

**Calendar No. 709**

108TH CONGRESS  
2D SESSION

**S. 2826**

**[Report No. 108–354]**

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, 2005, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2004

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, 2005, 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, 2005, 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, \$21,200,000, 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 Office of the  
5 Chief Financial Officer shall provide a quarterly financial  
6 report to the Committees on Appropriations of the House  
7 of Representatives and Senate for these funds showing,  
8 by object class, the expenditures made and the purpose  
9 therefor: *Provided further*, That not more than 7 percent  
10 of the total amount appropriated for this program may  
11 be used for administrative expenses.

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

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

1 the President to Congress and such amount has been ap-  
 2 portioned pursuant to chapter 15 of title 31, United  
 3 States Code.

4 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
 5 COURTS

6 For salaries and expenses for the District of Colum-  
 7 bia Courts, \$195,010,000, to be allocated as follows: for  
 8 the District of Columbia Court of Appeals, \$8,952,000,  
 9 of which not to exceed \$1,500 is for official reception and  
 10 representation expenses; for the District of Columbia Su-  
 11 perior Court, \$84,948,000, of which not to exceed \$1,500  
 12 is for official reception and representation expenses; for  
 13 the District of Columbia Court System, \$40,699,000, of  
 14 which not to exceed \$1,500 is for official reception and  
 15 representation expenses; and \$60,411,000, to remain  
 16 available until September 30, 2005, for capital improve-  
 17 ments for District of Columbia courthouse facilities: *Pro-*  
 18 *vided*, That funds made available for capital improvements  
 19 shall be expended consistent with the General Services Ad-  
 20 ministration master plan study and building evaluation re-  
 21 port: *Provided further*, That notwithstanding any other  
 22 provision of law, a single contract or related contracts for  
 23 development and construction of facilities may be em-  
 24 ployed which collectively include the full scope of the  
 25 project: *Provided further*, That the solicitation and con-

1 tract shall contain the clause “availability of funds” found  
2 at 48 CFR 52.232–18: *Provided further*, That notwith-  
3 standing any other provision of law, all amounts under  
4 this heading shall be apportioned quarterly by the Office  
5 of Management and Budget and obligated and expended  
6 in the same manner as funds appropriated for salaries and  
7 expenses of other Federal agencies, with payroll and finan-  
8 cial services to be provided on a contractual basis with  
9 the General Services Administration (GSA), said services  
10 to include the preparation of monthly financial reports,  
11 copies of which shall be submitted directly by GSA to the  
12 President and to the Committees on Appropriations of the  
13 House of Representatives and Senate, the Committee on  
14 Government Reform of the House of Representatives, and  
15 the Committee on Governmental Affairs of the Senate:  
16 *Provided further*, That 30 days after providing written no-  
17 tice to the Committees on Appropriations of the House  
18 of Representatives and Senate, the District of Columbia  
19 Courts may reallocate not more than \$1,000,000 of the  
20 funds provided under this heading among the items and  
21 entities funded under such heading for operations, and not  
22 more than 4 percent of the funds provided under this  
23 heading for facilities.

## DEFENDER SERVICES IN DISTRICT OF COLUMBIA

3 For payments authorized under section 11–2604 and  
4 section 11–2605, D.C. Official Code (relating to represen-  
5 tation provided under the District of Columbia Criminal  
6 Justice Act), payments for counsel appointed in pro-  
7 ceedings in the Family Court of the Superior Court of the  
8 District of Columbia under chapter 23 of title 16, D.C.  
9 Official Code, or pursuant to contractual agreements to  
10 provide guardian ad litem representation, training, tech-  
11 nical assistance and/or such other services as are nec-  
12 essary to improve the quality of guardian ad litem rep-  
13 resentation, payments for counsel appointed in adoption  
14 proceedings under chapter 3 of title 16, D.C. Code, and  
15 payments for counsel authorized under section 21–2060,  
16 D.C. Official Code (relating to representation provided  
17 under the District of Columbia Guardianship, Protective  
18 Proceedings, and Durable Power of Attorney Act of 1986),  
19 \$34,500,000, to remain available until expended: *Pro-*  
20 *vided*, That the funds provided in this Act under the head-  
21 ing “Federal Payment to the District of Columbia Courts”  
22 (other than the \$53,011,000 provided under such heading  
23 for capital improvements for District of Columbia court-  
24 house facilities) may also be used for payments under this  
25 heading: *Provided further*, That in addition to the funds

1 provided under this heading, the Joint Committee on Ju-  
2 dicial Administration in the District of Columbia shall use  
3 funds provided in this Act under the heading “Federal  
4 Payment to the District of Columbia Courts” (other than  
5 the \$53,011,000 provided under such heading for capital  
6 improvements for District of Columbia courthouse facili-  
7 ties), to make payments described under this heading for  
8 obligations incurred during any fiscal year: *Provided fur-*  
9 *ther*, That funds provided under this heading shall be ad-  
10 ministered by the Joint Committee on Judicial Adminis-  
11 tration in the District of Columbia: *Provided further*, That  
12 notwithstanding any other provision of law, this appro-  
13 priation shall be apportioned quarterly by the Office of  
14 Management and Budget and obligated and expended in  
15 the same manner as funds appropriated for expenses of  
16 other Federal agencies, with payroll and financial services  
17 to be provided on a contractual basis with the General  
18 Services Administration (GSA), said services to include  
19 the preparation of monthly financial reports, copies of  
20 which shall be submitted directly by GSA to the President  
21 and to the Committees on Appropriations of the House  
22 of Representatives and Senate, the Committee on Govern-  
23 ment Reform of the House of Representatives, and the  
24 Committee on Governmental Affairs of the Senate.

1 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-  
2 FENDER SUPERVISION AGENCY FOR THE DISTRICT  
3 OF COLUMBIA

4 (INCLUDING TRANSFER OF FUNDS)

5 For salaries and expenses, including the transfer and  
6 hire of motor vehicles, of the Court Services and Offender  
7 Supervision Agency for the District of Columbia and the  
8 Public Defender Service for the District of Columbia, as  
9 authorized by the National Capital Revitalization and Self-  
10 Government Improvement Act of 1997, \$182,490,000, of  
11 which not to exceed \$2,000 is for official reception and  
12 representation expenses related to Community Supervision  
13 and Pretrial Services Agency programs; of which not to  
14 exceed \$25,000 is for dues and assessments relating to  
15 the implementation of the Court Services and Offender  
16 Supervision Agency Interstate Supervision Act of 2002;  
17 of which \$113,343,000 shall be for necessary expenses of  
18 Community Supervision and Sex Offender Registration, to  
19 include expenses relating to the supervision of adults sub-  
20 ject to protection orders or the provision of services for  
21 or related to such persons; of which \$39,314,000 shall be  
22 available to the Pretrial Services Agency; and of which  
23 \$29,833,000 shall be transferred to the Public Defender  
24 Service for the District of Columbia: *Provided*, That  
25 \$1,100,000 shall be to lower supervision caseload ratios



1 to 25:1 for special population offenders: *Provided further*,  
2 That \$200,000 shall be to expand monitoring of offenders  
3 using global position system technology: *Provided further*,  
4 That notwithstanding any other provision of law, all  
5 amounts under this heading shall be apportioned quarterly  
6 by the Office of Management and Budget and obligated  
7 and expended in the same manner as funds appropriated  
8 for salaries and expenses of other Federal agencies: *Pro-*  
9 *vided further*, That notwithstanding chapter 12 of title 40,  
10 United States Code, the Director may acquire by pur-  
11 chase, lease, condemnation, or donation, and renovate as  
12 necessary, Building Number 17, 1900 Massachusetts Ave-  
13 nue, Southeast, Washington, District of Columbia to  
14 house or supervise offenders and defendants, with funds  
15 made available for this purpose in Public Law 107–96:  
16 *Provided further*, That the Director is authorized to accept  
17 and use gifts in the form of in-kind contributions of space  
18 and hospitality to support offender and defendant pro-  
19 grams, and equipment and vocational training services to  
20 educate and train offenders and defendants: *Provided fur-*  
21 *ther*, That the Director shall keep accurate and detailed  
22 records of the acceptance and use of any gift or donation  
23 under the previous proviso, and shall make such records  
24 available for audit and public inspection: *Provided further*,  
25 That the Court Services and Offender Supervision Agency

1 Director is authorized to accept and use reimbursement  
2 from the D.C. Government for space and services provided  
3 on a cost reimbursement basis: *Provided further*, That the  
4 Public Defender Service is authorized to charge fees to  
5 cover cost of materials distributed to attendees of edu-  
6 cational events, including conferences, sponsored by the  
7 Public Defender Service, and notwithstanding 31 U.S.C.  
8 3302, said fees shall be credited to the Public Defender  
9 Service account to be available for use without further ap-  
10 propriation.

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, \$10,000,000, to remain avail-  
15 able until expended, to continue implementation of the  
16 Combined Sewer Overflow Long-Term Plan: *Provided*,  
17 That the District of Columbia Water and Sewer Authority  
18 provides a 100 percent match for this payment.

19 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT

20 INITIATIVE

21 For a Federal payment to the District of Columbia  
22 Department of Transportation, \$3,000,000, to remain  
23 available until September 30, 2006, for design and con-  
24 struction of a continuous pedestrian and bicycle trail sys-

1 tem from the Potomac River to the District's border with  
2 Maryland.

3 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

4 COORDINATING COUNCIL

5 For a Federal payment to the Criminal Justice Co-  
6 ordinating Council, \$1,300,000, to remain available until  
7 expended, to support initiatives related to the coordination  
8 of Federal and local criminal justice resources in the Dis-  
9 trict of Columbia.

10 FEDERAL PAYMENT FOR THE UNIFIED

11 COMMUNICATIONS CENTER

12 For a Federal payment to the District of Columbia,  
13 \$7,000,000, to remain available until expended, shall be  
14 for the Unified Communications Center.

15 FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

16 For a Federal payment to the District of Columbia  
17 Department of Transportation, \$5,000,000, of which  
18 \$1,000,000 shall be allocated to implement a downtown  
19 circulator transit system, and of which \$4,000,000 shall  
20 be to offset a portion of the District of Columbia's allo-  
21 cated operating subsidy payment to the Washington Met-  
22 ropolitan Area Transit Authority.

1   FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS  
2                                   IN THE DISTRICT OF COLUMBIA

3       For a Federal payment to the District of Columbia  
4 for foster care improvements, \$5,000,000, to remain avail-  
5 able until expended: *Provided*, That \$3,250,000 shall be  
6 for the Child and Family Services Agency, of which  
7 \$2,000,000 shall be for the early intervention program to  
8 provide intensive and immediate services for foster chil-  
9 dren; of which \$750,000 shall be for the emergency sup-  
10 port fund to purchase services or technology necessary to  
11 allow children to remain in the care of an approved and  
12 licensed family member; of which \$500,000 shall be for  
13 technology upgrades: *Provided further*, That \$1,250,000  
14 shall be for the Department of Mental Health to provide  
15 all court-ordered or agency-required mental health  
16 screenings, assessments and treatments for children under  
17 the supervision of the Child and Family Services Agency:  
18 *Provided further*, That \$500,000 shall be for the Wash-  
19 ington Metropolitan Council of Governments, to continue  
20 a program in conjunction with the Foster and Adoptive  
21 Parents Advocacy Center, to provide respite care for and  
22 recruitment of foster parents: *Provided further*, That these  
23 Federal funds shall supplement and not supplant local  
24 funds for the purposes described under this heading.

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

3         For a Federal payment to the Office of the Chief Fi-  
 4 nancial Officer of the District of Columbia, \$32,500,000:  
 5 *Provided*, That these funds shall be available for the  
 6 projects and in the amounts specified in the statement of  
 7 the managers on the conference report accompanying this  
 8 Act: *Provided further*, That each entity that receives fund-  
 9 ing under this heading shall submit to the Office of the  
 10 Chief Financial Officer of the District of Columbia and  
 11 the Committees on Appropriations of the House of Rep-  
 12 resentatives and Senate a report on the activities to be  
 13 carried out with such funds no later than March 15, 2005.

14     FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

15         For a Federal payment for a School Improvement  
 16 Program in the District of Columbia, \$40,000,000, to be  
 17 allocated as follows: for the District of Columbia Public  
 18 Schools, \$13,000,000 to improve public school education  
 19 in the District of Columbia, \$13,000,000 to expand qual-  
 20 ity public charter schools in the District of Columbia; for  
 21 the Secretary of the Department of Education,  
 22 \$14,000,000 to provide opportunity scholarships for stu-  
 23 dents in the District of Columbia in accordance with Pub-  
 24 lic Law 108–199, of which up to \$1,000,000 may be used  
 25 to administer and fund assessments: *Provided*, That of the

1 \$13,000,000 for the District of Columbia Public Schools,  
2 \$5,000,000 shall be for a new incentive fund to reward  
3 high performing or significantly improved public schools;  
4 \$5,000,000 shall be to support the Transformation School  
5 Initiative directed to schools in need of improvement: *Pro-*  
6 *vided further*, That of the remaining amounts, the Super-  
7 intendent of the District of Columbia Public Schools shall  
8 use such sums as necessary to contract for management  
9 consulting services and implement recommended reforms:  
10 *Provided further*, That the Comptroller General shall con-  
11 duct a financial audit of the District of Columbia Public  
12 Schools: *Provided further*, That of the \$13,000,000 pro-  
13 vided for public charter schools in the District of Colum-  
14 bia, \$4,000,000 shall be for the City Build Initiative to  
15 create neighborhood-based charter schools; \$2,750,000  
16 shall be for the Direct Loan Fund for Charter Schools;  
17 \$150,000 shall be for administrative expenses of the Office  
18 of Charter School Financing and Support to expand out-  
19 reach and support of charter schools; \$100,000 shall be  
20 for the D.C. Public Charter School Association to enhance  
21 the quality of charter schools; \$4,000,000 shall be for the  
22 development of an incubator facility for public charter  
23 schools; and \$2,000,000 shall be for a new incentive fund  
24 to reward high performing or significantly improved public  
25 charter schools: *Provided further*, That the District of Co-

1 lumbia government shall establish a dedicated account for  
2 the Office of Charter School Financing and Support (the  
3 Office) that shall consist of the Federal funds appro-  
4 priated in this Act, any subsequent appropriations, any  
5 unobligated balances from prior fiscal years, any addi-  
6 tional grants, and any interest and principal derived from  
7 loans made to Charter Schools, and repayment of dollars  
8 utilized to support credit enhancement earned in this or  
9 any fiscal year: *Provided further*, That the account shall  
10 be under the control of the District of Columbia Chief Fi-  
11 nancial Officer who shall use those funds solely for the  
12 purposes of carrying out the Credit Enhancement Pro-  
13 gram, Direct Loan Fund Grant Program, and any other  
14 charter school financing under the management of the Of-  
15 fice: *Provided further*, That in this and subsequent fiscal  
16 years the Office of the Chief Financial Officer shall con-  
17 duct an annual audit of the funds expended by the Office  
18 and provide an annual financial report to the Mayor, the  
19 Council of the District of Columbia, the Office of the Dis-  
20 trict of Columbia Treasurer and the Committees on Ap-  
21 propriations of the House of Representatives and Senate  
22 for these funds showing, by object class, the expenditures  
23 made and the purpose therefor: *Provided further*, That not  
24 more than \$1,000,000 of the total amount appropriated  
25 for this program may be used for administrative expenses

1 and training expenses related to the cost of the National  
 2 Charter School Conference(s) to be hosted by December  
 3 2006; and no more than 5 percent of the funds appro-  
 4 priated for the direct loan fund may be used for adminis-  
 5 trative expenses related to the administration and annual  
 6 audit of the direct loan, grant, and credit enhancement  
 7 programs.

8           FEDERAL PAYMENT FOR BIOTERRORISM AND  
 9                           FORENSICS LABORATORY

10       For a Federal payment to the District of Columbia,  
 11 \$8,000,000, to remain available until September 30, 2006,  
 12 for design, planning, and procurement costs associated  
 13 with the construction of a bioterrorism and forensics lab-  
 14 oratory: *Provided*, That the District of Columbia shall pro-  
 15 vide an additional \$2,300,000 with local funds as a condi-  
 16 tion of receiving this payment.

17       TITLE II—DISTRICT OF COLUMBIA FUNDS  
 18                           OPERATING EXPENSES

19                           DIVISION OF EXPENSES

20       The following amounts are appropriated for the Dis-  
 21 trict of Columbia for the current fiscal year out of the  
 22 general fund of the District of Columbia, except as other-  
 23 wise specifically provided: *Provided*, That notwithstanding  
 24 any other provision of law, except as provided in section  
 25 450A of the District of Columbia Home Rule Act (D.C.



1 Official Code, sec. 1–204.50a) and the provisions of this  
2 Act, the total amount appropriated in this Act for oper-  
3 ating expenses for the District of Columbia for fiscal year  
4 2005 under this heading shall not exceed the lesser of the  
5 sum of the total revenues of the District of Columbia for  
6 such fiscal year or \$7,206,164,000 (of which  
7 \$4,215,088,000 shall be from local funds, \$1,762,046,000  
8 shall be from Federal funds, \$1,214,843,000 shall be from  
9 other funds, and \$14,817,000 shall be from private  
10 funds), and an intra-district amount of \$435,054,000, in  
11 addition, \$186,900,000 from funds previously appro-  
12 priated in this Act as Federal payments: *Provided further*,  
13 That this amount may be increased by proceeds of one-  
14 time transactions, which are expended for emergency or  
15 unanticipated operating or capital needs: *Provided further*,  
16 That such increases shall be approved by enactment of  
17 local District law and shall comply with all reserve require-  
18 ments contained in the District of Columbia Home Rule  
19 Act as amended by this Act: *Provided further*, That the  
20 Chief Financial Officer of the District of Columbia shall  
21 take such steps as are necessary to assure that the Dis-  
22 trict of Columbia meets these requirements, including the  
23 apportioning by the Chief Financial Officer of the appro-  
24 priations and funds made available to the District during  
25 fiscal year 2005, except that the Chief Financial Officer

1 may not reprogram for operating expenses any funds de-  
 2 rived from bonds, notes, or other obligations issued for  
 3 capital projects.

#### 4 GOVERNMENTAL DIRECTION AND SUPPORT

5 Governmental direction and support, \$416,069,000  
 6 (including \$261,068,000 from local funds, \$100,256,000  
 7 from Federal funds, and \$54,745,000 from other funds),  
 8 in addition, \$32,500,000 from funds previously appro-  
 9 priated in this Act under the heading “Federal Payment  
 10 to the Office of the Chief Financial Officer of the District  
 11 of Columbia”, \$15,000,000 from funds previously appro-  
 12 priated in this Act under the heading “Federal Payment  
 13 for Emergency Planning and Security Costs in the Dis-  
 14 trict of Columbia”, and \$5,000,000 from funds previously  
 15 appropriated in this Act under the heading “Federal Pay-  
 16 ment for Foster Care Improvements in the District of Co-  
 17 lumbia”: *Provided*, That not to exceed \$9,300 for the  
 18 Mayor, \$9,300 for the Chairman of the Council of the Dis-  
 19 trict of Columbia, \$9,300 for the City Administrator, and  
 20 \$9,300 for the Office of the Chief Financial Officer shall  
 21 be available from this appropriation for official reception  
 22 and representation expenses: *Provided further*, That any  
 23 program fees collected from the issuance of debt shall be  
 24 available for the payment of expenses of the debt manage-  
 25 ment program of the District of Columbia: *Provided fur-*

1 *ther*, That no revenues from Federal sources shall be used  
 2 to support the operations or activities of the Statehood  
 3 Commission and Statehood Compact Commission: *Pro-*  
 4 *vided further*, That the District of Columbia shall identify  
 5 the sources of funding for Admission to Statehood from  
 6 its own locally generated revenues: *Provided further*, That  
 7 notwithstanding any other provision of law, or Mayor's  
 8 Order 86-45, issued March 18, 1986, the Office of the  
 9 Chief Technology Officer's delegated small purchase au-  
 10 thority shall be \$500,000: *Provided further*, That the Dis-  
 11 trict of Columbia government may not require the Office  
 12 of the Chief Technology Officer to submit to any other  
 13 procurement review process, or to obtain the approval of  
 14 or be restricted in any manner by any official or employee  
 15 of the District of Columbia government, for purchases  
 16 that do not exceed \$500,000.

#### 17 ECONOMIC DEVELOPMENT AND REGULATION

18 Economic development and regulation, \$334,745,000  
 19 (including \$55,764,000 from local funds, \$93,050,000  
 20 from Federal funds, \$185,806,000 from other funds, and  
 21 \$125,000 from private funds), of which \$13,000,000 col-  
 22 lected by the District of Columbia in the form of BID tax  
 23 revenue shall be paid to the respective BIDs pursuant to  
 24 the Business Improvement Districts Act of 1996 (D.C.  
 25 Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.),

1 and the Business Improvement Districts Amendment Act  
 2 of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–  
 3 1215.15 et seq.): *Provided*, That such funds are available  
 4 for acquiring services provided by the General Services  
 5 Administration: *Provided further*, That Business Improve-  
 6 ment Districts shall be exempt from taxes levied by the  
 7 District of Columbia: *Provided further*, That local funds  
 8 in the amount of \$1,200,000 shall be appropriated for the  
 9 Excel Institute.

#### 10 PUBLIC SAFETY AND JUSTICE

11 Public safety and justice, \$798,723,000 (including  
 12 \$760,849,000 from local funds, \$7,899,000 from Federal  
 13 funds, \$29,966,000 from other funds, and \$9,000 from  
 14 private funds), in addition, \$1,300,000 from funds pre-  
 15 viously appropriated in this Act under the heading “Fed-  
 16 eral Payment to the Criminal Justice Coordinating Coun-  
 17 cil”: *Provided*, That not to exceed \$500,000 shall be avail-  
 18 able from this appropriation for the Chief of Police for  
 19 the prevention and detection of crime: *Provided further*,  
 20 That the Mayor shall reimburse the District of Columbia  
 21 National Guard for expenses incurred in connection with  
 22 services that are performed in emergencies by the National  
 23 Guard in a militia status and are requested by the Mayor,  
 24 in amounts that shall be jointly determined and certified  
 25 as due and payable for these services by the Mayor and

1 the Commanding General of the District of Columbia Na-  
 2 tional Guard: *Provided further*, That such sums as may  
 3 be necessary for reimbursement to the District of Colum-  
 4 bia National Guard under the preceding proviso shall be  
 5 available from this appropriation, and the availability of  
 6 the sums shall be deemed as constituting payment in ad-  
 7 vance for emergency services involved.

8 PUBLIC EDUCATION SYSTEM

9 (INCLUDING TRANSFERS OF FUNDS)

10 Public education system, including the development  
 11 of national defense education programs, \$1,266,424,000  
 12 (including \$1,058,709,000 from local funds,  
 13 \$194,979,000 from Federal funds, \$8,957,000 from other  
 14 funds, \$3,780,000 from private funds to be allocated as  
 15 follows:

16 (1) DISTRICT OF COLUMBIA PUBLIC  
 17 SCHOOLS.—\$901,944,000 (including \$760,494,000  
 18 from local funds, \$130,450,000 from Federal funds,  
 19 \$7,330,000 from other funds, \$3,670,000 from pri-  
 20 vate funds, and not to exceed \$6,816,000, to remain  
 21 available until expended, from the Medicaid and  
 22 Special Education Reform Fund established pursu-  
 23 ant to the Medicaid and Special Education Reform  
 24 Fund Establishment Act of 2002 (D.C. Law 14–  
 25 190; D.C. Official Code 4–204.51 et seq.)), and

1       \$14,000,000 from funds previously appropriated in  
2       this Act under the heading “Federal Payment for  
3       School Improvement in the District of Columbia”  
4       shall be available for District of Columbia Public  
5       Schools: *Provided*, That notwithstanding any other  
6       provision of law, rule, or regulation, the evaluation  
7       process and instruments for evaluating District of  
8       Columbia Public School employees shall be a non-ne-  
9       gotiable item for collective bargaining purposes: *Pro-*  
10      *vided further*, That this appropriation shall not be  
11      available to subsidize the education of any non-  
12      resident of the District of Columbia at any District  
13      of Columbia public elementary or secondary school  
14      during fiscal year 2005 unless the nonresident pays  
15      tuition to the District of Columbia at a rate that  
16      covers 100 percent of the costs incurred by the Dis-  
17      trict of Columbia that are attributable to the edu-  
18      cation of the nonresident (as established by the Su-  
19      perintendent of the District of Columbia Public  
20      Schools): *Provided further*, That notwithstanding the  
21      amounts otherwise provided under this heading or  
22      any other provision of law, there shall be appro-  
23      priated to the District of Columbia Public Schools  
24      on July 1, 2005, an amount equal to 10 percent of  
25      the total amount of the local funds provided for the

1 District of Columbia Public Schools in the proposed  
2 budget of the District of Columbia for fiscal year  
3 2005 (as submitted to Congress), and the amount of  
4 such payment shall be chargeable against the final  
5 amount provided for the District of Columbia Public  
6 Schools under the District of Columbia Appropria-  
7 tions Act, 2005: *Provided further*, That not to exceed  
8 \$9,300 for the Superintendent of Schools shall be  
9 available from this appropriation for official recep-  
10 tion and representation expenses.

11 (2) TEACHERS' RETIREMENT FUND.—  
12 \$9,200,000 from local funds shall be available for  
13 the Teachers' Retirement Fund.

14 (3) STATE EDUCATION OFFICE.—\$73,104,000  
15 (including \$10,015,000 from local funds,  
16 \$62,914,000 from Federal funds, and \$176,000  
17 from other funds), in addition, \$26,500,000 from  
18 funds previously appropriated in this Act under the  
19 heading "Federal Payment for Resident Tuition  
20 Support" and \$14,000,000 from funds previously  
21 appropriated in this Act under the heading "Federal  
22 Payment for School Improvement in the District of  
23 Columbia" shall be available for the State Education  
24 Office: *Provided*, That of the amounts provided to  
25 the State Education Office, \$500,000 from local

1 funds shall remain available until June 30, 2006 for  
 2 an audit of the student enrollment of each District  
 3 of Columbia Public School and of each District of  
 4 Columbia public charter school.

5 (4) DISTRICT OF COLUMBIA PUBLIC CHARTER  
 6 SCHOOLS.—\$196,802,000 from local funds shall be  
 7 available for District of Columbia public charter  
 8 schools: *Provided*, That there shall be quarterly dis-  
 9 bursement of funds to the District of Columbia pub-  
 10 lic charter schools, with the first payment to occur  
 11 within 15 days of the beginning of the fiscal year:  
 12 *Provided further*, That if the entirety of this alloca-  
 13 tion has not been provided as payments to any pub-  
 14 lic charter schools currently in operation through the  
 15 per pupil funding formula, the funds shall remain  
 16 available as follows: (A) the first \$3,000,000 shall be  
 17 deposited in the Credit Enhancement Revolving  
 18 Fund established pursuant to section 603(e) of the  
 19 Student Loan Marketing Association Reorganization  
 20 Act of 1996 (Public Law 104–208; 110 Stat. 3009;  
 21 20 U.S.C. 1155(e)); and (B) the balance shall be for  
 22 public education in accordance with section  
 23 2403(b)(2) of the District of Columbia School Re-  
 24 form Act of 1995 (D.C. Official Code, sec. 38–  
 25 1804.03(b)(2)): *Provided further*, That of the



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

1 in coordination with the District of Columbia Char-  
2 tering Authorities for the District of Columbia Pub-  
3 lic Charter Schools, shall establish requirements,  
4 policies and procedures for the performance of a sin-  
5 gle financial audit, to be performed by one auditing  
6 firm selected by the Chief Financial Officer of the  
7 District of Columbia: *Provided further*, That begin-  
8 ning in fiscal year 2005, the District of Columbia  
9 Chartering Authorities for the District of Columbia  
10 Public Charter Schools shall implement and follow  
11 these requirements (including, but not limited to, the  
12 terms and conditions), policies and procedures to en-  
13 sure the completion of the annual financial single  
14 audit of all District of Columbia Public Charter  
15 Schools conducted in accordance herewith.

16 (5) UNIVERSITY OF THE DISTRICT OF COLUM-  
17 BIA SUBSIDY.—\$49,602,000 from local funds shall  
18 be available for the University of the District of Co-  
19 lumbia: *Provided*, That this appropriation shall not  
20 be available to subsidize the education of non-  
21 residents of the District of Columbia at the Univer-  
22 sity of the District of Columbia, unless the Board of  
23 Trustees of the University of the District of Colum-  
24 bia adopts, for the fiscal year ending September 30,  
25 2005, a tuition rate schedule that will establish the

1       tuition rate for nonresident students at a level no  
2       lower than the nonresident tuition rate charged at  
3       comparable public institutions of higher education in  
4       the metropolitan area: *Provided further*, That not-  
5       withstanding the amounts otherwise provided under  
6       this heading or any other provision of law, there  
7       shall be appropriated to the University of the Dis-  
8       trict of Columbia on July 1, 2005, an amount equal  
9       to 10 percent of the total amount of the local funds  
10      appropriations request provided for the University of  
11      the District of Columbia in the proposed budget of  
12      the District of Columbia for fiscal year 2005 (as  
13      submitted to Congress), and the amount of such  
14      payment shall be chargeable against the final  
15      amount provided for the University of the District of  
16      Columbia under the District of Columbia Appropria-  
17      tions Act, 2005: *Provided further*, That not to exceed  
18      \$9,300 for the President of the University of the  
19      District of Columbia shall be available from this ap-  
20      propriation for official reception and representation  
21      expenses.

22           (6) DISTRICT OF COLUMBIA PUBLIC LIBRAR-  
23      IES.—\$30,831,000 (including \$28,978,000 from  
24      local funds, \$1,093,000 from Federal funds, and  
25      \$651,000 from other funds) shall be available for

1 the District of Columbia Public Libraries: *Provided*,  
 2 That not to exceed \$7,500 for the Public Librarian  
 3 shall be available from this appropriation for official  
 4 reception and representation expenses.

5 (7) COMMISSION ON THE ARTS AND HUMAN-  
 6 ITIES.—\$4,941,000 (including \$3,618,000 from local  
 7 funds, \$523,000 from Federal funds, and \$800,000  
 8 from other funds) shall be available for the Commis-  
 9 sion on the Arts and Humanities.

#### 10 HUMAN SUPPORT SERVICES

11 (INCLUDING TRANSFER OF FUNDS)

12 Human support services, \$2,533,825,000 (including  
 13 \$1,165,314,000 from local funds, \$1,331,670,000 from  
 14 Federal funds, \$27,441,000 from other funds, \$9,400,000  
 15 from private funds, in addition, \$5,000,000 from funds  
 16 previously appropriated in this Act under the heading  
 17 “Federal Payment to Foster Care Improvements in the  
 18 District of Columbia”: *Provided*, That \$29,600,000 of this  
 19 appropriation, to remain available until expended, shall be  
 20 available solely for District of Columbia employees’ dis-  
 21 ability compensation: *Provided further*, That no less than  
 22 \$8,498,720, to remain available until expended, shall be  
 23 deposited in the Addiction Recovery Fund, established  
 24 pursuant to section 5 of the Choice in Drug Treatment  
 25 Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec.

1 7–3004) and used exclusively for the purpose of the Choice  
2 in Drug Treatment program, established pursuant to sec-  
3 tion 4 of the Choice in Drug Treatment Act of 2000 (D.C.  
4 Law 13–146; D.C. Official Code, sec. 7–3003), of which  
5 \$7,500,000 shall be provided from local funds: *Provided*  
6 *further*, That none of the \$8,498,720 for the Choice in  
7 Drug Treatment program shall be used by the Depart-  
8 ment of Health’s Addiction Prevention and Recovery Ad-  
9 ministration to provide youth residential treatment serv-  
10 ices or youth outpatient treatment services: *Provided fur-*  
11 *ther*, That no less than \$2,000,000 shall be available to  
12 the Department of Health’s Addiction Prevention and Re-  
13 covery Administration exclusively for the purpose of pro-  
14 viding youth residential treatment services: *Provided fur-*  
15 *ther*, That no less than \$1,575,416 shall be available to  
16 the Department of Health’s Addiction Prevention and Re-  
17 covery Administration exclusively for the purpose of pro-  
18 viding youth outpatient treatment services, of which  
19 \$750,000 shall be made available exclusively to provide in-  
20 tensive outpatient treatment slots, outpatient treatment  
21 slots, and other program costs for youth in the care of  
22 the Youth Services Administration: *Provided further*, That  
23 no less than \$1,400,000 shall be used by the Department  
24 of Health’s Addiction Prevention and Recovery Adminis-  
25 tration to fund a Child and Family Services Agency pilot

1 project entitled Family Treatment Court: *Provided further*,  
2 That \$1,200,000 of local funds, to remain available until  
3 expended, shall be deposited in the Adoption Voucher  
4 Fund, established pursuant to section 3805(a) of the  
5 Adoption Voucher Fund Act of 2000, effective October 19,  
6 2000 (D.C. Law 13–172; D.C. Official Code, sec. 4–  
7 344(a)), to be used exclusively for the purposes set forth  
8 in section 3805(b) of the Adoption Voucher Fund Act  
9 (D.C. Official Code, sec. 4–344(b)): *Provided further*, That  
10 no less than \$300,000 shall be used by the Department  
11 of Health’s Environmental Health Administration to oper-  
12 ate the Total Maximum Daily Load program: *Provided*  
13 *further*, That no less than \$1,268,500 shall be used by  
14 the Department of Health’s Environmental Health Ad-  
15 ministration to operate its air quality programs, of which  
16 no less than \$242,000 shall be used to fund 4 full-time  
17 air quality employees: *Provided further*, That the Depart-  
18 ment of Human Services, Youth Services Administration  
19 shall not expend any appropriated fiscal year 2005 funds  
20 until the Mayor has submitted to the Council by Sep-  
21 tember 30, 2004 a plan, including time lines, to close the  
22 Oak Hill Youth Center at the earliest feasible date. All  
23 of the above proviso amounts in this heading relate back  
24 to and are a subset of the first-referenced appropriation  
25 amount of \$2,533,825,000.

## 1 PUBLIC WORKS

2 Public works, including rental of one passenger-car-  
3 rying vehicle for use by the Mayor and three passenger-  
4 carrying vehicles for use by the Council of the District of  
5 Columbia and leasing of passenger-carrying vehicles,  
6 \$331,936,000 (including \$312,035,000 from local funds,  
7 \$4,000,000 from Federal funds, and \$15,901,000 from  
8 other funds), in addition, \$5,000,000 from funds pre-  
9 viously appropriated in this Act under the heading “Fed-  
10 eral Payment for Transportation Assistance”: *Provided*,  
11 That this appropriation shall not be available for collecting  
12 ashes or miscellaneous refuse from hotels and places of  
13 business.

## 14 CASH RESERVE

15 For the cumulative cash reserve established pursuant  
16 to section 202(j)(2) of the District of Columbia Financial  
17 Responsibility and Management Assistance Act of 1995  
18 (D.C. Official Code, sec. 47–392.02(j)(2)), \$50,000,000  
19 from local funds.

## 20 EMERGENCY AND CONTINGENCY RESERVE FUNDS

21 For the emergency reserve fund and the contingency  
22 reserve fund under section 450A of the District of Colum-  
23 bia Home Rule Act (D.C. Official Code, sec. 1–204.50a),  
24 such additional amounts from the District’s general fund

1 balance as are necessary to meet the balance requirements  
2 for funds under section 450A.

3 REPAYMENT OF LOANS AND INTEREST

4 For payment of principal, interest, and certain fees  
5 directly resulting from borrowing by the District of Co-  
6 lumbia to fund District of Columbia capital projects as  
7 authorized by sections 462, 475, and 490 of the District  
8 of Columbia Home Rule Act (D.C. Official Code, secs. 1–  
9 204.62, 1–204.75, and 1–204.90), \$347,700,000 from  
10 local funds.

11 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

12 For payment of interest on short-term borrowing,  
13 \$4,000,000 from local funds.

14 CERTIFICATES OF PARTICIPATION

15 For principal and interest payments on the District's  
16 Certificates of Participation, issued to finance the ground  
17 lease underlying the building located at One Judiciary  
18 Square, \$11,252,000 from local funds.

19 SETTLEMENTS AND JUDGMENTS

20 For making refunds and for the payment of legal set-  
21 tlements or judgments that have been entered against the  
22 District of Columbia government, \$20,270,000 from local  
23 funds: *Provided*, That this appropriation shall not be con-  
24 strued as modifying or affecting the provisions of section  
25 103 of this Act.



## 1 WILSON BUILDING

2 For expenses associated with the John A. Wilson  
3 building, \$3,633,000 from local funds.

## 4 WORKFORCE INVESTMENTS

5 For workforce investments, \$38,114,000 from local  
6 funds, to be transferred by the Mayor of the District of  
7 Columbia within the various appropriation headings in  
8 this Act for which employees are properly payable: *Pro-*  
9 *vided*, That of this amount \$3,548,000 shall remain avail-  
10 able until expended to meet the requirements of the Com-  
11 pensation Agreement Between the District of Columbia  
12 Government Units 1 and 2 Approval Resolution of 2004,  
13 effective February 17, 2004 (Res. 15–459; 51 DCR  
14 2325).

## 15 NON-DEPARTMENTAL AGENCY

16 To account for anticipated costs that cannot be allo-  
17 cated to specific agencies during the development of the  
18 proposed budget, \$13,946,000 (including \$4,000,000 from  
19 local funds and \$9,946,000 from other funds) to be trans-  
20 ferred by the Mayor of the District of Columbia within  
21 the various appropriations headings in this Act: *Provided*,  
22 That \$4,000,000 from local funds shall be for anticipated  
23 costs associated with the No Child Left Behind Act.

## 1 PAY-AS-YOU-GO CAPITAL

2 For Pay-As-You-Go Capital funds in lieu of capital  
3 financing, \$6,531,000 from local funds, to be transferred  
4 to the Capital Fund, subject to the Criteria for Spending  
5 Pay-as-You-Go Funding Amendment Act of 2003 (D.C.  
6 Act 15–106): *Provided*, That pursuant to this Act, there  
7 are authorized to be transferred from Pay-As-You-Go  
8 Capital funds to other headings of this Act, such sums  
9 as may be necessary to carry out the purposes of this Act.

## 10 EMERGENCY PLANNING AND SECURITY FUND

11 For Emergency Planning and Security Fund,  
12 \$15,000,000 from funds previously appropriated in this  
13 Act under the heading “Federal Payment for Planning  
14 and Security Costs in the District of Columbia”.

## 15 OLD CONVENTION CENTER DEMOLITION RESERVE

16 For the Old Convention Center Demolition Reserve,  
17 such amounts as may be necessary, not to exceed  
18 \$11,000,000, from the District’s general fund balance.

## 19 TAX INCREMENT FINANCING PROGRAM

20 For a Tax Increment Financing Program, such  
21 amounts as are necessary to meet the Tax Increment Fi-  
22 nancing requirements, not to exceed \$9,710,000 from the  
23 District’s general fund balance.

## 1 PAY-AS-YOU-GO CONTINGENCY

2 For Pay-As-You-Go Contingency Fund, \$43,137,000,  
3 subject to the Criteria for Spending Pay-as-You-Go Fund-  
4 ing Act of 2004, approved by the Council of the District  
5 of Columbia on 1st reading, May 14, 2004 (Title I of Bill  
6 15–768), there are authorized to be transferred from the  
7 contingency fund to certain other headings of this Act as  
8 necessary to carry out the purposes of this Act. Expendi-  
9 tures from the Pay-As-You-Go Contingency Fund shall be  
10 subject to the approval of the Council by resolution.

## 11 REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY

12 If the Chief Financial Officer for the District of Co-  
13 lumbia certifies through a revised revenue estimate that  
14 funds are available from local funds, such available funds  
15 shall be expended as provided in the Contingency for Rec-  
16 ordation and Transfer Tax Reduction and the Office of  
17 Property Management and Library Expenditures Act of  
18 2004, approved by the Council of the District of Columbia  
19 on 1st reading, May 14, 2004 (Bill 15–768), including up  
20 to \$2,000,000 to the Office of Property Management, up  
21 to \$1,200,000 to the District of Columbia Public Library,  
22 up to \$256,000 to the D.C. Police and Firefighters Retire-  
23 ment and Relief Board, and \$132,600 for the Police and  
24 Fire Clinic.

## 1 ENTERPRISE AND OTHER FUNDS

## 2 WATER AND SEWER AUTHORITY

3 For operation of the Water and Sewer Authority,  
4 \$287,206,000 from other funds, of which \$15,180,402  
5 shall be apportioned for repayment of loans and interest  
6 incurred for capital improvement projects and payable to  
7 the District's debt service fund.

8 For construction projects, \$371,040,000, to be dis-  
9 tributed as follows: \$181,656,000 for the Blue Plains  
10 Wastewater Treatment Plant, \$43,800,000 for the sewer  
11 program, \$9,118,000 for the stormwater program,  
12 \$122,627,000 for the water program, and \$13,839,000 for  
13 the capital equipment program; in addition, \$10,000,000  
14 from funds previously appropriated in this Act under the  
15 heading "Federal Payment to the District of Columbia  
16 Water and Sewer Authority": *Provided*, That the require-  
17 ments and restrictions that are applicable to general fund  
18 capital improvement projects and set forth in this Act  
19 under the Capital Outlay appropriation account shall  
20 apply to projects approved under this appropriation ac-  
21 count.

## 22 WASHINGTON AQUEDUCT

23 For operation of the Washington Aqueduct,  
24 \$47,972,000 from other funds.

1 STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

2 For operation of the Stormwater Permit Compliance  
3 Enterprise Fund, \$3,792,000 from other funds.

4 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

5 For the Lottery and Charitable Games Enterprise  
6 Fund, established by the District of Columbia Appropria-  
7 tion Act, 1982, for the purpose of implementing the Law  
8 to Legalize Lotteries, Daily Numbers Games, and Bingo  
9 and Raffles for Charitable Purposes in the District of Co-  
10 lumbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301  
11 et seq. and sec. 22–1716 et seq.), \$247,000,000 from  
12 other funds: *Provided*, That the District of Columbia shall  
13 identify the source of funding for this appropriation title  
14 from the District’s own locally generated revenues: *Pro-*  
15 *vided further*, That no revenues from Federal sources shall  
16 be used to support the operations or activities of the Lot-  
17 tery and Charitable Games Control Board: *Provided fur-*  
18 *ther*, That the Lottery and Charitable Games Enterprise  
19 Fund is hereby authorized to make transfers to the gen-  
20 eral fund of the District of Columbia, in excess of this  
21 appropriation, if such funds are available for transfer.

22 SPORTS AND ENTERTAINMENT COMMISSION

23 For the Sports and Entertainment Commission,  
24 \$7,322,000 from other funds: *Provided*, That the para-  
25 graph under the heading “Sports and Entertainment

1 Commission” in Public Law 108–199 (118 Stat. 125) is  
 2 amended by striking the term “local funds” and inserting  
 3 the term “other funds” in its place.

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), \$15,277,000 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, \$77,176,000 from other funds.

## 1      NATIONAL CAPITAL REVITALIZATION CORPORATION

2      For the National Capital Revitalization Corporation,  
3      \$7,850,000 from other funds.

## 4      UNIVERSITY OF THE DISTRICT OF COLUMBIA

5      For the University of the District of Columbia,  
6      \$85,102,000 (including, \$49,602,000 from local funds  
7      previously appropriated in this Act under the heading  
8      “Public Education Systems”, \$15,192,000 from Federal  
9      funds, \$19,434,000 from other funds, and \$873,000 from  
10     private funds): *Provided*, That this appropriation shall not  
11     be available to subsidize the education of nonresidents of  
12     the District of Columbia at the University of the District  
13     of Columbia, unless the Board of Trustees of the Univer-  
14     sity of the District of Columbia adopts, for the fiscal year  
15     ending September 30, 2005, a tuition rate schedule that  
16     will establish the tuition rate for nonresident students at  
17     a level no lower than the nonresident tuition rate charged  
18     at comparable public institutions of higher education in  
19     the metropolitan area.

## 20      UNEMPLOYMENT COMPENSATION FUND

21      For the Unemployment Compensation Fund,  
22      \$180,000,000 from other funds.

## 23      DISTRICT OF COLUMBIA PERSONNEL TRUST FUND

24      For the District of Columbia Personnel Trust Fund,  
25      \$953,000 from other funds.

1 DISTRICT OF COLUMBIA PUBLIC LIBRARY TRUST FUND

2 For the District of Columbia Public Library Trust  
 3 Fund, \$17,000 from other funds: *Provided*, That \$7,000  
 4 shall be for the Theodore W. Noyes Trust Fund: *Provided*  
 5 *further*, That \$10,000 shall be for the Peabody Trust  
 6 Fund.

7 CAPITAL OUTLAY

8 (INCLUDING RESCISSIONS)

9 For construction projects, an increase of  
 10 \$1,087,649,000, of which \$839,897,000 shall be from  
 11 local funds, \$38,542,000 from Highway Trust funds,  
 12 \$37,000,000 from the Rights-of-way funds, \$172,209,000  
 13 from Federal funds, and a rescission of \$367,763,000  
 14 from local funds appropriated under this heading in prior  
 15 fiscal years, for a net amount of \$725,886,000, to remain  
 16 available until expended; in addition, \$7,000,000 from  
 17 funds previously appropriated in this Act under the head-  
 18 ing “Federal Payment for the Unified Communications  
 19 Center” and \$3,000,000 from funds previously appro-  
 20 priated in this Act under the heading “Federal Payment  
 21 for the Anacostia Waterfront Initiative”: *Provided*, That  
 22 funds for use of each capital project implementing agency  
 23 shall be managed and controlled in accordance with all  
 24 procedures and limitations established under the Financial  
 25 Management System: *Provided further*, That all funds pro-



1 vided by this appropriation title shall be available only for  
 2 the specific projects and purposes intended: *Provided fur-*  
 3 *ther*, That the Office of the Chief Technology Officer of  
 4 the District of Columbia shall implement the following in-  
 5 formation technology projects on behalf of the District of  
 6 Columbia Public Schools: Student Information System  
 7 (project number T2240), Student Information System  
 8 PCS (project number T2241), Enterprise Resource Plan-  
 9 ning (project number T2242), E-Rate (project number  
 10 T2243), and SETS Expansion PCS (project number  
 11 T2244).

### 12 TITLE III—GENERAL PROVISIONS

13 SEC. 301. Whenever in this Act, an amount is speci-  
 14 fied within an appropriation for particular purposes or ob-  
 15 jects of expenditure, such amount, unless otherwise speci-  
 16 fied, shall be considered as the maximum amount that  
 17 may be expended for said purpose or object rather than  
 18 an amount set apart exclusively therefor.

19 SEC. 302. Appropriations in this Act shall be avail-  
 20 able for expenses of travel and for the payment of dues  
 21 of organizations concerned with the work of the District  
 22 of Columbia government, when authorized by the Mayor:  
 23 *Provided*, That in the case of the Council of the District  
 24 of Columbia, funds may be expended with the authoriza-  
 25 tion of the Chairman of the Council.

1        SEC. 303. There are appropriated from the applicable  
2 funds of the District of Columbia such sums as may be  
3 necessary for making refunds and for the payment of legal  
4 settlements or judgments that have been entered against  
5 the District of Columbia government.

6        SEC. 304. No part of any appropriation contained in  
7 this Act shall remain available for obligation beyond the  
8 current fiscal year unless expressly to provided herein.

9        SEC. 305. None of the funds appropriated in this Act  
10 shall be made available to pay the salary of any employee  
11 of the District of Columbia government whose name, title,  
12 grade, and salary are not available for inspection by the  
13 Committees on Appropriations of the House of Represent-  
14 atives and Senate, the Committee on Government Reform  
15 of the House of Representatives, the Committee on Gov-  
16 ernmental Affairs of the Senate, and the Council of the  
17 District of Columbia, or their duly authorized representa-  
18 tive.

19        SEC. 306. None of the Federal funds provided in this  
20 Act may be used for publicity or propaganda purposes or  
21 implementation of any policy including boycott designed  
22 to support or defeat legislation pending before Congress  
23 or any State legislature.

1       SEC. 307. (a) None of the Federal funds provided in  
2 this Act may be used to carry out lobbying activities on  
3 any matter.

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

7       SEC. 308. (a) None of the funds provided under this  
8 Act to the agencies funded by this Act, both Federal and  
9 District government agencies, that remain available for  
10 obligation or expenditure in fiscal year 2005, or provided  
11 from any accounts in the Treasury of the United States  
12 derived by the collection of fees available to the agencies  
13 funded by this Act, shall be available for obligation or ex-  
14 penditures for an agency through a reprogramming of  
15 funds which—

16           (1) creates new programs;

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

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

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

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

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

5           (7) increases by 20 percent or more personnel  
6       assigned to a specific program, project or responsi-  
7       bility center, unless the Committee on Appropria-  
8       tions of the House of Representatives and Senate  
9       are notified in writing 15 days in advance of the re-  
10      programming.

11       (b) None of the local funds contained in this Act may  
12      be available for obligation or expenditure for an agency  
13      through a transfer of any local funds in excess of  
14      \$1,000,000 from one appropriation heading to another un-  
15      less the Committees on Appropriations of the House of  
16      Representatives and Senate are notified in writing 15 days  
17      in advance of the transfer, except that in no event may  
18      the amount of any funds transferred exceed 4 percent of  
19      the local funds in the appropriations.

20       SEC. 309. Consistent with the provisions of section  
21      1301(a) of title 31, United States Code, appropriations  
22      under this Act shall be applied only to the objects for  
23      which the appropriations were made except as otherwise  
24      provided by law.

1        SEC. 310. Notwithstanding any other provisions of  
2 law, the provisions of the District of Columbia Govern-  
3 ment Comprehensive Merit Personnel Act of 1978 (D.C.  
4 Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.),  
5 enacted pursuant to section 422(3) of the District of Co-  
6 lumbia Home Rule Act (D.C. Official Code, sec. 1–  
7 2041.22(3)), shall apply with respect to the compensation  
8 of District of Columbia employees: *Provided*, That for pay  
9 purposes, employees of the District of Columbia govern-  
10 ment shall not be subject to the provisions of title 5,  
11 United States Code.

12        SEC. 311. No later than 30 days after the end of the  
13 first quarter of fiscal year 2005, the Mayor of the District  
14 of Columbia shall submit to the Council of the District  
15 of Columbia and the Committees on Appropriations of the  
16 House of Representatives and Senate the new fiscal year  
17 2005 revenue estimates as of the end of such quarter.  
18 These estimates shall be used in the budget request for  
19 fiscal year 2005. The officially revised estimates at mid-  
20 year shall be used for the midyear report.

21        SEC. 312. No sole source contract with the District  
22 of Columbia government or any agency thereof may be re-  
23 newed or extended without opening that contract to the  
24 competitive bidding process as set forth in section 303 of  
25 the District of Columbia Procurement Practices Act of

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

10 SEC. 313. None of the Federal funds provided in this  
11 Act may be used by the District of Columbia to provide  
12 for salaries, expenses, or other costs associated with the  
13 offices of United States Senator or United States Rep-  
14 resentative under section 4(d) of the District of Columbia  
15 Statehood Constitutional Convention Initiatives of 1979  
16 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

17 SEC. 314. None of the funds appropriated under this  
18 Act shall be expended for any abortion except where the  
19 life of the mother would be endangered if the fetus were  
20 carried to term or where the pregnancy is the result of  
21 an act of rape or incest.

22 SEC. 315. None of the Federal funds made available  
23 in this Act may be used to implement or enforce the  
24 Health Care Benefits Expansion Act of 1992 (D.C. Law  
25 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-

1 erwise implement or enforce any system of registration of  
2 unmarried, cohabiting couples, including but not limited  
3 to registration for the purpose of extending employment,  
4 health, or governmental benefits to such couples on the  
5 same basis that such benefits are extended to legally mar-  
6 ried couples.

7 SEC. 316. (a) Notwithstanding any other provision  
8 of this Act, the Mayor, in consultation with the Chief Fi-  
9 nancial Officer of the District of Columbia may accept,  
10 obligate, and expend Federal, private, and other grants  
11 received by the District government that are not reflected  
12 in the amounts appropriated in this Act.

13 (b)(1) No such Federal, private, or other grant may  
14 be accepted, obligated, or expended pursuant to subsection  
15 (a) until—

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

19 (B) the Council has reviewed and approved the  
20 acceptance, obligation, and expenditure of such  
21 grant.

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

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

5           (B) if such a notice of disapproval is filed with-  
6           in such deadline, the Council does not by resolution  
7           disapprove the acceptance, obligation, or expenditure  
8           of the grant within 30 calendar days of the initial  
9           receipt of the report from the Chief Financial Offi-  
10          cer under paragraph (1)(A).

11          (c) No amount may be obligated or expended from  
12          the general fund or other funds of the District of Colum-  
13          bia government in anticipation of the approval or receipt  
14          of a grant under subsection (b)(2) or in anticipation of  
15          the approval or receipt of a Federal, private, or other  
16          grant not subject to such subsection.

17          (d) The Chief Financial Officer of the District of Co-  
18          lumbia may adjust the budget for Federal, private, and  
19          other grants received by the District government reflected  
20          in the amounts appropriated in this Act, or approved and  
21          received under subsection (b)(2) to reflect a change in the  
22          actual amount of the grant.

23          (e) The Chief Financial Officer of the District of Co-  
24          lumbia shall prepare a quarterly report setting forth de-  
25          tailed information regarding all Federal, private, and



1 other grants subject to this section. Each such report shall  
2 be submitted to the Council of the District of Columbia  
3 and to the Committees on Appropriations of the House  
4 of Representatives and Senate not later than 15 days after  
5 the end of the quarter covered by the report.

6 SEC. 317. (a) Except as otherwise provided in this  
7 section, none of the funds made available by this Act or  
8 by any other Act may be used to provide any officer or  
9 employee of the District of Columbia with an official vehi-  
10 cle unless the officer or employee uses the vehicle only in  
11 the performance of the officer's or employee's official du-  
12 ties. For purposes of this paragraph, the term "official  
13 duties" does not include travel between the officer's or em-  
14 ployee's residence and workplace, except in the case of—

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

19 (2) an officer or employee of the District of Co-  
20 lumbia Fire and Emergency Medical Services De-  
21 partment who resides in the District of Columbia  
22 and is on call 24 hours a day or is otherwise des-  
23 ignated by the Fire Chief;

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

1           (4) the Chairman of the Council of the District  
2           of Columbia.

3           (b) The Chief Financial Officer of the District of Co-  
4           lumbia shall submit by March 1, 2005, an inventory, as  
5           of September 30, 2004, of all vehicles owned, leased or  
6           operated by the District of Columbia government. The in-  
7           ventory shall include, but not be limited to, the depart-  
8           ment to which the vehicle is assigned; the year and make  
9           of the vehicle; the acquisition date and cost; the general  
10          condition of the vehicle; annual operating and mainte-  
11          nance costs; current mileage; and whether the vehicle is  
12          allowed to be taken home by a District officer or employee  
13          and if so, the officer or employee's title and resident loca-  
14          tion.

15          SEC. 318. None of the funds contained in this Act  
16          may be used for purposes of the annual independent audit  
17          of the District of Columbia government for fiscal year  
18          2005 unless—

19                (1) the audit is conducted by the Inspector  
20                General of the District of Columbia, in coordination  
21                with the Chief Financial Officer of the District of  
22                Columbia, pursuant to section 208(a)(4) of the Dis-  
23                trict of Columbia Procurement Practices Act of  
24                1985 (D.C. Official Code, sec. 2–302.8); and

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

9       SEC. 319. (a) None of the Federal funds contained  
10   in this Act may be used by the District of Columbia Cor-  
11   poration Counsel or any other officer or entity of the Dis-  
12   trict government to provide assistance for any petition  
13   drive or civil action which seeks to require Congress to  
14   provide for voting representation in Congress for the Dis-  
15   trict of Columbia.

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

21       SEC. 320. (a) None of the Federal funds contained  
22   in this Act may be used for any program of distributing  
23   sterile needles or syringes for the hypodermic injection of  
24   any illegal drug.

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

6 SEC. 321. None of the funds contained in this Act  
7 may be used after the expiration of the 60-day period that  
8 begins on the date of the enactment of this Act to pay  
9 the salary of any chief financial officer of any office of  
10 the District of Columbia government (including any inde-  
11 pendent agency of the District of Columbia) who has not  
12 filed a certification with the Mayor and the Chief Finan-  
13 cial Officer of the District of Columbia that the officer  
14 understands the duties and restrictions applicable to the  
15 officer and the officer's agency as a result of this Act (and  
16 the amendments made by this Act), including any duty  
17 to prepare a report requested either in the Act or in any  
18 of the reports accompanying the Act and the deadline by  
19 which each report must be submitted. The Chief Financial  
20 Officer of the District of Columbia shall provide to the  
21 Committees on Appropriations of the House of Represent-  
22 atives and Senate by the 10th day after the end of each  
23 quarter a summary list showing each report, the due date,  
24 and the date submitted to the Committees.

1        SEC. 322. (a) None of the funds contained in this  
2 Act may be used to enact or carry out any law, rule, or  
3 regulation to legalize or otherwise reduce penalties associ-  
4 ated with the possession, use, or distribution of any sched-  
5 ule I substance under the Controlled Substances Act (21  
6 U.S.C. 802) or any tetrahydrocannabinols derivative.

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

11       SEC. 323. Nothing in this Act may be construed to  
12 prevent the Council or Mayor of the District of Columbia  
13 from addressing the issue of the provision of contraceptive  
14 coverage by health insurance plans, but it is the intent  
15 of Congress that any legislation enacted on such issue  
16 should include a “conscience clause” which provides excep-  
17 tions for religious beliefs and moral convictions.

18       SEC. 324. The Mayor of the District of Columbia  
19 shall submit to the Committees on Appropriations of the  
20 House of Representatives and Senate, the Committee on  
21 Government Reform of the House of Representatives, and  
22 the Committee on Governmental Affairs of the Senate  
23 quarterly reports addressing—

24                (1) crime, including the homicide rate, imple-  
25                mentation of community policing, the number of po-

1       lice officers on local beats, and the closing down of  
2       open-air drug markets;

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

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

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

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

22          (6) application for and management of Federal  
23      grants, including the number and type of grants for  
24      which the District was eligible but failed to apply  
25      and the number and type of grants awarded to the

1 District but for which the District failed to spend  
2 the amounts received; and

3 (7) indicators of child well-being.

4 SEC. 325. (a) No later than 30 calendar days after  
5 the date of the enactment of this Act, the Chief Financial  
6 Officer of the District of Columbia shall submit to the ap-  
7 propriate committees of Congress, the Mayor, and the  
8 Council of the District of Columbia a revised appropriated  
9 funds operating budget in the format of the budget that  
10 the District of Columbia government submitted pursuant  
11 to section 442 of the District of Columbia Home Rule Act  
12 (D.C. Official Code, sec. 1–204.42), for all agencies of the  
13 District of Columbia government for fiscal year 2004 that  
14 is in the total amount of the approved appropriation and  
15 that realigns all budgeted data for personal services and  
16 other-than-personal-services, respectively, with anticipated  
17 actual expenditures.

18 (b) APPLICABILITY.—This provision shall apply only  
19 to an agency where the Chief Financial Officer of the Dis-  
20 trict of Columbia certifies that a reallocation is required  
21 to address unanticipated changes in program require-  
22 ments.

23 SEC. 326. None of the funds contained in this Act  
24 may be used to issue, administer, or enforce any order  
25 by the District of Columbia Commission on Human Rights

1 relating to docket numbers 93–030–(PA) and 93–031–  
2 (PA).

3       SEC. 327. Notwithstanding any other law, the Dis-  
4 trict of Columbia Courts shall transfer to the general  
5 treasury of the District of Columbia all fines levied and  
6 collected by the Courts under section 10(b)(1) and (2) of  
7 the District of Columbia Traffic Act (D.C. Official Code,  
8 sec. 50–2201.05(b)(1) and (2)). The transferred funds  
9 shall remain available until expended and shall be used  
10 by the Office of the Corporation Counsel for enforcement  
11 and prosecution of District traffic alcohol laws in accord-  
12 ance with section 10(b)(3) of the District of Columbia  
13 Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

14       SEC. 328. None of the funds contained in this Act  
15 may be made available to pay—

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

23           (2) the fees of an attorney or firm whom the  
24 Chief Financial Officer of the District of Columbia  
25 determines to have a pecuniary interest, either



1 through an attorney, officer or employee of the firm,  
2 in any special education diagnostic services, schools,  
3 or other special education service providers.

4 SEC. 329. The Chief Financial Officer of the District  
5 of Columbia shall require attorneys in special education  
6 cases brought under the Individuals with Disabilities Act  
7 (IDEA) in the District of Columbia to certify in writing  
8 that the attorney or representative rendered any and all  
9 services for which they receive awards, including those re-  
10 ceived under a settlement agreement or as part of an ad-  
11 ministrative proceeding, under the IDEA from the District  
12 of Columbia: *Provided*, That as part of the certification,  
13 the Chief Financial Officer of the District of Columbia  
14 shall require all attorneys in IDEA cases to disclose any  
15 financial, corporate, legal, memberships on boards of di-  
16 rectors, or other relationships with any special education  
17 diagnostic services, schools, or other special education  
18 service providers to which the attorneys have referred any  
19 clients as part of this certification: *Provided further*, That  
20 the Chief Financial Officer shall prepare and submit quar-  
21 terly reports to the Committees on Appropriations of the  
22 House of Representatives and Senate on the certification  
23 of and the amount paid by the government of the District  
24 of Columbia, including the District of Columbia Public  
25 Schools, to attorneys in cases brought under IDEA: *Pro-*

1 *vided further*, That the Inspector General of the District  
2 of Columbia may conduct investigations to determine the  
3 accuracy of the certifications.

4 SEC. 330. Section 401(a) and (b) of Chapter 4 of  
5 Public Law 106–554 is hereby amended by striking para-  
6 graph (5).

7 SEC. 331. Sections 11–1701(b)(5), 11–1704(b), 11–  
8 1723(b), 11–2102(a)(2), and the second and third sen-  
9 tences of Section 11–1724, of the District of Columbia  
10 Official Code, are hereby repealed.

11 SEC. 332. Section 11–1728 of the District of Colum-  
12 bia Official Code, is amended to read as follows:

13 **“SEC. 11–1728. RECRUITMENT AND TRAINING OF PER-**  
14 **SONNEL AND TRAVEL.**

15 “(a) The Executive Officer shall be responsible for  
16 recruiting such qualified personnel as may be necessary  
17 for the District of Columbia Courts and for providing in-  
18 service training for court personnel.

19 “(b) Travel under Federal supply schedules is author-  
20 ized for the travel of court personnel on official business.  
21 The joint committee shall prescribe such requirements,  
22 conditions and restrictions for such travel as it considers  
23 appropriate, and shall include policies and procedures for  
24 preventing abuses of that travel authority.”.

1       SEC. 333. Section 450A of the District of Columbia  
2 Home Rule Act, approved December 24, 1973 (87 Stat.  
3 803; D.C. Official Code, sec. 1–204.50a), is amended as  
4 follows:

5           (1) Subsection (a) is amended as follows:

6               (A) Paragraph (1) is amended to read as  
7 follows:

8           “(1) IN GENERAL.—There is established an  
9 emergency cash reserve fund (‘emergency reserve  
10 fund’) as an interest-bearing account (separate from  
11 other accounts in the General Fund) into which the  
12 Mayor shall make a deposit in cash not later than  
13 October 1 of each fiscal year of such an amount as  
14 may be required to maintain a balance in the fund  
15 of at least 2 percent of the operating expenditures  
16 as defined in paragraph (2) of this subsection or  
17 such amount as may be required for deposit in a fis-  
18 cal year in which the District is replenishing the  
19 emergency reserve fund pursuant to subsection  
20 (a)(7).”.

21           (B) Paragraph (2) is amended to read as  
22 follows:

23           “(2) IN GENERAL.—For the purpose of this  
24 subsection, operating expenditures is defined as the  
25 amount reported in the District of Columbia’s Com-

1       prehensive Annual Financial Report for the fiscal  
2       year immediately preceding the current fiscal year as  
3       the actual operating expenditure from local funds,  
4       less such amounts that are attributed to debt service  
5       payments for which a separate reserve fund is al-  
6       ready established under this Act.”.

7               (C) Paragraph (7) is amended to read as  
8       follows:

9               “(7) REPLENISHMENT.—The District of Co-  
10       lumbia shall appropriate sufficient funds each fiscal  
11       year in the budget process to replenish any amounts  
12       allocated from the emergency reserve fund during  
13       the preceding fiscal years so that not less than 50  
14       percent of any amount allocated in the preceding fis-  
15       cal year or the amount necessary to restore the  
16       emergency reserve fund to the 2 percent required  
17       balance, whichever is less, is replenished by the end  
18       of the first fiscal year following each such allocation  
19       and 100 percent of the amount allocated or the  
20       amount necessary to restore the emergency reserve  
21       fund to the 2 percent required balance, whichever is  
22       less, is replenished by the end of the second fiscal  
23       year following each such allocation.”.

24              (2) Subsection (b) is amended as follows:

1 (A) Paragraph (1) is amended to read as  
2 follows:

3 “(1) IN GENERAL.—There is established a con-  
4 tingency cash reserve fund (‘contingency reserve  
5 fund’) as an interest-bearing account, separate from  
6 other accounts in the General Fund, into which the  
7 Mayor shall make a deposit in cash not later than  
8 October 1 of each fiscal year of such amount as may  
9 be required to maintain a balance in the fund of at  
10 least 4 percent of the operating expenditures as de-  
11 fined in paragraph (2) of this subsection or such  
12 amount as may be required for deposit in a fiscal  
13 year in which the District is replenishing the emer-  
14 gency reserve fund pursuant to subsection (b)(6).”.

15 (B) Paragraph (2) is amended to read as  
16 follows:

17 “(2) IN GENERAL.—For the purpose of this  
18 subsection, operating expenditures is defined as the  
19 amount reported in the District of Columbia’s Com-  
20 prehensive Annual Financial Report for the fiscal  
21 year immediately preceding the current fiscal year as  
22 the actual operating expenditure from local funds,  
23 less such amounts that are attributed to debt service  
24 payments for which a separate reserve fund is al-  
25 ready established under this Act.”.

1 (C) Paragraph (6) is amended to read as  
2 follows:

3 “(6) REPLENISHMENT.—The District of Co-  
4 lumbia shall appropriate sufficient funds each fiscal  
5 year in the budget process to replenish any amounts  
6 allocated from the contingency reserve fund during  
7 the preceding fiscal years so that not less than 50  
8 percent of any amount allocated in the preceding fis-  
9 cal year or the amount necessary to restore the con-  
10 tingency reserve fund to the 4 percent required bal-  
11 ance, whichever is less, is replenished by the end of  
12 the first fiscal year following each such allocation  
13 and 100 percent of the amount allocated or the  
14 amount necessary to restore the contingency reserve  
15 fund to the 4 percent required balance, whichever is  
16 less, is replenished by the end of the second fiscal  
17 year following each such allocation.”.

18 SEC. 334. For fiscal year 2005, the Chief Financial  
19 Officer shall re-calculate the emergency and contingency  
20 cash reserve funds amount established by Section 450A  
21 of the District of Columbia Home Rule Act, approved De-  
22 cember 24, 1973 (87 Stat. 803; D.C. Official Code, sec.  
23 1–204.50a), as amended by this Act and is authorized to  
24 transfer funds between the emergency and contingency  
25 cash reserve funds to reach the required percentages: *Pro-*

1 *vided*, That for fiscal year 2005, the Chief Financial Offi-  
2 cer may transfer funds from the emergency and contin-  
3 gency cash reserve funds to the general fund of the Dis-  
4 trict of Columbia to the extent that such funds are not  
5 necessary to meet the requirements established for each  
6 fund: *Provided further*, That the Chief Financial Officer  
7 may not transfer funds from the emergency or the contin-  
8 gency reserve funds to the extent that such a transfer  
9 would lower the fiscal year 2005 total percentage below  
10 7 percent of operating expenditures, as amended by this  
11 Act.

12 SEC. 335. Section 6 of the Policemen and Firemen's  
13 Retirement and Disability Act, approved August 21, 1957  
14 (Public Law 85-157; 71 Stat. 399; D.C. Official Code  
15 § 5-732) is amended by striking the phrase "of this chap-  
16 ter, to the extent that such benefit payments exceed the  
17 deductions from the salaries of federal employees for cred-  
18 it to the revenues of the District of Columbia." and insert-  
19 ing the phrase "of this chapter and to reimburse the Dis-  
20 trict of Columbia for the administrative costs associated  
21 with making such benefit payments for credit to the reve-  
22 nues of the District of Columbia: *Provided*, That benefit  
23 payment reimbursement shall only be to the extent that  
24 such benefit payments exceed the deductions from the sal-  
25 aries of federal employees." in its place.

1        SEC. 336. Notwithstanding any other provision of  
2 this Act, there is hereby appropriated for the Office of  
3 the Inspector General such amounts in local funds, as are  
4 consistent with the annual estimates for the expenditures  
5 and appropriations necessary for the operation of the Of-  
6 fice of the Inspector General as prepared by the Inspector  
7 General and submitted to the Mayor and forwarded to the  
8 Council pursuant to D.C. Official Code 2–302.08(a)(2)(A)  
9 for fiscal year 2005: *Provided*, That the Office of the Chief  
10 Financial Officer shall take such steps as are necessary  
11 to implement the provisions of this subsection.

12        SEC. 337. The authority which the Chief Financial  
13 Officer of the District of Columbia exercised with respect  
14 to personnel, procurement, and the preparation of fiscal  
15 impact statements during a control period (as defined in  
16 Public Law 104–8) shall remain in effect through Sep-  
17 tember 30, 2005.

18        SEC. 338. The paragraph under the heading “Federal  
19 Payment for Incentives for Adoption of Children” in Pub-  
20 lic Law 106–113, approved November 29, 1999 (113 Stat.  
21 1501), is amended to add the following proviso: “: *Pro-*  
22 *vided further*, That the funds provided under this heading  
23 for the establishment of a scholarship fund for District  
24 of Columbia children of adoptive families, and District of  
25 Columbia children without parents due to the September



1 11, 2001 terrorist attack to be used for post high school  
2 education and training, once obligated by the District to  
3 establish the scholarship fund, shall remain obligated and  
4 be retained by the District for 25 years from the date of  
5 obligation to allow for any individual who is within the  
6 class of persons to be assisted by this provision to reach  
7 post high school and to present expenditures to be extin-  
8 guished by the fund”.

9 SEC. 339. AUTHORITY OF OPCSFS. (a) Section  
10 161(3)(E)(i) of Public Law 106–522 shall be amended to  
11 include a new section known as (E)(i)(IV) to establish reg-  
12 ulations for administering lease guarantees through the  
13 credit enhancement fund to public charter schools in the  
14 District of Columbia.

15 (b) The first sentence of section 143 of the District  
16 of Columbia Appropriations Act of 2003 (Public Law  
17 108–7, 117 STAT. 130) approved April 20, 2003 is  
18 amended by striking the phrase, “under the authority of  
19 the Department of Banking and Financial Institutions”  
20 and inserting “under the authority of the Mayor” in its  
21 place.

22 SEC. 340. PROCESS FOR FILING CHARTER PETI-  
23 TIONS. D.C. Code § 38–1802.01 is amended by adding a  
24 new section (e) as follows—

1       “(e) A petition to establish a public charter school  
 2 in the District of Columbia, or to convert a District of  
 3 Columbia public school or an existing private or inde-  
 4 pendent school, is a public document.”.

5       SEC. 341. AMENDMENTS TO CHARTER SCHOOL LAW.

6       (a) PROCESS FOR FILING CHARTER PETITIONS.—Section  
 7 2201 of the District of Columbia School Reform Act of  
 8 1995 (D.C. Code 38–1802.01) is amended—

9               (1) in subsection (a)(3)(B), by striking “two-  
 10 thirds” and inserting “51 percent”; and

11              (2) in subsection (b)(3)(B), by striking “two-  
 12 thirds” and inserting “51 percent”.

13       (b) EMPLOYEES.—Section 2207 of the District of Co-  
 14 lumbia School Reform Act of 1995 (D.C. Code 38–  
 15 1802.07) is amended by adding at the end the following:

16       “(d) TEACHERS REMAINING AT CONVERTED PUBLIC  
 17 CHARTER SCHOOLS.—A teacher employed at a District of  
 18 Columbia public school that converts to a public charter  
 19 school under section 2201 shall have the option of remain-  
 20 ing at the charter school during the school’s first year of  
 21 operation after receiving an extended leave of absence  
 22 under subsection (a)(1). After this 1-year period, the  
 23 teacher may continue to be employed at the public charter  
 24 school, at the sole discretion of the public charter school,

1 or shall maintain current status within the District of Co-  
 2 lumbia public school system.”.

3 (c) PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER  
 4 SCHOOLS.—Section 2209(b) of the District of Columbia  
 5 School Reform Act of 1995 (D.C. Code 38–1802.09(b))  
 6 is amended—

7 (1) in paragraph (1)—

8 (A) by amending subparagraph (A) to read  
 9 as follows:

10 “(A) IN GENERAL.—Notwithstanding any  
 11 other provision of law, regulation, or order re-  
 12 lating to the disposition of a facility or property  
 13 described in subparagraph (B), or to the dis-  
 14 position of any property of the District of Co-  
 15 lumbia, the Mayor and the District of Columbia  
 16 government shall give a right of first offer,  
 17 which right shall be annually reinstated with re-  
 18 spect to any facility or property not previously  
 19 disposed of, or under contract to be disposed of,  
 20 to an eligible applicant whose petition to estab-  
 21 lish a public charter school has been condi-  
 22 tionally approved under section 2203(d)(2), or  
 23 a Board of Trustees, with respect to the pur-  
 24 chase, lease, transfer, or use of a facility or  
 25 property described in subparagraph (B).”;

1 (B) by amending subparagraph (B)(iii) to  
 2 read as follows:

3 “(iii) With respect to which—

4 “(I) the Board of Education has  
 5 transferred jurisdiction to the Mayor  
 6 and over which the Mayor has juris-  
 7 diction on the effective date of this  
 8 subclause; or

9 “(II) over which the Mayor or  
 10 any successor agency gains jurisdic-  
 11 tion after the effective date of this  
 12 subclause.”; and

13 (C) by adding at the end the following:

14 “(C) TERMS OF PURCHASE OR LEASE.—

15 The terms of purchase or lease of a facility or  
 16 property described in subparagraph (B) shall—

17 “(i) be negotiated by the Mayor;

18 “(ii) include rent or an acquisition  
 19 price, as applicable, that is at least 25 per-  
 20 cent less than the appraised value of the  
 21 property (based on use of the property for  
 22 school purposes); and

23 “(iii) include a lease period, if the  
 24 property is to be leased, of not less than  
 25 25 years, and renewable for additional 25-

1                   year periods as long as the eligible appli-  
 2                   cant or Board of Trustees maintains its  
 3                   charter.”; and

4                   (2) in paragraph (2)(A), by striking “pref-  
 5                   erence” and inserting “a right to first offer”; and

6                   (3) by adding at the end the following:

7                   “(3)       CONVERSION       PUBLIC       CHARTER  
 8                   SCHOOLS.—Any District of Columbia public school  
 9                   that was approved to become a conversion public  
 10                  charter school under section 2201 before the effec-  
 11                  tive date of this subsection or is approved to become  
 12                  a conversion public charter school after the effective  
 13                  date of this subsection, shall have the right to exclu-  
 14                  sively occupy the facilities the school occupied as a  
 15                  District of Columbia public school under a lease for  
 16                  a period of not less than 25 years, renewable for ad-  
 17                  ditional 25-year periods as long as the school main-  
 18                  tains its charter at the non-profit rate, or if there  
 19                  is no non-profit rate, at 25 percent less than the fair  
 20                  market rate for school use.”.

21       SEC. 342. ANNUAL REPORT TO CONGRESS. Section  
 22 2211 of the School Reform Act of 1995 (D.C. Code 38–  
 23 1802.11) shall be amended by:

24                  (1) adding the following new subparagraph at  
 25                  the end of section 2211(a)(1):

1           “(D) Shall ensure that each public charter  
2           school complies with the annual reporting re-  
3           quirement of subsection 38–1802.04(b)(11) of  
4           this Act, including submission of the audited fi-  
5           nancial statement required by sub-subsection  
6           (B)(ix) of that section.”; and

7           (2) adding the following before the period at  
8           the end of subparagraph (d): “(10) details of major  
9           Board actions; (11) major findings from school re-  
10          views of academic, financial, and compliance with  
11          health and safety standards and resulting Board ac-  
12          tion or recommendations; (12) details of the fifth  
13          year review process and outcomes; (13) summary of  
14          annual financial audits of all charter schools, includ-  
15          ing (a) the number of schools that failed to timely  
16          submit the audited financial statement required by  
17          that section; (b) the number of schools whose audits  
18          revealed a failure to follow required accounting prac-  
19          tices or other material deficiencies; and (c) the steps  
20          taken by the authority to ensure that deficiencies  
21          found by the audits are rectified; (14) number of  
22          schools which have required intervention by author-  
23          izing board to address any academic or operational  
24          issue; (15) what recommendations an authorizing  
25          board has made to correct identified deficiencies”.

1       SEC. 343. LEASE TO DISTRICT OF COLUMBIA. (a)  
2   LEASE.—

3           (1) IN GENERAL.—Not later than 90 days after  
4       the date of enactment of this Act, subject to sub-  
5       section (b), the Secretary of the Interior (referred to  
6       in this section as the “Secretary”) shall lease to the  
7       government of the District of Columbia, without  
8       consideration, the property described in paragraph  
9       (2).

10          (2) PROPERTY.—The property referred to in  
11       paragraph (1) is—

12           (A) the National Park Service land in Ana-  
13       costia Park, the boundaries of which are the  
14       Anacostia River to the west, Watts Branch to  
15       the south, Kenilworth Aquatic Gardens to the  
16       north, and Anacostia Avenue to the east (US  
17       Reservations 325 and 343, Section G); and

18           (B) the community center under the juris-  
19       diction of the District of Columbia known as  
20       the “Kenilworth Parkside Community Center”.

21       (b) CONDITIONS OF LEASE.—

22           (1) TERM.—The lease under subsection (a)(1)  
23       shall be for a period of 50 years.

24           (2) TRANSFER OF TITLE.—The lease under  
25       subsection (a)(1) shall be subject to such terms and

1 conditions, to be included in the lease, as are nec-  
 2 essary to ensure that the property leased under that  
 3 subsection—

4 (A) may be subleased by the District of  
 5 Columbia to any public entity or private not-  
 6 for-profit corporation under a public process;  
 7 and

8 (B) is used only for the provision of public  
 9 recreational facilities, open space, or public out-  
 10 door recreational opportunities.

11 (C) Nothing in the Act precludes the Dis-  
 12 trict of Columbia from entering into a sublease  
 13 for all or part of the property with a public not-  
 14 for-profit entity for the management or mainte-  
 15 nance of the property.

16 (3) TERMINATION.—

17 (A) IN GENERAL.—The lease under sub-  
 18 section (a)(1) shall terminate if—

19 (i) any term or condition of the lease  
 20 described in paragraph (2) is violated, as  
 21 determined by the Secretary; and

22 (ii) the violation is not corrected by  
 23 the date that is 90 days after the date on  
 24 which the Mayor of the District of Colum-



1                   bia receives from the Secretary a written  
2                   notice of the violation.

3                   (B) DETERMINATION OF CORRECTION.—A  
4                   violation of a term or condition of the lease  
5                   under subsection (a)(1) shall be determined to  
6                   have been corrected under subparagraph (A)(ii)  
7                   if, after notification of the violation, the District  
8                   of Columbia and the Secretary enter into an  
9                   agreement that the Secretary considers to be  
10                  adequate to ensure that the property leased will  
11                  be used in a manner consistent with paragraph  
12                  (2).

13                  (4) PROHIBITION OF CIVIL ACTIONS.—No per-  
14                  son may bring a civil action relating to a violation  
15                  any term or condition of the lease described in para-  
16                  graph (2) before the date that is 90 days after the  
17                  person notifies the Mayor of the District of Colum-  
18                  bia of the alleged violation (including the intent of  
19                  the person to bring a civil action for termination of  
20                  the lease under paragraph (3)).

21                  (5) REMOVAL OF STRUCTURES; REHABILITA-  
22                  TION.—The lease under subsection (a)(1) shall be  
23                  subject to the condition that, in the event of a termi-  
24                  nation of the lease under paragraph (3), the District

1 of Columbia shall bear the cost of removing struc-  
 2 tures on, or rehabilitating, the property leased.

3 (6) ADMINISTRATION OF PROPERTY.—If the  
 4 lease under subsection (a)(1) is terminated under  
 5 paragraph (3), the property covered by the lease  
 6 shall be administered by the Secretary as a unit of  
 7 the National Park System in the District of Colum-  
 8 bia in accordance with—

9 (A) the Act of August 25, 1916 (commonly  
 10 known as the “National Park Service Organic  
 11 Act”) (16 U.S.C. 1 et seq.); and

12 (B) other laws (including regulations) gen-  
 13 erally applicable to units of the National Park  
 14 System.

15 SEC. 344. BIENNIAL EVALUATION OF CHARTER  
 16 SCHOOL AUTHORIZING BOARDS. (a) Biennial manage-  
 17 ment evaluation of the District of Columbia Chartering  
 18 Authorities for the District of Columbia Public Charter  
 19 Schools shall be conducted by the Comptroller General of  
 20 the United States.

21 (b) Evaluation shall include the following:

22 (1) Establish standards to assess each author-  
 23 izer’s procedures and oversight quality;

24 (2) Identify gaps in oversight and recommenda-  
 25 tions;

1           (3) Review processes of charter school applica-  
2       tions;

3           (4) Extent of ongoing monitoring, technical as-  
4       sistance, and sanctions provided to schools;

5           (5) Compliance with annual reporting require-  
6       ments;

7           (6) Actual budget expenditures for the pre-  
8       ceding two fiscal years;

9           (7) Comparison of budget expenditures with  
10      mandated responsibilities;

11          (8) Alignment with best practices; and

12          (9) Quality and timeliness of meeting Section  
13      2211(d) of the School Reform Act of 1995 (D.C.  
14      Code 38–1802.11(d)), as amended.

15      (c) INITIAL INTERIM REPORT TO CONGRESS.—The  
16      Government Accountability Office shall submit to the  
17      Committees on Appropriations of the House of Represent-  
18      atives and Senate, no later than May 1, 2005, a baseline  
19      report on the performance of each authorizer in meeting  
20      the requirements of the School Reform Act of 1995.

21      (d) Hereafter Section 2214(f) of Public Law 104–  
22      143 (D.C. Code 38–1802.14(f)), shall apply to the District  
23      of Columbia Board of Education Charter Schools Office.

24      SEC. 345. CLARIFYING OPERATIONS OF PUBLIC  
25      CHARTER SCHOOL BOARD. Section 2214 of the School Re-

1 form Act of 1995 (Public Law 104–134; D.C. Code 38–  
2 1802.14), is amended—

3 (1) by striking subsection (f) and inserting the  
4 following:

5 “(f) AUDIT.—The Board shall maintain its accounts  
6 according to Generally Accepted Accounting Principles for  
7 Not-for-Profit Organizations. The Board shall provide for  
8 an audit of the financial statements of the Board by an  
9 independent certified public accountant in accordance with  
10 Government auditing standards for financial audits issued  
11 by the Comptroller General of the United States. The find-  
12 ings and recommendations of any such audit shall be for-  
13 warded to the Mayor, the District of Columbia Council,  
14 the appropriate congressional committees, and the Office  
15 of the Chief Financial Officer.”; and

16 (2) adding at the end the following:

17 “(h) CONTRACTING AND PROCUREMENT.—The  
18 Board shall have the authority to solicit, award, and exe-  
19 cute contracts independently of the Office of Contracting  
20 and Procurement and the Chief Procurement Officer.  
21 Nothing in chapter 3 of title 2 of the District of Columbia  
22 Code shall affect the authority of the Board under this  
23 subsection.”.

24 This Act may be cited as the “District of Columbia  
25 Appropriations Act, 2005”.



Calendar No. 709

108TH CONGRESS  
2D Session

**S. 2826**

[Report No. 108-354]

**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, 2005, and for other purposes.

SEPTEMBER 21 2004

Read twice and placed on the calendar