

**Calendar No. 272**108TH CONGRESS  
1ST SESSION**S. 1583****[Report No. 108-142]**

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.

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**IN THE SENATE OF THE UNITED STATES**

SEPTEMBER 4, 2003

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

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**A BILL**

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

1 year ending September 30, 2004, and for other purposes,  
2 namely:

3 TITLE I—FEDERAL FUNDS

4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

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

1 shall be under the control of the District of Columbia  
2 Chief Financial Officer who shall use those funds solely  
3 for the purposes of carrying out the Resident Tuition Sup-  
4 port Program: *Provided further*, That the Resident Tuition  
5 Support Program Office and the Office of the Chief Fi-  
6 nancial Officer shall provide a quarterly financial report  
7 to the Committees on Appropriations of the House of Rep-  
8 resentatives and Senate for these funds showing, by object  
9 class, the expenditures made and the purpose therefor:  
10 *Provided further*, That not more than 7 percent of the  
11 total amount appropriated for this program may be used  
12 for administrative expenses.

13 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND  
14 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

15 For necessary expenses, as determined by the Mayor  
16 of the District of Columbia in written consultation with  
17 the elected county or city officials of surrounding jurisdic-  
18 tions, \$15,000,000, to remain available until expended, to  
19 reimburse the District of Columbia for the costs of public  
20 safety expenses related to security events in the District  
21 of Columbia and for the costs of providing support to re-  
22 spond to immediate and specific terrorist threats or at-  
23 tacks in the District of Columbia or surrounding jurisdic-  
24 tions: *Provided*, That any amount provided under this  
25 heading shall be available only after notice of its proposed

1 use has been transmitted by the President to Congress  
2 and such amount has been apportioned pursuant to chap-  
3 ter 15 of title 31, United States Code.

4 FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM  
5 PREPAREDNESS IN THE DISTRICT OF COLUMBIA

6 For a Federal payment to support hospital bioter-  
7 rorism preparedness in the District of Columbia,  
8 \$10,000,000, of which \$7,000,000 shall be for the Chil-  
9 dren's National Medical Center in the District of Colum-  
10 bia for the expansion of quarantine facilities and the es-  
11 tablishment of a decontamination facility, and \$3,000,000  
12 shall be for the Washington Hospital Center for construc-  
13 tion of containment facilities.

14 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
15 COURTS

16 For salaries and expenses for the District of Colum-  
17 bia Courts, \$172,104,000, to be allocated as follows: for  
18 the District of Columbia Court of Appeals, \$8,775,000,  
19 of which not to exceed \$1,500 is for official reception and  
20 representation expenses; for the District of Columbia Su-  
21 perior Court, \$83,387,000, of which not to exceed \$1,500  
22 is for official reception and representation expenses; for  
23 the District of Columbia Court System, \$40,006,000, of  
24 which not to exceed \$1,500 is for official reception and  
25 representation expenses; and \$39,936,000 for capital im-

1 improvements for District of Columbia courthouse facilities:  
2 *Provided*, That funds made available for capital improve-  
3 ments shall be expended consistent with the General Serv-  
4 ices Administration master plan study and building eval-  
5 uation report: *Provided further*, That notwithstanding any  
6 other provision of law, all amounts under this heading  
7 shall be apportioned quarterly by the Office of Manage-  
8 ment and Budget and obligated and expended in the same  
9 manner as funds appropriated for salaries and expenses  
10 of other Federal agencies, with payroll and financial serv-  
11 ices to be provided on a contractual basis with the General  
12 Services Administration (GSA), said services to include  
13 the preparation of monthly financial reports, copies of  
14 which shall be submitted directly by GSA to the President  
15 and to the Committees on Appropriations of the House  
16 of Representatives and Senate, the Committee on Govern-  
17 ment Reform of the House of Representatives, and the  
18 Committee on Governmental Affairs of the Senate: *Pro-*  
19 *vided further*, That funds made available for capital im-  
20 provements may remain available until September 30,  
21 2005: *Provided further*, That 30 days after providing writ-  
22 ten notice to the Committees on Appropriations of the  
23 House of Representatives and Senate, the District of Co-  
24 lumbia Courts may reallocate not more than \$1,000,000

1 of the funds provided under this heading among the items  
2 and entities funded under such heading.

3 DEFENDER SERVICES IN DISTRICT OF COLUMBIA

4 COURTS

5 For payments authorized under section 11–2604 and  
6 section 11–2605, D.C. Official Code (relating to represen-  
7 tation provided under the District of Columbia Criminal  
8 Justice Act), payments for counsel appointed in adoption  
9 proceedings under Chapter 3 of title 16, D.C. Code, pay-  
10 ments for counsel appointed in proceedings in the Family  
11 Court of the Superior Court of the District of Columbia  
12 under chapter 23 of title 16, D.C. Official Code or pursu-  
13 ant to a contract with a non-profit organization to provide  
14 guardian ad litem representation, training, technical as-  
15 sistance and such other services as are necessary to im-  
16 prove the quality of guardian ad litem representation, and  
17 payments for counsel authorized under section 21–2060,  
18 D.C. Official Code (relating to representation provided  
19 under the District of Columbia Guardianship, Protective  
20 Proceedings, and Durable Power of Attorney Act of 1986),  
21 \$32,000,000, to remain available until expended: *Pro-*  
22 *vided*, That funds provided under this heading shall be ad-  
23 ministered by the Joint Committee on Judicial Adminis-  
24 tration in the District of Columbia: *Provided further*, That  
25 notwithstanding any other provision of law, this appro-

1 priation shall be apportioned quarterly by the Office of  
2 Management and Budget and obligated and expended in  
3 the same manner as funds appropriated for expenses of  
4 other Federal agencies, with payroll and financial services  
5 to be provided on a contractual basis with the General  
6 Services Administration (GSA), said services to include  
7 the preparation of monthly financial reports, copies of  
8 which shall be submitted directly by GSA to the President  
9 and to the Committees on Appropriations of the House  
10 of Representatives and Senate, the Committee on Govern-  
11 ment Reform of the House of Representatives, and the  
12 Committee on Governmental Affairs of the Senate.

13 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-  
14 FENDER SUPERVISION AGENCY FOR THE DISTRICT  
15 OF COLUMBIA

16 (INCLUDING TRANSFER OF FUNDS)

17 For salaries and expenses, including the transfer and  
18 hire of motor vehicles, of the Court Services and Offender  
19 Supervision Agency for the District of Columbia, and the  
20 Public Defender Service for the District of Columbia as  
21 authorized by the National Capital Revitalization and Self-  
22 Government Improvement Act of 1997, \$173,396,000, of  
23 which not to exceed \$25,000 is for dues and assessments  
24 relating to the implementation of the Court Services and  
25 Offender Supervision Agency Interstate Supervision Act

1 of 2002, of which not to exceed \$2,000 is for official recep-  
2 tions and representation expenses related to Community  
3 and Pretrial Services Agency Programs; of which  
4 \$110,775,000 shall be for necessary expenses of Commu-  
5 nity Supervision and Sex Offender Registration, to include  
6 expenses relating to the supervision of adults subject to  
7 protection orders or the provision of services for or related  
8 to such persons; of which \$25,210,000 shall be transferred  
9 to the Public Defender Service for the District of Colum-  
10 bia to include expenses relating to the provision of legal  
11 representation and including related services provided to  
12 the local courts and Criminal Justice Act bar; and of  
13 which \$37,411,000 shall be available to the Pretrial Serv-  
14 ices Agency: *Provided*, That notwithstanding any other  
15 provision of law, all amounts under this heading shall be  
16 apportioned quarterly by the Office of Management and  
17 Budget and obligated and expended in the same manner  
18 as funds appropriated for salaries and expenses of other  
19 Federal agencies: *Provided further*, That notwithstanding  
20 chapter 33 of title 40, United States Code, the Director  
21 shall acquire by purchase, lease, condemnation, or dona-  
22 tion, and renovate as necessary, Building Number 17,  
23 1900 Massachusetts Avenue, Southeast, Washington, Dis-  
24 trict of Columbia to house or supervise offenders and de-  
25 fendants, with funds made available for this purpose in

1 Public Law 107–96: *Provided further*, That the Director  
2 is authorized to accept and use gifts in the form of in-  
3 kind contributions of space and hospitality to support of-  
4 fender and defendant programs, and equipment and voca-  
5 tional training services to educate and train offenders and  
6 defendants: *Provided further*, That the Director shall keep  
7 accurate and detailed records of the acceptance and use  
8 of any gift or donation under the previous proviso, and  
9 shall make such records available for audit and public in-  
10 spection: *Provided further*, That the Director is authorized  
11 to accept appropriation reimbursements from the District  
12 of Columbia Government for space and services provided  
13 on a cost reimbursable basis: *Provided further*, That these  
14 reimbursements are subject to approved apportionments  
15 from the Office of Management and Budget.

16 FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER  
17 OF THE DISTRICT OF COLUMBIA

18 For a Federal payment to the Chief Financial Officer  
19 of the District of Columbia, \$20,000,000: *Provided*, That  
20 these funds shall be available for the projects and in the  
21 amounts specified in the statement of the managers on  
22 the conference report accompanying this Act: *Provided*  
23 *further*, That each entity that receives funding under this  
24 heading shall submit to the Committees on Appropriations  
25 of the House of Representatives and Senate a report due

1 March 15, 2004, on the activities carried out with such  
2 funds.

3 FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

4 For a Federal payment to the District of Columbia  
5 Department of Transportation, \$3,500,000, of which  
6 \$500,000 shall be allocated to implement a downtown  
7 circulator transit system, and of which \$3,000,000 shall  
8 be to offset a portion of the District of Columbia's allo-  
9 cated operating subsidy payment to the Washington Met-  
10 ropolitan Area Transit Authority.

11 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

12 WATER AND SEWER AUTHORITY

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

20 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT

21 INITIATIVE IN THE DISTRICT OF COLUMBIA

22 For a Federal payment to the District of Columbia  
23 Department of Transportation, for implementation of the  
24 Anacostia Waterfront Initiative, \$6,000,000, to remain  
25 available until expended.

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

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

6 FEDERAL PAYMENT TO CHILDREN'S NATIONAL  
7 MEDICAL CENTER

8 For a Federal payment to Children's National Med-  
9 ical Center, \$10,000,000, for construction costs associated  
10 with the expansion of a neo-natal care unit, pediatric in-  
11 tensive care unit, and cardiac intensive care unit.

12 FEDERAL PAYMENT TO ST. COLETTA OF GREATER  
13 WASHINGTON EXPANSION PROJECT

14 For a Federal payment to St. Coletta of Greater  
15 Washington, Inc., \$2,000,000, for costs associated with  
16 establishment of a day program and comprehensive case  
17 management services for mentally retarded and multiple-  
18 handicapped adolescents and adults in the District of Co-  
19 lumbia, including property acquisition and construction.

20 FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS  
21 IN THE DISTRICT OF COLUMBIA

22 For a Federal payment to the District of Columbia  
23 for foster care improvements, \$14,000,000: *Provided,*  
24 That \$9,000,000 shall be for the Child and Family Serv-  
25 ices Agency, of which \$2,000,000 shall be to establish an

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

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

19 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

20 For a Federal payment for a School Improvement  
21 Program in the District of Columbia, \$40,000,000, to be  
22 allocated as follows: for the State Education Office,  
23 \$13,000,000 to improve public school education in the  
24 District of Columbia; for the State Education Office,  
25 \$13,000,000 to expand quality charter schools in the Dis-

1 trict of Columbia; for the Secretary of the Department of  
 2 Education, \$13,000,000 to administer opportunity schol-  
 3 arships for students in the District of Columbia in accord-  
 4 ance with title II of this Act: *Provided further*, That  
 5 \$1,000,000 shall be for administrative expenses necessary  
 6 for carrying out title II of this Act: *Provided*, That the  
 7 State Education Office shall submit a plan for the use of  
 8 funds provided under this heading for public school edu-  
 9 cation to the Committees on Appropriations of the House  
 10 of Representatives and Senate within 30 days of enact-  
 11 ment of this Act: *Provided further*, That the funds pro-  
 12 vided under this heading for public school education shall  
 13 not be made available until 30 calendar days after the sub-  
 14 mission of a spending plan by the State Education Office  
 15 to the Committees on Appropriations of the House of Rep-  
 16 resentatives and Senate.

## 17 TITLE II—DC STUDENT OPPORTUNITY

### 18 SCHOLARSHIP ACT OF 2003

#### 19 SECTION 1. SHORT TITLE.

20 This Act may be cited as the “DC Student Oppor-  
 21 tunity Scholarship Act of 2003”.

#### 22 SEC. 2. 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, available educational alternatives to the public  
5 schools are inadequate, and more educational op-  
6 tions are needed. In particular, funds are needed to  
7 assist low-income parents to exercise choice among  
8 enhanced public opportunities and private edu-  
9 cational environments, whether religious or nonreli-  
10 gious.

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

1 level, 12 percent were proficient or advanced and 56  
2 percent 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*, 536 U.S. 639 (2002), if it is neutral  
8 with respect to religion and provides assistance to a  
9 broad class of citizens who direct government aid to  
10 religious and secular schools solely as a result of  
11 their genuine and independent private choices.

12 (5) The Mayor of the District of Columbia and  
13 the President of the District of Columbia Board of  
14 Education support this Act.

15 (6) This Act provides additional money for the  
16 District of Columbia public schools and therefore  
17 money for vouchers is not being taken out of money  
18 that would otherwise go to the District of Columbia  
19 public schools.

20 (7) This Act creates a 5-year pilot program tai-  
21 lored to the current needs and particular cir-  
22 cumstances of low-income children in District of Co-  
23 lumbia schools. This Act does not establish param-  
24 eters or requirements for other school choice pro-  
25 grams.

1 **SEC. 3. PURPOSE.**

2       The purpose of this Act is to provide low-income par-  
3 ents residing in the District of Columbia, particularly par-  
4 ents of students who attend elementary schools or sec-  
5 ondary schools identified for improvement, corrective ac-  
6 tion, or restructuring under section 1116 of the Elemen-  
7 tary and Secondary Education Act of 1965 (20 U.S.C.  
8 6316), with expanded opportunities for enrolling their  
9 children in higher-performing schools in the District of  
10 Columbia.

11 **SEC. 4. GENERAL AUTHORITY.**

12       (a) **AUTHORITY.**—From funds appropriated to carry  
13 out this Act, the Secretary shall award grants on a com-  
14 petitive basis to eligible entities with approved applications  
15 under section 5 to carry out activities to provide eligible  
16 students with expanded school choice opportunities. The  
17 Secretary may award a single grant or multiple grants,  
18 depending on the quality of applications submitted and the  
19 priorities of this Act.

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

23       (c) **MEMORANDUM OF UNDERSTANDING.**—The Sec-  
24 retary and the Mayor of the District of Columbia shall  
25 enter into a memorandum of understanding regarding the  
26 design of, selection of eligible entities to receive grants

1 under, and implementation of, a program assisted under  
2 this Act.

3 **SEC. 5. APPLICATIONS.**

4 (a) IN GENERAL.—In order to receive a grant under  
5 this Act, an eligible entity shall submit an application to  
6 the Secretary at such time, in such manner, and accom-  
7 panied by such information as the Secretary may require.

8 (b) CONTENTS.—The Secretary may not approve the  
9 request of an eligible entity for a grant under this Act  
10 unless the entity’s application includes—

11 (1) a detailed description of—

12 (A) how the entity will address the prior-  
13 ities described in section 6;

14 (B) how the entity will ensure that if more  
15 eligible students seek admission in the program  
16 than the program can accommodate, eligible  
17 students are selected for admission through a  
18 random selection process which gives weight to  
19 the priorities described in section 6;

20 (C) how the entity will ensure that if more  
21 participating eligible students seek admission to  
22 a participating school than the school can ac-  
23 commodate, participating eligible students are  
24 selected for admission through a random selec-  
25 tion process;

1 (D) how the entity will notify parents of el-  
2 igible students of the expanded choice opportu-  
3 nities and how the entity will ensure that par-  
4 ents receive sufficient information about their  
5 options to allow the parents to make informed  
6 decisions;

7 (E) the activities that the entity will carry  
8 out to provide parents of eligible students with  
9 expanded choice opportunities through the  
10 awarding of scholarships under section 7(a);

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

15 (G) how the entity will seek out private el-  
16 elementary schools and secondary schools in the  
17 District of Columbia to participate in the pro-  
18 gram, and will ensure that participating schools  
19 will meet the applicable requirements of this  
20 Act (including those related to the admission of  
21 participating eligible students) and provide the  
22 information needed for the entity to meet the  
23 reporting requirements of this Act;

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

1 will use the funds received under this title effec-  
2 tively;

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

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

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

13 **SEC. 6. PRIORITIES.**

14 In awarding grants under this Act, the Secretary  
15 shall give priority to applications from eligible entities who  
16 will most effectively—

17 (1) give priority to eligible students who, in the  
18 school year preceding the school year for which the  
19 eligible student is seeking a scholarship, attended an  
20 elementary school or secondary school identified for  
21 improvement, corrective action, or restructuring  
22 under section 1116 of the Elementary and Sec-  
23 ondary Education Act of 1965 (20 U.S.C. 6316);

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

4           (3) provide students and families with the  
5           widest range of educational options.

6 **SEC. 7. USE OF FUNDS.**

7           (a) SCHOLARSHIPS.—

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

21          (2) PAYMENTS TO PARENTS.—A grantee shall  
22          make scholarship payments under the program  
23          under this Act to the parent of the eligible student  
24          participating in the program, in a manner which en-  
25          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 Act.

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 Act may not exceed \$7,500 for any aca-  
13       demic year.

14          (4) CONTINUATION OF SCHOLARSHIPS.—Not-  
15       withstanding section 12(3)(B), an eligible entity re-  
16       ceiving a grant under this Act may award a scholar-  
17       ship, for the second or any succeeding year of an eli-  
18       gible student's participation in a program under this  
19       Act, to a student who comes from a household whose  
20       income does not exceed 200 percent of the poverty  
21       line.

22          (b) ADMINISTRATIVE EXPENSES.—A grantee may  
23       use not more than 3 percent of the amount provided under  
24       the grant each year for the administrative expenses of car-

1 rying out its program under this Act during the year, in-  
 2 cluding—

3           (1) determining the eligibility of students to  
 4 participate;

5           (2) providing information about the program  
 6 and the schools involved to parents of eligible stu-  
 7 dents;

8           (3) selecting students to receive scholarships;

9           (4) determining the amount of scholarships and  
 10 issuing the scholarships to eligible students;

11           (5) compiling and maintaining financial and  
 12 programmatic records; and

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

16 **SEC. 8. NONDISCRIMINATION.**

17           (a) **IN GENERAL.**—An eligible entity or a school par-  
 18 ticipating in any program under this Act shall not dis-  
 19 criminate against program participants or applicants on  
 20 the basis of race, color, national origin, religion, or sex.

21           (b) **APPLICABILITY AND SINGLE SEX SCHOOLS,**  
 22 **CLASSES, OR ACTIVITIES.**—

23           (1) **APPLICABILITY.**—Notwithstanding any  
 24 other provision of law, the prohibition of sex dis-  
 25 crimination in subsection (a) shall not apply to a

1 participating school that is operated by, supervised  
2 by, controlled by, or connected to a religious organi-  
3 zation to the extent that the application of sub-  
4 section (a) is inconsistent with the religious tenets of  
5 the school.

6 (2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVI-  
7 TIES.—Notwithstanding subsection (a) or any other  
8 provision of law, a parent may choose and a school  
9 may offer a single sex school, class, or activity.

10 (c) CHILDREN WITH DISABILITIES.—Nothing in this  
11 Act may be construed to alter or modify the provisions  
12 of the Individuals with Disabilities Education Act.

13 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

14 (1) IN GENERAL.—Notwithstanding any other  
15 provision of law, a school participating in any pro-  
16 gram under this Act that is operated by, supervised  
17 by, controlled by, or connected to, a religious organi-  
18 zation may exercise its discretion in matters of em-  
19 ployment consistent with title VII of the Civil Rights  
20 Act of 1964 (42 U.S.C. 2000e–1 et seq.), including  
21 the exemptions in such title.

22 (2) MAINTENANCE OF PURPOSE.—Notwith-  
23 standing any other provision of law, funds made  
24 available under this Act to eligible students that are  
25 received by a participating school, as a result of

1 their parents' choice, shall not, consistent with the  
2 first amendment of the United States Constitution,  
3 necessitate any change in the participating school's  
4 teaching mission, require any participating school to  
5 remove religious art, icons, scriptures, or other sym-  
6 bols, or preclude any participating school from re-  
7 taining religious terms in its name, selecting its  
8 board members on a religious basis, or including re-  
9 ligious references in its mission statements and  
10 other chartering or 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 Act shall be considered assistance to the  
14 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 Act 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. 9. EVALUATIONS.**

22 (a) **IN GENERAL.**—

23 (1) **DUTIES OF SECRETARY.**—The Secretary,  
24 directly or by grant, contract, or cooperative agree-  
25 ment, 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 Act 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 Act with the academic  
18 achievement of students of similar backgrounds  
19 who do not participate in such programs, in-  
20 cluding a consideration of school factors that  
21 may contribute to any differences in their aca-  
22 demic achievement.

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

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

3 (D) A comparison of the retention rates,  
4 dropout rates, and (if appropriate) graduation  
5 and college admission rates of students who  
6 participate in the programs funded under this  
7 Act with the retention rates, dropout rates, and  
8 (if appropriate) graduation and college admis-  
9 sion rates of students of similar backgrounds  
10 who do not participate in such programs.

11 (E) The impact of the program on stu-  
12 dents and public elementary schools and sec-  
13 ondary schools in the District of Columbia.

14 (F) A comparison of the safety of the  
15 schools attended by students who participate in  
16 the programs and the schools attended by stu-  
17 dents who do not participate in the programs.

18 (G) Such other issues as the Secretary  
19 considers appropriate for inclusion in the eval-  
20 uation.

21 (b) REPORTS.—The Secretary shall submit to the  
22 Committees on Appropriations, Education and the Work-  
23 force, and Government Reform of the House of Represent-  
24 atives and the Committees on Appropriations, Health,

1 Education, Labor, and Pensions, and Governmental Af-  
2 fairs of the Senate—

3 (1) annual interim reports not later than De-  
4 cember 1 of each year for which a grant is made  
5 under this Act on the progress and preliminary re-  
6 sults of the evaluation of the programs funded under  
7 this Act; and

8 (2) a final report not later than 1 year after the  
9 final year for which a grant is made under this Act  
10 on the results of the evaluation of the programs  
11 funded under this Act.

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

18 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-  
19 pended by the Secretary to carry out this section for any  
20 fiscal year may not exceed 3 percent of the total amount  
21 appropriated to carry out this Act for the year.

22 **SEC. 10. REPORTING REQUIREMENTS.**

23 (a) ACTIVITIES REPORTS.—Each grantee receiving  
24 funds under this Act during a year shall submit a report  
25 to the Secretary not later than July 30 of the following

1 year regarding the activities carried out with the funds  
2 during the preceding year.

3 (b) ACHIEVEMENT REPORTS.—

4 (1) IN GENERAL.—In addition to the reports  
5 required under subsection (a), each grantee shall,  
6 not later than September 1 of the year during which  
7 the second academic year of the grantee's program  
8 is completed and each of the next 2 years thereafter,  
9 submit a report to the Secretary regarding the data  
10 collected in the previous 2 academic years con-  
11 cerning—

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

14 (B) the graduation and college admission  
15 rates of students who participate in the pro-  
16 gram, where appropriate; and

17 (C) parental satisfaction with the program.

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

21 (c) REPORTS TO PARENT.—

22 (1) IN GENERAL.—Each grantee shall ensure  
23 that each school participating in the grantee's pro-  
24 gram under this Act during a year reports at least  
25 once during the year to the parents of each of the

1 school's students who are participating in the pro-  
2 gram on—

3 (A) the student's academic achievement, as  
4 measured by a comparison with the aggregate  
5 academic achievement of other participating  
6 students at the student's school in the same  
7 grade or level, as appropriate, and the aggre-  
8 gate academic achievement of the student's  
9 peers at the student's school in the same grade  
10 or level, as appropriate; and

11 (B) the safety of the school, including the  
12 incidence of school violence, student suspen-  
13 sions, and student expulsions.

14 (2) PROHIBITING DISCLOSURE OF PERSONAL  
15 INFORMATION.—No report under this subsection  
16 may contain any personally identifiable information,  
17 except as to the student who is the subject of the  
18 report to that student's parent.

19 (d) REPORT TO CONGRESS.—The Secretary shall  
20 submit to the Committees on Appropriations, Education  
21 and the Workforce, and Government Reform of the House  
22 of Representatives and the Committees on Appropriations,  
23 Health, Education, Labor, and Pensions, and Govern-  
24 mental Affairs of the Senate an annual report on the find-

1 ings of the reports submitted under subsections (a) and  
2 (b).

3 **SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING**  
4 **SCHOOLS.**

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

9 (b) RULES OF CONDUCT AND OTHER SCHOOL POLI-  
10 CIES.—A participating school may require eligible stu-  
11 dents to abide by any rules of conduct and other require-  
12 ments applicable to all other students at the school.

13 (c) ASSESSMENTS.—Each participating school  
14 shall—

15 (1) ensure that participating eligible students  
16 receive comparable academic assessments in the  
17 same grade levels as those provided to District of  
18 Columbia public school students, and ensure, to the  
19 maximum extent possible, that the assessment re-  
20 sults are capable of being compared to determine the  
21 relative achievement levels between participating eli-  
22 gible students and District of Columbia public school  
23 students in the same grades; and

24 (2) ensure academic assessment results con-  
25 taining any personally identifiable information shall

1 be disclosed only to the parents of the student tak-  
2 ing the assessment.

3 **SEC. 12. DEFINITIONS.**

4 As used in this Act:

5 (1) **ELEMENTARY SCHOOL.**—The term “elemen-  
6 tary school” means an institutional day or residen-  
7 tial school, including a public elementary charter  
8 school, that provides elementary education, as deter-  
9 mined under District of Columbia law.

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

12 (A) An educational entity of the District of  
13 Columbia Government.

14 (B) A nonprofit organization.

15 (C) A consortium of nonprofit organiza-  
16 tions.

17 (3) **ELIGIBLE STUDENT.**—The term “eligible  
18 student” means a student who—

19 (A) is a resident of the District of Colum-  
20 bia; and

21 (B) comes from a household whose income  
22 does not exceed 185 percent of the poverty line.

23 (4) **PARENT.**—The term “parent” has the  
24 meaning given that term in section 9101 of the Ele-

1 elementary and Secondary Education Act of 1965 (20  
2 U.S.C. 7801).

3 (5) POVERTY LINE.—The term “poverty line”  
4 has the meaning given that term in section 9101 of  
5 the Elementary and Secondary Education Act of  
6 1965 (20 U.S.C. 7801).

7 (6) SECONDARY SCHOOL.—The term “sec-  
8 ondary school” means an institutional day or resi-  
9 dential school, including a public secondary charter  
10 school, as determined under District of Columbia  
11 law, except that the term does not include any edu-  
12 cation beyond grade 12.

13 (7) SECRETARY.—The term “Secretary” means  
14 the Secretary of Education.

15 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to carry out  
17 this Act such sums as may be necessary.

18 **TITLE III—DISTRICT OF COLUMBIA FUNDS**

19 **OPERATING EXPENSES**

20 **DIVISION OF EXPENSES**

21 The following amounts are appropriated for the Dis-  
22 trict of Columbia for the current fiscal year out of the  
23 general fund of the District of Columbia, except as other-  
24 wise specifically provided: *Provided*, That notwithstanding  
25 any other provision of law, except as provided in section

1 450A of the District of Columbia Home Rule Act and pro-  
2 visions of this Act (D.C. Official Code, sec. 1-204.50a),  
3 the total amount appropriated in this Act for operating  
4 expenses for the District of Columbia for fiscal year 2004  
5 under this heading shall not exceed the lesser of the sum  
6 of the total revenues of the District of Columbia for such  
7 fiscal year or \$6,326,138,000 (of which \$3,832,734,000  
8 shall be from local funds (of which \$96,248,000 shall be  
9 funds identified in the fiscal year 2002 comprehensive an-  
10 nual financial report as the District of Columbia's fund  
11 balance funds), \$1,568,734,000 shall be from Federal  
12 grant funds, \$13,766,000 shall be from private funds,  
13 \$910,904,000 shall be from other funds) and  
14 \$109,500,000 from funds previously appropriated in this  
15 Act as Federal payments: *Provided further*, That an  
16 amount of \$263,759,000 shall be for Intra-District funds:  
17 *Provided further*, That this amount may be increased by  
18 proceeds of one-time transactions, which are expended for  
19 emergency or unanticipated operating or capital needs:  
20 *Provided further*, That such increases shall be approved  
21 by enactment of local District law and shall comply with  
22 all reserve requirements contained in the District of Co-  
23 lumbia Home Rule Act: *Provided further*, That the Chief  
24 Financial Officer of the District of Columbia shall take  
25 such steps as are necessary to assure that the District of

1 Columbia meets these requirements, including the appor-  
2 tioning by the Chief Financial Officer of the appropria-  
3 tions and funds made available to the District during fis-  
4 cal year 2004, except that the Chief Financial Officer may  
5 not reprogram for operating expenses any funds derived  
6 from bonds, notes, or other obligations issued for capital  
7 projects.

#### 8 GOVERNMENTAL DIRECTION AND SUPPORT

9 Governmental direction and support, \$284,415,000  
10 (including \$206,825,000 from local funds, \$57,440,000  
11 from Federal funds, and \$20,150,000 from other funds),  
12 in addition, \$20,000,000 from funds previously appro-  
13 priated in this Act under the heading “Federal Payment  
14 to the Chief Financial Officer of the District of Colum-  
15 bia”, and \$1,100,000 from funds previously appropriated  
16 in this Act under the heading “Federal Payment for Fos-  
17 ter Care Improvement in the District of Columbia”: *Pro-*  
18 *vided*, That not to exceed \$2,500 for the Mayor, \$2,500  
19 for the Chairman of the Council of the District of Colum-  
20 bia, \$2,500 for the City Administrator, and \$2,500 for  
21 the Office of the Chief Financial Officer shall be available  
22 from this appropriation for official purposes: *Provided fur-*  
23 *ther*, That any program fees collected from the issuance  
24 of debt shall be available for the payment of expenses of  
25 the debt management program of the District of Colum-

1 bia: *Provided further*, That no revenues from Federal  
2 sources shall be used to support the operations or activi-  
3 ties of the Statehood Commission and Statehood Compact  
4 Commission: *Provided further*, That the District of Colum-  
5 bia shall identify the sources of funding for Admission to  
6 Statehood from its own locally generated revenues: *Pro-*  
7 *vided further*, That notwithstanding any other provision of  
8 law, or Mayor's Order 86-45, issued March 18, 1986, the  
9 Office of the Chief Technology Officer's delegated small  
10 purchase authority shall be \$500,000: *Provided further*,  
11 That the District of Columbia government may not require  
12 the Office of the Chief Technology Officer to submit to  
13 any other procurement review process, or to obtain the ap-  
14 proval of or be restricted in any manner by any official  
15 or employee of the District of Columbia government, for  
16 purchases that do not exceed \$500,000: *Provided further*,  
17 That an amount not to exceed \$25,000 of the funds in  
18 the Antifraud Fund established pursuant to section 820  
19 of the District of Columbia Procurement Practices Act of  
20 1985, effective May 8, 1998 (D.C. Law 12-104; D.C. Offi-  
21 cial Code, sec. 2-308.20), is hereby made available, to re-  
22 main available until expended, for the use of the Office  
23 of the Corporation Counsel of the District of Columbia  
24 in accordance with the laws establishing this fund.

## 1           ECONOMIC DEVELOPMENT AND REGULATION

2           Economic development and regulation, \$276,647,000  
3 (including \$53,336,000 from local funds, \$91,077,000  
4 from Federal funds, \$125,000 from private funds, and  
5 \$132,109,000 from other funds), of which \$15,000,000  
6 collected by the District of Columbia in the form of BID  
7 tax revenue shall be paid to the respective BIDs pursuant  
8 to the Business Improvement Districts Act of 1996 (D.C.  
9 Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.),  
10 and the Business Improvement Districts Amendment Act  
11 of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–  
12 1215.15 et seq.): *Provided*, That such funds are available  
13 for acquiring services provided by the General Services  
14 Administration: *Provided further*, That Business Improve-  
15 ment Districts shall be exempt from taxes levied by the  
16 District of Columbia.

## 17                           PUBLIC SAFETY AND JUSTICE

18           Public safety and justice, \$745,958,000 (including  
19 \$716,715,000 from local funds, \$10,290,000 from Federal  
20 funds, \$9,000 from private funds, and \$18,944,000 from  
21 other funds): *Provided*, That not to exceed \$500,000 shall  
22 be available from this appropriation for the Chief of Police  
23 for the prevention and detection of crime: *Provided further*,  
24 That the Mayor shall reimburse the District of Columbia  
25 National Guard for expenses incurred in connection with

1 services that are performed in emergencies by the National  
2 Guard in a militia status and are requested by the Mayor,  
3 in amounts that shall be jointly determined and certified  
4 as due and payable for these services by the Mayor and  
5 the Commanding General of the District of Columbia Na-  
6 tional Guard: *Provided further*, That such sums as may  
7 be necessary for reimbursement to the District of Colum-  
8 bia National Guard under the preceding proviso shall be  
9 available from this appropriation, and the availability of  
10 the sums shall be deemed as constituting payment in ad-  
11 vance for emergency services involved.

12 PUBLIC EDUCATION SYSTEM

13 (INCLUDING TRANSFERS OF FUNDS)

14 Public education system, including the development  
15 of national defense education programs, \$1,157,841,000  
16 (including \$962,941,000 from local funds, \$156,708,000  
17 from Federal grant funds, \$4,302,000 from private funds,  
18 and not to exceed \$6,816,000, to remain available until  
19 expended, from the Medicaid and Special Education Re-  
20 form Fund), in addition, \$17,000,000 from funds pre-  
21 viously appropriated in this Act under the heading “Fed-  
22 eral Payment for Resident Tuition Support” and  
23 \$26,000,000 from funds previously appropriated in this  
24 Act under the heading “Federal Payment for School Im-

1 improvement in the District of Columbia”, to be allocated  
2 as follows:

3           (1)   DISTRICT   OF   COLUMBIA   PUBLIC  
4           SCHOOLS.—\$870,135,000 (including \$738,444,000  
5           from local funds, \$114,749,000 from Federal funds,  
6           \$3,599,000 from private funds, and \$6,527,000  
7           from other funds shall be available for District of  
8           Columbia Public Schools: *Provided*, That notwith-  
9           standing any other provision of law, rule, or regula-  
10          tion, the evaluation process and instruments for  
11          evaluating District of Columbia Public School em-  
12          ployees shall be a non-negotiable item for collective  
13          bargaining purposes: *Provided further*, That this ap-  
14          propriation shall not be available to subsidize the  
15          education of any nonresident of the District of Co-  
16          lumbia at any District of Columbia public elemen-  
17          tary or secondary school during fiscal year 2004, un-  
18          less the nonresident pays tuition to the District of  
19          Columbia at a rate that covers 100 percent of the  
20          costs incurred by the District of Columbia that are  
21          attributable to the education of the nonresident (as  
22          established by the Superintendent of the District of  
23          Columbia Public Schools): *Provided further*, That  
24          notwithstanding the amounts otherwise provided  
25          under this heading or any other provision of law,

1       there shall be appropriated to the District of Colum-  
2       bia Public Schools on July 1, 2004, an amount  
3       equal to 10 percent of the total amount provided for  
4       the District of Columbia Public Schools in the pro-  
5       posed budget of the District of Columbia for fiscal  
6       year 2005 (as submitted to Congress), and the  
7       amount of such payment shall be chargeable against  
8       the final amount provided for the District of Colum-  
9       bia Public Schools under the District of Columbia  
10      Appropriations Act, 2005: *Provided further*, That  
11      not to exceed \$2,500 for the Superintendent of  
12      Schools shall be available from this appropriation for  
13      official purposes: *Provided further*, That the District  
14      of Columbia Public Schools shall submit to the  
15      Board of Education by January 1 and July 1 of  
16      each year a Schedule A showing all the current  
17      funded positions of the District of Columbia Public  
18      Schools, their compensation levels, and indicating  
19      whether the positions are encumbered: *Provided fur-*  
20      *ther*, That the Board of Education shall approve or  
21      disapprove each Schedule A within 30 days of its  
22      submission and provide the Council of the District  
23      of Columbia a copy of the Schedule A upon its ap-  
24      proval.

1           (2) STATE EDUCATION OFFICE.—\$38,752,000  
2           (including \$9,959,000 from local funds, \$28,617,000  
3           from Federal grant funds, and \$176,000 from other  
4           funds), in addition, \$17,000,000 from funds pre-  
5           viously appropriated in this Act under the heading  
6           “Federal Payment for Resident Tuition Support”  
7           and \$26,000,000 from funds previously appropriated  
8           in this Act under the heading “Federal Payment for  
9           School Improvement in the District of Columbia”  
10          shall be available for the State Education Office:  
11          *Provided*, That of the amounts provided to the State  
12          Education Office, \$500,000 from local funds shall  
13          remain available until June 30, 2005 for an audit of  
14          the student enrollment of each District of Columbia  
15          Public School and of each District of Columbia pub-  
16          lic charter school.

17           (3) DISTRICT OF COLUMBIA PUBLIC CHARTER  
18          SCHOOLS.—\$137,531,000 from local funds shall be  
19          available for District of Columbia public charter  
20          schools: *Provided*, That there shall be quarterly dis-  
21          bursement of funds to the District of Columbia pub-  
22          lic charter schools, with the first payment to occur  
23          within 15 days of the beginning of the fiscal year:  
24          *Provided further*, That if the entirety of this alloca-  
25          tion has not been provided as payments to any pub-

1       lic charter school currently in operation through the  
2       per pupil funding formula, the funds shall be avail-  
3       able as follows: (1) the first \$3,000,000 shall be de-  
4       posited in the Credit Enhancement Revolving Fund  
5       established pursuant to section 603(e) of the Stu-  
6       dent Loan Marketing Association Reorganization  
7       Act of 1996, approved September 20, 1996 (Public  
8       Law 104–208; 110 Stat. 3009; 20 U.S.C. 1155(e));  
9       and (2) the balance shall be for public education in  
10      accordance with section 2403(b)(2) of the District of  
11      Columbia School Reform Act of 1995, approved No-  
12      vember 19, 1997 (Public Law 105–100, section 172;  
13      D.C. Official Code, section 38–1804.03(b)(2)): *Pro-*  
14      *vided further,* That of the amounts made available to  
15      District of Columbia public charter schools, \$25,000  
16      shall be made available to the Office of the Chief Fi-  
17      nancial Officer as authorized by section 2403(b)(6)  
18      of the District of Columbia School Reform Act of  
19      1995 (D.C. Official Code, sec. 38–1804.03(b)(6)):  
20      *Provided further,* That \$660,000 of this amount  
21      shall be available to the District of Columbia Public  
22      Charter School Board for administrative costs: *Pro-*  
23      *vided further,* That notwithstanding the amounts  
24      otherwise provided under this heading or any other  
25      provision of law, there shall be appropriated to the

1 District of Columbia public charter schools on July  
2 1, 2004, an amount equal to 25 percent of the total  
3 amount provided for payments to public charter  
4 schools in the proposed budget of the District of Co-  
5 lumbia for fiscal year 2005 (as submitted to Con-  
6 gress), and the amount of such payment shall be  
7 chargeable against the final amount provided for  
8 such payments under the District of Columbia Ap-  
9 propriations Act, 2005.

10 (4) UNIVERSITY OF THE DISTRICT OF COLUM-  
11 BIA.—\$80,660,000 (including \$48,656,000 from  
12 local funds, \$11,867,000 from Federal funds,  
13 \$703,000 from private funds, and \$19,434,000 from  
14 other funds) shall be available for the University of  
15 the District of Columbia: *Provided*, That this appro-  
16 priation shall not be available to subsidize the edu-  
17 cation of nonresidents of the District of Columbia at  
18 the University of the District of Columbia, unless  
19 the Board of Trustees of the University of the Dis-  
20 trict of Columbia adopts, for the fiscal year ending  
21 September 30, 2004, a tuition rate schedule that will  
22 establish the tuition rate for nonresident students at  
23 a level no lower than the nonresident tuition rate  
24 charged at comparable public institutions of higher  
25 education in the metropolitan area: *Provided further*,

1 That notwithstanding the amounts otherwise pro-  
2 vided under this heading or any other provision of  
3 law, there shall be appropriated to the University of  
4 the District of Columbia on July 1, 2004, an  
5 amount equal to 10 percent of the total amount pro-  
6 vided for the University of the District of Columbia  
7 in the proposed budget of the District of Columbia  
8 for fiscal year 2005 (as submitted to Congress), and  
9 the amount of such payment shall be chargeable  
10 against the final amount provided for the University  
11 of the District of Columbia under the District of Co-  
12 lumbia Appropriations Act, 2005: *Provided further*,  
13 That not to exceed \$2,500 for the President of the  
14 University of the District of Columbia shall be avail-  
15 able from this appropriation for official purposes.

16 (5) DISTRICT OF COLUMBIA PUBLIC LIBRAR-  
17 IES.—\$28,287,000 (including \$26,750,000 from  
18 local funds, \$1,000,000 from Federal funds, and  
19 \$537,000 from other funds) shall be available for  
20 the District of Columbia Public Libraries: *Provided*,  
21 That not to exceed \$2,000 for the Public Librarian  
22 shall be available from this appropriation for official  
23 purposes.

24 (6) COMMISSION ON THE ARTS AND HUMAN-  
25 ITIES.—\$2,476,000 (including \$1,601,000 from local

1 funds, \$475,000 from Federal funds, and \$400,000  
2 from other funds) shall be available for the Commis-  
3 sion on the Arts and Humanities.

#### 4 HUMAN SUPPORT SERVICES

5 (INCLUDING TRANSFER OF FUNDS)

6 Human support services, \$2,360,067,000 (including  
7 \$1,030,223,000 from local funds, \$1,247,945,000 from  
8 Federal funds, \$9,330,000 from private funds, and  
9 \$24,330,000 from other funds, of which \$48,239,000, to  
10 remain available until expended, shall be available for de-  
11 posit in the Medicaid and Special Education Reform Fund  
12 established pursuant to the Medicaid and Special Edu-  
13 cation Reform Fund Establishment Act of 2002, effective  
14 October 1, 2002 (D.C. Law 14–190; D.C. Official Code  
15 4–204.51 et seq.)), in addition, \$12,900,000 from funds  
16 previously appropriated in this Act under the heading  
17 “Federal Payment to Foster Care Improvement in the  
18 District of Columbia”: *Provided*, That the funds deposited  
19 in the Medicaid and Special Education Reform Fund are  
20 allocated as follows: no more than \$6,816,000 for District  
21 of Columbia Public Schools, no more than \$18,744,000  
22 for Child and Family Services, no more than \$7,795,000  
23 for the Department of Human Services, and no more than  
24 \$21,700,000 for the Department of Mental Health: *Pro-*  
25 *vided further*, That \$27,959,000 of this appropriation, to

1 remain available until expended, shall be available solely  
2 for District of Columbia employees' disability compensa-  
3 tion: *Provided further*, That \$7,500,000 of this appropria-  
4 tion, to remain available until expended, shall be deposited  
5 in the Addiction Recovery Fund, established pursuant to  
6 section 5 of the Choice in Drug Treatment Act of 2000  
7 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004) and  
8 used exclusively for the purpose of the Drug Treatment  
9 Choice Program established pursuant to section 4 of the  
10 Choice in Drug Treatment Act of 2000 (D.C. Law 13-  
11 146; D.C. Official Code, sec. 7-3003): *Provided further*,  
12 That no less than \$2,000,000 of this appropriation shall  
13 be available exclusively for the purpose of funding the pilot  
14 substance abuse program for youth ages 14 through 21  
15 years established pursuant to section 4212 of the Pilot  
16 Substance Abuse Program for Youth Act of 2001 (D.C.  
17 Law 14-28; D.C. Official Code, sec. 7-3101): *Provided*  
18 *further*, That \$4,500,000 of this appropriation, to remain  
19 available until expended, shall be deposited in the Interim  
20 Disability Assistance Fund established pursuant to section  
21 201 of the District of Columbia Public Assistance Act of  
22 1982 (D.C. Law 4-101; D.C. Official Code, sec. 4-  
23 202.01), to be used exclusively for the Interim Disability  
24 Assistance program and the purposes for that program set  
25 forth in section 407 of the District of Columbia Public

1 Assistance Act of 1982 (D.C. Law 13–252; D.C. Official  
2 Code, sec. 4–204.07): *Provided further*, That no less than  
3 \$640,531 of this appropriation shall be available exclu-  
4 sively for the purpose of funding the Burial Assistance  
5 Program established by section 1802 of the Burial Assist-  
6 ance Program Reestablishment Act of 1999, effective Oc-  
7 tober 20, 1999 (D.C. Law 13–38; D.C. Official Code, sec-  
8 tion 4–1001).

#### 9 PUBLIC WORKS

10 Public works, including rental of one passenger-car-  
11 rying vehicle for use by the Mayor and three passenger-  
12 carrying vehicles for use by the Council of the District of  
13 Columbia and leasing of passenger-carrying vehicles,  
14 \$327,046,000 (including \$308,028,000 from local funds,  
15 \$5,274,000 from Federal funds, and \$13,744,000 from  
16 other funds): *Provided*, That this appropriation shall not  
17 be available for collecting ashes or miscellaneous refuse  
18 from hotels and places of business.

#### 19 EMERGENCY AND CONTINGENCY RESERVE FUNDS

20 For the emergency reserve fund and the contingency  
21 reserve fund under section 450A of the District of Colum-  
22 bia Home Rule Act (D.C. Official Code, sec. 1–204.50a),  
23 such amounts from local funds as are necessary to meet  
24 the balance requirements for such funds under such sec-  
25 tion.

## 1           REPAYMENT OF LOANS AND INTEREST

2           For payment of principal, interest, and certain fees  
3 directly resulting from borrowing by the District of Co-  
4 lumbia to fund District of Columbia capital projects as  
5 authorized by sections 462, 475, and 490 of the District  
6 of Columbia Home Rule Act (D.C. Official Code, secs. 1-  
7 204.62, 1-204.75, and 1-204.90), \$311,504,000 from  
8 local funds: *Provided*, That for equipment leases, the  
9 Mayor may finance \$14,300,000 of equipment cost, plus  
10 cost of issuance not to exceed 2 percent of the par amount  
11 being financed on a lease purchase basis with a maturity  
12 not to exceed 5 years.

## 13          PAYMENT OF INTEREST ON SHORT-TERM BORROWING

14          For payment of interest on short-term borrowing,  
15 \$3,000,000 from local funds.

## 16                   CERTIFICATES OF PARTICIPATION

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

## 21                   SETTLEMENTS AND JUDGMENTS

22          For making refunds and for the payment of legal set-  
23 tlements or judgments that have been entered against the  
24 District of Columbia government, \$22,522,000: *Provided*,

1 That this appropriation shall not be construed as modi-  
2 fying or affecting the provisions of section 103 of this Act.

3 WILSON BUILDING

4 For expenses associated with the John A. Wilson  
5 Building, \$3,704,000 from local funds.

6 WORKFORCE INVESTMENTS

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

11 NON-DEPARTMENTAL AGENCY

12 To account for anticipated costs that cannot be allo-  
13 cated to specific agencies during the development of the  
14 proposed budget, \$19,639,000 (including \$11,455,000  
15 from local funds, and \$8,184,000 from other funds) to be  
16 transferred by the Mayor of the District of Columbia with-  
17 in the various appropriation headings in this Act: *Pro-*  
18 *vided*, That \$5,000,000 in local funds shall be available  
19 to meet contractual obligations, and \$11,455,000 in local  
20 funds shall be for anticipated costs associated with the No  
21 Child Left Behind Act.

22 EMERGENCY PLANNING AND SECURITY COSTS

23 From funds previously appropriated in this Act under  
24 the heading "Federal Payment for Emergency Planning



1 cial Code, section 47-392.02(j)(2)), \$50,000,000 from  
2 local funds.

3 MEDICAID DISALLOWANCE

4 For making refunds associated with disallowed Med-  
5 icaid funding an amount not to exceed \$57,000,000 in  
6 local funds to remain available until expended: *Provided,*  
7 That funds are derived from a transfer from the funds  
8 identified in the fiscal year 2002 comprehensive annual  
9 financial report as the District of Columbia's Grants Dis-  
10 allowance balance.

11 ENTERPRISE AND OTHER FUNDS

12 WATER AND SEWER AUTHORITY

13 For operation of the Water and Sewer Authority,  
14 \$259,095,000 from other funds, of which \$18,692,000  
15 shall be apportioned for repayment of loans and interest  
16 incurred for capital improvement projects (\$18,094,000  
17 and payable to the District's debt service fund).

18 For construction projects, \$199,807,000, to be dis-  
19 tributed as follows: \$99,449,000 for the Blue Plains  
20 Wastewater Treatment Plant, \$16,739,000 for the sewer  
21 program, \$42,047,000 for the combined sewer program,  
22 \$42,047,000 for the Combined Sewer Overflow Long-  
23 Term Control Plan, \$5,993,000 for the stormwater pro-  
24 gram, \$24,431,000 for the water program, and  
25 \$11,148,000 for the capital equipment program, in addi-

1 tion, \$25,000,000 from funds previously appropriated in  
2 this Act under the heading “Federal Payment to the Dis-  
3 trict of Columbia Water and Sewer Authority”.

4 WASHINGTON AQUEDUCT

5 For operation of the Washington Aqueduct,  
6 \$55,553,000 from other funds.

7 STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

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

10 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

11 For the Lottery and Charitable Games Enterprise  
12 Fund, established by the District of Columbia Appropria-  
13 tion Act, 1982, for the purpose of implementing the Law  
14 to Legalize Lotteries, Daily Numbers Games, and Bingo  
15 and Raffles for Charitable Purposes in the District of Co-  
16 lumbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301  
17 et seq. and sec. 22–1716 et seq.), \$242,755,000: *Provided*,  
18 That the District of Columbia shall identify the source of  
19 funding for this appropriation title from the District’s own  
20 locally generated revenues: *Provided further*, That no reve-  
21 nues from Federal sources shall be used to support the  
22 operations or activities of the Lottery and Charitable  
23 Games 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, es-  
6 tablished pursuant to section 121 of the District of Colum-  
7 bia Retirement Reform Act of 1979 (D.C. Official Code,  
8 sec. 1-711), \$13,895,000 from the earnings of the appli-  
9 cable retirement funds to pay legal, management, invest-  
10 ment, and other fees and administrative expenses of the  
11 District of Columbia Retirement Board: *Provided*, That  
12 the District of Columbia Retirement Board shall provide  
13 to the Congress and to the Council of the District of Co-  
14 lumbia a quarterly report of the allocations of charges by  
15 fund and of expenditures of all funds: *Provided further*,  
16 That the District of Columbia Retirement Board shall pro-  
17 vide the Mayor, for transmittal to the Council of the Dis-  
18 trict of Columbia, an itemized accounting of the planned  
19 use of appropriated funds in time for each annual budget  
20 submission and the actual use of such funds in time for  
21 each annual audited 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  
8 local funds, \$46,014,000 from Highway Trust funds,  
9 \$38,311,000 from the Rights-of-way funds, \$218,880,000  
10 from Federal funds, and a rescission of \$99,884,000 from  
11 local funds appropriated under this heading in prior fiscal  
12 years, for a net amount of \$904,913,000, to remain avail-  
13 able until expended, in addition, \$5,000,000 from funds  
14 previously appropriated in this Act under the heading  
15 “Federal Payment for Capital Development in the District  
16 of Columbia” and \$6,000,000 from funds previously ap-  
17 propriated in this Act for the “Anacostia Waterfront Ini-  
18 tiative”: *Provided*, That funds for use of each capital  
19 project implementing agency shall be managed and con-  
20 trolled in accordance with all procedures and limitations  
21 established under the Financial Management System: *Pro-*  
22 *vided further*, That all funds provided by this appropria-  
23 tion title shall be available only for the specific projects  
24 and purposes intended.

## 1 TITLE IV—GENERAL PROVISIONS

2 SEC. 101. Whenever in this Act, an amount is speci-  
3 fied within an appropriation for particular purposes or ob-  
4 jects of expenditure, such amount, unless otherwise speci-  
5 fied, shall be considered as the maximum amount that  
6 may be expended for said purpose or object rather than  
7 an amount set apart exclusively therefor.

8 SEC. 102. Appropriations in this Act shall be avail-  
9 able for expenses of travel and for the payment of dues  
10 of organizations concerned with the work of the District  
11 of Columbia government, when authorized by the Mayor:  
12 *Provided*, That in the case of the Council of the District  
13 of Columbia, funds may be expended with the authoriza-  
14 tion of the Chairman of the Council.

15 SEC. 103. There are appropriated from the applicable  
16 funds of the District of Columbia such sums as may be  
17 necessary for making refunds and for the payment of legal  
18 settlements or judgments that have been entered against  
19 the District of Columbia government: *Provided*, That  
20 nothing contained in this section shall be construed as  
21 modifying or affecting the provisions of section 11(c)(3)  
22 of title XII of the District of Columbia Income and Fran-  
23 chise Tax Act of 1947 (D.C. Official Code, sec. 47-  
24 1812.11(c)(3)).

1        SEC. 104. 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. 105. 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.  
9 Nothing herein is intended to prohibit the availability of  
10 school buildings for the use of any community or partisan  
11 political group during non-school hours.

12        SEC. 106. 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 Represent-  
17 atives and Senate, the Committee on Government Reform  
18 of the House of Representatives, the Committee on Gov-  
19 ernmental Affairs of the Senate, and the Council of the  
20 District of Columbia, or their duly authorized representa-  
21 tive.

22        SEC. 107. None of the Federal funds provided in this  
23 Act may be used for publicity or propaganda purposes or  
24 implementation of any policy including boycott designed

1 to support or defeat legislation pending before Congress  
2 or any State legislature.

3 SEC. 108. (a) None of the Federal funds provided in  
4 this Act may be used to carry out lobbying activities on  
5 any matter.

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

9 SEC. 109. (a) None of the funds provided under this  
10 Act to the agencies funded by this Act, both Federal and  
11 District government agencies, that remain available for  
12 obligation or expenditure in fiscal year 2004, or provided  
13 from any accounts in the Treasury of the United States  
14 derived by the collection of fees available to the agencies  
15 funded by this Act, shall be available for obligation or ex-  
16 penditure for an agency through a reprogramming of  
17 funds which—

18 (1) creates new programs;

19 (2) eliminates a program, project, or responsi-  
20 bility center;

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

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

1           (5) reestablishes any program or project pre-  
2           viously deferred through reprogramming;

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

7           (7) increases by 20 percent or more personnel  
8           assigned to a specific program, project or responsi-  
9           bility center,

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

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

22           SEC. 110. Consistent with the provisions of section  
23 1301(a) of title 31, United States Code, appropriations  
24 under this Act shall be applied only to the objects for

1 which the appropriations were made except as otherwise  
2 provided by law.

3       SEC. 111. Notwithstanding any other provisions of  
4 law, the provisions of the District of Columbia Govern-  
5 ment Comprehensive Merit Personnel Act of 1978 (D.C.  
6 Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.),  
7 enacted pursuant to section 422(3) of the District of Co-  
8 lumbia Home Rule Act (D.C. Official Code, sec. 1-  
9 204.22(3)), shall apply with respect to the compensation  
10 of District of Columbia employees: *Provided*, That for pay  
11 purposes, employees of the District of Columbia govern-  
12 ment shall not be subject to the provisions of title 5,  
13 United States Code.

14       SEC. 112. No later than 30 days after the end of the  
15 first quarter of fiscal year 2004, the Mayor of the District  
16 of Columbia shall submit to the Council of the District  
17 of Columbia and the Committees on Appropriations of the  
18 House of Representatives and Senate the new fiscal year  
19 2004 revenue estimates as of the end of such quarter.  
20 These estimates shall be used in the budget request for  
21 fiscal year 2005. The officially revised estimates at mid-  
22 year shall be used for the midyear report.

23       SEC. 113. No sole source contract with the District  
24 of Columbia government or any agency thereof may be re-  
25 newed or extended without opening that contract to the

1 competitive bidding process as set forth in section 303 of  
2 the District of Columbia Procurement Practices Act of  
3 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03),  
4 except that the District of Columbia government or any  
5 agency thereof may renew or extend sole source contracts  
6 for which competition is not feasible or practical, but only  
7 if the determination as to whether to invoke the competi-  
8 tive bidding process has been made in accordance with  
9 duly promulgated rules and procedures and has been re-  
10 viewed and certified by the Chief Financial Officer of the  
11 District of Columbia.

12       SEC. 114. (a) In the event a sequestration order is  
13 issued pursuant to the Balanced Budget and Emergency  
14 Deficit Control Act of 1985 after the amounts appro-  
15 priated to the District of Columbia for the fiscal year in-  
16 volved have been paid to the District of Columbia, the  
17 Mayor of the District of Columbia shall pay to the Sec-  
18 retary of the Treasury, within 15 days after receipt of a  
19 request therefor from the Secretary of the Treasury, such  
20 amounts as are sequestered by the order: *Provided*, That  
21 the sequestration percentage specified in the order shall  
22 be applied proportionately to each of the Federal appro-  
23 priation accounts in this Act that are not specifically ex-  
24 empted from sequestration by such Act.

1           (b) For purposes of the Balanced Budget and Emer-  
2 gency Deficit Control Act of 1985, the term “program,  
3 project, and activity” shall be synonymous with and refer  
4 specifically to each account appropriating Federal funds  
5 in this Act, and any sequestration order shall be applied  
6 to each of the accounts rather than to the aggregate total  
7 of those accounts: *Provided*, That sequestration orders  
8 shall not be applied to any account that is specifically ex-  
9 empted from sequestration by the Balanced Budget and  
10 Emergency Deficit Control Act of 1985.

11           SEC. 115. (a)(1) An entity of the District of Colum-  
12 bia government may accept and use a gift or donation dur-  
13 ing fiscal year 2004 if—

14                   (A) the Mayor approves the acceptance and use  
15 of the gift or donation (except as provided in para-  
16 graph (2) of this subsection); and

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

19           (2) The Council of the District of Columbia and the  
20 District of Columbia courts may accept and use gifts with-  
21 out prior approval by the Mayor.

22           (b) Each entity of the District of Columbia govern-  
23 ment shall keep accurate and detailed records of the ac-  
24 ceptance and use of any gift or donation under subsection

1 (a), and shall make such records available for audit and  
2 public inspection.

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

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

11 SEC. 116. None of the Federal funds provided in this  
12 Act may be used by the District of Columbia to provide  
13 for salaries, expenses, or other costs associated with the  
14 offices of United States Senator or United States Rep-  
15 resentative under section 4(d) of the District of Columbia  
16 Statehood Constitutional Convention Initiatives of 1979  
17 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

18 SEC. 117. None of the funds appropriated under this  
19 Act shall be expended for any abortion except where the  
20 life of the mother would be endangered if the fetus were  
21 carried to term or where the pregnancy is the result of  
22 an act of rape or incest.

23 SEC. 118. None of the Federal funds made available  
24 in this Act may be used to implement or enforce the  
25 Health Care Benefits Expansion Act of 1992 (D.C. Law

1 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-  
2 erwise implement or enforce any system of registration of  
3 unmarried, cohabiting couples, including but not limited  
4 to registration for the purpose of extending employment,  
5 health, or governmental benefits to such couples on the  
6 same basis that such benefits are extended to legally mar-  
7 ried couples.

8       SEC. 119. (a) Notwithstanding any other provision  
9 of this Act, the Mayor, in consultation with the Chief Fi-  
10 nancial Officer of the District of Columbia may accept,  
11 obligate, and expend Federal, private, and other grants  
12 received by the District government that are not reflected  
13 in the amounts appropriated in this Act.

14       (b) No such Federal, private, or other grant may be  
15 accepted, obligated, or expended pursuant to subsection  
16 (a) until—

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

20               (2) the Council within 15 calendar days after  
21 receipt of the report submitted under paragraph (1)  
22 has reviewed and approved the acceptance, obliga-  
23 tion, and expenditure of such grant.

24       (c) No amount may be obligated or expended from  
25 the general fund or other funds of the District of Colum-

1 bia government in anticipation of the approval or receipt  
2 of a grant under subsection (b)(2) or in anticipation of  
3 the approval or receipt of a Federal, private, or other  
4 grant not subject to such subsection.

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

13 SEC. 120. (a) Except as otherwise provided in this  
14 section, none of the funds made available by this Act or  
15 by any other Act may be used to provide any officer or  
16 employee of the District of Columbia with an official vehi-  
17 cle unless the officer or employee uses the vehicle only in  
18 the performance of the officer's or employee's official du-  
19 ties. For purposes of this paragraph, the term "official  
20 duties" does not include travel between the officer's or em-  
21 ployee's residence and workplace, except in the case of—

22 (1) an officer or employee of the Metropolitan  
23 Police Department who resides in the District of Co-  
24 lumbia or is otherwise designated by the Chief of the  
25 Department;

1           (2) at the discretion of the Fire Chief, an offi-  
2           cer or employee of the District of Columbia Fire and  
3           Emergency Medical Services Department who re-  
4           sides in the District of Columbia and is on call 24  
5           hours a day;

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

7           (4) the Chairman of the Council of the District  
8           of Columbia.

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

21          SEC. 121. No officer or employee of the District of  
22          Columbia government (including any independent agency  
23          of the District of Columbia, but excluding the Office of  
24          the Chief Technology Officer, the Office of the Chief Fi-  
25          nancial Officer of the District of Columbia, and the Metro-

1 politan Police Department) may enter into an agreement  
2 in excess of \$2,500 for the procurement of goods or serv-  
3 ices on behalf of any entity of the District government  
4 until the officer or employee has conducted an analysis  
5 of how the procurement of the goods and services involved  
6 under the applicable regulations and procedures of the  
7 District government would differ from the procurement of  
8 the goods and services involved under the Federal supply  
9 schedule and other applicable regulations and procedures  
10 of the General Services Administration, including an anal-  
11 ysis of any differences in the costs to be incurred and the  
12 time required to obtain the goods or services.

13 SEC. 122. None of the funds contained in this Act  
14 may be used for purposes of the annual independent audit  
15 of the District of Columbia government for fiscal year  
16 2004 unless—

17 (1) the audit is conducted by the Inspector  
18 General of the District of Columbia, in coordination  
19 with the Chief Financial Officer of the District of  
20 Columbia, pursuant to section 208(a)(4) of the Dis-  
21 trict of Columbia Procurement Practices Act of  
22 1985 (D.C. Official Code, sec. 2-302.8); and

23 (2) the audit includes as a basic financial state-  
24 ment a comparison of audited actual year-end re-  
25 sults with the revenues submitted in the budget doc-

1        ument for such year and the appropriations enacted  
2        into law for such year using the format, terminology,  
3        and classifications contained in the law making the  
4        appropriations for the year and its legislative his-  
5        tory.

6        SEC. 123. (a) None of the funds contained in this  
7        Act may be used by the District of Columbia Corporation  
8        Counsel or any other officer or entity of the District gov-  
9        ernment to provide assistance for any petition drive or civil  
10       action which seeks to require Congress to provide for vot-  
11       ing representation in Congress for the District of Colum-  
12       bia.

13       (b) Nothing in this section bars the District of Co-  
14       lumbia Corporation Counsel from reviewing or com-  
15       menting on briefs in private lawsuits, or from consulting  
16       with officials of the District government regarding such  
17       lawsuits.

18       SEC. 124. (a) None of the Federal funds contained  
19       in this Act may be used for any program of distributing  
20       sterile needles or syringes for the hypodermic injection of  
21       any illegal drug.

22       (b) Any individual or entity who receives any funds  
23       contained in this Act and who carries out any program  
24       described in subsection (a) shall account for all funds used

1 for such program separately from any funds contained in  
2 this Act.

3       SEC. 125. None of the funds contained in this Act  
4 may be used after the expiration of the 60-day period that  
5 begins on the date of the enactment of this Act to pay  
6 the salary of any chief financial officer of any office of  
7 the District of Columbia government (including any inde-  
8 pendent agency of the District of Columbia) who has not  
9 filed a certification with the Mayor and the Chief Finan-  
10 cial Officer of the District of Columbia that the officer  
11 understands the duties and restrictions applicable to the  
12 officer and the officer's agency as a result of this Act (and  
13 the amendments made by this Act), including any duty  
14 to prepare a report requested either in the Act or in any  
15 of the reports accompanying the Act and the deadline by  
16 which each report must be submitted. The Chief Financial  
17 Officer of the District of Columbia shall provide to the  
18 Committees on Appropriations of the House of Represent-  
19 atives and Senate by the 10th day after the end of each  
20 quarter a summary list showing each report, the due date,  
21 and the date submitted to the Committees.

22       SEC. 126. (a) None of the funds contained in this  
23 Act may be used to enact or carry out any law, rule, or  
24 regulation to legalize or otherwise reduce penalties associ-  
25 ated with the possession, use, or distribution of any sched-

1   ule I substance under the Controlled Substances Act (21  
2   U.S.C. 802) or any tetrahydrocannabinols derivative.

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

7           SEC. 127. Nothing in this Act may be construed to  
8   prevent the Council or Mayor of the District of Columbia  
9   from addressing the issue of the provision of contraceptive  
10  coverage by health insurance plans, but it is the intent  
11  of Congress that any legislation enacted on such issue  
12  should include a “conscience clause” which provides excep-  
13  tions for religious beliefs and moral convictions.

14          SEC. 128. (a) If the Superior Court of the District  
15  of Columbia or the District of Columbia Court of Appeals  
16  does not make a payment described in subsection (b) prior  
17  to the expiration of the 45-day period which begins on the  
18  date the Court receives a completed voucher for a claim  
19  for the payment, interest shall be assessed against the  
20  amount of the payment which would otherwise be made  
21  to take into account the period which begins on the day  
22  after the expiration of such 45-day period and which ends  
23  on the day the Court makes the payment.

24          (b) A payment described in this subsection is—

1           (1) a payment authorized under section 11–  
2           2604 and section 11–2605, D.C. Official Code (re-  
3           lating to representation provided under the District  
4           of Columbia Criminal Justice Act);

5           (2) a payment for counsel appointed in pro-  
6           ceedings in the Family Court of the Superior Court  
7           of the District of Columbia under chapter 23 of title  
8           16, D.C. Official Code; or

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

14          (c) The chief judges of the Superior Court of the Dis-  
15          trict of Columbia and the District of Columbia Court of  
16          Appeals shall establish standards and criteria for deter-  
17          mining whether vouchers submitted for claims for pay-  
18          ments described in subsection (b) are complete, and shall  
19          publish and make such standards and criteria available to  
20          attorneys who practice before such Courts.

21          (d) Nothing in this section shall be construed to re-  
22          quire the assessment of interest against any claim (or por-  
23          tion of any claim) which is denied by the Court involved.

24          (e) This section shall apply with respect to claims re-  
25          ceived by the Superior Court of the District of Columbia

1 or the District of Columbia Court of Appeals during fiscal  
2 year 2003 and any subsequent fiscal year.

3 SEC. 129. The Mayor of the District of Columbia  
4 shall submit to the Committees on Appropriations of the  
5 House of Representatives and Senate, the Committee on  
6 Government Reform of the House of Representatives, and  
7 the Committee on Governmental Affairs of the Senate  
8 quarterly reports addressing the following issues—

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

13 (2) access to substance and alcohol abuse treat-  
14 ment, including the number of treatment slots, the  
15 number of people served, the number of people on  
16 waiting lists, and the effectiveness of treatment pro-  
17 grams;

18 (3) management of parolees and pre-trial vio-  
19 lent offenders, including the number of halfway  
20 house escapes and steps taken to improve moni-  
21 toring and supervision of halfway house residents to  
22 reduce the number of escapes to be provided in con-  
23 sultation with the Court Services and Offender Su-  
24 pervision Agency for the District of Columbia;

1           (4) education, including access to special edu-  
2           cation services and student achievement to be pro-  
3           vided in consultation with the District of Columbia  
4           Public Schools and the District of Columbia public  
5           charter schools;

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

8           (6) application for and management of Federal  
9           grants, including the number and type of grants for  
10          which the District was eligible but failed to apply  
11          and the number and type of grants awarded to the  
12          District but for which the District failed to spend  
13          the amounts received; and

14          (7) indicators of child well-being.

15          SEC. 130. No later than 30 calendar days after the  
16          date of the enactment of this Act, the Chief Financial Offi-  
17          cer of the District of Columbia shall submit to the appro-  
18          priate committees of Congress, the Mayor, and the Council  
19          of the District of Columbia a revised appropriated funds  
20          operating budget in the format of the budget that the Dis-  
21          trict of Columbia government submitted pursuant to sec-  
22          tion 442 of the District of Columbia Home Rule Act (D.C.  
23          Official Code, sec. 1-204.42), for all agencies of the Dis-  
24          trict of Columbia government for fiscal year 2004 that is  
25          in the total amount of the approved appropriation and

1 that realigns all budgeted data for personal services and  
2 other-than-personal-services, respectively, with anticipated  
3 actual expenditures.

4 SEC. 131. None of the funds contained in this Act  
5 may be used to issue, administer, or enforce any order  
6 by the District of Columbia Commission on Human Rights  
7 relating to docket numbers 93–030–(PA) and 93–031–  
8 (PA).

9 SEC. 132. None of the Federal funds made available  
10 in this Act may be transferred to any department, agency,  
11 or instrumentality of the United States Government, ex-  
12 cept pursuant to a transfer made by, or transfer authority  
13 provided in, this Act or any other appropriation Act.

14 SEC. 133. In addition to any other authority to pay  
15 claims and judgments, any department, agency, or instru-  
16 mentality of the District government may pay the settle-  
17 ment or judgment of a claim or lawsuit in an amount less  
18 than \$10,000, in accordance with the Risk Management  
19 for Settlements and Judgments Amendment Act of 2000  
20 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

21 SEC. 134. All funds from the Crime Victims Com-  
22 pensation Fund, established pursuant to section 16 of the  
23 Victims of Violent Crime Compensation Act of 1996 (D.C.  
24 Law 11–243; D.C. Official Code, sec. 4–514) (“Com-  
25 pensation Act”), that are designated for outreach activi-

1 ties pursuant to section 16(d)(2) of the Compensation Act  
2 shall be deposited in the Crime Victims Assistance Fund,  
3 established pursuant to section 16a of the Compensation  
4 Act, for the purpose of outreach activities, and shall re-  
5 main available until expended.

6       SEC. 135. Notwithstanding any other law, the Dis-  
7 trict of Columbia Courts shall transfer to the general  
8 treasury of the District of Columbia all fines levied and  
9 collected by the Courts in cases charging Driving Under  
10 the Influence and Driving While Impaired. The trans-  
11 ferred funds shall remain available until expended and  
12 shall be used by the Office of the Corporation Counsel for  
13 enforcement and prosecution of District traffic alcohol  
14 laws in accordance with section 10(b)(3) of the District  
15 of Columbia Traffic Control Act (D.C. Official Code, sec.  
16 50–2201.05(b)(3)).

17       SEC. 136. From the local funds appropriated under  
18 this Act, any agency of the District government may  
19 transfer to the Office of Labor Relations and Collective  
20 Bargaining (OLRCB) such amounts as may be necessary  
21 to pay for representation by OLRCB in third-party cases,  
22 grievances, and dispute resolution, pursuant to an intra-  
23 District agreement with OLRCB. These amounts shall be  
24 available for use by OLRCB to reimburse the cost of pro-  
25 viding the representation.

1        SEC. 137. None of the funds contained in this Act  
2 may be made available to pay—

3            (1) the fees of an attorney who represents a  
4 party in an action or an attorney who defends any  
5 action, including an administrative proceeding,  
6 brought against the District of Columbia Public  
7 Schools under the Individuals with Disabilities Edu-  
8 cation Act (20 U.S.C. 1400 et seq.) in excess of  
9 \$4,000 for that action; or

10           (2) the fees of an attorney or firm whom the  
11 Chief Financial Officer of the District of Columbia  
12 determines to have a pecuniary interest, either  
13 through an attorney, officer or employee of the firm,  
14 in any special education diagnostic services, schools,  
15 or other special education service providers.

16        SEC. 138. The Chief Financial Officer of the District  
17 of Columbia shall require attorneys in special education  
18 cases brought under the Individuals with Disabilities Act  
19 (IDEA) in the District of Columbia to certify in writing  
20 that the attorney or representative rendered any and all  
21 services for which they receive awards, including those re-  
22 ceived under a settlement agreement or as part of an ad-  
23 ministrative proceeding, under the IDEA from the District  
24 of Columbia: *Provided*, That as part of the certification,  
25 the Chief Financial Officer of the District of Columbia re-

1 quire all attorneys in IDEA cases to disclose any financial,  
2 corporate, legal, memberships on boards of directors, or  
3 other relationships with any special education diagnostic  
4 services, schools, or other special education service pro-  
5 viders to which the attorneys have referred any clients as  
6 part of this certification: *Provided further*, That the Chief  
7 Financial Officer shall prepare and submit quarterly re-  
8 ports to the Committees on Appropriations of the Senate  
9 and the House of Representatives on the certification of  
10 and the amount paid by the government of the District  
11 of Columbia, including the District of Columbia Public  
12 Schools, to attorneys in cases brought under IDEA: *Pro-*  
13 *vided further*, That the Inspector General of the District  
14 of Columbia may conduct investigations to determine the  
15 accuracy of the certifications.

16 SEC. 139. Chapter 3 of title 16, District of Columbia  
17 Code, is amended by inserting at the end the following  
18 new section:

19 **“SEC. 16-316. APPOINTMENT AND COMPENSATION OF**  
20 **COUNSEL; GUARDIAN AD LITEM.**

21 “(a) When a petition for adoption has been filed and  
22 there has been no termination or relinquishment of paren-  
23 tal rights with respect to the proposed adoptee or consent  
24 to the proposed adoption by a parent or guardian whose  
25 consent is required under D.C. Code section 16-304, the

1 Court may appoint an attorney to represent such parent  
 2 or guardian in the adoption proceeding if the individual  
 3 is financially unable to obtain adequate representation.

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

8 “(c) An attorney appointed pursuant to subsection  
 9 (a) or (b) of this section shall be compensated in accord-  
 10 ance with D.C. Code section 16–2326.01, except that com-  
 11 pensation in the adoption case shall be subject to the limi-  
 12 tation set forth in D.C. Code section 16–2326.01(b)(2).”

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

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

16 SEC. 140. (a) The amount appropriated by this Act  
 17 as Other Type Funds may be increased no more than 25  
 18 percent to an account for unanticipated growth in revenue  
 19 collections.

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

23 (1) CERTIFICATION BY THE CHIEF FINANCIAL  
 24 OFFICER.—The Chief Financial Officer of the Dis-  
 25 trict of Columbia shall certify that anticipated rev-

1 revenue collections support an increase in Other Type  
2 authority in the amount request.

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

8 SEC. 141. (a) The amount appropriated by this Act  
9 may be increased by no more than \$15,000,000 from  
10 funds identified in the comprehensive annual financial re-  
11 port as the District's fund balance.

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

15 (1) CERTIFICATION BY THE CHIEF FINANCIAL  
16 OFFICER.—The Chief Financial Officer of the Dis-  
17 trict of Columbia shall certify that the use of any  
18 such amounts is not anticipated to have a negative  
19 impact on the District of Columbia's long-term fi-  
20 nancial, fiscal, and economic vitality.

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

- 23 (A) Unanticipated one-time expenditures;  
24 (B) To address potential deficits;  
25 (C) Debt reduction;

1 (D) Unanticipated program needs; or

2 (E) To cover revenue shortfalls.

3 (3) LOCAL LAW.—The amounts shall be obli-  
4 gated or expended in accordance with laws enacted  
5 by the Council in support of each such obligation or  
6 expenditure.

7 (4) RECEIVERSHIP.—The amounts may not be  
8 used to fund the agencies of the District of Colum-  
9 bia government under court-ordered receivership.

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

15 (6) AVAILABILITY OF FUNDS.—Funds made  
16 available pursuant to this section shall remain avail-  
17 able until expended.

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



**Calendar No. 272**

108TH CONGRESS  
1ST SESSION

**S. 1583**

**[Report No. 108-142]**

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**A BILL**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

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SEPTEMBER 4, 2003

Read twice and placed on the calendar