

An Act

NOTE. - The following document reflects the "District of Columbia Appropriations, Fiscal Year 2003" Act and the "District of Columbia Appropriations, Fiscal Year 2004" Request Act. The language enclosed in [] indicates language that is to be deleted from the FY 2003 Appropriations Act. The language shown in **italics** indicates new language in the FY 2004 Request Act.

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the request of the District of Columbia government for the fiscal year ending September 30, *2004* [2003].

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year *2004* [2003] Budget Request Act".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, *2004* [2003].

DIVISION A
FEDERAL FUNDS

Federal Payment to the Court Services and
Offender Supervision Agency for the District of Columbia
(including transfer of funds)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105-33; 111 Stat. 712), *approved August 5, 1997, \$166,525,000* [\$154,707,000], of which *not to exceed \$25,000 shall be for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002 (P.L. 107-302); of which not to exceed \$2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency Programs; [offender and defendant support programs;] of which \$103,904,000* [\$95,682,000] shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; *of which \$25,210,000* [\$23,070,000] shall be transferred to the Public Defender Service *for the District of Columbia to include expenses relating to the provision of legal representation and including related services provided to the local courts and Criminal Justice Act bar; and of which \$37,411,000* [\$35,955,000] shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: [*Provided further*, That notwithstanding chapter 33 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or

donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107-96:] *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, \$163,819,000 [\$161,943,000], to be allocated as follows: for the District of Columbia Court of Appeals, \$8,775,000 [\$8,551,000], of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$83,387,000 [\$81,339,000], of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$40,006,000 [\$40,402,000], of which not to exceed \$1,500 is for official reception and representation expenses; and \$31,651,000 for capital improvements for District of Columbia courthouse facilities: *Provided*, That [funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That] notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, *That after providing notice to the Committees on Appropriations of the Senate and House of Representatives and subject to reapportionment, the District of Columbia Courts may reallocate funds provided under this heading for the Court of Appeals, Superior Court, and Court System: Provided further*, *That such reallocation may increase or decrease funding for such entity by no more than 2 percent: Provided further*, That funds made available for capital improvements may remain available until September 30, 2005 [2004] [: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under such heading: *Provided further*, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Courts under the District of Columbia Appropriations Act, 1998, by the Courts during fiscal year 1998 shall not constitute a violation of such Act or such subchapter.]

Defender Services in District of Columbia Courts

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family *Division* [Court] of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, [or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and/or such other services as are necessary to improve the quality of guardian ad litem representation,] and payments for counsel

authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$32,000,000 [\$17,100,000], to remain available until expended: *Provided*, That [\$1,500,000 of this appropriation is to provide guardians ad litem to abused and neglected children: *Provided further*, That] the funds provided in this Act under the heading ``Federal Payment to the District of Columbia Courts" (other than the *amount* [\$31,651,000] provided under such heading for capital improvements [for District of Columbia courthouse facilities]) may also be used for payments under this heading and such funds shall be used to make such payments for obligations incurred during any prior fiscal year, as determined by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That of the amounts provided in previous fiscal years for payments described under this heading which remain unobligated as of the date of the enactment of this Act, such sums as may be necessary shall be applied toward any increases in the maximum amounts which may be paid for representation services in the District of Columbia courts: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: [*Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading ``Federal Payment to the District of Columbia Courts" (other than the \$31,651,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia:] *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

Federal Payment for Resident Tuition Support

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income, and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall *establish* [maintain] a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class,

the expenditures made and the purpose therefor: *Provided further*, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

Federal Payment for Emergency Planning and Security Costs in the District of Columbia

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to [security events] *the presence of the national capital* in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code. [*Provided further*, That the Office of Management and Budget shall, in consultation with the United States Park Police, the National Park Service, the Secret Service, the Federal Bureau of Investigation, the United States Protective Service, the Department of State, and the General Services Administration, review the National Capital Planning Commission study on "Designing for Security in the Nation's Capital" and report to the Committees on Appropriations of the House of Representatives and Senate on the steps these agencies will take to improve the appearance of security measures in the District of Columbia in accordance with the National Capital Planning Commission recommendations: *Provided further*, That the report shall be submitted no later than April 11, 2003 and shall include the recommendations of each agency.]

[Federal Payment for Hospital Bioterrorism Preparedness in the of Columbia]

[For a Federal payment to support hospital bioterrorism preparedness in the District of Columbia, \$10,000,000, of which \$5,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and \$5,000,000 shall be for the Washington Hospital Center for construction of containment facilities.]

[Federal Payment to the District of Columbia Department of Transportation]

[For a Federal payment to the District of Columbia Department of Transportation, \$1,000,000: *Provided*, That such funds will be used to implement transportation systems management initiatives and strategies recommended in the October 2001 report by the Interagency Task Force of the National Capital Planning Commission in coordination with the National Capital Planning Commission.]

[Federal Payment to the Chief Financial Officer of the District of Columbia]

[For a Federal payment to the Chief Financial Officer of the District of Columbia, \$40,300,000: *Provided*, That these funds shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That each entity that receives funding under this heading shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.]

[Federal Payment for Waterfront Improvements]

[For a Federal payment to the District of Columbia Department of Housing and Community Development, \$2,800,000 to continue improvements on the historic Potomac Southwest Waterfront: Provided, That the Department shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.]

[Federal Payment for Asbestos Remediation]

[For a Federal payment to the General Services Administration (GSA), \$1,000,000 to reimburse Fairfax County, Virginia for the remediation of asbestos on the former site of the Lorton Correctional Complex: Provided, That GSA shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.]

[Federal Payment to the Fire and Emergency Medical Services Department]

[For a Federal payment to the District of Columbia Fire and Emergency Medical Services Department, \$2,000,000 to repair, renovate, and rehabilitate fire stations in need of capital improvements: Provided, That the Department shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.]

[Federal Payment for Special Education]

[For a Federal payment to the District of Columbia Public Education System, \$3,000,000, to remain available until expended to establish special education satellite facilities in the District of Columbia.]

[Federal Payment for the Family Literacy Program]

[For a Federal payment to the District of Columbia, \$4,000,000 for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties.]

Federal Payment to the District of Columbia Water and Sewer Authority

For a Federal payment to the District of Columbia Water and Sewer Authority, \$50,000,000, to remain available until expended, for priority Anacostia projects within the Combined Sewer Overflow and Long-Term Control Plan. [to begin implementing the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2003 Federal contribution.]

[Federal Payment for the Anacostia Waterfront Initiative in the District of Columbia]

[For a Federal payment to the District of Columbia for implementation of the Anacostia Waterfront Initiative, \$5,000,000, to remain available until expended, for environmental and infrastructure costs related to development of parks and recreation facilities on the Anacostia River.]

[Federal Payment to the District of Columbia for Capital Development]

[For a Federal payment to the District of Columbia for capital development, \$10,150,000, to remain available until expended, of which \$150,000 shall be for renovations at Eastern Market and \$10,000,000 shall be for the Unified Communications Center.]

[Federal Payment to the District of Columbia for Public Charter School Facilities]

[For a Federal payment to the District of Columbia for public charter school facilities, \$17,000,000, to remain available until expended, of which \$4,000,000 shall be used to supplement the per pupil facilities allocation to public charter schools in fiscal year 2003; \$5,000,000 shall be for the direct loan fund for charter school improvement; and \$8,000,000 shall be for the credit enhancement revolving fund.]

Federal Payment to the District of Columbia for Anacostia River Walk and Trail Construction

For a Federal Payment to the District of Columbia, Department of Transportation, \$10,000,000, to remain available until September 30, 2005, for the design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland: Provided, That the District of Columbia shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives and the President, to be submitted no later than August 15, 2004, on the design plans, specifications, and estimates for the construction of the entire trail.

Federal Payment to the Criminal Justice Coordinating Council

For a Federal Payment to the Criminal Justice Coordinating Council, \$1,300,000, to hire necessary staff and support initiatives related to coordination of local and federal criminal justice resources in the District of Columbia, as authorized in the Criminal Justice Coordinating Council Restructuring Act of 2002, approved May 20, 2002 (Public Law 107-180; 116 Stat. 581).

Federal Payment for Emergency Preparedness

For a Federal payment to the District of Columbia for emergency preparedness, \$158,940,000, to remain available until expended, of which \$28,000,000 shall be for Secure Date for Mission Critical Agencies, \$8,000,000 shall be for Cyberterrorism Containment and Social Support, \$18,500,000 shall be for Information Security Enhancements, \$46,000,000 shall be for Unified Communications Center, \$15,000,000 shall be for Safe Routes Infrastructure, \$41,000,000 shall be for Traffic Signal Controllers, and \$2,440,000 shall be for Remote Live Television.

Federal Payment for District Infrastructure

For a Federal Payment to the District of Columbia, \$50,000,000, to remain available until expended, for an infrastructure fund to be administered by the District of Columbia.

Federal Payment for Public Safety

For a Federal payment to the District of Columbia for Public Safety, \$75,000,000, to remain available until expended, for a Forensic Health and Science Laboratory.

Federal Payment for Human Support Services

For a Federal payment to the District of Columbia for Human Support Services, \$18,230,000, to remain available until expended, of which \$8,000,000 shall be for upgrades at the St. Elizabeths campus, \$230,000 shall be for the Family Court liaison, and \$10,000,000 shall be for substance abuse residential treatment facilities.

Federal Payment for Education

For a Federal payment to the District of Columbia for Education, \$42,700,000 to remain available until expended, of which \$4,000,000 shall be for a literacy program, \$6,000,000 shall be for Special Education satellite facilities, \$5,000,000 shall be for Special Education transportation, \$7,000,000 shall be for the McKinley Technology High School, \$2,000,000 shall be to develop and implement an early childhood education program within the District of Columbia Public Schools for three and four year old children, \$2,000,000 shall be for the Y Care Program, \$1,250,000 shall be for the Excel Institute, \$200,000 shall be for the Children's Youth Orchestra, and \$250,000 shall be for the Saturday Academy at the University of the District of Columbia, \$9,000,000 to cover the cost for level 4 and level 5 special education students based upon uniform per student funding formula calculations pursuant to the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 (D.C. Official Code, sec. 38-2901 et seq.), and \$6,000,000 for the District of Columbia Public Charter Schools.

Federal Payment for Anacostia Waterfront Initiatives

For a Federal payment to the District of Columbia for Anacostia Waterfront Initiatives, \$31,500,000, to remain available until expended, of which \$5,000,000 shall be for a Light Rail Anacostia Starter Line, \$2,000,000 shall be for the Anacostia River Crossing and Freeway Study, \$1,500,000 shall be for the SW Waterfront Transportation Center, \$20,000,000 shall be for the Heritage-Kingman Island Development Project, and \$3,000,000 shall be for the Anacostia River Watershed Restoration.

Federal Payment for Transportation

For a Federal payment to the District of Columbia to support Transportation initiatives, \$78,000,000 to remain available until expended, of which \$25,000,000 shall be for the Transit Oriented Enticement Fund, \$50,000,000 shall be for a Washington Metropolitan Area Transit Authority Capital Fund, and \$3,000,000 shall be for a Bus Rapid Transit Study.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (*Public Law 93-198*; D.C. Official Code, sec. 1-204.50a), and provisions of *this Act* [and section 119 of this Act], the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2004 [2003] under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,359,442,000 [\$6,944,522,000] (of which \$3,832,734,000 [\$3,618,411,000] shall be from local funds (*of which*

\$96,248,000 shall be funds derived from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's fund balance funds), \$1,602,035,000 [\$1,712,498,000] shall be from Federal funds, \$13,767,000 shall be from private funds, \$910,907,000 [\$873,313,000] shall be from other funds): Provided further, That an amount of \$263,759,000 shall be for Intra-District funds: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act [as amended by this Act]: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2004 [2003], except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Governmental Direction and Support

Governmental direction and support, \$284,414,000 [\$307,173,000] (including \$206,824,000 [\$207,971,000] from local funds, \$57,440,000 [\$80,854,000] from Federal funds, and \$20,151,000 [\$18,348,000] from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, \$2,500 for the City Administrator, and \$2,500 for the Office of the Chief Financial Officer shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That an amount not to exceed \$25,000 of the funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code, sec. 2-308.20), is hereby made available, to remain available until expended, for the use of the Office of the Corporation Counsel of the District of Columbia in accordance with the laws establishing this fund. [not to exceed \$500,000 of the funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3-169; D.C. Official Code, sec. 28-4516), not to exceed \$100,000 of the funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-308.20), and not to exceed \$910,000 of the funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13-172; D.C. Official Code, sec. 28-3911) are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2004, in accordance with the laws establishing these funds.]

Economic Development and Regulation

Economic development and regulation, \$276,648,000 [\$244,358,000] (including \$53,336,000 [\$56,872,000] from local funds, \$91,077,000 [\$97,796,000] from Federal funds, 125,000 from private

funds, and \$132,110,000 [\$89,690,000] from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996, effective May 26, 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration (GSA): Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia. [Provided further, That \$725,000, of which no amount may be expended for administrative expenses, shall be available to the Department of Employment Services when the Council Committee on Public Services approves a spending plan prepared and submitted, by the agency, to the Committee on Public Services for its approval.]

Public Safety and Justice

Public safety and justice, \$747,259,000 [\$622,531,000] (including \$716,715,000 [\$602,678,000] from local funds, \$11,590,000 [\$11,329,000] from Federal funds, \$9,000 from private funds, and \$18,945,000 [\$8,524,000] from other funds): Provided, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: [Provided further, That not less than \$170,000 shall be for the Corrections Information Council, established by section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Official Code, sec. 24-101(h)), to support its operations and perform its duties: Provided further, That not less than \$169,000 shall be for the Criminal Justice Coordinating Council, established by the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 (D.C. Law 14-28; D.C. Official Code, sec. 22-4231 et seq.), to support its operations and perform its duties:] Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

(including transfers of funds)

Public education system, including the development of national defense education programs, \$1,168,027,000 [\$1,206,169,000] (including \$962,941,000 [\$939,174,000] from local funds, \$173,709,000 [\$208,470,000] from Federal funds, \$4,302,000 from private funds, and \$27,075,000 [\$31,525,000] from other funds, [and not to exceed \$27,000,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14-403)), \$17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents,] to be allocated as follows:

(1) District of Columbia Public Schools.-- \$863,319,000 [\$902,936,000] (including \$738,444,000 [\$713,494,000] from local funds, \$114,749,000 [\$150,800,000] from Federal funds,

\$3,599,000 from private funds, and \$6,527,000 [\$11,642,000] from other funds [, and not to exceed \$27,000,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14-403)] shall be available for District of Columbia Public Schools: *Provided*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary *or* [and] secondary school during fiscal year 2004 [2003], unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia *that* [which] are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2004 [2003], an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2005 [2004] (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2005 [2004]: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia Public Schools shall submit to the Board of Education by January 1st and July 1st of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered: *Provided further*, That the Board of Education shall approve or disapprove each Schedule A within 30 days of its submission and provide the Council of the District of Columbia a copy of the Schedule A upon its approval.

(2) State Education Office.-- \$55,752,000 [\$49,687,000] (including \$9,959,000 [\$22,594,000] from local funds, \$45,617,000 [\$26,917,000] from Federal funds, and \$176,000 from other funds), shall be available for the State Education Office: *Provided*, That of the amounts provided to the State Education Office, \$500,000 from local funds shall remain available until June 30, 2005 [2004] for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(3) District of Columbia Public Charter Schools.-- \$137,531,000 [\$142,711,000 (including \$125,711,000] from local funds [and \$17,000,000 from Federal funds)] shall be available for District of Columbia public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available as follows: (1) the first \$3,000,000 shall be deposited in the Credit Enhancement Revolving Fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996, approved September 20, 1996 (Public Law 104-208; 110 Stat. 3009; 20 U.S.C. 1155(e)); and (2) the balance shall be for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved November 19, 1997 (Public Law 105-100, sec. 172; D.C. Official Code, sec. 38-1804.03(b)(2)) [for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(2))]: *Provided further*, That of the amounts made available to District of Columbia public charter schools, \$25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) [(5)] of the District of Columbia School Reform Act of 1995 (Public Law 105-100, sec. 172; D.C. Official Code, sec. 38-1804.03(b)(6)): *Provided further*, That \$660,000 [\$589,000] of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That

notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2004 [2003], an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2005 [2004] (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2005 [2004].

(4) University of the District of Columbia.-- \$80,661,000 [\$81,180,000] (including \$48,656,000 [\$49,462,000] from local funds, \$11,867,000 [\$12,668,000] from Federal funds, \$703,000 from private funds, and \$19,434,000 [\$19,050,000] from other funds) shall be available for the University of the District of Columbia: *Provided*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2004 [2003], a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2004 [2003], an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2005 [2004] (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2005 [2004]: *Provided further*, That not to exceed \$2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) District of Columbia public libraries.-- \$28,287,000 [\$27,363,000] (including \$26,750,000 [\$26,216,000] from local funds, \$1,000,000 [\$610,000] from Federal funds, and \$537,000 from other funds) shall be available for the District of Columbia Public Libraries: *Provided*, That not to exceed \$2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) Commission on the arts and humanities.-- \$2,476,000 [\$2,292,000] (including \$1,601,000 [\$1,697,000] from local funds, \$475,000 from Federal funds, and \$400,000 [\$120,000] from other funds) shall be available for the Commission on the Arts and Humanities.

Human Support Services
(including transfer of funds)

Human support services, \$2,366,883,000 [\$2,451,818,000] (including \$1,085,277,000 [\$1,002,284,000] from local funds, \$1,247,945,000 [\$1,373,680,000] from Federal funds, \$9,331,000 from private funds, and \$24,330,000 [\$52,987,000] from other funds), of which \$55,055,000, to remain available until expended, shall be available for deposit in the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.) [and \$22,867,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14-403)]: *Provided*, That the funds deposited in [available from] the Medicaid and Special Education Reform Fund are allocated as follows: no more than, \$6,816,000 for District of Columbia Public Schools, no more than \$18,744,000 [\$7,072,000] for Child and Family Services Agency, no more than \$7,795,000 [\$5,795,000] for the Department of Human Services, and no more than \$21,700,000 [\$10,000,000] for the Department of Mental Health: *Provided further*, That \$27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided*

further, That \$7,500,000 [\$7,000,000] of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000 effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004), and used exclusively for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3003): *Provided further*, That no less than \$2,000,000 of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 14 [16] through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code, sec. 7-3101): *Provided further*, That \$4,500,000 [\$3,209,000] of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund established pursuant to section 201 of the District of Columbia Public Assistance Act of 1982 effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code, sec. 4-202.01), to be used exclusively for the Interim Disability Assistance program and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982 effective April 3, 2001 (D.C. Law 13-252; D.C. Official Code, sec. 4-204.07): *Provided further*, That no less than \$640,531 [\$500,000] of this appropriation shall be available exclusively for the purpose of funding the Burial Assistance Program established by section 1802 of the Burial Assistance Program Reestablishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code, sec. 4-1001). [the Mobile Crisis Intervention Program for Kids: *Provided further*, That the amount available under this heading in Public Law 107-96 for Interim Disability Assistance shall remain available until expended: *Provided further*, That \$37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund.]

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$327,048,000 [\$320,357,000] (including \$308,029,000 [\$304,363,000] from local funds, \$5,274,000 [\$5,669,000] from Federal funds, and \$13,744,000 [\$10,325,000] from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

[Reserve]

[For replacement of funds expended, if any, during fiscal year 2002 from the budget reserve established pursuant to section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47-392.02(j)), \$70,000,000 from local funds.]

Emergency and Contingency Reserve Funds

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (*Public Law 93-198*; D.C. Official Code, sec. 1-204.50a), such amounts from local funds as are necessary to meet the [fiscal year 2003 minimum] balance requirements for such funds under such section.

Repayment of Loans and Interest

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and

490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), \$311,504,000 [\$260,951,000] from local funds: *Provided*, That for equipment leases, the Mayor may finance \$14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

[Repayment of General Fund Recovery Debt]

[For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.61(a)).]

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, \$3,000,000 [\$1,000,000] from local funds.

Certificates of Participation

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, \$4,911,000 [\$7,950,000] from local funds.

Settlements and Judgments

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$22,522,000 [\$22,822,000]: *Provided*, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

Wilson Building

For expenses associated with the John A. Wilson Building, \$3,704,000 [\$4,194,000] from local funds.

Workforce Investments

For workforce investments, \$22,308,000 [\$48,186,000] from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, [including anticipated employee health insurance cost increases and contract security costs,] \$19,639,000 (including \$11,455,000 [\$5,799,000] from local funds, and \$8,184,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriation heading in this Act. *Provided*, That \$5,000,000 in local funds shall be available to meet contractual obligations, and \$11,455,000 in local funds shall be for anticipated costs associated with the No Child Left Behind Act.

Emergency Planning and Security Costs

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, from funds previously appropriated in this Act as a Federal payment, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to [security events in] *the presence of the national capital* in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

Pay-As-You-Go Capital

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

Tax Increment Financing Program

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

Cash Reserve

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Public Law 107-96; D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000 from local funds.

Grant Disallowance

For making refunds associated with disallowed grant funding an amount not to exceed \$57,000,000 in local funds to remain available until expended: Provided, That funds are derived from a transfer from the funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's Grants Disallowance balance.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority

For operation of the Water and Sewer Authority, \$259,095,000 [\$253,743,000] from other funds, of which \$18,692,000 [\$43,800,000] shall be apportioned for repayment of loans and interest incurred for capital improvement projects [(\$18,094,000) and payable to the District's debt service fund. [and \$25,706,000 payable for other debt service).] For construction projects, \$199,807,000 [\$392,458,000], to be distributed as follows: \$99,449,000 [\$213,669,000] for the Blue Plains Wastewater

Treatment Plant, \$16,739,000 [\$24,539,000] for the sewer program, \$42,047,000 [\$56,561,000] for the combined sewer program, [\$50,000,000 Federal payment for the Combined Sewer Overflow Long-Term Plan,] \$5,993,000 [\$5,635,000] for the stormwater program, \$24,431,000 [\$34,054,000] for the water program, and \$11,148,000 [\$8,000,000] for the capital equipment program.[: Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.]

Washington Aqueduct

For operation of the Washington Aqueduct, \$55,553,000 [\$57,847,000] from other funds.

Stormwater Permit Compliance Enterprise Fund

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,501,000 [\$3,100,000] from other funds.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, *approved December 4, 1981 (Public Law 97-91; 95 Stat. 1174)*, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 *et seq.*, and sec. 22-1716 *et seq.*), \$242,755,000 [\$232,881,000]: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

Sports and Entertainment Commission

For the Sports and Entertainment Commission, \$13,979,000 *from local funds*. [\$20,510,000, of which \$15,510,000 is from other funds and \$5,000,000 is from Federal funds appropriated earlier in this Act as a Federal Payment for the Anacostia Waterfront Initiative.]

District of Columbia Retirement Board

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979, *approved November 17, 1979 (93 Stat. 866; D.C. Official Code, sec. 1-711)*, \$13,895,000 [\$13,388,000] from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, \$69,742,000 [\$78,700,000] from other funds.

National Capital Revitalization Corporation

For the National Capital Revitalization Corporation, \$7,849,000 [\$6,745,000] from other funds.

Capital Outlay

(INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,004,796,000 [\$925,011,000], of which [\$555,097,000] \$601,708,000 shall be from local funds, [\$48,132,000] \$46,014,000 from Highway Trust funds, \$38,311,000 from the Rights-of-way funds, [and \$321,782,000] \$218,880,000 from Federal funds, and a rescission of \$99,884,000 [\$253,991,000] from local funds appropriated under this heading in prior fiscal years, for a net amount of \$904,913,000 [\$671,020,000], to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended. [: *Provided further*, That the District of Columbia Public Libraries shall allocate capital funds, from existing resources, in fiscal year 2003 for the planning and design of a new Francis Gregory Public Library.]

GENERAL PROVISIONS

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

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

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

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

[SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit

the availability of school buildings for the use of any community or partisan political group during non-school hours.]

[SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representative.]

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

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than--

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

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

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).]

[SEC. 108. At the start of fiscal year 2003 and any subsequent fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the actual borrowings and spending progress compared with projections.]

SEC. 105. [SEC. 109.] (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year [2003] 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which--

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

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

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

(5) reestablishes any program or project previously deferred through reprogramming;

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

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

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

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 8 [4] percent of the local funds in the appropriation.

[SEC. 110. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.]

SEC. 106. [SEC. 111.] Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, *effective March 3, 1979* (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 *et seq.*), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (*Public Law 93-198; 87 Stat. 790*; D.C. Official Code, sec. 1-204.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 107. [SEC. 112.] No later than 30 days after the end of the first quarter of fiscal year [2003] *2004*, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year [2003] *2004* revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year [2004] *2005*. The officially revised estimates at midyear shall be used for the midyear report.

[SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.]

[SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term 'program, project, and activity' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.]

SEC. 108. [SEC. 115.] (a)(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2004 [2003] and any subsequent fiscal year if--

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2) of this subsection); and

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

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term 'entity of the District of Columbia government' includes an independent agency of the District of Columbia.

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

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

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

[SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.]

SEC. 109. [SEC. 119.] (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

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

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

(2) the Council [within 15 calendar days after receipt of the report submitted under paragraph (1)] has reviewed and approved the acceptance, obligation, and expenditure of such grant. *Within 14 calendar days of receipt of the report submitted under paragraph (1) of this subsection, the Council shall be deemed to have provided such approval if no written notice of disapproval is filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period. If notice of disapproval is given during such initial 14-calendar day period, the Council may approve or disapprove the acceptance, obligation, or expenditure of the grant by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such certification shall be deemed to be approved.*

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

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

[SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term `official duties' does not include travel between the officer's or employee's residence and workplace, except in the case of--

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

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

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

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, [2003] 2004 an inventory, as of September 30, 2002, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is

allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.]

[SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District of Columbia, but excluding the Office of the Chief Technology Officer, the Office of the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.]

[SEC. 122. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2003 unless--

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

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.]

[SEC. 123. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.]

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

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

[SEC. 125. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the District of Columbia

shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.]

[SEC. 126. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.]

[SEC. 127. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a 'conscience clause' which provides exceptions for religious beliefs and moral convictions.]

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

(b) A payment described in this subsection is--

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

(2) a payment for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code; or

(3) a payment for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

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

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year [2003] 2004 and any subsequent fiscal year.]

[SEC. 129. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of

Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing the following issues--

- (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;
- (2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;
- (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;
- (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;
- (5) improvement in basic District services, including rat control and abatement;
- (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and
- (7) indicators of child well-being.]

SEC. 110. [SEC. 130.] No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (*Public Law 93-198*; D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2004 [2003] that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

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

[SEC. 132. None of the Federal funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.]

SEC. 111. [SEC. 133.] In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than \$10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, *effective October 19, 2000* (D.C. Law 13-172; D.C. Official Code, sec. 2-402).

[SEC. 134. All funds from the Crime Victims Compensation Fund, established pursuant to section 16 of the Victims of Violent Crime Compensation Act of 1996 (D.C. Law 11-243; D.C. Official Code, sec. 4-514) ('Compensation Act'), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established pursuant to section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.]

SEC. 112. [SEC. 135.] Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Control Act, approved March 3, 1925, (43 Stat. 1124; D.C. Official Code, sec. 50-2201.05(b)(1) and (2)). The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code, sec. 50-2201.05(b)(3)). [in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act (D.C. Official Code, sec. 50-2201.05(b)(3)).]

[SEC. 136. Section 47-363(a-1) of the District of Columbia Official Code is amended by adding at the end the following new paragraph:

`(3)(A) After the adoption of the annual budget for a fiscal year that is not a control year, no reprogramming of amounts in the budget may occur unless--

`(i) the Mayor submits a request for such reprogramming to the Council and the Chief Financial Officer of the District of Columbia;

`(ii) the Chief Financial Officer transmits to the Council a statement certifying the availability of funds for the reprogramming and containing an analysis of the effect of the reprogramming on the financial plan and budget for the fiscal year; and

`(iii) the Council approves the request after receiving the statement described in clause (ii), but only if any additional expenditures provided under the request are offset by reductions in expenditures for another activity.

`(B) If the Chief Financial Officer does not transmit to the Council the statement described in subparagraph (A)(ii) during the 15-day period which begins on the date the Chief Financial Officer receives the request for the reprogramming from the Mayor, the Chief Financial Officer shall be deemed to have transmitted the statement to the Council. Upon written notice to the Mayor and Council, the Chief Financial Officer may extend the time period to transmit the statement and analysis to the Council, not to exceed 10 additional days.

`(C) In this paragraph, the term 'control year' has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47-393(4)).']

SEC. 113. [SEC. 137.] From the local funds appropriated under this Act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and

dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

[SEC. 138. (a) Section 9001(1) of title 5, United States Code, is amended by adding before the period '(other than an employee of the District of Columbia Courts)'.]

(b) Section 11-1726, District of Columbia Code, is amended as follows:

(1) in subsection (b)(1), by adding at the end: '(F) Chapter 90 (relating to long-term care insurance).'

(2) in subsection (c)(1), by adding at the end: '(D) Chapter 90 (relating to long-term care insurance).']

[SEC. 139. Of the amount appropriated as a Federal payment to the District of Columbia Courts in the District of Columbia Appropriations Act, 2002, that remain available through September 30, 2003, \$560,000 are hereby transferred to the District of Columbia Child and Family Services Agency for child abuse services.]

[SEC. 140. No later than June 2, 2003, the Comptroller General shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate, a detailed analysis of the national effort to establish adequate charter school facilities including a comparison to the efforts in the District of Columbia.]

[SEC. 141. The Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia, in consultation with the General Services Administration, shall conduct an assessment of all buildings currently held in surplus and those that might be made available within 1 year of the date of enactment of this Act: Provided, That such assessment include a survey of the space available, a listing of appropriate uses, a listing of potential occupants, and the renovations or construction necessary to accommodate proposed uses: Provided further, That within 180 days of enactment, the Mayor shall report to the Committees on Appropriations of the House of Representatives and Senate the findings of such assessment along with a plan for occupying at least 50 percent of the space available at the time such report is submitted: Provided further, That assignments of space included in this plan shall be in compliance with preferences outlined in the D.C. School Reform Act.]

[SEC. 142. The Mayor of the District of Columbia, in administering funds provided under the heading 'Federal Payment for Incentives for Adoption of Children' in Public Law 106-113, as modified by Public Law 107-96, shall establish and fulfill the following performance measures within nine months of the date of enactment of this Act: (i) the Chief Financial Officer of the District of Columbia shall certify that not less than 50 percent of the funds provided for attorney fees and home studies have been expended; (ii) the Mayor shall establish an outreach program to inform adoptive families and children without parents about the scholarship fund established with these funds; (iii) the Mayor shall establish the location, necessary personnel and mission of the adoptive family resource center in the District of Columbia; (iv) the Mayor shall identify not less than 25 percent of the eligible children in the District of Columbia foster care system with special needs and obligate not less than 25 percent of the funds provided in Public Law 106-113 for adoption incentives and support for children with special needs: Provided, That the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia shall provide quarterly reports beginning on the date of enactment of this Act to the Committees on Appropriations of the House of Representatives and Senate, detailing the expenditure of funds provided for the promotion of adoption and performance in actually promoting adoption; and (v) the Mayor and Child and Family Services Agency of the District of Columbia shall increase the number of waiting children listed in the Child and Family Services Agency of the District of Columbia adoption photo-listing by 75 percent.]

[SEC. 143. (a)(1) There is established within the District of Columbia, under the authority of the Department of Banking and Financial Institutions, an Office of Public Charter School Financing and Support.

(2) The Office shall have the following three functions:

(A) To administer the credit enhancement fund for public charter schools under section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996, subject to the provisions of such section.

(B) To administer the Direct Loan Fund for Charter School Improvement under subsection (b), subject to the provisions of such subsection.

(C) To develop, implement and provide oversight for other public charter school financing programs and support services as requested by the Mayor and the Council of the District of Columbia.

(3) The functions described in paragraph (2) may be provided by the Office directly or under contract with a qualified provider.

(b)(1) There is established within the District of Columbia a Direct Loan Fund for Charter School Improvement.

(2) The Direct Loan Fund for Charter School Improvement shall be administered by the Office of Charter School Financing and Support, except that no loan may be made under this subsection without the approval of the committee described in section 603(e)(3)(C)(iii) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)(C)(iii)).

(3) Funds distributed under this subsection shall be for construction, purchase, renovation, and maintenance of charter school facilities.

(4) Loans distributed under this subsection shall not exceed \$2,000,000 per charter school.

(5) The Office of Charter School Financing and Support shall determine what interest rates and terms apply to loans granted under this subsection. In determining the rates and terms of a loan granted to a charter school, the Office of Charter School Financing and Support should do its best to provide low interest options and flexible terms.

(6) To be eligible for a loan under this subsection, an applicant shall be a public charter school with a charter in effect pursuant to the District of Columbia School Reform Act of 1995 which meets or exceeds its performance goals as outlined in its originating charter.

(7) In repaying a loan granted under this subsection, a debtor may use facility maintenance funds granted to them by the District of Columbia Public Schools.

(c) Section 603(e)(3) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)) is amended--

(1) in subparagraph (B)(ii) and subparagraph (C)(iii), by striking 'The Mayor' and inserting 'Subject to subparagraph (F), the Mayor'; and

(2) by adding at the end the following new subparagraph:

`(F) ROLE OF OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT- During fiscal year 2003 and each succeeding fiscal year, the Office of Public Charter School Financing and Support shall be responsible for receiving applications, making payments, and otherwise administering this paragraph, except that no grant may be made under this paragraph without the approval of the committee described in subparagraph (C)(iii).']

SEC. 114. [SEC. 144.] None of the funds contained in this Act may be made available to pay--

(1) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act, *approved February 14, 2003 (Public Law 108-6; 20 U.S.C. 1400 et seq.)* in excess of \$4,000 for that action; or

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

SEC. 115. [SEC. 145.] The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered [any and] all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: *Provided*, That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: *Provided further*, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: *Provided further*, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

[SEC. 146. (a) Section 2403(b) of the District of Columbia School Reform Act of 1995 (sec. 38-1804.03(b), D.C. Official Code) is amended to read as follows:

`(b) PAYMENT TO CHARTER SCHOOLS FROM CHARTER SCHOOL FUND-

`(1) ESTABLISHMENT OF FUND- The `New Charter School Fund', as established in the general fund of the District of Columbia prior to the date of the enactment of the District of Columbia Appropriations Act, 2003, shall be redesignated as the `Charter School Fund'.

`(2) CONTENTS OF FUND- The Charter School Fund shall consist of the following amounts:

`(A) Unexpended and unobligated amounts appropriated from local funds for public charter schools for any fiscal year that reverted to the general fund of the District of Columbia, but only to the extent that the balance of the Charter School Fund for the fiscal year involved is less than--

(i) \$10,000,000, in the case of fiscal year 2002; or

(ii) \$5,000,000, in the case of fiscal year 2003 and each succeeding fiscal year.

(B) Any interest earned on such amounts.

(3) EXPENDITURES FROM FUND- Amounts in the Charter School Fund shall be used to make payments during a fiscal year to any public charter school operating in the District of Columbia during the fiscal year whose total audited enrollment (including enrollment in special needs categories) exceeds the student enrollment which served as the basis for determining the school's annual payment under this Act for the year.

(4) FORM OF PAYMENT- Payments under this subsection shall be made by electronic funds transfer from the Charter School Fund to a bank designated by a public charter school.

(5) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.

(b) Notwithstanding any other provision of law, \$5,000,000 from the Charter School Fund established pursuant to section 2403(b) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)), as amended by subsection (a), shall be deposited not later than 15 days after the date of the enactment of this Act into the credit enhancement revolving fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)).]

SEC. 116. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may expend funds that are not reflected in the amounts appropriated in this Act to implement activities designed to improve the collection of taxes and revenue within the District: Provided, That such increase in collections are estimated to be at least twice the increase in expenditure necessary to implement the activity: Provided further, That such activity shall be approved by the Council, contingent upon the following:

(1) No written notice of disapproval being filed with the Secretary to the Council within 14-calendar days of the delivery of a request to Council by the Secretary of the Council from the Mayor, and no oral notice of disapproval being given during a meeting of the Council during such 14-calendar day period; absent such disapproval, the request shall be deemed to be approved; and

(2) Should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the request by resolution within 30 calendar days of the initial receipt of the request from the Mayor, or such request shall be deemed to be approved: Provided further, That such increases shall comply with all reserve requirements contained in the District of Columbia Home Rule Act.

SEC. 117. Wherever within this Act Federal funds are appropriated to or through the District for the express purpose of transmission to a non-District Government entity as, or similar to, a pass-through payment, the District shall have executed its fiduciary duties and responsibilities upon the transmission of such funds to the non-District government entity.

SEC. 118. (a) The amount appropriated by this Act as Other Type Funds may be increased by no more 25 percent to account for an unanticipated growth in revenue collections.

(b) Conditions on Use - The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) *Certification by the Chief Financial Officer - The Chief Financial Officer of the District of Columbia shall certify that anticipated revenue collections support an increase in Other Type authority in the amount requested.*

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

SEC. 119. (a) The amount appropriated by this Act may be increased by no more than \$15,000,000 from funds identified in the comprehensive annual financial report as the District of Columbia's fund balance.

(b) Conditions on Use - The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) Certification by the Chief Financial Officer - The Chief Financial Officer of the District of Columbia shall certify that the use of the any such amounts is not anticipated to have a negative impact on the District of Columbia's long-term financial, fiscal, and economic vitality.

(2) Purpose - The District of Columbia may only use these funds for the following expenditures:

- (A) Unanticipated one-time expenditures;*
- (B) To address potential deficits;*
- (C) Debt Reduction;*
- (D) Unanticipated Program needs; or*
- (E) To cover revenue shortfalls.*

(3) Local Law - The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) Receivership - The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) Notice Requirement - The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

(6) Availability of Funds – Funds made available pursuant to this section shall remain available until expended.

DIVISION B¹

SEC. 120. Section 446 of Part D of Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code, sec. 1-204.46), is amended by striking the phrase "within 50 calendar days" and inserting the phrase "within 50 calendar days, excluding days of Council recess," in its place.

SEC. 121. Section 362 of the District of Columbia Fiscal Year 2004 Budget Support Act of 2003, passed by the Council on first reading May 6, 2003 (Enrolled Bill 15-218) is hereby enacted into law.

SEC. 122. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (Public Law 104-134; 110 Stat. 1321; D.C. Official Code, sec. 38-1902.01 et seq.), is amended as follows:

- (a) Section 2204(c)(11) (D. C. Official Code, sec 38-1802.04(c)(11)) is amended as follows:*
 - (1) Subparagraph (B)(ix) is amended to read as follows:*

¹ General Provisions included under Division B shall be transmitted by the Mayor to the House Committee on Government Reform and Senate Committee on Governmental Affairs for enactment.

“(ix) A financial statement audited by an independent certified public accountant selected by each public charter school;”.

(2) A new subparagraph (B-1) is added to read as follows:

“(B-1) Audit. -- For purposes of subparagraph (B)(ix) of this paragraph, all public charter schools shall be audited pursuant to a uniform auditing standard established by the Chief Financial Officer for the District of Columbia which shall be in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States. The Chief Financial Officer shall establish the policies and procedures for performing uniform audits for public charter schools no later than September 30, 2003, and all audits of public charter schools thereafter shall conform with such auditing procedures and policies.”.

(b) Section 2211 (110 Stat. 1321; D. C. Official Code, sec. 38-1802.11) is amended by adding a new subsection (e) to read as follows:

“(e) Audits. – An eligible chartering authority shall provide for an audit of its financial statements by an independent certified public accountant selected by the eligible chartering authority. The audit shall be conducted in accordance with the auditing standards established by the Chief Financial Officer for the District of Columbia pursuant to section 2204(c)(11)(B-1). Each eligible chartering authority shall submit its audited financial statement to the Office of the Mayor and to the Chief Financial Officer no later than January 15 of each year.”.

(c) Section 2214(f) (110 Stat. 1321; D.C. Official Code, sec. 38-1802.14(f)) is repealed.

SEC. 123. Notwithstanding any other law, section 110(d)(1)(B)(i) of the Technical Amendments Act of 1999, effective April 12, 2000 (D.C. Law 13-91; (D.C. Official Code § 1-608.56, note), is enacted into law.

SEC. 124. The District of Columbia government is exempt from the overtime provisions in section 7 of the Fair Labor Standards Act, approved February 14, 2003 (Public Law 108-6; 29 U.S.C. § 207), when employees are on a compressed work schedule up to 80 hours per pay period.

SEC. 125. The following proviso under the heading “Lottery and Charitable Games Enterprise Fund” in the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (95 Stat. 1174; Public Law 97-91), is repealed:

“Provided further, That the advertising, sale, operation, or playing of the lotteries, raffles, bingos, or other games authorized by D.C. Law 3-172 is prohibited on the Federal enclave, and in adjacent public buildings and land controlled by the Shipstead-Luce Act as amended by 53 Stat. 1144, as well as in the Old Georgetown Historic District:”.

SEC. 126. (a) The Federal Deposit Insurance Act, approved September 21, 1950 (Public Law 81-797; 64 Stat. 873; 12 U.S.C. 1811 et seq.), is amended as follows:

(1) Section 3 (12 U.S.C. 1813) is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Paragraph (1)(A) is amended by striking the phrase “and District bank,”.

(ii) Paragraph (4) is repealed.

(B) Subsection (q) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “any District bank,”.

(ii) Paragraph (2)(A) is amended by striking the phrase “(except a District bank)”.

(iii) Paragraph (3) is amended by striking the phrase “(except a District bank)”.

(2) Section 7(a)(1) (12 U.S.C. 1817(a)(1)) is amended by striking the phrase “(except a District bank)”.

(3) Section 10(b)(2)(A) (12 U.S.C. 1820(b)(2)(A)) is amended by striking the phrase “(except a District bank)”.

(4) Section 11(12 U.S.C. 1821) is amended as follows:

(A) Subsection (c) is amended as follows:

(i) Paragraph (2)(A) is amended as follows:

(I) Subparagraph (i) is amended by striking the phrase “or District bank”.

(II) Subparagraph (ii) is amended by striking the phrase “or District bank”.

(ii) Paragraph (3)(A) is amended by striking the phrase “(other than a District depository institution)”.

(5) Section 18 (12 U.S.C. 1828) is amended as follows:

(A) Subsection (c)(2) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “or a District bank”.

(ii) Subparagraph (B) is amended by striking the phrase “(except a District bank)”.

(iii) Subparagraph (C) is amended by striking the phrase “a District Bank or”.

(B) Subsection (d)(1) is amended by striking the phrase “(except a District bank)” both times it occurs.

(C) Subsection (f) is amended by striking the phrase “(except a District bank)”.

(D) Subsection (i)(2) is amended as follows:

(i) Subparagraph (A) is repealed.

(ii) Subparagraph (B) is amended by striking the phrase “(except a District bank)”.

(iii) Subparagraph (C) is amended by striking the phrase “(except a District bank)”.

(iv) Subparagraphs (B) and (C) are redesignated as subparagraphs (A) and (B), respectively.

(b) Section 203(s)(5) of the National Housing Act, approved June 27, 1934 (Public Law 73-479; 48 Stat. 1246; 12 U.S.C. 1709(s)(5)), is amended by striking the phrase “or District bank”.

(c) Section 2(c)(3) of the Bank Enterprise Act of 1991, approved December 19, 1991 (Public Law 102-242; 105 Stat. 2308; 12 U.S.C. 1841(c)(3)), is repealed.

(d) Section 3(b)(1) of the Bank Holding Company Act of 1956, approved May 9, 1956 (Public Law 84-511; 70 Stat. 133; 12 U.S.C. 1842(b)(1)), is amended by striking the phrase “or a District bank”.

(e) Section 2(1) of the Bank Protection Act of 1968, approved July 7, 1968 (Public Law 90-389; 82 Stat. 1294; 12 U.S.C. 1881(1)) is amended by striking the phrase “and district banks”.

(f) Section 207 of the Depository Institution Management Interlocks Act, approved November 10, 1978 (Public Law 95-630; 92 Stat. 3674; 12 U.S.C. 3206), is amended as follows:

(1) Paragraph (1) is repealed.

(2) Paragraphs (2), (3), (4), (5) and (6) are redesignated as paragraphs (1), (2), (3), (4) and (5), respectively.

(g) The Securities Exchange Act of 1934, approved June 6, 1934 (Public Law 86-70; 48 Stat. 881; 15 U.S.C. 78a et seq.), is amended as follows:

(1) Section 3(a)(34) (15 U.S.C. 78c(a)(34)), is amended as follows:

(A) Subparagraph (A)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(B) Subparagraph (B)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(C) Subparagraph (C)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(D) Subparagraph (D)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(E) Subparagraph (F)(i) is amended by striking the phrase “or a bank operating under the Code of Law for the District of Columbia”.

(F) Subparagraph (G)(i) is amended by striking the phrase “a bank in the District of Columbia examined by the Comptroller of the Currency,”.

(G) Subparagraph (H)(i) is amended by striking the phrase “or a bank in the District of Columbia examined by the Comptroller of the Currency”.

(2) Section 12(i) (15 U.S.C. 781(i)) is amended by striking the phrase “and banks operating under the Code of Law for the District of Columbia”.

SEC. 127. The third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.41), is amended to read as follows:

"However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2004, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year."

This Act may be cited as the 'District of Columbia Appropriations Act, 2004 [2003] '.