

Union Calendar No. 120

108TH CONGRESS
1ST SESSION

H. R. 2765

[Report No. 108-214]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2003

Mr. FRELINGHUYSEN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the

1 District of Columbia for the fiscal year ending September
2 30, 2004, and for other purposes, namely:

3 TITLE I—FEDERAL FUNDS

4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

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

1 shall be under the control of the District of Columbia
2 Chief Financial Officer who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the 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, \$163,819,000, to be allocated as follows: for
8 the District of Columbia Court of Appeals, \$8,775,000,
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, \$83,387,000, of which not to exceed \$1,500
12 is for official reception and representation expenses; for
13 the District of Columbia Court System, \$40,006,000, of
14 which not to exceed \$1,500 is for official reception and
15 representation expenses: and \$31,651,000, 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, all amounts under this heading shall be
23 apportioned quarterly by the Office of Management and
24 Budget and obligated and expended in the same manner
25 as funds appropriated for salaries and expenses of other

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

18 DEFENDER SERVICES IN DISTRICT OF COLUMBIA

19 COURTS

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

1 Official Code, and payments for counsel authorized under
2 section 21–2060, D.C. Official Code (relating to represen-
3 tation provided under the District of Columbia Guardian-
4 ship, Protective Proceedings, and Durable Power of Attor-
5 ney Act of 1986), \$32,000,000, to remain available until
6 expended: *Provided further*, That the funds provided in
7 this Act under the heading “Federal Payment to the Dis-
8 trict of Columbia Courts” (other than the \$31,651,000
9 provided under such heading for capital improvements for
10 District of Columbia courthouse facilities) may also be
11 used for payments under this heading: *Provided further*,
12 That in addition to the funds provided under this heading,
13 the Joint Committee on Judicial Administration in the
14 District of Columbia shall use funds provided in this Act
15 under the heading “Federal Payment to the District of
16 Columbia Courts” (other than the \$31,651,000 provided
17 under such heading for capital improvements for District
18 of Columbia courthouse facilities), to make payments de-
19 scribed under this heading for obligations incurred during
20 any fiscal year: *Provided further*, That funds provided
21 under this heading shall be administered by the Joint
22 Committee on Judicial Administration in the District of
23 Columbia: *Provided further*, That notwithstanding any
24 other provision of law, this appropriation shall be appor-
25 tioned quarterly by the Office of Management and Budget

1 and obligated and expended in the same manner as funds
2 appropriated for expenses of other Federal agencies, with
3 payroll and financial services to be provided on a contrac-
4 tual basis with the General Services Administration
5 (GSA), said services to include the preparation of monthly
6 financial reports, copies of which shall be submitted di-
7 rectly by GSA to the President and to the Committees
8 on Appropriations of the House of Representatives and
9 Senate, the Committee on Government Reform of the
10 House of Representatives, and the Committee on Govern-
11 mental Affairs of the Senate.

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

15 (INCLUDING TRANSFER OF FUNDS)

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

1 Supervision Agency Interstate Supervision Act of 2002;
2 of which \$100,460,000 shall be for necessary expenses of
3 Community Supervision and Sex Offender Registration, to
4 include expenses relating to the supervision of adults sub-
5 ject to protection orders or the provision of services for
6 or related to such persons; of which \$37,411,000 shall be
7 available to the Pretrial Services Agency; and of which
8 \$25,210,000 shall be transferred to the Public Defender
9 Service for the District of Columbia: *Provided*, That not-
10 withstanding any other provision of law, all amounts
11 under this heading shall be apportioned quarterly by the
12 Office of Management and Budget and obligated and ex-
13 pended in the same manner as funds appropriated for sal-
14 aries and expenses of other Federal agencies: *Provided fur-*
15 *ther*, That notwithstanding chapter 33 of title 40, United
16 States Code, the Director may acquire by purchase, lease,
17 condemnation, or donation, and renovate as necessary,
18 Building Number 17, 1900 Massachusetts Avenue, South-
19 east, Washington, District of Columbia to house or super-
20 vise offenders and defendants, with funds made available
21 for this purpose in Public Law 107–96: *Provided further*,
22 That the Director is authorized to accept and use gifts
23 in the form of in-kind contributions of space and hospi-
24 tality to support offender and defendant programs, and
25 equipment and vocational training services to educate and

1 train offenders and defendants: *Provided further*, That the
2 Director shall keep accurate and detailed records of the
3 acceptance and use of any gift or donation under the pre-
4 vious proviso, and shall make such records available for
5 audit and public inspection.

6 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

7 WATER AND SEWER AUTHORITY

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

14 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT

15 INITIATIVE

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

22 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

23 COORDINATING COUNCIL

24 For a Federal payment to the Criminal Justice Co-
25 ordinating Council, \$1,300,000, to support initiatives re-

1 lated to the coordination of Federal and local criminal jus-
2 tice resources in the District of Columbia.

3 FEDERAL PAYMENT FOR CAPITAL DEVELOPMENT IN
4 THE DISTRICT OF COLUMBIA

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

8 FEDERAL PAYMENT FOR PUBLIC SCHOOL FACILITIES

9 For a Federal payment to the District of Columbia
10 Public Schools, \$4,500,000, of which \$500,000 shall be
11 for a window repair and reglazing program and
12 \$4,000,000 shall be for a playground repair and replace-
13 ment program.

14 FEDERAL PAYMENT FOR THE FAMILY LITERACY
15 PROGRAM

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

1 FEDERAL PAYMENT FOR A DISTRICT OF COLUMBIA
2 SCHOLARSHIP PROGRAM

3 For a Federal payment for a District of Columbia
4 scholarship program, \$10,000,000, subject to authoriza-
5 tion.

6 FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER
7 OF THE DISTRICT OF COLUMBIA

8 For a Federal payment to the Chief Financial Officer
9 of the District of Columbia, \$10,000,000 for education,
10 public safety and health, economic development, and infra-
11 structure initiatives in the District of Columbia.

12 TITLE II—DISTRICT OF COLUMBIA FUNDS
13 OPERATING EXPENSES

14 DIVISION OF EXPENSES

15 The following amounts are appropriated for the Dis-
16 trict of Columbia for the current fiscal year out of the
17 general fund of the District of Columbia, except as other-
18 wise specifically provided: *Provided*, That notwithstanding
19 any other provision of law, except as provided in section
20 450A of the District of Columbia Home Rule Act (D.C.
21 Official Code, sec. 1–204.50a) and section 117 of this Act,
22 the total amount appropriated in this Act for operating
23 expenses for the District of Columbia for fiscal year 2004
24 under this heading shall not exceed the lesser of the sum
25 of the total revenues of the District of Columbia for such

1 fiscal year or \$6,326,138,000 (of which \$3,832,734,000
2 shall be from local funds, \$1,568,734,000 shall be from
3 Federal grant funds, \$910,904,000 shall be from other
4 funds, and \$13,766,000 shall be from private funds), in
5 addition, \$59,800,000 from funds previously appropriated
6 in this Act as Federal payments: *Provided further*, That
7 this amount may be increased by proceeds of one-time
8 transactions, which are expended for emergency or unan-
9 ticipated operating or capital needs: *Provided further*,
10 That such increases shall be approved by enactment of
11 local District law and shall comply with all reserve require-
12 ments contained in the District of Columbia Home Rule
13 Act as amended by this Act: *Provided further*, That the
14 Chief Financial Officer of the District of Columbia shall
15 take such steps as are necessary to assure that the Dis-
16 trict of Columbia meets these requirements, including the
17 apportioning by the Chief Financial Officer of the appro-
18 priations and funds made available to the District during
19 fiscal year 2004, except that the Chief Financial Officer
20 may not reprogram for operating expenses any funds de-
21 rived from bonds, notes, or other obligations issued for
22 capital projects.

23 GOVERNMENTAL DIRECTION AND SUPPORT

24 Governmental direction and support, \$284,415,000
25 (including \$206,825,000 from local funds, \$57,440,000

1 from Federal grant funds, and \$20,150,000 from other
2 funds), in addition, \$10,000,000 from funds previously
3 appropriated in this Act under the heading “Federal Pay-
4 ment to the Chief Financial Officer of the District of Co-
5 lumbia”: *Provided*, That not to exceed \$2,500 for the
6 Mayor, \$2,500 for the Chairman of the Council of the Dis-
7 trict of Columbia, \$2,500 for the City Administrator, and
8 \$2,500 for the Office of the Chief Financial Officer shall
9 be available from this appropriation for official purposes:
10 *Provided further*, That any program fees collected from the
11 issuance of debt shall be available for the payment of ex-
12 penses of the debt management program of the District
13 of Columbia: *Provided further*, That no revenues from
14 Federal sources shall be used to support the operations
15 or activities of the Statehood Commission and Statehood
16 Compact Commission: *Provided further*, That the District
17 of Columbia shall identify the sources of funding for Ad-
18 mission to Statehood from its own locally generated reve-
19 nues: *Provided further*, That notwithstanding any other
20 provision of law, or Mayor’s Order 86–45, issued March
21 18, 1986, the Office of the Chief Technology Officer’s del-
22 egated small purchase authority shall be \$500,000: *Pro-
23 vided further*, That the District of Columbia government
24 may not require the Office of the Chief Technology Officer
25 to submit to any other procurement review process, or to

1 obtain the approval of or be restricted in any manner by
2 any official or employee of the District of Columbia gov-
3 ernment, for purchases that do not exceed \$500,000: *Pro-*
4 *vided further*, That not to exceed \$25,000, to remain avail-
5 able until expended, of the funds in the District of Colum-
6 bia Antitrust Fund established pursuant to section 820
7 of the District of Columbia Procurement Practices Act of
8 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–308.20)
9 is hereby made available for the use of the Office of the
10 Corporation Counsel of the District of Columbia in accord-
11 ance with the laws establishing this fund.

12 ECONOMIC DEVELOPMENT AND REGULATION

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

1 ness Improvement Districts shall be exempt from taxes
2 levied by the District of Columbia.

3 PUBLIC SAFETY AND JUSTICE

4 Public safety and justice, \$745,958,000 (including
5 \$716,715,000 from local funds, \$10,290,000 from Federal
6 grant funds, \$18,944,000 from other funds, and \$9,000
7 from private funds), in addition, \$1,300,000 from funds
8 previously appropriated in this Act under the heading
9 “Federal Payment to the Criminal Justice Coordinating
10 Council”: *Provided*, That not to exceed \$500,000 shall be
11 available from this appropriation for the Chief of Police
12 for the prevention and detection of crime: *Provided further*,
13 That the Mayor shall reimburse the District of Columbia
14 National Guard for expenses incurred in connection with
15 services that are performed in emergencies by the National
16 Guard in a militia status and are requested by the Mayor,
17 in amounts that shall be jointly determined and certified
18 as due and payable for these services by the Mayor and
19 the Commanding General of the District of Columbia Na-
20 tional Guard: *Provided further*, That such sums as may
21 be necessary for reimbursement to the District of Colum-
22 bia National Guard under the preceding proviso shall be
23 available from this appropriation, and the availability of
24 the sums shall be deemed as constituting payment in ad-
25 vance for emergency services involved.

1 PUBLIC EDUCATION SYSTEM

2 (INCLUDING TRANSFERS OF FUNDS)

3 Public education system, including the development
4 of national defense education programs, \$1,157,841,000
5 (including \$962,941,000 from local funds, \$156,708,000
6 from Federal grant funds, \$27,074,000 from other funds,
7 \$4,302,000 from private funds, and not to exceed
8 \$6,816,000, to remain available until expended, from the
9 Medicaid and Special Education Reform Fund established
10 pursuant to the Medicaid and Special Education Reform
11 Fund Establishment Act of 2002 (D.C. Law 14–190; D.C.
12 Official Code 4–204.51 et seq.)), in addition, \$17,000,000
13 from funds previously appropriated in this Act under the
14 heading “Federal Payment for Resident Tuition Support”
15 and \$4,500,000 from funds previously appropriated in this
16 Act under the heading “Federal Payment for Public
17 School Facilities”, to be allocated as follows:

18 (1) DISTRICT OF COLUMBIA PUBLIC
19 SCHOOLS.—\$870,135,000 (including \$738,444,000
20 from local funds, \$114,749,000 from Federal grant
21 funds, \$6,527,000 from other funds, \$3,599,000
22 from private funds, and not to exceed \$6,816,000, to
23 remain available until expended, from the Medicaid
24 and Special Education Reform Fund established
25 pursuant to the Medicaid and Special Education Re-

1 form Fund Establishment Act of 2002 (D.C. Law
2 14–190; D.C. Official Code 4–204.51 et seq.)), in
3 addition, \$4,500,000 from funds previously appro-
4 priated in this Act under the heading “Federal Pay-
5 ment for Public School Facilities” shall be available
6 for District of Columbia Public Schools: *Provided*,
7 That notwithstanding any other provision of law,
8 rule, or regulation, the evaluation process and in-
9 struments for evaluating District of Columbia Public
10 School employees shall be a non-negotiable item for
11 collective bargaining purposes: *Provided further*,
12 That this appropriation shall not be available to sub-
13 sidize the education of any nonresident of the Dis-
14 trict of Columbia at any District of Columbia public
15 elementary or secondary school during fiscal year
16 2004 unless the nonresident pays tuition to the Dis-
17 trict of Columbia at a rate that covers 100 percent
18 of the costs incurred by the District of Columbia
19 that are attributable to the education of the non-
20 resident (as established by the Superintendent of the
21 District of Columbia Public Schools): *Provided fur-*
22 *ther*, That notwithstanding the amounts otherwise
23 provided under this heading or any other provision
24 of law, there shall be appropriated to the District of
25 Columbia Public Schools on July 1, 2004, an

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

23 (2) STATE EDUCATION OFFICE.—\$38,752,000
24 (including \$9,959,000 from local funds, \$28,617,000
25 from Federal grant funds, and \$176,000 from other

1 funds), in addition, \$17,000,000 from funds pre-
2 viously appropriated in this Act under the heading
3 “Federal Payment for Resident Tuition Support”
4 shall be available for the State Education Office:
5 *Provided*, That of the amounts provided to the State
6 Education Office, \$500,000 from local funds shall
7 remain available until June 30, 2005 for an audit of
8 the student enrollment of each District of Columbia
9 Public School and of each District of Columbia pub-
10 lic charter school.

11 (3) DISTRICT OF COLUMBIA PUBLIC CHARTER
12 SCHOOLS.—\$137,531,000 from local funds shall be
13 available for District of Columbia a public charter
14 schools: *Provided*, That there shall be quarterly dis-
15 bursement of funds to the District of Columbia pub-
16 lic charter schools, with the first payment to occur
17 within 15 days of the beginning of the fiscal year:
18 *Provided further*, That if the entirety of this alloca-
19 tion has not been provided as payments to any pub-
20 lic charter schools currently in operation through the
21 per pupil funding formula, the funds shall be avail-
22 able as follows: (1) the first \$3,000,000 shall be de-
23 posited in the Credit Enhancement Revolving Fund
24 established pursuant to section 603(e) of the Stu-
25 dent Loan Marketing Association Reorganization

1 Act of 1996 (Public Law 104–208; 110 Stat. 3009;
2 20 U.S.C. 1155(e)); and (2) the balance shall be for
3 public education in accordance with section
4 2403(b)(2) of the District of Columbia School Re-
5 form Act of 1995 (D.C. Official Code, sec. 38–
6 1804.03(b)(2)): *Provided further*, That of the
7 amounts made available to District of Columbia pub-
8 lic charter schools, \$25,000 shall be made available
9 to the Office of the Chief Financial Officer as au-
10 thorized by section 2403(b)(6) of the District of Co-
11 lumbia School Reform Act of 1995 (D.C. Official
12 Code, sec. 38–1804.03(b)(6)): *Provided further*, That
13 \$660,000 of this amount shall be available to the
14 District of Columbia Public Charter School Board
15 for administrative costs: *Provided further*, That not-
16 withstanding the amounts otherwise provided under
17 this heading or any other provision of law, there
18 shall be appropriated to the District of Columbia
19 public charter schools on July 1, 2004, an amount
20 equal to 25 percent of the total amount provided for
21 payments to public charter schools in the proposed
22 budget of the District of Columbia for fiscal year
23 2005 (as submitted to Congress), and the amount of
24 such payment shall be chargeable against the final

1 amount provided for such payments under the Dis-
2 trict of Columbia Appropriations Act, 2005.

3 (4) UNIVERSITY OF THE DISTRICT OF COLUM-
4 BIA.—\$80,660,000 (including \$48,656,000 from
5 local funds, \$11,867,000 from Federal grant funds,
6 \$19,434,000 from other funds, and \$703,000 from
7 private funds) shall be available for the University of
8 the District of Columbia: *Provided*, That this appro-
9 priation shall not be available to subsidize the edu-
10 cation of nonresidents of the District of Columbia at
11 the University of the District of Columbia, unless
12 the Board of Trustees of the University of the Dis-
13 trict of Columbia adopts, for the fiscal year ending
14 September 30, 2004, a tuition rate schedule that will
15 establish the tuition rate for nonresident students at
16 a level no lower than the nonresident tuition rate
17 charged at comparable public institutions of higher
18 education in the metropolitan area: *Provided further*,
19 That notwithstanding the amounts otherwise pro-
20 vided under this heading or any other provision of
21 law, there shall be appropriated to the University of
22 the District of Columbia on July 1, 2004, an
23 amount equal to 10 percent of the total amount pro-
24 vided for the University of the District of Columbia
25 in the proposed budget of the District of Columbia

1 for fiscal year 2005 (as submitted to Congress), and
2 the amount of such payment shall be chargeable
3 against the final amount provided for the University
4 of the District of Columbia under the District of Co-
5 lumbia Appropriations Act, 2005: *Provided further,*
6 That not to exceed \$2,500 for the President of the
7 University of the District of Columbia shall be avail-
8 able from this appropriation for official purposes.

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

17 (6) COMMISSION ON THE ARTS AND HUMAN-
18 ITIES.—\$2,476,000 (including \$1,601,000 from local
19 funds, \$475,000 from Federal grant funds, and
20 \$400,000 from other funds) shall be available for
21 the Commission on the Arts and Humanities.

22 HUMAN SUPPORT SERVICES

23 (INCLUDING TRANSFER OF FUNDS)

24 Human support services, \$2,360,067,000 (including
25 \$1,030,223,000 from local funds, \$1,247,945,000 from

1 Federal grant funds, \$24,330,000 from other funds,
2 \$9,330,000 from private funds, and \$48,239,000, to re-
3 main available until expended, from the Medicaid and Spe-
4 cial Education Reform Fund established pursuant to the
5 Medicaid and Special Education Reform Fund Establish-
6 ment Act of 2002 (D.C. Act 14–403): *Provided*, That the
7 funds available from the Medicaid and Special Education
8 Reform Fund are allocated as follows: not more than
9 \$18,744,000 for Child and Family Services, not more than
10 \$7,795,000 for the Department of Human Services, and
11 not more than \$21,700,000 for the Department of Mental
12 Health: *Provided further*, That \$27,959,000 of this appro-
13 priation, to remain available until expended, shall be avail-
14 able solely for District of Columbia employees’ disability
15 compensation: *Provided further*, That \$7,500,000 of this
16 appropriation, to remain available until expended, shall be
17 deposited in the Addiction Recovery Fund, established
18 pursuant to section 5 of the Choice in Drug Treatment
19 Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec.
20 7–3004) and used exclusively for the purpose of the Drug
21 Treatment Choice Program established pursuant to sec-
22 tion 4 of the Choice in Drug Treatment Act of 2000 (D.C.
23 Law 13–146; D.C. Official Code, sec. 7–3003): *Provided*
24 *further*, That no less than \$2,000,000 of this appropria-
25 tion shall be available exclusively for the purpose of fund-

1 ing the pilot substance abuse program for youth ages 14
2 through 21 years established pursuant to section 4212 of
3 the Pilot Substance Abuse Program for Youth Act of 2001
4 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): *Pro-*
5 *vided further*, That \$4,500,000 of this appropriation, to
6 remain available until expended, shall be deposited in the
7 Interim Disability Assistance Fund established pursuant
8 to section 201 of the District of Columbia Public Assist-
9 ance Act of 1982 (D.C. Law 4–101; D.C. Official Code,
10 sec. 4–202.01), to be used exclusively for the Interim Dis-
11 ability Assistance program and the purposes for that pro-
12 gram set forth in section 407 of the District of Columbia
13 Public Assistance Act of 1982 (D.C. Law 13–252; D.C.
14 Official Code, sec. 4–204.07): *Provided further*, That not
15 less than \$640,531 of this appropriation shall be available
16 exclusively for the purpose of funding the Burial Assist-
17 ance Program established by section 1802 of the Burial
18 Assistance Program Reestablishment Act of 1999 (D.C.
19 Law 13–38; D.C. Official Code, sec. 4–1001).

20 PUBLIC WORKS

21 Public works, including rental of one passenger-car-
22 rying vehicle for use by the Mayor and three passenger-
23 carrying vehicles for use by the Council of the District of
24 Columbia and leasing of passenger-carrying vehicles,
25 \$327,046,000 (including \$308,028,000 from local funds,

1 \$5,274,000 from Federal grant funds, and \$13,744,000
2 from other funds): *Provided*, That this appropriation shall
3 not be available for collecting ashes or miscellaneous
4 refuse from hotels and places of business.

5 CASH RESERVE

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

11 EMERGENCY AND CONTINGENCY RESERVE FUNDS

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

18 REPAYMENT OF LOANS AND INTEREST

19 For payment of principal, interest, and certain fees
20 directly resulting from borrowing by the District of Co-
21 lumbia to fund District of Columbia capital projects as
22 authorized by sections 462, 475, and 490 of the District
23 of Columbia Home Rule Act (D.C. Official Code, secs. 1-
24 204.62, 1-204.75, and 1-204.90), \$311,504,000 from
25 local funds: *Provided*, That for equipment leases, the

1 Mayor may finance \$14,300,000 of equipment cost, plus
2 cost of issuance not to exceed two percent of the par
3 amount being financed on a lease purchase basis with a
4 maturity not to exceed five years.

5 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

6 For payment of interest on short-term borrowing,
7 \$3,000,000 from local funds.

8 CERTIFICATES OF PARTICIPATION

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

13 SETTLEMENTS AND JUDGMENTS

14 For making refunds and for the payment of legal set-
15 tlements or judgments that have been entered against the
16 District of Columbia government, \$22,522,000 from local
17 funds: *Provided*, That this appropriation shall not be con-
18 strued as modifying or affecting the provisions of section
19 103 of this Act.

20 WILSON BUILDING

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

23 WORKFORCE INVESTMENTS

24 For workforce investments, \$22,308,000 from local
25 funds, to be transferred by the Mayor of the District of

1 Columbia within the various appropriation headings in
2 this Act for which employees are properly payable.

3 NON-DEPARTMENTAL AGENCY

4 To account for anticipated costs that cannot be allo-
5 cated to specific agencies during the development of the
6 proposed budget, \$19,639,000 (including \$11,455,000
7 from local funds and \$8,184,000 from other funds): *Pro-*
8 *vided*, That anticipated employee health insurance cost in-
9 creases and contract security costs, \$5,799,000 from local
10 funds.

11 PAY-AS-YOU-GO CAPITAL

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

22 TAX INCREMENT FINANCING PROGRAM

23 For a Tax Increment Financing Program,
24 \$1,940,000 from local funds.

1 MEDICAID DISALLOWANCE

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

9 EMERGENCY PLANNING AND SECURITY COSTS

10 From funds previously appropriated in this Act under
11 the heading "Federal Payment for Emergency Planning
12 and Security Costs in the District of Columbia",
13 \$15,000,000.

14 FAMILY LITERACY

15 From funds previously appropriated in this Act under
16 the heading "Federal Payment for the Family Literacy
17 Program", \$2,000,000.

18 SCHOLARSHIP PROGRAM

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

22 ENTERPRISE AND OTHER FUNDS

23 WATER AND SEWER AUTHORITY

24 For operation of the Water and Sewer Authority,
25 \$259,095,000 from other funds, of which \$18,692,000

1 shall be apportioned for repayment of loans and interest
2 incurred for capital improvement projects and payable to
3 the District's debt service fund.

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

18 WASHINGTON AQUEDUCT

19 For operation of the Washington Aqueduct,
20 \$55,553,000 from other funds.

21 STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

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

1 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

2 For the Lottery and Charitable Games Enterprise
3 Fund, established by the District of Columbia Appropria-
4 tion Act, 1982, for the purpose of implementing the Law
5 to Legalize Lotteries, Daily Numbers Games, and Bingo
6 and Raffles for Charitable Purposes in the District of Co-
7 lumbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301
8 et seq. and sec. 22-1716 et seq.), \$242,755,000 from
9 other funds: *Provided*, That the District of Columbia shall
10 identify the source of funding for this appropriation title
11 from the District's own locally generated revenues: *Pro-*
12 *vided further*, That no revenues from Federal sources shall
13 be used to support the operations or activities of the Lot-
14 tery and Charitable Games Control Board.

15 SPORTS AND ENTERTAINMENT COMMISSION

16 For the Sports and Entertainment Commission,
17 \$13,979,000 from local funds.

18 DISTRICT OF COLUMBIA RETIREMENT BOARD

19 For the District of Columbia Retirement Board, es-
20 tablished pursuant to section 121 of the District of Colum-
21 bia Retirement Reform Act of 1979 (D.C. Official Code,
22 sec. 1-711), \$13,895,000 from the earnings of the appli-
23 cable retirement funds to pay legal, management, invest-
24 ment, and other fees and administrative expenses of the
25 District of Columbia Retirement Board: *Provided*, That

1 the District of Columbia Retirement Board shall provide
2 to the Congress and to the Council of the District of Co-
3 lumbia a quarterly report of the allocations of charges by
4 fund and of expenditures of all funds: *Provided further,*
5 That the District of Columbia Retirement Board shall pro-
6 vide the Mayor, for transmittal to the Council of the Dis-
7 trict of Columbia, an itemized accounting of the planned
8 use of appropriated funds in time for each annual budget
9 submission and the actual use of such funds in time for
10 each annual audited financial report.

11 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

14 NATIONAL CAPITAL REVITALIZATION CORPORATION

15 For the National Capital Revitalization Corporation,
16 \$7,849,000 from other funds.

17 CAPITAL OUTLAY

18 (INCLUDING RESCISSIONS)

19 For construction projects, an increase of
20 \$1,004,796,000, of which \$601,708,000 shall be from
21 local funds, \$46,014,000 from Highway Trust funds,
22 \$38,311,000 from the Rights-of-way funds, \$218,880,000
23 from Federal grant funds, and a rescission of \$99,884,000
24 from local funds appropriated under this heading in prior
25 fiscal years, for a net amount of \$904,913,000, to remain

1 available until expended; in addition, \$8,000,000 from
2 funds previously appropriated in this Act under the head-
3 ing “Federal Payment for Capital Development in the Dis-
4 trict of Columbia” and \$4,300,000 from funds previously
5 appropriated in this Act under the heading “Federal Pay-
6 ment for the Anacostia Waterfront Initiative”: *Provided*,
7 That funds for use of each capital project implementing
8 agency shall be managed and controlled in accordance
9 with all procedures and limitations established under the
10 Financial Management System: *Provided further*, That all
11 funds provided by this appropriation title shall be available
12 only for the specific projects and purposes intended.

13 TITLE III—GENERAL PROVISIONS

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

20 SEC. 102. Appropriations in this act shall be available
21 for expenses of travel and for the payment of dues of orga-
22 nizations concerned with the work of the District of Co-
23 lumbia government, when authorized by the Mayor: *Pro-*
24 *vided*, That in the case of the Council of the District of

1 Columbia, funds may be expended with the authorization
2 of the Chairman of the Council.

3 SEC. 103. There are appropriated from the applicable
4 funds of the District of Columbia such sums as may be
5 necessary for making refunds and for the payment of legal
6 settlements or judgments that have entered against the
7 District of Columbia government: *Provided*, That nothing
8 contained in this section shall be construed as modifying
9 or affecting the provisions of section 11(c)(3) of title XII
10 of the District of Columbia Income and Franchise Tax Act
11 of 1947 (D.C. Official Code, sec. 47-1812.11(c)(3)).

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

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

23 SEC. 106. None of the funds appropriated in this Act
24 shall be made available to pay the salary of any employee
25 of the District of Columbia government whose name, title,

1 grade, and salary are not available for inspection by the
2 Committees on Appropriations of the House of Represent-
3 atives and Senate, the Committee on Government Reform
4 of the House of Representatives, the Committee on Gov-
5 ernmental Affairs of the Senate, and the Council of the
6 District of Columbia, or their duty authorized representa-
7 tive.

8 SEC. 107. (a) Except as provided in subsection (b),
9 no part of this appropriation shall be used for publicity
10 or propaganda purposes or implementation of any policy
11 including boycott designed to support or defeat legislation
12 pending before Congress or any State legislature.

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

16 (1) the promotion or support of any boycott; or

17 (2) statehood for the District of Columbia or
18 voting representation in Congress for the District of
19 Columbia.

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

23 SEC. 108. (a) None of the funds provided under this
24 Act to the agencies funded by this Act, both Federal and
25 District government agencies, that remain available for

1 obligation or expenditure in fiscal year 2004, or provided
2 from any accounts in the Treasury of the United States
3 derived by the collection of fees available to the agencies
4 funded by this Act, shall be available for obligation or ex-
5 penditures for an agency through a reprogramming of
6 funds which—

7 (1) creates new programs;

8 (2) eliminates a program, project, or responsi-
9 bility center;

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

12 (4) increases funds or personnel by any means
13 for any program, project, or responsibility center for
14 which funds have been denied or restricted;

15 (5) reestablishes any program or project pre-
16 viously deferred through reprogramming;

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

21 (7) increases by 20 percent or more personnel
22 assigned to a specific program, project or responsi-
23 bility center;

1 unless the Committee on Appropriations of the House of
2 Representatives and Senate are notified in writing 30 days
3 in advance of the reprogramming.

4 (b) None the local funds contained in this Act may
5 be available for obligation or expenditure for an agency
6 through a transfer of any local funds from one appropria-
7 tion heading to another unless the Committees on Appro-
8 priations of the House of Representatives and Senate are
9 notified in writing 30 days in advance of the transfer, ex-
10 cept that in no event may the amount of any funds trans-
11 ferred exceed four percent of the local funds in the appro-
12 priations.

13 SEC. 109. Consistent with the provisions of section
14 1301(a) of title 31, United States Code, appropriations
15 under this Act shall be applied only to the objects for
16 which the appropriations were made except as otherwise
17 provided by law.

18 SEC. 110. Notwithstanding any other provisions of
19 law, the provisions of the District of Columbia Govern-
20 ment Comprehensive Merit Personnel Act of 1978 (D.C.
21 Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.),
22 enacted pursuant to section 422(3) of the District of Co-
23 lumbia Home Rule Act (D.C. Official Code, sec. 1-
24 2041.22(3)), shall apply with respect to the compensation
25 of District of Columbia employees: *Provided*, That for pay

1 purposes, employees of the District of Columbia govern-
2 ment shall not be subject to the provisions of title 5,
3 United States Code.

4 SEC. 111. No later than 30 days after the end of the
5 first quarter of fiscal year 2004, the Mayor of the District
6 of Columbia shall submit to the Council of the District
7 of Columbia and the Committees on Appropriations of the
8 House of Representatives and Senate the new fiscal year
9 2004 revenue estimates as of the end of such quarter.
10 These estimates shall be used in the budget request for
11 fiscal year 2005. The officially revised estimates at mid-
12 year shall be used for the midyear report.

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

1 viewed and certified by the Chief Financial Officer of the
2 District of Columbia.

3 SEC. 113. (a) In the event a sequestration order is
4 issued pursuant to the Balanced Budget and Emergency
5 Deficit Control Act of 1985 after the amounts appro-
6 priated to the District of Columbia for the fiscal year in-
7 volved have been paid to the District of Columbia, the
8 Mayor of the District of Columbia shall pay to the Sec-
9 retary of the Treasury, within 15 days after receipt of a
10 request therefor from the Secretary of the Treasury, such
11 amounts as are sequestered by the order: *Provided*, That
12 the sequestration percentage specified in the order shall
13 be applied proportionately to each of the Federal appro-
14 priation accounts in this Act that are not specifically ex-
15 empted from sequestration by such Act.

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

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

8 SEC. 115. None of the funds appropriated under this
9 Act shall be expended for any abortion except where the
10 life of the mother would be endangered if the fetus were
11 carried to term or where the pregnancy is the result of
12 an act of rape or incest.

13 SEC. 116. None of the Federal funds made available
14 in this Act may be used to implement or enforce the
15 Health Care Benefits Expansion Act of 1992 (D.C. Law
16 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
17 erwise implement or enforce any system of registration of
18 unmarried, cohabiting couples, including but not limited
19 to registration for the purpose of extending employment,
20 health, or governmental benefits to such couples on the
21 same basis that such benefits are extended to legally mar-
22 ried couples.

23 SEC. 117. (a) Notwithstanding any other provision
24 of this Act, the Mayor, in consultation with the Chief Fi-
25 nancial Officer of the District of Columbia may accept,

1 obligate, and expend Federal, private, and other grants
2 received by the District government that are not reflected
3 in the amounts appropriated in this Act.

4 (b)(1) No such Federal, private, or other grant may
5 be accepted, obligated, or expended pursuant to subsection
6 (a) until—

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

10 (B) the Council has reviewed and approved the
11 acceptance, obligation, and expenditure of such
12 grant.

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

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

20 (B) if such a notice of disapproval is filed with-
21 in such deadline, the Council does not by resolution
22 disapprove the acceptance, obligation, or expenditure
23 of the grant within 30 calendar days of the initial
24 receipt of the report from the Chief Financial Offi-
25 cer under paragraph (1)(A).

1 (c) No amount may be obligated or expended from
2 the general fund or other funds of the District of Colum-
3 bia government in anticipation of the approval or receipt
4 of a grant under subsection (b)(2) or in anticipation of
5 the approval or receipt of a Federal, private, or other
6 grant not subject to such subsection.

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

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

24 (1) an officer or employee of the Metropolitan
25 Police Department who resides in the District of Co-

1 lumbia or is otherwise designated by the Chief of the
2 Department;

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

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

9 (4) the Chairman of the Council of the District
10 of Columbia.

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

23 SEC. 119. No officer or employee of the District of
24 Columbia government (including any independent agency
25 of the District of Columbia, but excluding the Office of

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

15 SEC. 120. 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 2004 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. 121. (a) None of the funds contained in this
10 Act may be used by the District of Columbia Corporation
11 Counsel or any other officer or entity of the District gov-
12 ernment to provide assistance for any petition drive or civil
13 action which seeks to require Congress to provide for vot-
14 ing representation in Congress for the District of Colum-
15 bia.

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. 122. (a) None of the funds contained in this
22 Act may be used for any program of distributing sterile
23 needles or syringes for the hypodermic injection of any ille-
24 gal 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. 123. 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. 124. (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. 125. 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. 126. 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. 127. No later than 30 calendar days after the
5 date of the enactment of this Act, the Chief Financial Offi-
6 cer of the District of Columbia shall submit to the appro-
7 priate committees of Congress, the Mayor, and the Council
8 of the District of Columbia a revised appropriated funds
9 operating budget in the format of the budget that the Dis-
10 trict of Columbia government submitted pursuant to sec-
11 tion 442 of the District of Columbia Home Rule Act (D.C.
12 Official Code, sec. 1-204.42), for all agencies of the Dis-
13 trict of Columbia government for fiscal year 2003 that is
14 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 SEC. 128. None of the funds contained in this Act
19 may be used to issue, administer, or enforce any order
20 by the District of Columbia Commission on Human Rights
21 relating to docket numbers 93-030-(PA) and 93-031-
22 (PA).

23 SEC. 129. None of the Federal funds made available
24 in this Act may be transferred to any department, agency,
25 or instrumentality of the United States Government, ex-

1 cept pursuant to a transfer made by, or transfer authority
2 provided in, this Act or any other appropriation Act.

3 SEC. 130. During fiscal year 2004 and any subse-
4 quent fiscal year, in addition to any other authority to pay
5 claims and judgments, any department, agency, or instru-
6 mentality of the District government may use local funds
7 to pay the settlement or judgment of a claim or lawsuit
8 in an amount less than \$10,000, in accordance with the
9 Risk Management for Settlements and Judgments
10 Amendment Act of 2000 (D.C. Law 13–172; D.C. Official
11 Code, sec. 2–402).

12 SEC. 131. Notwithstanding any other law, the Dis-
13 trict of Columbia Courts shall transfer to the general
14 treasury of the District of Columbia all fines levied and
15 collected by the Courts under section 10(b)(1) and (2) of
16 the District of Columbia Traffic Act (D.C. Official Code,
17 sec. 50–2201.05(b)(1) and (2)). The transferred funds
18 shall remain available until expended and shall be used
19 by the Office of the Corporation Counsel for enforcement
20 and prosecution of District traffic alcohol laws in accord-
21 ance with section 10(b)(3) of the District of Columbia
22 Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

23 SEC. 132. During fiscal year 2004 and any subse-
24 quent fiscal year, any agency of the District government
25 may transfer to the Office of Labor Relations and Collec-

1 tive Bargaining (OLRCB) such local funds as may be nec-
2 essary to pay for representation by OLRCB in third-party
3 cases, grievances, and dispute resolution, pursuant to an
4 intra-District agreement with OLRCB. These amounts
5 shall be available for use by OLRCB to reimburse the cost
6 of providing the representation.

7 SEC. 133. (a) None of the funds contained in this
8 Act may be made available to pay—

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

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

22 (b)(1) The District of Columbia Public Schools shall
23 increase the amount of local funds it allocates for services
24 to children under the Individuals With Disabilities Edu-
25 cation Act during fiscal year 2004 by the amount of sav-

1 ings resulting during the year from the restrictions on the
2 payment of attorney fees under subsection (a), as esti-
3 mated and published by the Chief Financial Officer.

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

8 SEC. 134. The Chief Financial Officer of the District
9 of Columbia shall require attorneys in special education
10 cases brought under the Individuals with Disabilities Act
11 (IDEA) in the District of Columbia to certify in writing
12 that the attorney or representative rendered any and all
13 services for which they receive awards, including those re-
14 ceived under a settlement agreement or as part of an ad-
15 ministrative proceeding, under the IDEA from the District
16 of Columbia: *Provided*, That as part of the certification,
17 the Chief Financial Officer of the District of Columbia
18 shall require all attorneys in IDEA cases to disclose any
19 financial, corporate, legal, memberships on boards of di-
20 rectors, or other relationships with any special education
21 diagnostic services, schools, or other special education
22 service providers to which the attorneys have referred any
23 clients as part of this certification: *Provided further*, That
24 the Chief Financial Officer shall prepare and submit quar-
25 terly reports to the Committees on Appropriations of the

1 Senate and the House of Representatives on the certifi-
2 cation of and the amount paid by the government of the
3 District of Columbia, including the District of Columbia
4 Public Schools, to attorneys in cases brought under IDEA:
5 *Provided further*, That the Inspector General of the Dis-
6 trict of Columbia may conduct investigations to determine
7 the accuracy of the certifications.

8 SEC. 135. None of the funds contained in this Act
9 may be used to fund or otherwise support the action of
10 District of Columbia, et al., v. Beretta U.S.A. et al. (Nos.
11 03–CV–24, 03–CV–38, District of Columbia Court of Ap-
12 peals).

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

Union Calendar No. 120

108TH CONGRESS
1ST SESSION

H. R. 2765

[Report No. 108-214]

A BILL

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

JULY 17, 2003

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed