re-
19 viewed and certified by the Chief Financial Officer of the
20 District of Columbia.

21 SEC. 113. (a) In the event a sequestration order is
22 issued pursuant to the Balanced Budget and Emergency
23 Deficit Control Act of 1985 after the amounts appro-
24 priated to the District of Columbia for the fiscal year in-
25 volved have been paid to the District of Columbia, the

1 Mayor of the District of Columbia shall pay to the Sec-
2 retary of the Treasury, within 15 days after receipt of a
3 request therefor from the Secretary of the Treasury, such
4 amounts as are sequestered by the order: *Provided*, That
5 the sequestration percentage specified in the order shall
6 be applied proportionately to each of the Federal appro-
7 priation accounts in this Act that are not specifically ex-
8 empted from sequestration by such Act.

9 (b) For purposes of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985, the term “program;
11 project, and activity” shall be synonymous with and refer
12 specifically to each account appropriating Federal funds
13 in this Act, and any sequestration order shall be applied
14 to each of the accounts rather than to the aggregate total
15 of those accounts: *Provided*, That sequestration orders
16 shall not be applied to any account that is specifically ex-
17 empted from sequestration by the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 SEC. 114. None of the Federal funds provided in this
20 Act may be used by the District of Columbia to provide
21 for salaries, expenses, or other costs associated with the
22 offices of United States Senator or United States Rep-
23 resentative under section 4(d) of the District of Columbia
24 Statehood Constitutional Convention Initiatives of 1979
25 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

1 ~~SEC. 115.~~ None of the funds appropriated under this
2 Act shall be expended for any abortion except where the
3 life of the mother would be endangered if the fetus were
4 carried to term or where the pregnancy is the result of
5 an act of rape or incest.

6 ~~SEC. 116.~~ None of the Federal funds made available
7 in this Act may be used to implement or enforce the
8 Health Care Benefits Expansion Act of 1992 (D.C. Law
9 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
10 erwise implement or enforce any system of registration of
11 unmarried, cohabiting couples, including but not limited
12 to registration for the purpose of extending employment,
13 health, or governmental benefits to such couples on the
14 same basis that such benefits are extended to legally mar-
15 ried couples.

16 ~~SEC. 117.~~ (a) Notwithstanding any other provision
17 of this Act, the Mayor, in consultation with the Chief Fi-
18 nancial Officer of the District of Columbia may accept,
19 obligate, and expend Federal, private, and other grants
20 received by the District government that are not reflected
21 in the amounts appropriated in this Act.

22 ~~(b)(1)~~ No such Federal, private, or other grant may
23 be accepted, obligated, or expended pursuant to subsection
24 (a) until—

1 (A) the Chief Financial Officer of the District
2 of Columbia submits to the Council a report setting
3 forth detailed information regarding such grant; and

4 (B) the Council has reviewed and approved the
5 acceptance, obligation, and expenditure of such
6 grant.

7 (2) For purposes of paragraph (1)(B), the Council
8 shall be deemed to have reviewed and approved the accept-
9 ance, obligation, and expenditure of a grant if—

10 (A) no written notice of disapproval is filed with
11 the Secretary of the Council within 14 calendar days
12 of the receipt of the report from the Chief Financial
13 Officer under paragraph (1)(A); or

14 (B) if such a notice of disapproval is filed with-
15 in such deadline, the Council does not by resolution
16 disapprove the acceptance, obligation, or expenditure
17 of the grant within 30 calendar days of the initial
18 receipt of the report from the Chief Financial Offi-
19 cer under paragraph (1)(A).

20 (c) No amount may be obligated or expended from
21 the general fund or other funds of the District of Colum-
22 bia government in anticipation of the approval or receipt
23 of a grant under subsection (b)(2) or in anticipation of
24 the approval or receipt of a Federal, private, or other
25 grant not subject to such subsection.

1 (d) The Chief Financial Officer of the District of Co-
2 lumbia shall prepare a quarterly report setting forth de-
3 tailed information regarding all Federal, private, and
4 other grants subject to this section. Each such report shall
5 be submitted to the Council of the District of Columbia
6 and to the Committees on Appropriations of the House
7 of Representatives and Senate not later than 15 days after
8 the end of the quarter covered by the report.

9 SEC. 118. (a) Except as otherwise provided in this
10 section, none of the funds made available by this Act or
11 by any other Act may be used to provide any officer or
12 employee of the District of Columbia with an official vehi-
13 cle unless the officer or employee uses the vehicle only in
14 the performance of the officer's or employee's official du-
15 ties. For purposes of this paragraph, the term "official
16 duties" does not include travel between the officer's or em-
17 ployee's residence and workplace, except in the case of—

18 (1) an officer or employee of the Metropolitan
19 Police Department who resides in the District of Co-
20 lumbia or is otherwise designated by the Chief of the
21 Department;

22 (2) at the discretion of the Fire Chief, an offi-
23 cer or employee of the District of Columbia Fire and
24 Emergency Medical Services Department who re-

1 sides in the District of Columbia and is on call 24
 2 hours a day;

3 ~~(3) the Mayor of the District of Columbia; and~~

4 ~~(4) the Chairman of the Council of the District~~
 5 ~~of Columbia.~~

6 ~~(b) The Chief Financial Officer of the District of Co-~~
 7 ~~lumbia shall submit by March 1, 2004, an inventory, as~~
 8 ~~of September 30, 2003, of all vehicles owned, leased or~~
 9 ~~operated by the District of Columbia government. The in-~~
 10 ~~ventory shall include, but not be limited to, the depart-~~
 11 ~~ment to which the vehicle is assigned; the year and make~~
 12 ~~of the vehicle; the acquisition date and cost; the general~~
 13 ~~condition of the vehicle; annual operating and mainte-~~
 14 ~~nance costs; current mileage; and whether the vehicle is~~
 15 ~~allowed to be taken home by a District officer or employee~~
 16 ~~and if so, the officer or employee's title and resident loca-~~
 17 ~~tion.~~

18 ~~SEC. 119. None of the funds contained in this Act~~
 19 ~~may be used for purposes of the annual independent audit~~
 20 ~~of the District of Columbia government for fiscal year~~
 21 ~~2004 unless—~~

22 ~~(1) the audit is conducted by the Inspector~~
 23 ~~General of the District of Columbia, in coordination~~
 24 ~~with the Chief Financial Officer of the District of~~
 25 ~~Columbia, pursuant to section 208(a)(4) of the Dis-~~

1 trict of Columbia Procurement Practices Act of
2 1985 (D.C. Official Code, sec. 2-302.8); and

3 (2) the audit includes as a basic financial state-
4 ment a comparison of audited actual year-end re-
5 sults with the revenues submitted in the budget doc-
6 ument for such year and the appropriations enacted
7 into law for such year using the format, terminology,
8 and classifications contained in the law making the
9 appropriations for the year and its legislative his-
10 tory.

11 SEC. 120. (a) None of the funds contained in this
12 Act may be used by the District of Columbia Corporation
13 Counsel or any other officer or entity of the District gov-
14 ernment to provide assistance for any petition drive or civil
15 action which seeks to require Congress to provide for vot-
16 ing representation in Congress for the District of Colum-
17 bia.

18 (b) Nothing in this section bars the District of Co-
19 lumbia Corporation Counsel from reviewing or com-
20 menting on briefs in private lawsuits, or from consulting
21 with officials of the District government regarding such
22 lawsuits.

23 SEC. 121. (a) None of the funds contained in this
24 Act may be used for any program of distributing sterile

1 needles or syringes for the hypodermic injection of any ille-
2 gal drug.

3 (b) Any individual or entity who receives any funds
4 contained in this Act and who carries out any program
5 described in subsection (a) shall account for all funds used
6 for such program separately from any funds contained in
7 this Act.

8 SEC. 122. None of the funds contained in this Act
9 may be used after the expiration of the 60-day period that
10 begins on the date of the enactment of this Act to pay
11 the salary of any chief financial officer of any office of
12 the District of Columbia government (including any inde-
13 pendent agency of the District of Columbia) who has not
14 filed a certification with the Mayor and the Chief Finan-
15 cial Officer of the District of Columbia that the officer
16 understands the duties and restrictions applicable to the
17 officer and the officer's agency as a result of this Act (and
18 the amendments made by this Act); including any duty
19 to prepare a report requested either in the Act or in any
20 of the reports accompanying the Act and the deadline by
21 which each report must be submitted. The Chief Financial
22 Officer of the District of Columbia shall provide to the
23 Committees on Appropriations of the House of Represent-
24 atives and Senate by the 10th day after the end of each

1 quarter a summary list showing each report, the due date,
2 and the date submitted to the Committees.

3 ~~SEC. 123.~~ (a) None of the funds contained in this
4 Act may be used to enact or carry out any law, rule, or
5 regulation to legalize or otherwise reduce penalties associ-
6 ated with the possession, use, or distribution of any sched-
7 ule I substance under the Controlled Substances Act (21
8 U.S.C. 802) or any tetrahydrocannabinols derivative.

9 (b) The Legalization of Marijuana for Medical Treat-
10 ment Initiative of 1998, also known as Initiative 59, ap-
11 proved by the electors of the District of Columbia on No-
12 vember 3, 1998, shall not take effect.

13 ~~SEC. 124.~~ Nothing in this Act may be construed to
14 prevent the Council or Mayor of the District of Columbia
15 from addressing the issue of the provision of contraceptive
16 coverage by health insurance plans, but it is the intent
17 of Congress that any legislation enacted on such issue
18 should include a “conscience clause” which provides excep-
19 tions for religious beliefs and moral convictions.

20 ~~SEC. 125.~~ The Mayor of the District of Columbia
21 shall submit to the Committees on Appropriations of the
22 House of Representatives and Senate, the Committee on
23 Government Reform of the House of Representatives, and
24 the Committee on Governmental Affairs of the Senate
25 quarterly reports addressing—

1 (1) crime, including the homicide rate, imple-
2 mentation of community policing, the number of po-
3 lice officers on local beats, and the closing down of
4 open-air drug markets;

5 (2) access to substance and alcohol abuse treat-
6 ment, including the number of treatment slots, the
7 number of people served, the number of people on
8 waiting lists, and the effectiveness of treatment pro-
9 grams;

10 (3) management of parolees and pre-trial vio-
11 lent offenders, including the number of halfway
12 houses escapes and steps taken to improve moni-
13 toring and supervision of halfway house residents to
14 reduce the number of escapes to be provided in con-
15 sultation with the Court Services and Offender Su-
16 pervision Agency for the District of Columbia;

17 (4) education, including access to special edu-
18 cation services and student achievement to be pro-
19 vided in consultation with the District of Columbia
20 Public Schools and the District of Columbia public
21 charter schools;

22 (5) improvement in basic District services, in-
23 cluding rat control and abatement;

24 (6) application for and management of Federal
25 grants, including the number and type of grants for

1 which the District was eligible but failed to apply
2 and the number and type of grants awarded to the
3 District but for which the District failed to spend
4 the amounts received; and
5 (7) indicators of child well-being.

6 SEC. 126. No later than 30 calendar days after the
7 date of the enactment of this Act, the Chief Financial Offi-
8 cer of the District of Columbia shall submit to the appro-
9 priate committees of Congress, the Mayor, and the Council
10 of the District of Columbia a revised appropriated funds
11 operating budget in the format of the budget that the Dis-
12 trict of Columbia government submitted pursuant to sec-
13 tion 442 of the District of Columbia Home Rule Act (D.C.
14 Official Code, sec. 1-204.42), for all agencies of the Dis-
15 trict of Columbia government for fiscal year 2003 that is
16 in the total amount of the approved appropriation and
17 that realigns all budgeted data for personal services and
18 other-than-personal-services, respectively, with anticipated
19 actual expenditures.

20 SEC. 127. None of the funds contained in this Act
21 may be used to issue, administer, or enforce any order
22 by the District of Columbia Commission on Human Rights
23 relating to docket numbers 93-030-(PA) and 93-031-
24 (PA).

1 ~~SEC. 128.~~ None of the Federal funds made available
2 in this Act may be transferred to any department, agency,
3 or instrumentality of the United States Government, ex-
4 cept pursuant to a transfer made by, or transfer authority
5 provided in, this Act or any other appropriation Act.

6 ~~SEC. 129.~~ During fiscal year 2004 and any subse-
7 quent fiscal year, in addition to any other authority to pay
8 claims and judgments, any department, agency, or instru-
9 mentality of the District government may use local funds
10 to pay the settlement or judgment of a claim or lawsuit
11 in an amount less than \$10,000, in accordance with the
12 Risk Management for Settlements and Judgments
13 Amendment Act of 2000 (D.C. Law 13-172; D.C. Official
14 Code, sec. 2-402).

15 ~~SEC. 130.~~ Notwithstanding any other law, the Dis-
16 trict of Columbia Courts shall transfer to the general
17 treasury of the District of Columbia all fines levied and
18 collected by the Courts under section 10(b)(1) and (2) of
19 the District of Columbia Traffic Act (D.C. Official Code,
20 sec. 50-2201.05(b)(1) and (2)). The transferred funds
21 shall remain available until expended and shall be used
22 by the Office of the Corporation Counsel for enforcement
23 and prosecution of District traffic alcohol laws in accord-
24 ance with section 10(b)(3) of the District of Columbia
25 Traffic Act (D.C. Official Code, sec. 50-2201.05(b)(3)).

1 ~~SEC. 131.~~ During fiscal year 2004 and any subse-
2 quent fiscal year, any agency of the District government
3 may transfer to the Office of Labor Relations and Collec-
4 tive Bargaining (OLRCB) such local funds as may be nec-
5 essary to pay for representation by OLRCB in third-party
6 cases, grievances, and dispute resolution, pursuant to an
7 intra-District agreement with OLRCB. These amounts
8 shall be available for use by OLRCB to reimburse the cost
9 of providing the representation.

10 ~~SEC. 132.~~ (a) None of the funds contained in this
11 Act may be made available to pay—

12 (1) the fees of an attorney who represents a
13 party in an action or an attorney who defends an ac-
14 tion, including an administrative proceeding, brought
15 against the District of Columbia Public Schools
16 under the Individuals with Disabilities Education
17 Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for
18 that action; or

19 (2) the fees of an attorney or firm whom the
20 Chief Financial Officer of the District of Columbia
21 determines to have a pecuniary interest, either
22 through an attorney, officer or employee of the firm,
23 in any special education diagnostic services, schools,
24 or other special education service providers.

1 (b)(1) The District of Columbia Public Schools shall
2 increase the amount of local funds it allocates for services
3 to children under the Individuals With Disabilities Edu-
4 cation Act during fiscal year 2004 by the amount of sav-
5 ings resulting during the year from the restrictions on the
6 payment of attorney fees under subsection (a), as esti-
7 mated and published by the Chief Financial Officer.

8 (2) The Chief Financial Officer shall make estimates
9 of the savings described in paragraph (1) on a quarterly
10 basis during fiscal year 2004, and shall publish the esti-
11 mates not later than 10 days after the end of each quarter.

12 ~~SEC. 133.~~ The Chief Financial Officer of the District
13 of Columbia shall require attorneys in special education
14 cases brought under the Individuals with Disabilities Act
15 (IDEA) in the District of Columbia to certify in writing
16 that the attorney or representative rendered any and all
17 services for which they receive awards, including those re-
18 ceived under a settlement agreement or as part of an ad-
19 ministrative proceeding, under the IDEA from the District
20 of Columbia: *Provided,* That as part of the certification,
21 the Chief Financial Officer of the District of Columbia
22 shall require all attorneys in IDEA cases to disclose any
23 financial, corporate, legal, memberships on boards of di-
24 rectors, or other relationships with any special education
25 diagnostic services, schools, or other special education

1 service providers to which the attorneys have referred any
 2 clients as part of this certification: *Provided further*, That
 3 the Chief Financial Officer shall prepare and submit quar-
 4 terly reports to the Committees on Appropriations of the
 5 Senate and the House of Representatives on the certifi-
 6 cation of and the amount paid by the government of the
 7 District of Columbia, including the District of Columbia
 8 Public Schools, to attorneys in cases brought under IDEA:
 9 *Provided further*, That the Inspector General of the Dis-
 10 trict of Columbia may conduct investigations to determine
 11 the accuracy of the certifications.

12 SEC. 134. None of the funds contained in this Act
 13 may be used to fund or otherwise support the action of
 14 District of Columbia, et al., v. Beretta U.S.A. et al. (Nos.
 15 03-CV-24, 03-CV-38, District of Columbia Court of Ap-
 16 peals).

17 **TITLE IV—DC PARENTAL** 18 **CHOICE**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “DC Parental Choice
 21 Incentive Act of 2003”.

22 **SEC. 402. FINDINGS.**

23 The Congress finds the following:

24 (1) Parents are best equipped to make decisions
 25 for their children, including the educational setting

1 that will best serve the interests and educational
2 needs of their child.

3 (2) For many parents in the District of Colum-
4 bia, public school choice provided for under the No
5 Child Left Behind Act of 2001 is inadequate due to
6 capacity constraints within the public schools.
7 Therefore, in keeping with the spirit of the No Child
8 Left Behind Act of 2001, school choice options, in
9 addition to those already available to parents in the
10 District of Columbia (such as magnet and charter
11 schools and open enrollment schools) should be made
12 available to those parents.

13 (3) In the most recent mathematics assessment
14 on the National Assessment of Educational Progress
15 (NAEP), administered in 2000, a lower percentage
16 of 4th-grade students in DC demonstrated pro-
17 ficiency than was the case for any State. Seventy-six
18 percent of DC fourth-graders scored at the “below
19 basic” level and of the 8th-grade students in the
20 District of Columbia, only 6 percent of the students
21 tested at the proficient or advanced levels, and 77
22 percent were below basic. In the most recent NAEP
23 reading assessment, in 1998, only 10 percent of DC
24 fourth-graders could read proficiently, while 72 per-
25 cent were below basic. At the 8th-grade level, 12

1 percent were proficient or advanced and 56 percent
2 were below basic.

3 (4) A program enacted for the valid secular
4 purpose of providing educational assistance to low-
5 income children in a demonstrably failing public
6 school system is constitutional under *Zelman v. Sim-*
7 mons-Harris if it is neutral with respect to religion
8 and provides assistance to a broad class of citizens
9 who direct government aid to schools solely as a re-
10 sult of their independent private choices.

11 **SEC. 403. PURPOSE.**

12 The purpose of this title is to provide low-income par-
13 ents residing in the District of Columbia, particularly par-
14 ents of students who attend elementary or secondary
15 schools identified for improvement, corrective action, or
16 restructuring under section 1116 of the Elementary and
17 Secondary Education Act of 1965 (20 U.S.C. 6316), with
18 expanded opportunities for enrolling their children in high-
19 er-performing schools in the District of Columbia.

20 **SEC. 404. GENERAL AUTHORITY.**

21 (a) **AUTHORITY.**—From funds appropriated to carry
22 out this title, the Secretary shall award grants on a com-
23 petitive basis to eligible entities with approved applications
24 under section 405 to carry out activities to provide eligible
25 students with expanded school choice opportunities. The

1 Secretary may award a single grant or multiple grants;
 2 depending on the quality of applications submitted and the
 3 priorities of this title.

4 (b) DURATION OF GRANTS.—The Secretary may
 5 make grants under this section for a period of not more
 6 than 5 years.

7 **SEC. 405. APPLICATIONS.**

8 (a) IN GENERAL.—In order to receive a grant under
 9 this title, an eligible entity shall submit an application to
 10 the Secretary at such time, in such manner, and accom-
 11 panied by such information as the Secretary may require.

12 (b) CONTENTS.—The Secretary may not approve the
 13 request of an eligible entity for a grant under this title
 14 unless the entity's application includes—

15 (1) a detailed description of—

16 (A) how the entity will address the prior-
 17 ities described in section 406;

18 (B) how the entity will ensure that if more
 19 eligible students seek admission in the program
 20 than the program can accommodate, eligible
 21 students are selected for admission through a
 22 random selection process which gives weight to
 23 the priorities described in section 406;

24 (C) how the entity will ensure that if more
 25 participating eligible students seek admission to

1 a participating school than the school can ac-
2 commodate, participating eligible students are
3 selected for admission through a random selec-
4 tion process;

5 (D) how the entity will notify parents of el-
6 igible students of the expanded choice opportu-
7 nities;

8 (E) the activities that the entity will carry
9 out to provide parents of eligible students with
10 expanded choice opportunities through the
11 awarding of scholarships under section 407(a);

12 (F) how the entity will determine the
13 amount that will be provided to parents for the
14 tuition, fees, and transportation expenses, if
15 any;

16 (G) how the entity will seek out private el-
17 elementary and secondary schools in the District
18 of Columbia to participate in the program, and
19 will ensure that participating schools will meet
20 the applicable requirements of this title and
21 provide the information needed for the entity to
22 meet the reporting requirements of this title;

23 (H) how the entity will ensure that partici-
24 pating schools are financially responsible;

1 (I) how the entity will address the renewal
 2 of scholarships to participating eligible stu-
 3 dents, including continued eligibility; and

4 (J) how the entity will ensure that a ma-
 5 jority of its voting board members or governing
 6 organization are residents of the District of Co-
 7 lumbia; and

8 (2) an assurance that the entity will comply
 9 with all requests regarding any evaluation carried
 10 out under section 409.

11 **SEC. 406. PRIORITIES.**

12 In awarding grants under this title, the Secretary
 13 shall give priority to applications from eligible entities who
 14 will most effectively—

15 (1) give priority to eligible students who, in the
 16 school year preceding the school year for which the
 17 eligible student is seeking a scholarship, attended an
 18 elementary or secondary school identified for im-
 19 provement, corrective action, or restructuring under
 20 section 1116 of the Elementary and Secondary Edu-
 21 cation Act of 1965 (20 U.S.C. 6316);

22 (2) target resources to students and families
 23 that lack the financial resources to take advantage
 24 of available educational options;

1 (3) provide students and families with the
2 widest range of educational options; and

3 (4) serve students of varying ages and grade
4 levels.

5 **SEC. 407. USE OF FUNDS.**

6 (a) SCHOLARSHIPS.—

7 (1) IN GENERAL.—Subject to paragraph (2)
8 and (3), a grantee shall use the grant funds to pro-
9 vide eligible students with scholarships to pay the
10 tuition, fees, and transportation expenses, if any, to
11 enable them to attend the District of Columbia pri-
12 vate elementary or secondary school of their choice.
13 Each grantee shall ensure that the amount of any
14 tuition or fees charged by a school participating in
15 the grantee's program under this title to an eligible
16 student participating in the program does not exceed
17 the amount of tuition or fees that the school custom-
18 arily charges to students who do not participate in
19 the program.

20 (2) PAYMENTS TO PARENTS.—A grantee shall
21 make scholarship payments under the program
22 under this title to the parent of the eligible student
23 participating in the program, in a manner which en-
24 sures that such payments will be used for the pay-

1 ment of tuition, fees, and transportation expenses (if
2 any), in accordance with this title.

3 ~~(3) AMOUNT OF ASSISTANCE.—~~

4 ~~(A) VARYING AMOUNTS PERMITTED.—~~Sub-
5 ject to the other requirements of this section, a
6 grantee may award scholarships in larger
7 amounts to those eligible students with the
8 greatest need.

9 ~~(B) ANNUAL LIMIT ON AMOUNT.—~~The
10 amount of assistance provided to any eligible
11 student by a grantee under a program under
12 this title may not exceed \$7,500 for any aca-
13 demic year.

14 ~~(b) ADMINISTRATIVE EXPENSES.—~~A grantee may
15 use not more than ~~3~~ percent of the amount provided under
16 the grant each year for the administrative expenses of ear-
17 rying out its program under this title during the year, in-
18 cluding—

19 ~~(1)~~ determining the eligibility of students to
20 participate;

21 ~~(2)~~ providing information about the program
22 and the schools involved to parents of eligible stu-
23 dents;

24 ~~(3)~~ selecting students to receive scholarships;

1 (4) determining the amount of scholarships and
2 issuing them to eligible students;

3 (5) compiling and maintaining financial and
4 programmatic records; and

5 (6) providing funds to assist parents in meeting
6 expenses that might otherwise preclude the partici-
7 pation of their child in the program.

8 **SEC. 408. NONDISCRIMINATION.**

9 (a) IN GENERAL.—A school participating in any pro-
10 gram under this title shall not discriminate on the basis
11 of race, color, national origin, or sex in participating in
12 the program.

13 (b) APPLICABILITY AND CONSTRUCTION WITH RE-
14 SPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

15 (1) APPLICABILITY.—Notwithstanding sub-
16 section (a) or any other provision of law, it shall not
17 be considered discrimination on the basis of sex for
18 a school that is operated by, supervised by, con-
19 trolled by, or connected to a religious organization to
20 take sex into account to the extent that failing to do
21 so would be inconsistent with the religious tenets or
22 beliefs of the school.

23 (2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVI-
24 TIES.—Notwithstanding subsection (a) or any other

1 provision of law, a parent may choose and a school
2 may offer a single-sex school, class, or activity.

3 (3) CONSTRUCTION.—With respect to discrimi-
4 nation on the basis of sex, nothing in subsection (a)
5 shall be construed to require any person or public or
6 private entity to provide or pay, or to prohibit any
7 such person or entity from providing or paying, for
8 any benefit or service, including the use of facilities,
9 related to an abortion. Nothing in the preceding sen-
10 tence shall be construed to permit a penalty to be
11 imposed on any person or individual because such
12 person or individual is seeking or has received any
13 benefit or services related to a legal abortion.

14 (c) CHILDREN WITH DISABILITIES.—Nothing in this
15 title may be construed to alter or modify the provisions
16 of the Individuals with Disabilities Education Act.

17 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law, a school participating in any pro-
20 gram under this title which is operated by, super-
21 vised by, controlled by, or connected to, a religious
22 organization may employ persons of the same reli-
23 gion to the extent determined by that school to pro-
24 mote the religious purpose for which the school is es-
25 tablished or maintained.

1 (2) RELIGIOUS PURPOSES.—Notwithstanding
2 any other provision of law, funds made available
3 under this title may be used for religious educational
4 purposes, and no participating school shall be re-
5 quired to remove religious art, icons, scriptures, or
6 other symbols. A participating school may retain re-
7 ligious terms in its name, select its board members
8 on a religious basis, and include religious references
9 in its mission statements and other chartering or
10 governing documents.

11 (e) RULE OF CONSTRUCTION.—A scholarship (or any
12 other form of support provided to parents of eligible stu-
13 dents) under this title shall be considered assistance to
14 the student and shall not be considered assistance to the
15 school that enrolls the eligible student. The amount of any
16 scholarship (or other form of support provided to parents
17 of an eligible student) under this title shall not be treated
18 as income of the parents for purposes of Federal tax laws
19 or for determining eligibility for any other Federal pro-
20 gram.

21 **SEC. 409. EVALUATIONS.**

22 (a) IN GENERAL.—

23 (1) DUTIES OF SECRETARY.—The Secretary
24 shall—

1 (A) conduct an evaluation using the
2 strongest possible research design for deter-
3 mining the effectiveness of the programs funded
4 under this title that addresses the issues de-
5 scribed in paragraph (2); and

6 (B) disseminate information on the impact
7 of the programs in increasing the student aca-
8 demic achievement of participating students, as
9 well as other appropriate measures of student
10 success, and on the impact of the programs on
11 students and schools in the District of Colum-
12 bia.

13 (2) ISSUES TO BE EVALUATED.—The issues de-
14 scribed in this paragraph include the following:

15 (A) A comparison of the academic achieve-
16 ment of students who participate in the pro-
17 grams funded under this title with the academic
18 achievement of students of similar backgrounds
19 who do not participate in such programs.

20 (B) The success of the programs in ex-
21 panding choice options for parents.

22 (C) The reasons parents choose for their
23 children to participate in the programs.

24 (D) A comparison of the retention rates,
25 dropout rates, and (if appropriate) graduation

1 and college admission rates of students who
2 participate in the programs funded under this
3 title with the retention rates, dropout rates, and
4 (if appropriate) graduation and college admis-
5 sion rates of students of similar backgrounds
6 who do not participate in such programs.

7 (E) The impact of the program on stu-
8 dents and public elementary and secondary
9 schools in the District of Columbia.

10 (F) A comparison of the safety of the
11 schools attended by students who participate in
12 the programs and the schools attended by stu-
13 dents who do not participate in the programs.

14 (G) Such other issues as the Secretary
15 considers appropriate for inclusion in the eval-
16 uation.

17 (b) REPORTS.—The Secretary shall submit to the
18 Committees on Appropriations, Education and the Work-
19 force, and Government Reform of the House of Represent-
20 atives and the Committees on Appropriations, Health,
21 Education, Labor, and Pensions, and Governmental Af-
22 fairs of the Senate—

23 (1) annual interim reports not later than De-
24 cember 1 of each year for which a grant is made
25 under this title on the progress and preliminary re-

1 sults of the evaluation of the programs funded under
2 this title; and

3 ~~(2)~~ a final report not later than ~~1~~ year after the
4 final year for which a grant is made under this title
5 on the results of the evaluation of the programs
6 funded under this title.

7 ~~(c)~~ PUBLIC AVAILABILITY.—All reports and under-
8 lying data gathered pursuant to this section shall be made
9 available to the public upon request, in a timely manner
10 following submission of the applicable report under sub-
11 section (b), except that personally identifiable information
12 shall not be disclosed or made available to the public.

13 ~~(d)~~ LIMIT ON AMOUNT EXPENDED.—The amount ex-
14 pended by the Secretary to carry out this section for any
15 fiscal year may not exceed ~~3~~ percent of the total amount
16 appropriated to carry out this title for the fiscal year.

17 **SEC. 410. REPORTING REQUIREMENTS.**

18 ~~(a)~~ ACTIVITIES REPORTS.—Each grantee receiving
19 funds under this title during a year shall submit a report
20 to the Secretary not later than July 30 of the following
21 year regarding the activities carried out with the funds
22 during the preceding year.

23 ~~(b)~~ ACHIEVEMENT REPORTS.—

24 ~~(1)~~ IN GENERAL.—In addition to the reports
25 required under subsection (a), each grantee shall,

not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit a report to the Secretary regarding the data collected in the previous 2 academic years concerning—

(A) the academic achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee shall ensure that each school participating in the grantee's program under this title during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating

1 students at the student's school in the same
 2 grade or level, as appropriate, and the aggregate
 3 academic achievement of the student's
 4 peers at the student's school in the same grade
 5 or level, as appropriate; and

6 (B) the safety of the school, including the
 7 incidence of school violence, student suspensions,
 8 and student expulsions.

9 ~~(2) PROHIBITING DISCLOSURE OF PERSONAL~~
 10 ~~INFORMATION.—No report under this subsection~~
 11 ~~may contain any personally identifiable information,~~
 12 ~~except as to the student who is the subject of the~~
 13 ~~report to that student's parent.~~

14 ~~(d) REPORT TO CONGRESS.—The Secretary shall~~
 15 ~~submit to the Committees on Appropriations, Education~~
 16 ~~and the Workforce, and Government Reform of the House~~
 17 ~~of Representatives and the Committees on Appropriations,~~
 18 ~~Health, Education, Labor, and Pensions, and Govern-~~
 19 ~~mental Affairs of the Senate an annual report on the find-~~
 20 ~~ings of the reports submitted under subsections (a) and~~
 21 ~~(b).~~

22 **SEC. 411. OTHER REQUIREMENTS FOR PARTICIPATING**
 23 **SCHOOLS.**

24 (a) ~~ADMISSION OF ELIGIBLE STUDENTS.—Each~~
 25 ~~school choosing to participate in a program funded under~~

1 this title shall accept any participating eligible student on
 2 a religious-neutral basis, except that if the school has more
 3 participating eligible students seeking admission than it
 4 can accommodate, the school shall accept participating eli-
 5 gible students through a religious-neutral, random selec-
 6 tion process, consistent with section 405(b)(1)(C).

7 (b) REQUESTS FOR DATA AND INFORMATION.—Each
 8 school participating in a program funded under this title
 9 shall comply with all requests for data and information
 10 regarding evaluations conducted under section 409(a).

11 (c) RULES OF CONDUCT AND OTHER SCHOOL POLI-
 12 CIES.—Subject to section 408, a participating school may
 13 require eligible students to abide by any rules of conduct
 14 and other requirements applicable to all other students at
 15 the school.

16 **SEC. 412. DEFINITIONS.**

17 As used in this title:

18 (1) ELEMENTARY SCHOOL.—The term “elemen-
 19 tary school” has the meaning given that term in sec-
 20 tion 9101 of the Elementary and Secondary Edu-
 21 cation Act of 1965 (20 U.S.C. 7801).

22 (2) ELIGIBLE ENTITY.—The term “eligible enti-
 23 ty” means any of the following:

24 (A) An educational entity of the District of
 25 Columbia Government.

1 (B) A nonprofit organization.

2 (C) A consortium of nonprofit organiza-
3 tions.

4 (3) ELIGIBLE STUDENT.—The term “eligible
5 student” means a student who is a resident of the
6 District of Columbia and who comes from a house-
7 hold whose income does not exceed 185 percent of
8 the poverty line applicable to a family of the size in-
9 volved.

10 (4) PARENT.—The term “parent” has the
11 meaning given that term in section 9101 of the Ele-
12 mentary and Secondary Education Act of 1965 (20
13 U.S.C. 7801).

14 (5) POVERTY LINE.—The term “poverty line”
15 has the meaning given that term in section 9101 of
16 the Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 7801).

18 (6) SECONDARY SCHOOL.—The term “sec-
19 ondary school” has the meaning given that term in
20 section 9101 of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7801).

22 (7) SECRETARY.—The term “Secretary” means
23 the Secretary of Education.

1 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
 3 this title \$10,000,000 for fiscal year 2004 and such sums
 4 as may be necessary for each of the 4 succeeding fiscal
 5 years.

6 This Act may be cited as the “District of Columbia
 7 Appropriations Act, 2004”.

8 *That the following sums are appropriated, out of any*
 9 *money in the Treasury not otherwise appropriated, for the*
 10 *District of Columbia and related agencies for the fiscal year*
 11 *ending September 30, 2004, and for other purposes, namely:*

12 ***TITLE I—FEDERAL FUNDS***

13 ***FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT***

14 *For a Federal payment to the District of Columbia,*
 15 *to be deposited into a dedicated account, for a nationwide*
 16 *program to be administered by the Mayor, for District of*
 17 *Columbia resident tuition support, \$17,000,000, to remain*
 18 *available until expended: Provided, That such funds, in-*
 19 *cluding any interest accrued thereon, may be used on behalf*
 20 *of eligible District of Columbia residents to pay an amount*
 21 *based upon the difference between in-State and out-of-State*
 22 *tuition at public institutions of higher education, or to pay*
 23 *up to \$2,500 each year at eligible private institutions of*
 24 *higher education: Provided further, That the awarding of*
 25 *such funds may be prioritized on the basis of a resident’s*
 26 *academic merit, the income and need of eligible students*

1 *and such other factors as may be authorized: Provided fur-*
 2 *ther, That the District of Columbia government shall main-*
 3 *tain a dedicated account for the Resident Tuition Support*
 4 *Program that shall consist of the Federal funds appro-*
 5 *priated to the Program in this Act and any subsequent ap-*
 6 *propriations, any unobligated balances from prior fiscal*
 7 *years, and any interest earned in this or any fiscal year:*
 8 *Provided further, That the account shall be under the con-*
 9 *trol of the District of Columbia Chief Financial Officer who*
 10 *shall use those funds solely for the purposes of carrying out*
 11 *the Resident Tuition Support Program: Provided further,*
 12 *That the Resident Tuition Support Program Office and the*
 13 *Office of the Chief Financial Officer shall provide a quar-*
 14 *terly financial report to the Committees on Appropriations*
 15 *of the House of Representatives and Senate for these funds*
 16 *showing, by object class, the expenditures made and the pur-*
 17 *pose therefor: Provided further, That not more than 7 per-*
 18 *cent of the total amount appropriated for this program may*
 19 *be used for administrative expenses.*

20 *FEDERAL PAYMENT FOR EMERGENCY PLANNING AND*
 21 *SECURITY COSTS IN THE DISTRICT OF COLUMBIA*

22 *For necessary expenses, as determined by the Mayor*
 23 *of the District of Columbia in written consultation with the*
 24 *elected county or city officials of surrounding jurisdictions,*
 25 *\$15,000,000, to remain available until expended, to reim-*

1 *burse the District of Columbia for the costs of public safety*
 2 *expenses related to security events in the District of Colum-*
 3 *bia and for the costs of providing support to respond to*
 4 *immediate and specific terrorist threats or attacks in the*
 5 *District of Columbia or surrounding jurisdictions: Pro-*
 6 *vided, That any amount provided under this heading shall*
 7 *be available only after notice of its proposed use has been*
 8 *transmitted by the President to Congress and such amount*
 9 *has been apportioned pursuant to chapter 15 of title 31,*
 10 *United States Code.*

11 *FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM*

12 *PREPAREDNESS IN THE DISTRICT OF COLUMBIA*

13 *For a Federal payment to support hospital bioter-*
 14 *rorism preparedness in the District of Columbia,*
 15 *\$10,000,000, of which \$7,000,000 shall be for the Children's*
 16 *National Medical Center in the District of Columbia for*
 17 *the expansion of quarantine facilities and the establishment*
 18 *of a decontamination facility, and \$3,000,000 shall be for*
 19 *the Washington Hospital Center for construction of contain-*
 20 *ment facilities.*

21 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

22 *COURTS*

23 *For salaries and expenses for the District of Columbia*
 24 *Courts, \$172,104,000, to be allocated as follows: for the Dis-*
 25 *trict of Columbia Court of Appeals, \$8,775,000, of which*

1 *not to exceed \$1,500 is for official reception and representa-*
2 *tion expenses; for the District of Columbia Superior Court,*
3 *\$83,387,000, of which not to exceed \$1,500 is for official*
4 *reception and representation expenses; for the District of*
5 *Columbia Court System, \$40,006,000, of which not to ex-*
6 *ceed \$1,500 is for official reception and representation ex-*
7 *penses; and \$39,936,000 for capital improvements for Dis-*
8 *trict of Columbia courthouse facilities: Provided, That funds*
9 *made available for capital improvements shall be expended*
10 *consistent with the General Services Administration master*
11 *plan study and building evaluation report: Provided fur-*
12 *ther, That notwithstanding any other provision of law, all*
13 *amounts under this heading shall be apportioned quarterly*
14 *by the Office of Management and Budget and obligated and*
15 *expended in the same manner as funds appropriated for*
16 *salaries and expenses of other Federal agencies, with payroll*
17 *and financial services to be provided on a contractual basis*
18 *with the General Services Administration (GSA), said serv-*
19 *ices to include the preparation of monthly financial reports,*
20 *copies of which shall be submitted directly by GSA to the*
21 *President and to the Committees on Appropriations of the*
22 *House of Representatives and Senate, the Committee on*
23 *Government Reform of the House of Representatives, and*
24 *the Committee on Governmental Affairs of the Senate: Pro-*
25 *vided further, That funds made available for capital im-*

1 *provements may remain available until September 30,*
 2 *2005: Provided further, That 30 days after providing writ-*
 3 *ten notice to the Committees on Appropriations of the*
 4 *House of Representatives and Senate, the District of Colum-*
 5 *bia Courts may reallocate not more than \$1,000,000 of the*
 6 *funds provided under this heading among the items and*
 7 *entities funded under such heading.*

8 *DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS*

9 *For payments authorized under section 11–2604 and*
 10 *section 11–2605, D.C. Official Code (relating to representa-*
 11 *tion provided under the District of Columbia Criminal Jus-*
 12 *tice Act), payments for counsel appointed in adoption pro-*
 13 *ceedings under Chapter 3 of title 16, D.C. Code, payments*
 14 *for counsel appointed in proceedings in the Family Court*
 15 *of the Superior Court of the District of Columbia under*
 16 *chapter 23 of title 16, D.C. Official Code or pursuant to*
 17 *a contract with a non-profit organization to provide guard-*
 18 *ian ad litem representation, training, technical assistance*
 19 *and such other services as are necessary to improve the*
 20 *quality of guardian ad litem representation, and payments*
 21 *for counsel authorized under section 21–2060, D.C. Official*
 22 *Code (relating to representation provided under the District*
 23 *of Columbia Guardianship, Protective Proceedings, and*
 24 *Durable Power of Attorney Act of 1986), \$32,000,000, to*
 25 *remain available until expended: Provided, That funds pro-*

1 *vided under this heading shall be administered by the Joint*
2 *Committee on Judicial Administration in the District of*
3 *Columbia: Provided further, That notwithstanding any*
4 *other provision of law, this appropriation shall be appor-*
5 *tioned quarterly by the Office of Management and Budget*
6 *and obligated and expended in the same manner as funds*
7 *appropriated for expenses of other Federal agencies, with*
8 *payroll and financial services to be provided on a contrac-*
9 *tual basis with the General Services Administration (GSA),*
10 *said services to include the preparation of monthly finan-*
11 *cial reports, copies of which shall be submitted directly by*
12 *GSA to the President and to the Committees on Appropria-*
13 *tions of the House of Representatives and Senate, the Com-*
14 *mittee on Government Reform of the House of Representa-*
15 *tives, and the Committee on Governmental Affairs of the*
16 *Senate.*

17 *FEDERAL PAYMENT TO THE COURT SERVICES AND OF-*
18 *FENDER SUPERVISION AGENCY FOR THE DISTRICT OF*
19 *COLUMBIA*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For salaries and expenses, including the transfer and*
22 *hire of motor vehicles, of the Court Services and Offender*
23 *Supervision Agency for the District of Columbia, and the*
24 *Public Defender Service for the District of Columbia as au-*
25 *thorized by the National Capital Revitalization and Self-*

1 *Government Improvement Act of 1997, \$173,396,000, of*
2 *which not to exceed \$25,000 is for dues and assessments*
3 *relating to the implementation of the Court Services and*
4 *Offender Supervision Agency Interstate Supervision Act of*
5 *2002, of which not to exceed \$2,000 is for official receptions*
6 *and representation expenses related to Community and Pre-*
7 *trial Services Agency Programs; of which \$110,775,000*
8 *shall be for necessary expenses of Community Supervision*
9 *and Sex Offender Registration, to include expenses relating*
10 *to the supervision of adults subject to protection orders or*
11 *the provision of services for or related to such persons; of*
12 *which \$25,210,000 shall be transferred to the Public De-*
13 *fender Service for the District of Columbia to include ex-*
14 *penses relating to the provision of legal representation and*
15 *including related services provided to the local courts and*
16 *Criminal Justice Act bar; and of which \$37,411,000 shall*
17 *be available to the Pretrial Services Agency: Provided, That*
18 *notwithstanding any other provision of law, all amounts*
19 *under this heading shall be apportioned quarterly by the*
20 *Office of Management and Budget and obligated and ex-*
21 *pended in the same manner as funds appropriated for sala-*
22 *ries and expenses of other Federal agencies: Provided fur-*
23 *ther, That notwithstanding chapter 33 of title 40, United*
24 *States Code, the Director shall acquire by purchase, lease,*
25 *condemnation, or donation, and renovate as necessary,*

1 *Building Number 17, 1900 Massachusetts Avenue, South-*
 2 *east, Washington, District of Columbia to house or supervise*
 3 *offenders and defendants, with funds made available for this*
 4 *purpose in Public Law 107–96: Provided further, That the*
 5 *Director is authorized to accept and use gifts in the form*
 6 *of in-kind contributions of space and hospitality to support*
 7 *offender and defendant programs, and equipment and voca-*
 8 *tional training services to educate and train offenders and*
 9 *defendants: Provided further, That the Director shall keep*
 10 *accurate and detailed records of the acceptance and use of*
 11 *any gift or donation under the previous proviso, and shall*
 12 *make such records available for audit and public inspection:*
 13 *Provided further, That the Director is authorized to accept*
 14 *appropriation reimbursements from the District of Colum-*
 15 *bia Government for space and services provided on a cost*
 16 *reimbursable basis: Provided further, That these reimburse-*
 17 *ments are subject to approved apportionments from the Of-*
 18 *fice of Management and Budget.*

19 *FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER*
 20 *OF THE DISTRICT OF COLUMBIA*

21 *For a Federal payment to the Chief Financial Officer*
 22 *of the District of Columbia, \$33,000,000: Provided, That*
 23 *these funds shall be available for the projects and in the*
 24 *amounts specified in the statement of the managers on the*
 25 *conference report accompanying this Act: Provided further,*

1 *That each entity that receives funding under this heading*
 2 *shall submit to the Committees on Appropriations of the*
 3 *House of Representatives and Senate a report due March*
 4 *15, 2004, on the activities carried out with such funds.*

5 *FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE*

6 *For a Federal payment to the District of Columbia*
 7 *Department of Transportation, \$3,500,000, of which*
 8 *\$500,000 shall be allocated to implement a downtown*
 9 *circulator transit system, and of which \$3,000,000 shall be*
 10 *to offset a portion of the District of Columbia's allocated*
 11 *operating subsidy payment to the Washington Metropolitan*
 12 *Area Transit Authority.*

13 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

14 *WATER AND SEWER AUTHORITY*

15 *For a Federal payment to the District of Columbia*
 16 *Water and Sewer Authority, \$25,000,000, to remain avail-*
 17 *able until expended, to continue implementing the Com-*
 18 *bined Sewer Overflow Long-Term Control Plan: Provided,*
 19 *That the District of Columbia Water and Sewer Authority*
 20 *provides a 100 percent match for the fiscal year 2004 Fed-*
 21 *eral contribution.*

22 *FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT*

23 *INITIATIVE IN THE DISTRICT OF COLUMBIA*

24 *For a Federal payment to the District of Columbia*
 25 *Department of Transportation, for implementation of the*

1 *Anacostia Waterfront Initiative, \$6,000,000, to remain*
2 *available until expended.*

3 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
4 *CAPITAL DEVELOPMENT*

5 *For a Federal payment to the District of Columbia*
6 *for capital development, \$5,000,000, to remain available*
7 *until expended, for the Unified Communications Center.*

8 *FEDERAL PAYMENT TO CHILDREN'S NATIONAL MEDICAL*
9 *CENTER*

10 *For a Federal payment to Children's National Medical*
11 *Center, \$10,000,000, for construction costs associated with*
12 *the expansion of a neo-natal care unit, pediatric intensive*
13 *care unit, and cardiac intensive care unit.*

14 *FEDERAL PAYMENT TO ST. COLETTA OF GREATER*
15 *WASHINGTON EXPANSION PROJECT*

16 *For a Federal payment to St. Coletta of Greater Wash-*
17 *ington, Inc., \$2,000,000, for costs associated with establish-*
18 *ment of a day program and comprehensive case manage-*
19 *ment services for mentally retarded and multiple-handi-*
20 *capped adolescents and adults in the District of Columbia,*
21 *including property acquisition and construction.*

22 *FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN*
23 *THE DISTRICT OF COLUMBIA*

24 *For a Federal payment to the District of Columbia*
25 *for foster care improvements, \$14,000,000: Provided, That*

1 \$9,000,000 shall be for the Child and Family Services Agen-
2 cy, of which \$2,000,000 shall be to establish an early inter-
3 vention unit to provide intensive and immediate services
4 for foster children; of which \$1,000,000 shall be to establish
5 an emergency support fund to purchase items necessary to
6 allow children to remain in the care of an approved family
7 member; of which \$3,000,000 shall be for a loan repayment
8 program for social workers who meet certain agency-estab-
9 lished requirements; of which \$3,000,000 shall be to upgrade
10 the agency's computer database to a web-based technology
11 and to provide computer technology for social workers: Pro-
12 vided further, That \$3,900,000 shall be for the Department
13 of Mental Health to provide all court-ordered mental health
14 assessments and treatments for children under the super-
15 vision of the Child and Family Services Agency: Provided
16 further, That the Director of the Department of Mental
17 Health shall ensure that court-ordered mental health assess-
18 ments are completed within 15 days of the court order and
19 that all assessments be provided to the Court within 5 days
20 of completion of the assessment: Provided further, That the
21 Director shall initiate court-ordered mental health services
22 within 10 days of the issuance of an order: Provided fur-
23 ther, That \$1,100,000 shall be for the Washington Metro-
24 politan Council of Governments to develop a program to
25 provide respite care for and recruitment of foster parents:

1 *Provided further, That the Mayor shall submit a detailed*
2 *expenditure plan for the use of funds provided under this*
3 *heading within 15 days of enactment of this legislation to*
4 *the Committees on Appropriations of the House of Rep-*
5 *resentatives and Senate: Provided further, That the funds*
6 *provided under this heading shall not be made available*
7 *until 30 calendar days after the submission to Congress of*
8 *a spending plan: Provided further, That no part of this ap-*
9 *propriation may be used for contractual community-based*
10 *services: Provided further, That the Comptroller General*
11 *shall prepare and submit to the Committees on Appropria-*
12 *tions of the House and Senate an accounting of all obliga-*
13 *tions and expenditures of the funds provided under this*
14 *heading: Provided further, That the Comptroller General*
15 *shall initiate management reviews of the Child and Family*
16 *Services Agency and the Department of Mental Health and*
17 *submit a report to the Committees on Appropriations of the*
18 *House and Senate no later than 6 months after enactment*
19 *of this Act.*

20 *FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT*

21 *For a Federal payment for a School Improvement Pro-*
22 *gram in the District of Columbia, \$27,000,000, to be allo-*
23 *cated as follows: for the State Education Office, \$13,000,000*
24 *to improve public school education in the District of Colum-*

1 *bia; for the State Education Office, \$13,000,000 to expand*
 2 *quality charter schools in the District of Columbia.*

3 *AUTHORIZATION OF APPROPRIATIONS*

4 *There are authorized to be appropriated to carry out*
 5 *this Act such sums as may be necessary.*

6 *TITLE II—DISTRICT OF COLUMBIA FUNDS*

7 *OPERATING EXPENSES*

8 *DIVISION OF EXPENSES*

9 *The following amounts are appropriated for the Dis-*
 10 *trict of Columbia for the current fiscal year out of the gen-*
 11 *eral fund of the District of Columbia, except as otherwise*
 12 *specifically provided: Provided, That notwithstanding any*
 13 *other provision of law, except as provided in section 450A*
 14 *of the District of Columbia Home Rule Act and provisions*
 15 *of this Act (D.C. Official Code, sec. 1–204.50a), the total*
 16 *amount appropriated in this Act for operating expenses for*
 17 *the District of Columbia for fiscal year 2004 under this*
 18 *heading shall not exceed the lesser of the sum of the total*
 19 *revenues of the District of Columbia for such fiscal year*
 20 *or \$6,326,138,000 (of which \$3,832,734,000 shall be from*
 21 *local funds (of which \$96,248,000 shall be funds identified*
 22 *in the fiscal year 2002 comprehensive annual financial re-*
 23 *port as the District of Columbia’s fund balance funds),*
 24 *\$1,568,734,000 shall be from Federal grant funds,*
 25 *\$13,766,000 shall be from private funds, \$910,904,000 shall*

1 be from other funds) and \$109,500,000 from funds pre-
 2 viously appropriated in this Act as Federal payments: Pro-
 3 vided further, That an amount of \$263,759,000 shall be for
 4 Intra-District funds: Provided further, That this amount
 5 may be increased by proceeds of one-time transactions,
 6 which are expended for emergency or unanticipated oper-
 7 ating or capital needs: Provided further, That such in-
 8 creases shall be approved by enactment of local District law
 9 and shall comply with all reserve requirements contained
 10 in the District of Columbia Home Rule Act: Provided fur-
 11 ther, That the Chief Financial Officer of the District of Co-
 12 lumbia shall take such steps as are necessary to assure that
 13 the District of Columbia meets these requirements, includ-
 14 ing the apportioning by the Chief Financial Officer of the
 15 appropriations and funds made available to the District
 16 during fiscal year 2004, except that the Chief Financial Of-
 17 ficer may not reprogram for operating expenses any funds
 18 derived from bonds, notes, or other obligations issued for
 19 capital projects.

20 GOVERNMENTAL DIRECTION AND SUPPORT

21 Governmental direction and support, \$284,415,000
 22 (including \$206,825,000 from local funds, \$57,440,000 from
 23 Federal funds, and \$20,150,000 from other funds), in addi-
 24 tion, \$20,000,000 from funds previously appropriated in
 25 this Act under the heading “Federal Payment to the Chief

1 *Financial Officer of the District of Columbia*”, and
2 *\$1,100,000 from funds previously appropriated in this Act*
3 *under the heading “Federal Payment for Foster Care Im-*
4 *provement in the District of Columbia”*: *Provided, That not*
5 *to exceed \$2,500 for the Mayor, \$2,500 for the Chairman*
6 *of the Council of the District of Columbia, \$2,500 for the*
7 *City Administrator, and \$2,500 for the Office of the Chief*
8 *Financial Officer shall be available from this appropriation*
9 *for official purposes: Provided further, That any program*
10 *fees collected from the issuance of debt shall be available*
11 *for the payment of expenses of the debt management pro-*
12 *gram of the District of Columbia: Provided further, That*
13 *no revenues from Federal sources shall be used to support*
14 *the operations or activities of the Statehood Commission*
15 *and Statehood Compact Commission: Provided further,*
16 *That the District of Columbia shall identify the sources of*
17 *funding for Admission to Statehood from its own locally*
18 *generated revenues: Provided further, That notwithstanding*
19 *any other provision of law, or Mayor’s Order 86–45, issued*
20 *March 18, 1986, the Office of the Chief Technology Officer’s*
21 *delegated small purchase authority shall be \$500,000: Pro-*
22 *vided further, That the District of Columbia government*
23 *may not require the Office of the Chief Technology Officer*
24 *to submit to any other procurement review process, or to*
25 *obtain the approval of or be restricted in any manner by*

1 *any official or employee of the District of Columbia govern-*
 2 *ment, for purchases that do not exceed \$500,000: Provided*
 3 *further, That an amount not to exceed \$25,000 of the funds*
 4 *in the Antifraud Fund established pursuant to section 820*
 5 *of the District of Columbia Procurement Practices Act of*
 6 *1985, effective May 8, 1998 (D.C. Law 12-104; D.C. Offi-*
 7 *cial Code, sec. 2-308.20), is hereby made available, to re-*
 8 *main available until expended, for the use of the Office of*
 9 *the Corporation Counsel of the District of Columbia in ac-*
 10 *cordance with the laws establishing this fund.*

11 *ECONOMIC DEVELOPMENT AND REGULATION*

12 *Economic development and regulation, \$276,647,000*
 13 *(including \$53,336,000 from local funds, \$91,077,000 from*
 14 *Federal funds, \$125,000 from private funds, and*
 15 *\$132,109,000 from other funds), of which \$15,000,000 col-*
 16 *lected by the District of Columbia in the form of BID tax*
 17 *revenue shall be paid to the respective BIDs pursuant to*
 18 *the Business Improvement Districts Act of 1996 (D.C. Law*
 19 *11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the*
 20 *Business Improvement Districts Amendment Act of 1997*
 21 *(D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et*
 22 *seq.): Provided, That such funds are available for acquiring*
 23 *services provided by the General Services Administration:*
 24 *Provided further, That Business Improvement Districts*

1 *shall be exempt from taxes levied by the District of Colum-*
2 *bia.*

3 *PUBLIC SAFETY AND JUSTICE*

4 *Public safety and justice, \$745,958,000 (including*
5 *\$716,715,000 from local funds, \$10,290,000 from Federal*
6 *funds, \$9,000 from private funds, and \$18,944,000 from*
7 *other funds): Provided, That not to exceed \$500,000 shall*
8 *be available from this appropriation for the Chief of Police*
9 *for the prevention and detection of crime: Provided further,*
10 *That the Mayor shall reimburse the District of Columbia*
11 *National Guard for expenses incurred in connection with*
12 *services that are performed in emergencies by the National*
13 *Guard in a militia status and are requested by the Mayor,*
14 *in amounts that shall be jointly determined and certified*
15 *as due and payable for these services by the Mayor and the*
16 *Commanding General of the District of Columbia National*
17 *Guard: Provided further, That such sums as may be nec-*
18 *essary for reimbursement to the District of Columbia Na-*
19 *tional Guard under the preceding proviso shall be available*
20 *from this appropriation, and the availability of the sums*
21 *shall be deemed as constituting payment in advance for*
22 *emergency services involved.*

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, \$1,157,841,000 (including \$962,941,000 from local funds, \$156,708,000 from Federal grant funds, \$4,302,000 from private funds, and not to exceed \$6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund), in addition, \$17,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Resident Tuition Support” and \$26,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for School Improvement in the District of Columbia”, to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—

\$870,135,000 (including \$738,444,000 from local funds, \$114,749,000 from Federal funds, \$3,599,000 from private funds, and \$6,527,000 from other funds shall be available for District of Columbia Public Schools: Provided, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That this appropriation shall not be

1 *available to subsidize the education of any non-*
2 *resident of the District of Columbia at any District*
3 *of Columbia public elementary or secondary school*
4 *during fiscal year 2004, unless the nonresident pays*
5 *tuition to the District of Columbia at a rate that cov-*
6 *ers 100 percent of the costs incurred by the District*
7 *of Columbia that are attributable to the education of*
8 *the nonresident (as established by the Superintendent*
9 *of the District of Columbia Public Schools): Provided*
10 *further, That notwithstanding the amounts otherwise*
11 *provided under this heading or any other provision of*
12 *law, there shall be appropriated to the District of Co-*
13 *lumbia Public Schools on July 1, 2004, an amount*
14 *equal to 10 percent of the total amount provided for*
15 *the District of Columbia Public Schools in the pro-*
16 *posed budget of the District of Columbia for fiscal*
17 *year 2005 (as submitted to Congress), and the amount*
18 *of such payment shall be chargeable against the final*
19 *amount provided for the District of Columbia Public*
20 *Schools under the District of Columbia Appropria-*
21 *tions Act, 2005: Provided further, That not to exceed*
22 *\$2,500 for the Superintendent of Schools shall be*
23 *available from this appropriation for official pur-*
24 *poses: Provided further, That the District of Columbia*
25 *Public Schools shall submit to the Board of Education*

1 *by January 1 and July 1 of each year a Schedule A*
2 *showing all the current funded positions of the Dis-*
3 *trict of Columbia Public Schools, their compensation*
4 *levels, and indicating whether the positions are en-*
5 *cumbered: Provided further, That the Board of Edu-*
6 *cation shall approve or disapprove each Schedule A*
7 *within 30 days of its submission and provide the*
8 *Council of the District of Columbia a copy of the*
9 *Schedule A upon its approval.*

10 (2) *STATE EDUCATION OFFICE.—\$38,752,000*
11 *(including \$9,959,000 from local funds, \$28,617,000*
12 *from Federal grant funds, and \$176,000 from other*
13 *funds), in addition, \$17,000,000 from funds pre-*
14 *viously appropriated in this Act under the heading*
15 *“Federal Payment for Resident Tuition Support”*
16 *and \$26,000,000 from funds previously appropriated*
17 *in this Act under the heading “Federal Payment for*
18 *School Improvement in the District of Columbia”*
19 *shall be available for the State Education Office: Pro-*
20 *vided, That of the amounts provided to the State*
21 *Education Office, \$500,000 from local funds shall re-*
22 *main available until June 30, 2005 for an audit of*
23 *the student enrollment of each District of Columbia*
24 *Public School and of each District of Columbia public*
25 *charter school.*

1 (3) *DISTRICT OF COLUMBIA PUBLIC CHARTER*
2 *SCHOOLS.*—\$137,531,000 from local funds shall be
3 available for District of Columbia public charter
4 schools: *Provided, That there shall be quarterly dis-*
5 *bursement of funds to the District of Columbia public*
6 *charter schools, with the first payment to occur with-*
7 *in 15 days of the beginning of the fiscal year: Pro-*
8 *vided further, That if the entirety of this allocation*
9 *has not been provided as payments to any public*
10 *charter school currently in operation through the per*
11 *pupil funding formula, the funds shall be available as*
12 *follows: (1) the first \$3,000,000 shall be deposited in*
13 *the Credit Enhancement Revolving Fund established*
14 *pursuant to section 603(e) of the Student Loan Mar-*
15 *keting Association Reorganization Act of 1996, ap-*
16 *proved September 20, 1996 (Public Law 104–208; 110*
17 *Stat. 3009; 20 U.S.C. 1155(e)); and (2) the balance*
18 *shall be for public education in accordance with sec-*
19 *tion 2403(b)(2) of the District of Columbia School Re-*
20 *form Act of 1995, approved November 19, 1997 (Pub-*
21 *lic Law 105–100, section 172; D.C. Official Code, sec-*
22 *tion 38–1804.03(b)(2)): Provided further, That of the*
23 *amounts made available to District of Columbia pub-*
24 *lic charter schools, \$25,000 shall be made available to*
25 *the Office of the Chief Financial Officer as authorized*

1 *by section 2403(b)(6) of the District of Columbia*
2 *School Reform Act of 1995 (D.C. Official Code, sec.*
3 *38–1804.03(b)(6)): Provided further, That \$660,000 of*
4 *this amount shall be available to the District of Co-*
5 *lumbia Public Charter School Board for administra-*
6 *tive costs: Provided further, That notwithstanding the*
7 *amounts otherwise provided under this heading or*
8 *any other provision of law, there shall be appro-*
9 *priated to the District of Columbia public charter*
10 *schools on July 1, 2004, an amount equal to 25 per-*
11 *cent of the total amount provided for payments to*
12 *public charter schools in the proposed budget of the*
13 *District of Columbia for fiscal year 2005 (as sub-*
14 *mitted to Congress), and the amount of such payment*
15 *shall be chargeable against the final amount provided*
16 *for such payments under the District of Columbia Ap-*
17 *propriations Act, 2005.*

18 (4) UNIVERSITY OF THE DISTRICT OF COLUM-
19 BIA.—\$80,660,000 (including \$48,656,000 from local
20 funds, \$11,867,000 from Federal funds, \$703,000 from
21 private funds, and \$19,434,000 from other funds)
22 shall be available for the University of the District of
23 Columbia: Provided, That this appropriation shall
24 not be available to subsidize the education of non-
25 residents of the District of Columbia at the University

1 *of the District of Columbia, unless the Board of*
2 *Trustees of the University of the District of Columbia*
3 *adopts, for the fiscal year ending September 30, 2004,*
4 *a tuition rate schedule that will establish the tuition*
5 *rate for nonresident students at a level no lower than*
6 *the nonresident tuition rate charged at comparable*
7 *public institutions of higher education in the metro-*
8 *politan area: Provided further, That notwithstanding*
9 *the amounts otherwise provided under this heading or*
10 *any other provision of law, there shall be appro-*
11 *priated to the University of the District of Columbia*
12 *on July 1, 2004, an amount equal to 10 percent of*
13 *the total amount provided for the University of the*
14 *District of Columbia in the proposed budget of the*
15 *District of Columbia for fiscal year 2005 (as sub-*
16 *mitted to Congress), and the amount of such payment*
17 *shall be chargeable against the final amount provided*
18 *for the University of the District of Columbia under*
19 *the District of Columbia Appropriations Act, 2005:*
20 *Provided further, That not to exceed \$2,500 for the*
21 *President of the University of the District of Colum-*
22 *bia shall be available from this appropriation for offi-*
23 *cial purposes.*

24 (5) *DISTRICT OF COLUMBIA PUBLIC LIBRAR-*
25 *IES.—\$28,287,000 (including \$26,750,000 from local*

1 *funds, \$1,000,000 from Federal funds, and \$537,000*
 2 *from other funds) shall be available for the District of*
 3 *Columbia Public Libraries: Provided, That not to ex-*
 4 *ceed \$2,000 for the Public Librarian shall be avail-*
 5 *able from this appropriation for official purposes.*

6 (6) COMMISSION ON THE ARTS AND HUMAN-
 7 *ITIES.—\$2,476,000 (including \$1,601,000 from local*
 8 *funds, \$475,000 from Federal funds, and \$400,000*
 9 *from other funds) shall be available for the Commis-*
 10 *sion on the Arts and Humanities.*

11 *HUMAN SUPPORT SERVICES*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *Human support services, \$2,360,067,000 (including*
 14 *\$1,030,223,000 from local funds, \$1,247,945,000 from Fed-*
 15 *eral funds, \$9,330,000 from private funds, and \$24,330,000*
 16 *from other funds, of which \$48,239,000, to remain available*
 17 *until expended, shall be available for deposit in the Med-*
 18 *icaid and Special Education Reform Fund established pur-*
 19 *suant to the Medicaid and Special Education Reform Fund*
 20 *Establishment Act of 2002, effective October 1, 2002 (D.C.*
 21 *Law 14–190; D.C. Official Code 4–204.51 et seq.)), in addi-*
 22 *tion, \$12,900,000 from funds previously appropriated in*
 23 *this Act under the heading “Federal Payment to Foster*
 24 *Care Improvement in the District of Columbia”: Provided,*
 25 *That the funds deposited in the Medicaid and Special Edu-*

1 cation Reform Fund are allocated as follows: no more than
2 \$6,816,000 for District of Columbia Public Schools, no more
3 than \$18,744,000 for Child and Family Services, no more
4 than \$7,795,000 for the Department of Human Services,
5 and no more than \$21,700,000 for the Department of Men-
6 tal Health: Provided further, That \$27,959,000 of this ap-
7 propriation, to remain available until expended, shall be
8 available solely for District of Columbia employees' dis-
9 ability compensation: Provided further, That \$7,500,000 of
10 this appropriation, to remain available until expended,
11 shall be deposited in the Addiction Recovery Fund, estab-
12 lished pursuant to section 5 of the Choice in Drug Treat-
13 ment Act of 2000 (D.C. Law 13-146; D.C. Official Code,
14 sec. 7-3004) and used exclusively for the purpose of the
15 Drug Treatment Choice Program established pursuant to
16 section 4 of the Choice in Drug Treatment Act of 2000 (D.C.
17 Law 13-146; D.C. Official Code, sec. 7-3003): Provided fur-
18 ther, That no less than \$2,000,000 of this appropriation
19 shall be available exclusively for the purpose of funding the
20 pilot substance abuse program for youth ages 14 through
21 21 years established pursuant to section 4212 of the Pilot
22 Substance Abuse Program for Youth Act of 2001 (D.C. Law
23 14-28; D.C. Official Code, sec. 7-3101): Provided further,
24 That \$4,500,000 of this appropriation, to remain available
25 until expended, shall be deposited in the Interim Disability

1 *Assistance Fund established pursuant to section 201 of the*
 2 *District of Columbia Public Assistance Act of 1982 (D.C.*
 3 *Law 4–101; D.C. Official Code, sec. 4–202.01), to be used*
 4 *exclusively for the Interim Disability Assistance program*
 5 *and the purposes for that program set forth in section 407*
 6 *of the District of Columbia Public Assistance Act of 1982*
 7 *(D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): Pro-*
 8 *vided further, That no less than \$640,531 of this appropria-*
 9 *tion shall be available exclusively for the purpose of funding*
 10 *the Burial Assistance Program established by section 1802*
 11 *of the Burial Assistance Program Reestablishment Act of*
 12 *1999, effective October 20, 1999 (D.C. Law 13–38; D.C. Of-*
 13 *ficial Code, section 4–1001).*

14 *PUBLIC WORKS*

15 *Public works, including rental of one passenger-car-*
 16 *rying vehicle for use by the Mayor and three passenger-car-*
 17 *rying vehicles for use by the Council of the District of Co-*
 18 *lumbia and leasing of passenger-carrying vehicles,*
 19 *\$327,046,000 (including \$308,028,000 from local funds,*
 20 *\$5,274,000 from Federal funds, and \$13,744,000 from other*
 21 *funds): Provided, That this appropriation shall not be*
 22 *available for collecting ashes or miscellaneous refuse from*
 23 *hotels and places of business.*

1 *EMERGENCY AND CONTINGENCY RESERVE FUNDS*

2 *For the emergency reserve fund and the contingency*
 3 *reserve fund under section 450A of the District of Columbia*
 4 *Home Rule Act (D.C. Official Code, sec. 1–204.50a), such*
 5 *amounts from local funds as are necessary to meet the bal-*
 6 *ance requirements for such funds under such section.*

7 *REPAYMENT OF LOANS AND INTEREST*

8 *For payment of principal, interest, and certain fees*
 9 *directly resulting from borrowing by the District of Colum-*
 10 *bia to fund District of Columbia capital projects as author-*
 11 *ized by sections 462, 475, and 490 of the District of Colum-*
 12 *bia Home Rule Act (D.C. Official Code, secs. 1–204.62, 1–*
 13 *204.75, and 1–204.90), \$311,504,000 from local funds: Pro-*
 14 *vided, That for equipment leases, the Mayor may finance*
 15 *\$14,300,000 of equipment cost, plus cost of issuance not to*
 16 *exceed 2 percent of the par amount being financed on a*
 17 *lease purchase basis with a maturity not to exceed 5 years.*

18 *PAYMENT OF INTEREST ON SHORT-TERM BORROWING*

19 *For payment of interest on short-term borrowing,*
 20 *\$3,000,000 from local funds.*

21 *CERTIFICATES OF PARTICIPATION*

22 *For principal and interest payments on the District’s*
 23 *Certificates of Participation, issued to finance the ground*
 24 *lease underlying the building located at One Judiciary*
 25 *Square, \$4,911,000 from local funds.*

1 *SETTLEMENTS AND JUDGMENTS*

2 *For making refunds and for the payment of legal set-*
3 *tlements or judgments that have been entered against the*
4 *District of Columbia government, \$22,522,000: Provided,*
5 *That this appropriation shall not be construed as modifying*
6 *or affecting the provisions of section 103 of this Act.*

7 *WILSON BUILDING*

8 *For expenses associated with the John A. Wilson*
9 *Building, \$3,704,000 from local funds.*

10 *WORKFORCE INVESTMENTS*

11 *For workforce investments, \$22,308,000 from local*
12 *funds, to be transferred by the Mayor of the District of Co-*
13 *lumbia within the various appropriation headings in this*
14 *Act for which employees are properly payable.*

15 *NON-DEPARTMENTAL AGENCY*

16 *To account for anticipated costs that cannot be allo-*
17 *cated to specific agencies during the development of the pro-*
18 *posed budget, \$19,639,000 (including \$11,455,000 from*
19 *local funds, and \$8,184,000 from other funds) to be trans-*
20 *ferred by the Mayor of the District of Columbia within the*
21 *various appropriation headings in this Act: Provided, That*
22 *\$5,000,000 in local funds shall be available to meet contrac-*
23 *tual obligations, and \$11,455,000 in local funds shall be*
24 *for anticipated costs associated with the No Child Left Be-*
25 *hind Act.*

1 *EMERGENCY PLANNING AND SECURITY COSTS*

2 *From funds previously appropriated in this Act under*
3 *the heading “Federal Payment for Emergency Planning*
4 *and Security Costs in the District of Columbia”,*
5 *\$15,000,000.*

6 *TRANSPORTATION ASSISTANCE*

7 *From funds previously appropriated in this Act under*
8 *the heading “Federal Payment for Transportation Assist-*
9 *ance”, \$3,500,000.*

10 *PAY-AS-YOU-GO CAPITAL*

11 *For Pay-As-You-Go Capital funds in lieu of capital*
12 *financing, \$11,267,000, to be transferred to the Capital*
13 *Fund, subject to the Criteria for Spending Pay-as-You-Go*
14 *Funding Amendment Act of 2003, approved by the Council*
15 *of the District of Columbia on 1st reading, May 6, 2003*
16 *(Title 25 of Bill 15–218). Pursuant to this Act, there are*
17 *authorized to be transferred from Pay-As-You-Go Capital*
18 *funds to other headings of this Act, as necessary to carry*
19 *out the purposes of this Act.*

20 *TAX INCREMENT FINANCING PROGRAM*

21 *For a Tax Increment Financing Program, \$1,940,000*
22 *from local funds.*

23 *CASH RESERVE*

24 *For the cumulative cash reserve established pursuant*
25 *to section 202(j)(2) of the District of Columbia Financial*

1 *Responsibility and Management Assistance Act of 1995, ap-*
 2 *proved April 17, 1995 (Public Law 107–96; D.C. Official*
 3 *Code, section 47–392.02(j)(2)), \$50,000,000 from local*
 4 *funds.*

5 *MEDICAID DISALLOWANCE*

6 *For making refunds associated with disallowed Med-*
 7 *icaid funding an amount not to exceed \$57,000,000 in local*
 8 *funds to remain available until expended: Provided, That*
 9 *funds are derived from a transfer from the funds identified*
 10 *in the fiscal year 2002 comprehensive annual financial re-*
 11 *port as the District of Columbia’s Grants Disallowance bal-*
 12 *ance.*

13 *ENTERPRISE AND OTHER FUNDS*

14 *WATER AND SEWER AUTHORITY*

15 *For operation of the Water and Sewer Authority,*
 16 *\$259,095,000 from other funds, of which \$18,692,000 shall*
 17 *be apportioned for repayment of loans and interest incurred*
 18 *for capital improvement projects (\$18,094,000 and payable*
 19 *to the District’s debt service fund).*

20 *For construction projects, \$199,807,000, to be distrib-*
 21 *uted as follows: \$99,449,000 for the Blue Plains Wastewater*
 22 *Treatment Plant, \$16,739,000 for the sewer program,*
 23 *\$42,047,000 for the combined sewer program, \$42,047,000*
 24 *for the Combined Sewer Overflow Long-Term Control Plan,*
 25 *\$5,993,000 for the stormwater program, \$24,431,000 for the*

1 *water program, and \$11,148,000 for the capital equipment*
 2 *program, in addition, \$25,000,000 from funds previously*
 3 *appropriated in this Act under the heading “Federal Pay-*
 4 *ment to the District of Columbia Water and Sewer Author-*
 5 *ity”.*

6 *WASHINGTON AQUEDUCT*

7 *For operation of the Washington Aqueduct,*
 8 *\$55,553,000 from other funds.*

9 *STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND*

10 *For operation of the Stormwater Permit Compliance*
 11 *Enterprise Fund, \$3,501,000 from other funds.*

12 *LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND*

13 *For the Lottery and Charitable Games Enterprise*
 14 *Fund, established by the District of Columbia Appropria-*
 15 *tion Act, 1982, for the purpose of implementing the Law*
 16 *to Legalize Lotteries, Daily Numbers Games, and Bingo*
 17 *and Raffles for Charitable Purposes in the District of Co-*
 18 *lumbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301*
 19 *et seq. and sec. 22–1716 et seq.), \$242,755,000: Provided,*
 20 *That the District of Columbia shall identify the source of*
 21 *funding for this appropriation title from the District’s own*
 22 *locally generated revenues: Provided further, That no reve-*
 23 *nues from Federal sources shall be used to support the oper-*
 24 *ations or activities of the Lottery and Charitable Games*
 25 *Control Board.*

1 *SPORTS AND ENTERTAINMENT COMMISSION*

2 *For the Sports and Entertainment Commission,*
3 *\$13,979,000 from local funds.*

4 *DISTRICT OF COLUMBIA RETIREMENT BOARD*

5 *For the District of Columbia Retirement Board, estab-*
6 *lished pursuant to section 121 of the District of Columbia*
7 *Retirement Reform Act of 1979 (D.C. Official Code, sec. 1–*
8 *711), \$13,895,000 from the earnings of the applicable retire-*
9 *ment funds to pay legal, management, investment, and*
10 *other fees and administrative expenses of the District of Co-*
11 *lumbia Retirement Board: Provided, That the District of*
12 *Columbia Retirement Board shall provide to the Congress*
13 *and to the Council of the District of Columbia a quarterly*
14 *report of the allocations of charges by fund and of expendi-*
15 *tures of all funds: Provided further, That the District of*
16 *Columbia Retirement Board shall provide the Mayor, for*
17 *transmittal to the Council of the District of Columbia, an*
18 *itemized accounting of the planned use of appropriated*
19 *funds in time for each annual budget submission and the*
20 *actual use of such funds in time for each annual audited*
21 *financial report.*

22 *WASHINGTON CONVENTION CENTER ENTERPRISE FUND*

23 *For the Washington Convention Center Enterprise*
24 *Fund, \$69,742,000 from other funds.*

1 *NATIONAL CAPITAL REVITALIZATION CORPORATION*

2 *For the National Capital Revitalization Corporation,*

3 *\$7,849,000 from other funds.*

4 *CAPITAL OUTLAY*

5 *(INCLUDING RESCISSIONS)*

6 *For construction projects, an increase of*
7 *\$1,004,796,000, of which \$601,708,000 shall be from local*
8 *funds, \$46,014,000 from Highway Trust funds, \$38,311,000*
9 *from the Rights-of-way funds, \$218,880,000 from Federal*
10 *funds, and a rescission of \$99,884,000 from local funds ap-*
11 *propriated under this heading in prior fiscal years, for a*
12 *net amount of \$904,913,000, to remain available until ex-*
13 *pended, in addition, \$5,000,000 from funds previously ap-*
14 *propriated in this Act under the heading “Federal Payment*
15 *for Capital Development in the District of Columbia” and*
16 *\$6,000,000 from funds previously appropriated in this Act*
17 *for the “Anacostia Waterfront Initiative”: Provided, That*
18 *funds for use of each capital project implementing agency*
19 *shall be managed and controlled in accordance with all pro-*
20 *cedures and limitations established under the Financial*
21 *Management System: Provided further, That all funds pro-*
22 *vided by this appropriation title shall be available only for*
23 *the specific projects and purposes intended.*

1 *TITLE III GENERAL PROVISIONS*

2 *SEC. 301. Whenever in this Act, an amount is specified*
3 *within an appropriation for particular purposes or objects*
4 *of expenditure, such amount, unless otherwise specified,*
5 *shall be considered as the maximum amount that may be*
6 *expended for said purpose or object rather than an amount*
7 *set apart exclusively therefor.*

8 *SEC. 302. Appropriations in this Act shall be available*
9 *for expenses of travel and for the payment of dues of organi-*
10 *zations concerned with the work of the District of Columbia*
11 *government, when authorized by the Mayor: Provided, That*
12 *in the case of the Council of the District of Columbia, funds*
13 *may be expended with the authorization of the Chairman*
14 *of the Council.*

15 *SEC. 303. There are appropriated from the applicable*
16 *funds of the District of Columbia such sums as may be nec-*
17 *essary for making refunds and for the payment of legal set-*
18 *tlements or judgments that have been entered against the*
19 *District of Columbia government: Provided, That nothing*
20 *contained in this section shall be construed as modifying*
21 *or affecting the provisions of section 11(c)(3) of title XII*
22 *of the District of Columbia Income and Franchise Tax Act*
23 *of 1947 (D.C. Official Code, sec. 47-1812.11(c)(3)).*

1 *SEC. 304. No part of any appropriation contained in*
2 *this Act shall remain available for obligation beyond the*
3 *current fiscal year unless expressly so provided herein.*

4 *SEC. 305. No funds appropriated in this Act for the*
5 *District of Columbia government for the operation of edu-*
6 *cational institutions, the compensation of personnel, or for*
7 *other educational purposes may be used to permit, encour-*
8 *age, facilitate, or further partisan political activities. Noth-*
9 *ing herein is intended to prohibit the availability of school*
10 *buildings for the use of any community or partisan polit-*
11 *ical group during non-school hours.*

12 *SEC. 306. None of the funds appropriated in this Act*
13 *shall be made available to pay the salary of any employee*
14 *of the District of Columbia government whose name, title,*
15 *grade, and salary are not available for inspection by the*
16 *Committees on Appropriations of the House of Representa-*
17 *tives and Senate, the Committee on Government Reform of*
18 *the House of Representatives, the Committee on Govern-*
19 *mental Affairs of the Senate, and the Council of the District*
20 *of Columbia, or their duly authorized representative.*

21 *SEC. 307. None of the Federal funds provided in this*
22 *Act may be used for publicity or propaganda purposes or*
23 *implementation of any policy including boycott designed to*
24 *support or defeat legislation pending before Congress or any*
25 *State legislature.*

1 *SEC. 308. (a) None of the Federal funds provided in*
2 *this Act may be used to carry out lobbying activities on*
3 *any matter.*

4 *(b) Nothing in this section may be construed to pro-*
5 *hibit any elected official from advocating with respect to*
6 *any issue.*

7 *SEC. 309. (a) None of the funds provided under this*
8 *Act to the agencies funded by this Act, both Federal and*
9 *District government agencies, that remain available for ob-*
10 *ligation or expenditure in fiscal year 2004, or provided*
11 *from any accounts in the Treasury of the United States*
12 *derived by the collection of fees available to the agencies*
13 *funded by this Act, shall be available for obligation or ex-*
14 *penditure for an agency through a reprogramming of funds*
15 *which—*

16 *(1) creates new programs;*

17 *(2) eliminates a program, project, or responsi-*
18 *bility center;*

19 *(3) establishes or changes allocations specifically*
20 *denied, limited or increased under this Act;*

21 *(4) increases funds or personnel by any means*
22 *for any program, project, or responsibility center for*
23 *which funds have been denied or restricted;*

24 *(5) reestablishes any program or project pre-*
25 *viously deferred through reprogramming;*

1 (6) *augments any existing program, project, or*
2 *responsibility center through a reprogramming of*
3 *funds in excess of \$1,000,000 or 10 percent, whichever*
4 *is less; or*

5 (7) *increases by 20 percent or more personnel as-*
6 *signed to a specific program, project or responsibility*
7 *center,*

8 *unless the Committees on Appropriations of the House of*
9 *Representatives and Senate are notified in writing 30 days*
10 *in advance of the reprogramming.*

11 (b) *None of the local funds contained in this Act may*
12 *be available for obligation or expenditure for an agency*
13 *through a transfer of any local funds from one appropria-*
14 *tion heading to another unless the Committees on Appro-*
15 *priations of the House of Representatives and Senate are*
16 *notified in writing 30 days in advance of the transfer, ex-*
17 *cept that in no event may the amount of any funds trans-*
18 *ferred exceed 4 percent of the local funds in the appropria-*
19 *tion.*

20 SEC. 310. *Consistent with the provisions of section*
21 *1301(a) of title 31, United States Code, appropriations*
22 *under this Act shall be applied only to the objects for which*
23 *the appropriations were made except as otherwise provided*
24 *by law.*

1 *SEC. 311. Notwithstanding any other provisions of*
2 *law, the provisions of the District of Columbia Government*
3 *Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–*
4 *139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pur-*
5 *suant to section 422(3) of the District of Columbia Home*
6 *Rule Act (D.C. Official Code, sec. 1–204.22(3)), shall apply*
7 *with respect to the compensation of District of Columbia*
8 *employees: Provided, That for pay purposes, employees of*
9 *the District of Columbia government shall not be subject*
10 *to the provisions of title 5, United States Code.*

11 *SEC. 312. No later than 30 days after the end of the*
12 *first quarter of fiscal year 2004, the Mayor of the District*
13 *of Columbia shall submit to the Council of the District of*
14 *Columbia and the Committees on Appropriations of the*
15 *House of Representatives and Senate the new fiscal year*
16 *2004 revenue estimates as of the end of such quarter. These*
17 *estimates shall be used in the budget request for fiscal year*
18 *2005. The officially revised estimates at midyear shall be*
19 *used for the midyear report.*

20 *SEC. 313. No sole source contract with the District of*
21 *Columbia government or any agency thereof may be re-*
22 *newed or extended without opening that contract to the*
23 *competitive bidding process as set forth in section 303 of*
24 *the District of Columbia Procurement Practices Act of 1985*
25 *(D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except*

1 *that the District of Columbia government or any agency*
2 *thereof may renew or extend sole source contracts for which*
3 *competition is not feasible or practical, but only if the deter-*
4 *mination as to whether to invoke the competitive bidding*
5 *process has been made in accordance with duly promulgated*
6 *rules and procedures and has been reviewed and certified*
7 *by the Chief Financial Officer of the District of Columbia.*

8 *SEC. 314. (a) In the event a sequestration order is*
9 *issued pursuant to the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985 after the amounts appropriated*
11 *to the District of Columbia for the fiscal year involved have*
12 *been paid to the District of Columbia, the Mayor of the Dis-*
13 *trict of Columbia shall pay to the Secretary of the Treasury,*
14 *within 15 days after receipt of a request therefor from the*
15 *Secretary of the Treasury, such amounts as are sequestered*
16 *by the order: Provided, That the sequestration percentage*
17 *specified in the order shall be applied proportionately to*
18 *each of the Federal appropriation accounts in this Act that*
19 *are not specifically exempted from sequestration by such*
20 *Act.*

21 *(b) For purposes of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985, the term “program,*
23 *project, and activity” shall be synonymous with and refer*
24 *specifically to each account appropriating Federal funds in*
25 *this Act, and any sequestration order shall be applied to*

1 *each of the accounts rather than to the aggregate total of*
2 *those accounts: Provided, That sequestration orders shall*
3 *not be applied to any account that is specifically exempted*
4 *from sequestration by the Balanced Budget and Emergency*
5 *Deficit Control Act of 1985.*

6 *SEC. 315. (a)(1) An entity of the District of Columbia*
7 *government may accept and use a gift or donation during*
8 *fiscal year 2004 if—*

9 *(A) the Mayor approves the acceptance and use*
10 *of the gift or donation (except as provided in para-*
11 *graph (2) of this subsection); and*

12 *(B) the entity uses the gift or donation to carry*
13 *out its authorized functions or duties.*

14 *(2) The Council of the District of Columbia and the*
15 *District of Columbia courts may accept and use gifts with-*
16 *out prior approval by the Mayor.*

17 *(b) Each entity of the District of Columbia government*
18 *shall keep accurate and detailed records of the acceptance*
19 *and use of any gift or donation under subsection (a), and*
20 *shall make such records available for audit and public in-*
21 *spection.*

22 *(c) For the purposes of this section, the term “entity*
23 *of the District of Columbia government” includes an inde-*
24 *pendent agency of the District of Columbia.*

1 (d) *This section shall not apply to the District of Co-*
2 *lumbia Board of Education, which may, pursuant to the*
3 *laws and regulations of the District of Columbia, accept*
4 *and use gifts to the public schools without prior approval*
5 *by the Mayor.*

6 SEC. 316. *None of the Federal funds provided in this*
7 *Act may be used by the District of Columbia to provide*
8 *for salaries, expenses, or other costs associated with the of-*
9 *fices of United States Senator or United States Representa-*
10 *tive under section 4(d) of the District of Columbia State-*
11 *hood Constitutional Convention Initiatives of 1979 (D.C.*
12 *Law 3–171; D.C. Official Code, sec. 1–123).*

13 SEC. 317. *None of the funds appropriated under this*
14 *Act shall be expended for any abortion except where the life*
15 *of the mother would be endangered if the fetus were carried*
16 *to term or where the pregnancy is the result of an act of*
17 *rape or incest.*

18 SEC. 318. *None of the Federal funds made available*
19 *in this Act may be used to implement or enforce the Health*
20 *Care Benefits Expansion Act of 1992 (D.C. Law 9–114;*
21 *D.C. Official Code, sec. 32–701 et seq.) or to otherwise im-*
22 *plement or enforce any system of registration of unmarried,*
23 *cohabiting couples, including but not limited to registration*
24 *for the purpose of extending employment, health, or govern-*

1 *mental benefits to such couples on the same basis that such*
2 *benefits are extended to legally married couples.*

3 *SEC. 319. (a) Notwithstanding any other provision of*
4 *this Act, the Mayor, in consultation with the Chief Finan-*
5 *cial Officer of the District of Columbia may accept, obligate,*
6 *and expend Federal, private, and other grants received by*
7 *the District government that are not reflected in the*
8 *amounts appropriated in this Act.*

9 *(b) No such Federal, private, or other grant may be*
10 *accepted, obligated, or expended pursuant to subsection (a)*
11 *until—*

12 *(1) the Chief Financial Officer of the District of*
13 *Columbia submits to the Council a report setting*
14 *forth detailed information regarding such grant; and*

15 *(2) the Council within 15 calendar days after re-*
16 *ceipt of the report submitted under paragraph (1) has*
17 *reviewed and approved the acceptance, obligation,*
18 *and expenditure of such grant.*

19 *(c) No amount may be obligated or expended from the*
20 *general fund or other funds of the District of Columbia gov-*
21 *ernment in anticipation of the approval or receipt of a*
22 *grant under subsection (b)(2) or in anticipation of the ap-*
23 *proval or receipt of a Federal, private, or other grant not*
24 *subject to such subsection.*

1 (d) *The Chief Financial Officer of the District of Co-*
2 *lumbia shall prepare a quarterly report setting forth de-*
3 *tailed information regarding all Federal, private, and other*
4 *grants subject to this section. Each such report shall be sub-*
5 *mitted to the Council of the District of Columbia and to*
6 *the Committees on Appropriations of the House of Rep-*
7 *resentatives and Senate not later than 15 days after the*
8 *end of the quarter covered by the report.*

9 SEC. 320. (a) *Except as otherwise provided in this sec-*
10 *tion, none of the funds made available by this Act or by*
11 *any other Act may be used to provide any officer or em-*
12 *ployee of the District of Columbia with an official vehicle*
13 *unless the officer or employee uses the vehicle only in the*
14 *performance of the officer's or employee's official duties. For*
15 *purposes of this paragraph, the term "official duties" does*
16 *not include travel between the officer's or employee's resi-*
17 *dence and workplace, except in the case of—*

18 (1) *an officer or employee of the Metropolitan*
19 *Police Department who resides in the District of Co-*
20 *lumbia or is otherwise designated by the Chief of the*
21 *Department;*

22 (2) *at the discretion of the Fire Chief, an officer*
23 *or employee of the District of Columbia Fire and*
24 *Emergency Medical Services Department who resides*

1 *in the District of Columbia and is on call 24 hours*
2 *a day;*

3 *(3) the Mayor of the District of Columbia; and*

4 *(4) the Chairman of the Council of the District*
5 *of Columbia.*

6 *(b) The Chief Financial Officer of the District of Co-*
7 *lumbia shall submit by March 1, 2004 an inventory, as of*
8 *September 30, 2003, of all vehicles owned, leased or operated*
9 *by the District of Columbia government. The inventory*
10 *shall include, but not be limited to, the department to which*
11 *the vehicle is assigned; the year and make of the vehicle;*
12 *the acquisition date and cost; the general condition of the*
13 *vehicle; annual operating and maintenance costs; current*
14 *mileage; and whether the vehicle is allowed to be taken home*
15 *by a District officer or employee and if so, the officer or*
16 *employee's title and resident location.*

17 *SEC. 321. No officer or employee of the District of Co-*
18 *lumbia government (including any independent agency of*
19 *the District of Columbia, but excluding the Office of the*
20 *Chief Technology Officer, the Office of the Chief Financial*
21 *Officer of the District of Columbia, and the Metropolitan*
22 *Police Department) may enter into an agreement in excess*
23 *of \$2,500 for the procurement of goods or services on behalf*
24 *of any entity of the District government until the officer*
25 *or employee has conducted an analysis of how the procure-*

1 *ment of the goods and services involved under the applicable*
2 *regulations and procedures of the District government*
3 *would differ from the procurement of the goods and services*
4 *involved under the Federal supply schedule and other appli-*
5 *cable regulations and procedures of the General Services Ad-*
6 *ministration, including an analysis of any differences in*
7 *the costs to be incurred and the time required to obtain the*
8 *goods or services.*

9 *SEC. 322. None of the funds contained in this Act may*
10 *be used for purposes of the annual independent audit of*
11 *the District of Columbia government for fiscal year 2004*
12 *unless—*

13 *(1) the audit is conducted by the Inspector Gen-*
14 *eral of the District of Columbia, in coordination with*
15 *the Chief Financial Officer of the District of Colum-*
16 *bia, pursuant to section 208(a)(4) of the District of*
17 *Columbia Procurement Practices Act of 1985 (D.C.*
18 *Official Code, sec. 2–302.8); and*

19 *(2) the audit includes as a basic financial state-*
20 *ment a comparison of audited actual year-end results*
21 *with the revenues submitted in the budget document*
22 *for such year and the appropriations enacted into law*
23 *for such year using the format, terminology, and clas-*
24 *sifications contained in the law making the appro-*
25 *priations for the year and its legislative history.*

1 *SEC. 323. (a) None of the funds contained in this Act*
2 *may be used by the District of Columbia Corporation Coun-*
3 *sel or any other officer or entity of the District government*
4 *to provide assistance for any petition drive or civil action*
5 *which seeks to require Congress to provide for voting rep-*
6 *resentation in Congress for the District of Columbia.*

7 *(b) Nothing in this section bars the District of Colum-*
8 *bia Corporation Counsel from reviewing or commenting on*
9 *briefs in private lawsuits, or from consulting with officials*
10 *of the District government regarding such lawsuits.*

11 *SEC. 324. (a) None of the Federal funds contained in*
12 *this Act may be used for any program of distributing sterile*
13 *needles or syringes for the hypodermic injection of any ille-*
14 *gal drug.*

15 *(b) Any individual or entity who receives any funds*
16 *contained in this Act and who carries out any program*
17 *described in subsection (a) shall account for all funds used*
18 *for such program separately from any funds contained in*
19 *this Act.*

20 *SEC. 325. None of the funds contained in this Act may*
21 *be used after the expiration of the 60-day period that begins*
22 *on the date of the enactment of this Act to pay the salary*
23 *of any chief financial officer of any office of the District*
24 *of Columbia government (including any independent agen-*
25 *cy of the District of Columbia) who has not filed a certifi-*

1 cation with the Mayor and the Chief Financial Officer of
2 the District of Columbia that the officer understands the
3 duties and restrictions applicable to the officer and the offi-
4 cer's agency as a result of this Act (and the amendments
5 made by this Act), including any duty to prepare a report
6 requested either in the Act or in any of the reports accom-
7 panying the Act and the deadline by which each report
8 must be submitted. The Chief Financial Officer of the Dis-
9 trict of Columbia shall provide to the Committees on Appro-
10 priations of the House of Representatives and Senate by
11 the 10th day after the end of each quarter a summary list
12 showing each report, the due date, and the date submitted
13 to the Committees.

14 SEC. 326. (a) None of the funds contained in this Act
15 may be used to enact or carry out any law, rule, or regula-
16 tion to legalize or otherwise reduce penalties associated with
17 the possession, use, or distribution of any schedule I sub-
18 stance under the Controlled Substances Act (21 U.S.C. 802)
19 or any tetrahydrocannabinols derivative.

20 (b) The Legalization of Marijuana for Medical Treat-
21 ment Initiative of 1998, also known as Initiative 59, ap-
22 proved by the electors of the District of Columbia on Novem-
23 ber 3, 1998, shall not take effect.

24 SEC. 327. Nothing in this Act may be construed to pre-
25 vent the Council or Mayor of the District of Columbia from

1 *addressing the issue of the provision of contraceptive cov-*
 2 *erage by health insurance plans, but it is the intent of Con-*
 3 *gress that any legislation enacted on such issue should in-*
 4 *clude a “conscience clause” which provides exceptions for*
 5 *religious beliefs and moral convictions.*

6 *SEC. 328. (a) If the Superior Court of the District of*
 7 *Columbia or the District of Columbia Court of Appeals does*
 8 *not make a payment described in subsection (b) prior to*
 9 *the expiration of the 45-day period which begins on the date*
 10 *the Court receives a completed voucher for a claim for the*
 11 *payment, interest shall be assessed against the amount of*
 12 *the payment which would otherwise be made to take into*
 13 *account the period which begins on the day after the expira-*
 14 *tion of such 45-day period and which ends on the day the*
 15 *Court makes the payment.*

16 *(b) A payment described in this subsection is—*

17 *(1) a payment authorized under section 11–2604*
 18 *and section 11–2605, D.C. Official Code (relating to*
 19 *representation provided under the District of Colum-*
 20 *bia Criminal Justice Act);*

21 *(2) a payment for counsel appointed in pro-*
 22 *ceedings in the Family Court of the Superior Court*
 23 *of the District of Columbia under chapter 23 of title*
 24 *16, D.C. Official Code; or*

1 (3) a payment for counsel authorized under sec-
2 tion 21–2060, D.C. Official Code (relating to rep-
3 resentation provided under the District of Columbia
4 Guardianship, Protective Proceedings, and Durable
5 Power of Attorney Act of 1986).

6 (c) The chief judges of the Superior Court of the Dis-
7 trict of Columbia and the District of Columbia Court of
8 Appeals shall establish standards and criteria for deter-
9 mining whether vouchers submitted for claims for payments
10 described in subsection (b) are complete, and shall publish
11 and make such standards and criteria available to attor-
12 neys who practice before such Courts.

13 (d) Nothing in this section shall be construed to require
14 the assessment of interest against any claim (or portion of
15 any claim) which is denied by the Court involved.

16 (e) This section shall apply with respect to claims re-
17 ceived by the Superior Court of the District of Columbia
18 or the District of Columbia Court of Appeals during fiscal
19 year 2003 and any subsequent fiscal year.

20 SEC. 329. The Mayor of the District of Columbia shall
21 submit to the Committees on Appropriations of the House
22 of Representatives and Senate, the Committee on Govern-
23 ment Reform of the House of Representatives, and the Com-
24 mittee on Governmental Affairs of the Senate quarterly re-
25 ports addressing the following issues—

1 (1) *crime, including the homicide rate, imple-*
2 *mentation of community policing, the number of po-*
3 *lice officers on local beats, and the closing down of*
4 *open-air drug markets;*

5 (2) *access to substance and alcohol abuse treat-*
6 *ment, including the number of treatment slots, the*
7 *number of people served, the number of people on*
8 *waiting lists, and the effectiveness of treatment pro-*
9 *grams;*

10 (3) *management of parolees and pre-trial violent*
11 *offenders, including the number of halfway house es-*
12 *capades and steps taken to improve monitoring and su-*
13 *pervision of halfway house residents to reduce the*
14 *number of escapes to be provided in consultation with*
15 *the Court Services and Offender Supervision Agency*
16 *for the District of Columbia;*

17 (4) *education, including access to special edu-*
18 *cation services and student achievement to be pro-*
19 *vided in consultation with the District of Columbia*
20 *Public Schools and the District of Columbia public*
21 *charter schools;*

22 (5) *improvement in basic District services, in-*
23 *cluding rat control and abatement;*

24 (6) *application for and management of Federal*
25 *grants, including the number and type of grants for*

1 *which the District was eligible but failed to apply*
2 *and the number and type of grants awarded to the*
3 *District but for which the District failed to spend the*
4 *amounts received; and*
5 *(7) indicators of child well-being.*

6 *SEC. 330. No later than 30 calendar days after the*
7 *date of the enactment of this Act, the Chief Financial Offi-*
8 *cer of the District of Columbia shall submit to the appro-*
9 *priate committees of Congress, the Mayor, and the Council*
10 *of the District of Columbia a revised appropriated funds*
11 *operating budget in the format of the budget that the Dis-*
12 *trict of Columbia government submitted pursuant to section*
13 *442 of the District of Columbia Home Rule Act (D.C. Offi-*
14 *cial Code, sec. 1–204.42), for all agencies of the District of*
15 *Columbia government for fiscal year 2004 that is in the*
16 *total amount of the approved appropriation and that re-*
17 *aligns all budgeted data for personal services and other-*
18 *than-personal-services, respectively, with anticipated actual*
19 *expenditures.*

20 *SEC. 331. None of the funds contained in this Act may*
21 *be used to issue, administer, or enforce any order by the*
22 *District of Columbia Commission on Human Rights relat-*
23 *ing to docket numbers 93–030–(PA) and 93–031–(PA).*

24 *SEC. 332. None of the Federal funds made available*
25 *in this Act may be transferred to any department, agency,*

1 *or instrumentality of the United States Government, except*
2 *pursuant to a transfer made by, or transfer authority pro-*
3 *vided in, this Act or any other appropriation Act.*

4 *SEC. 333. In addition to any other authority to pay*
5 *claims and judgments, any department, agency, or instru-*
6 *mentality of the District government may pay the settle-*
7 *ment or judgment of a claim or lawsuit in an amount less*
8 *than \$10,000, in accordance with the Risk Management for*
9 *Settlements and Judgments Amendment Act of 2000 (D.C.*
10 *Law 13–172; D.C. Official Code, sec. 2–402).*

11 *SEC. 334. All funds from the Crime Victims Com-*
12 *pensation Fund, established pursuant to section 16 of the*
13 *Victims of Violent Crime Compensation Act of 1996 (D.C.*
14 *Law 11–243; D.C. Official Code, sec. 4–514) (“Compensa-*
15 *tion Act”), that are designated for outreach activities pur-*
16 *suant to section 16(d)(2) of the Compensation Act shall be*
17 *deposited in the Crime Victims Assistance Fund, established*
18 *pursuant to section 16a of the Compensation Act, for the*
19 *purpose of outreach activities, and shall remain available*
20 *until expended.*

21 *SEC. 335. Notwithstanding any other law, the District*
22 *of Columbia Courts shall transfer to the general treasury*
23 *of the District of Columbia all fines levied and collected by*
24 *the Courts in cases charging Driving Under the Influence*
25 *and Driving While Impaired. The transferred funds shall*

1 *remain available until expended and shall be used by the*
2 *Office of the Corporation Counsel for enforcement and pros-*
3 *ecution of District traffic alcohol laws in accordance with*
4 *section 10(b)(3) of the District of Columbia Traffic Control*
5 *Act (D.C. Official Code, sec. 50–2201.05(b)(3)).*

6 *SEC. 336. From the local funds appropriated under*
7 *this Act, any agency of the District government may trans-*
8 *fer to the Office of Labor Relations and Collective Bar-*
9 *gaining (OLRCB) such amounts as may be necessary to*
10 *pay for representation by OLRCB in third-party cases,*
11 *grievances, and dispute resolution, pursuant to an intra-*
12 *District agreement with OLRCB. These amounts shall be*
13 *available for use by OLRCB to reimburse the cost of pro-*
14 *viding the representation.*

15 *SEC. 337. None of the funds contained in this Act may*
16 *be made available to pay—*

17 *(1) the fees of an attorney who represents a*
18 *party in an action or an attorney who defends any*
19 *action, including an administrative proceeding,*
20 *brought against the District of Columbia Public*
21 *Schools under the Individuals with Disabilities Edu-*
22 *cation Act (20 U.S.C. 1400 et seq.) in excess of \$4,000*
23 *for that action; or*

24 *(2) the fees of an attorney or firm whom the*
25 *Chief Financial Officer of the District of Columbia*

1 *determines to have a pecuniary interest, either*
2 *through an attorney, officer or employee of the firm,*
3 *in any special education diagnostic services, schools,*
4 *or other special education service providers.*

5 *SEC. 338. The Chief Financial Officer of the District*
6 *of Columbia shall require attorneys in special education*
7 *cases brought under the Individuals with Disabilities Act*
8 *(IDEA) in the District of Columbia to certify in writing*
9 *that the attorney or representative rendered any and all*
10 *services for which they receive awards, including those re-*
11 *ceived under a settlement agreement or as part of an ad-*
12 *ministrative proceeding, under the IDEA from the District*
13 *of Columbia: Provided, That as part of the certification,*
14 *the Chief Financial Officer of the District of Columbia re-*
15 *quire all attorneys in IDEA cases to disclose any financial,*
16 *corporate, legal, memberships on boards of directors, or*
17 *other relationships with any special education diagnostic*
18 *services, schools, or other special education service providers*
19 *to which the attorneys have referred any clients as part of*
20 *this certification: Provided further, That the Chief Finan-*
21 *cial Officer shall prepare and submit quarterly reports to*
22 *the Committees on Appropriations of the Senate and the*
23 *House of Representatives on the certification of and the*
24 *amount paid by the government of the District of Columbia,*
25 *including the District of Columbia Public Schools, to attor-*

1 neys in cases brought under IDEA: Provided further, That
 2 the Inspector General of the District of Columbia may con-
 3 duct investigations to determine the accuracy of the certifi-
 4 cations.

5 SEC. 339. Chapter 3 of title 16, District of Columbia
 6 Code, is amended by inserting at the end the following new
 7 section:

8 **“SEC. 16–316. APPOINTMENT AND COMPENSATION OF**
 9 **COUNSEL; GUARDIAN AD LITEM.**

10 “(a) When a petition for adoption has been filed and
 11 there has been no termination or relinquishment of parental
 12 rights with respect to the proposed adoptee or consent to
 13 the proposed adoption by a parent or guardian whose con-
 14 sent is required under D.C. Code section 16–304, the Court
 15 may appoint an attorney to represent such parent or
 16 guardian in the adoption proceeding if the individual is
 17 financially unable to obtain adequate representation.

18 “(b) The Court may appoint a guardian ad litem who
 19 is an attorney to represent the child in an adoption pro-
 20 ceeding. The guardian ad litem shall in general be charged
 21 with the representation of the child’s best interest.

22 “(c) An attorney appointed pursuant to subsection (a)
 23 or (b) of this section shall be compensated in accordance
 24 with D.C. Code section 16–2326.01, except that compensa-

tion in the adoption case shall be subject to the limitation set forth in D.C. Code section 16–2326.01(b)(2).”.

The table of sections for chapter 3 of title 16, District of Columbia Code, is amended by inserting at the end the following new item:

“Sec. 16–316. Appointment and compensation of counsel; guardian ad litem.”.

SEC. 340. (a) The amount appropriated by this Act as Other Type Funds may be increased no more than 25 percent to an account for unanticipated growth in revenue collections.

(b) CONDITIONS OF USE.—The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) CERTIFICATION BY THE CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the District of Columbia shall certify that anticipated revenue collections support an increase in Other Type authority in the amount request.

(2) NOTICE REQUIREMENT.—The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and the Senate in writing 30 days in advance of any obligation or expenditure.

SEC. 341. (a) The amount appropriated by this Act may be increased by no more than \$15,000,000 from funds

1 *identified in the comprehensive annual financial report as*
2 *the District's fund balance.*

3 (b) *CONDITIONS ON USE.—The District of Columbia*
4 *may obligate or expend these amounts only in accordance*
5 *with the following conditions:*

6 (1) *CERTIFICATION BY THE CHIEF FINANCIAL*
7 *OFFICER.—The Chief Financial Officer of the District*
8 *of Columbia shall certify that the use of any such*
9 *amounts is not anticipated to have a negative impact*
10 *on the District of Columbia's long-term financial, fis-*
11 *cal, and economic vitality.*

12 (2) *PURPOSE.—The District of Columbia may*
13 *only use these funds for the following expenditures:*

14 (A) *Unanticipated one-time expenditures;*

15 (B) *To address potential deficits;*

16 (C) *Debt reduction;*

17 (D) *Unanticipated program needs; or*

18 (E) *To cover revenue shortfalls.*

19 (3) *LOCAL LAW.—The amounts shall be obligated*
20 *or expended in accordance with laws enacted by the*
21 *Council in support of each such obligation or expendi-*
22 *ture.*

23 (4) *RECEIVERSHIP.—The amounts may not be*
24 *used to fund the agencies of the District of Columbia*
25 *government under court-ordered receivership.*

(6) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section shall remain available until expended.

Passed the House of Representatives September 9,
2003.

Passed the Senate November 18, 2003.

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