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FISCAL YEAR 2005 BUDGET REQUEST ACT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE DISTRICT OF COLUMBIA'S FISCAL YEAR 2005 BUDGET REQUEST ACT, PURSUANT TO PUB. L. 93–198, SEC. 446 (87 STAT. 806)

SEPTEMBER 7, 2004.—Message and accompanying papers referred to the Committee on Appropriations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
29–012 WASHINGTON : 2004

THE WHITE HOUSE,
Washington, August 5, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with my constitutional authority and section 446 of the District of Columbia Self-Governmental Reorganization Act, as amended, I am transmitting the District of Columbia's Fiscal Year 2005 Budget Request Act.

The proposed Fiscal Year 2005 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For Fiscal Year 2005, the District estimates total revenues and expenditures of $6.26 billion.

Sincerely,

GEORGE W. BUSH.

NOTE. - The following document reflects the "District of Columbia Appropriations, Fiscal Year 2004" Act and the "District of Columbia Appropriations, Fiscal Year 2005" Request Act. The language enclosed in [ ] indicates language that is to be deleted from the FY 2004 Appropriations Act. The language shown in **italics** indicates new language in the FY 2005 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, *2005* [2004].

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year *2005* [2004] 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, *2005* [2004].

DIVISION – A

DISTRICT OF COLUMBIA APPROPRIATION REQUEST

TITLE I--FEDERAL FUNDS

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] *$23,000,000*, 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 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 Office of the Chief Financial Officer shall provide a quarterly financial report *for amounts in the account* to the Committees on Appropriations of the House of Representatives and Senate [for these funds] *and to the President* 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, [$11,000,000] *$15,000,000*, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to 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.

Federal Payment for Inaugural Expenses

For expenses associated with the presidential inauguration of January 2005, $10,000,000.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, [$167,765,000] *$228,069,000*, to be allocated as follows: for the District of Columbia Court of Appeals, [$8,775,000], *$8,952,000* of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, [$83,387,000] *$84,948,000*, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, [$40,006,000] *$40,699,000*, of which not to exceed $1,500 is for official reception and representation expenses; and [$35,597,000] *$93,470,000*, to remain available until September 30, [2005] *2006*, 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 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate *and to the President*, 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.

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 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, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, 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] *$41,500,000*, to remain available until expended: *Provided*, That the funds provided in this Act under the heading ``Federal Payment to the District of Columbia Courts'' (other than the [$35,597,000] *$93,470,000*

provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *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 [$35,597,000] *$93,470,000* 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 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 and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, [$168,435,000] *$187,490,000*, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which [$105,814,000] *$118,343,000* 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 [$37,411,000] *$39,314,000* shall be available to the Pretrial Services Agency; and of which [$25,210,000] *$29,833,000* shall be transferred to the Public Defender Service for the District of Columbia: *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 12 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: *Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: Provided further, That the Public Defender Service is authorized to charge fees to cover costs of materials distributed to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.*

Administrative Provision

The Federal Bureau of Prisons and the U.S. Marshal Service are required to reimburse the District of Columbia for the per diem costs of incarcerating newly sentenced felons, beginning on the day of sentencing; previously sentenced felons committed as violators of parole, supervised release, or probation; and previously sentenced felons committed on writs issued by the Superior Court of the District of Columbia.

Federal Payment to the District of Columbia Water and Sewer Authority

For a Federal payment to the District of Columbia Water and Sewer Authority, [$30,000,000] *$10,000,000*, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

Federal Payment for Capital Improvements

For a Federal payment to the District of Columbia, $3,700,000, to remain available until expended, of which $3,700,000 shall be to restore the capital improvements plan to the fiscal year 2004 level.

Development of Underserved Areas

For a Federal payment to the District of Columbia, $1,000,000 to fund the National Capital Revitalization Corporation's planning and development of the Skyland Shopping Center: Provided, That the D.C. Marketing Center shall report on its marketing efforts of properties, by Ward, on a quarterly basis: provided further, that the Mayor shall develop a plan to revitalize the Strand Theater and present it to the Council no later than December 31, 2004: Provided further, That the Mayor shall develop a plan to ensure that low-income seniors may receive funding from the tree permit fund to assist with tree removal: Provided further, That the Mayor shall establish a revolving fund for the operation of the environmental crimes unit based on recoveries by the environmental crimes unit.

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

[For a Federal payment to the District of Columbia Department of Health to support hospital bioterrorism preparedness in the District of Columbia, $7,500,000, of which $3,750,000 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 $3,750,000 shall be for the Washington Hospital Center for construction of containment facilities.]

Federal Payment for the Anacostia Waterfront Initiative

For a Federal payment to the District of Columbia Department of Transportation, [$5,000,000] *$3,000,000*, to remain available until September 30, [2005] *2006*, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

Federal Payment for Support of Carter Barron

For a Federal payment to the District of Columbia, $200,000 to the Department of Parks and Recreation to support the Friends of Carter Barron, as official Facilitator, in a cooperative interaction between the Department of Parks and Recreation and 3 community-based arts service providers in the development of cultural and performing art activities for District youths participating in the performing arts.

Federal Payment to the Criminal Justice Coordinating Council

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

Federal Payment for Child Support Collection and Disbursement Costs

For a Federal payment to the Child Support Enforcement Division of the Office of the Corporation Counsel, $1,530,000 to operate the State Disbursement Unit that manages the collection and disbursement of child support payments in accordance with title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.).

Federal Payment for the Unified Communications Center

For a Federal payment to the District of Columbia, $7,000,000, to remain available until September 30, 2006, for acquisition of technical systems to be used in the Unified Communications Center.

Federal Payment for the D.C. Fire and Emergency Medical Services Department

For a Federal payment to the District of Columbia Fire and Emergency Medical Services Department, $10,000,000, to remain available until September 30, 2006, for capital costs of such Department: Provided, That the District of Columbia shall use these funds to rebuild and renovate facilities located at 1338 Park Road, N.W., Washington, D.C., and 500 F Street, N.W., Washington, D.C.

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

[For a Federal payment to the District of Columbia for capital development, $8,150,000, to remain available until expended, of which $150,000 shall be for renovations at Eastern Market and $8,000,000 shall be for the Unified Communications Center.]

[Federal Payment for Public School Facilities]

[For a Federal payment to the District of Columbia Public Schools, $4,500,000, of which $500,000 shall be for a window repair and reglazing program and $4,000,000 shall be for a playground repair and replacement program.]

Federal Payment for a Family Literacy Program

For a Federal payment to the District of Columbia, [$2,000,000] *$5,000,000* for a family literacy program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties [: *Provided*, That the District of Columbia shall provide a 100 percent match with local funds as a condition of receiving this payment].

Federal Payment for Healthy Families DC

For a Federal payment to the District of Columbia, $250,000 to reduce the need for foster care by supporting the activities of Healthy Families DC at the Mary's Center for Maternal and Child Care and Calvary Multicultural Bilingual Learning Center for the expansion of the home visitation program: Provided, That Healthy Families DC shall provide to the Council of the District of Columbia a quarterly report detailing, by Ward, the number of families, parents, and children served.

Federal Payment for Children Assistance Programs

For a Federal payment to the District of Columbia, $850,000 of which $500,000 shall be for the Roving Leaders Program to improve the supervision of children in at-risk areas, $150,000 shall be for Heads Up for bridge funding for expansion of its after-school summer and service learning initiatives, $200,000 shall be for continued implementation of the Leadership Initiative at the Ballou Senior High School branch of the Boys and Girls Clubs of Greater Washington.

Federal Payment for Transportation Assistance

For a Federal payment to the District of Columbia Department of Transportation, [$3,500,000] *$167,700,000* of which [$500,000] *$2,000,000* shall be allocated to implement a downtown circulator transit system, and of which [$3,000,000] *$165,700,000* shall be to offset a portion of the District of Columbia's allocated operating subsidy payment to the Washington Metropolitan Area Transit Authority.

[Federal Payment for Foster Care Improvements in the District of Columbia]

[For a Federal payment to the District of Columbia for foster care improvements, $14,000,000: *Provided*, That $9,000,000 shall be for the Child and Family Services Agency, of which $2,000,000 shall be to establish an early intervention program to provide intensive and immediate services for foster children; of which $1,000,000 shall be to establish an emergency support fund to purchase items necessary to allow children to remain in the care of an approved and licensed family member; of which $3,000,000 shall be for a loan repayment program for social workers who meet certain agency-established requirements; of which $3,000,000 shall be to upgrade the agency's computer database to a web-based technology and to provide computer technology for social workers: *Provided further*, That $3,900,000 shall be for the Department of Mental Health to provide all court-ordered or agency-required mental health screenings, assessments and treatments for children under the supervision of the Child and Family Services Agency: *Provided further*, That the Director of the Department of Mental Health shall initiate court-ordered or agency-required mental health services within 3 days of notification that service is needed: *Provided further*, That the Director of the Department of Mental Health shall ensure that court-ordered or agency-required mental health assessments are completed within 15 days of the request and that all assessments be provided to the Court within 5 days of completion of the assessment: *Provided further*, That $1,100,000 shall be for the Washington Metropolitan Council of Governments, to develop a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: *Provided further*, That the Mayor shall submit a detailed expenditure plan for the use of funds provided under this heading within 15 days of enactment of this legislation to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That the funds provided under this heading shall not be made available until 30 calendar days after the submission of a spending plan to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That with the exception of funds provided for the Department of Mental Health and the Washington Metropolitan Council of Governments, no part of this appropriation may be used for contractual community-based services: *Provided further*, That the Comptroller General shall prepare and

submit to the Committees on Appropriations of the House of Representatives and Senate an accounting of all obligations and expenditures of the funds provided under this heading: *Provided further*, That the Comptroller General shall initiate management reviews of the Child and Family Services Agency and the Department of Mental Health and shall submit a report to the Committees on Appropriations of the House of Representatives and Senate no later than 6 months after enactment of this Act.]

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

[For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $32,350,000: *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 Office of the Chief Financial Officer of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate a report on the activities carried out with such funds no later than March 15, 2004.]

[Federal Payment for Emergency Personnel Cross Training]

[For a Federal payment to the Emergency Management Agency, $500,000 for activities related to the cross training of police officers, firefighters, emergency medical technicians, and other emergency personnel: *Provided*, That this funding shall not be obligated until the Agency submits a detailed cross training plan for the District's public safety workforce to the Committees on Appropriations of the House of Representatives and Senate.]

Federal Payment for School Improvement

For a Federal payment for a School Improvement Program in the District of Columbia, $40,000,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia [, as specified in the statement of the managers on the conference report accompanying this Act]; for the State Education Office, $13,000,000 to expand quality charter schools in the District of Columbia [, as specified in the statement of the managers on the conference report accompanying this Act]; for the Secretary of the Department of Education, $14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with *the DC School Choice Incentive Act of 2003, approved January 23, 2004 (Pub. L. No. 108-199; 118 Stat. 3)* [title III of this Act], of which up to $1,000,000 may be used to administer and fund assessments for *the DC School Choice Incentive Act of 2003* [title III of this Act]: *Provided*, That the District of Columbia Public Schools shall submit a plan for the use of funds provided under this heading for public school education to the Committees on Appropriations of the House of Representatives and Senate, [and] the Committee on Education and the Workforce and the Committee on Government Reform of the House of Representatives, [and] the Committee on Health, Education, Labor, and Pensions of the Senate, *and to the President: Provided further*, That the funds provided under this heading for public school education shall not be made available until 30 calendar days after the submission of a spending plan by the District of Columbia Public Schools to the Committees on Appropriations of the House of Representatives and Senate, *and to the President.*

Funding to Support Public Education

For a federal payment, $5,050,000 of which $5,000,000 shall be for capital improvement to provide for the immediate maintenance and capital needs of schools east of the Anacostia river that are not under renovation, $20,000 to support the Washington Youth Orchestra, $10,000 for the Free Minds

Poetry Program at Hyde Elementary School, and $20,000 for DC Student Voices, a program to educate high school students in civics.

Federal Payment for District of Columbia Public School Security

For a Federal payment to the Mayor of the District of Columbia, $15,000,000 to improve security within the public schools of the District of Columbia.

Federal Payment for Bioterrorism Preparedness in the District of Columbia

For a Federal payment to the District of Columbia Metropolitan Police Department, $80,000,000 to develop a Forensics and Bioterrorism laboratory.

TITLE II--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 (D.C. Official Code, sec. 1-204.50a) and [section 417 and section 436] *provisions* of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year [2004] *2005* 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 [$6,326,138,000] *$6,258,415,000* (of which [$3,832,734,000] *$4,165,486,000* shall be from local funds, *$1,746,854,000* [$1,568,734,000] shall be from Federal [grant] funds, [$910,904,000] *$332,761,000* shall be from other funds, [$13,766,000] *$13,314,000* shall be from private funds), *and an intra-district amount of $429,581,000* [, in addition, $119,650,000 from funds previously appropriated in this Act as Federal payments]: *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] *2005*, 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, [$284,415,000] *$416,069,000* (including [$206,825,000] *$261,068,000* from local funds, [$57,440,000] *$100,256,000* from Federal [grant] funds, and [$20,150,000] *$54,745,000* from other funds) [, in addition, $32,350,000 from funds previously appropriated in this Act under the heading ``Federal Payment to the Office of the Chief Financial Officer of the District of Columbia", $11,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Emergency Planning and Security Costs in the District of Columbia", $2,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for a family literacy program", and $1,100,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Foster Care Improvements in the District of Columbia"]: *Provided*, That

not to exceed [$2,500] *$9,300* for the Mayor, [$2,500] *$9,300* for the Chairman of the Council of the District of Columbia, [$2,500] *$9,300* for the City Administrator, and [$2,500] *$9,300* for the Office of the Chief Financial Officer shall be available from this appropriation for official reception and representation expenses: *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 not to exceed $25,000, to remain available until expended, of the funds in the District of Columbia Antitrust 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) is hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia in accordance with the laws establishing this fund].

Economic Development and Regulation

Economic development and regulation, [$276,647,000] *$334,745,000* (including [$53,336,000] *$55,764,000* from local funds, [$91,077,000] *$93,050,000* from Federal [grant] funds, [$132,109,000] *$185,806,000* from other funds, and $125,000 from private funds), of which [$15,000,000] *$13,000,000* 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 (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: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia*: Provided further, That local funds in the amount of $1,200,000 shall be appropriated for the Excel Institute.*

Public Safety and Justice

Public safety and justice, [$745,958,000] *$798,723,000* (including [$716,715,000] *$760,849,000* from local funds, [$10,290,000] *$7,899,000* from Federal [grant] funds, [$18,944,000] *$29,966,000* from other funds, and $9,000 from private funds) [, in addition, $1,300,000 from funds previously appropriated in this Act under the heading ``Federal Payment to the Criminal Justice Coordinating Council'' and $500,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Emergency Personnel Cross Training'']: *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 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.

[Emergency Management Agency--$500,000 for emergency personnel cross training.]

[Criminal Justice Coordinating Council--$1,300,000 to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.]

Public Education System

(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, [$1,157,841,000] *$1,266,424,000* (including [$962,941,000] *$1,058,709,000* from local funds, [$156,708,000] *$194,979,000* from Federal [grant] funds, [$27,074,000] *$8,957,000* from other funds, [$4,302,000] *$3,780,000* from private funds [, and not to exceed $6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.)), in addition, $17,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Resident Tuition Support'' $4,500,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Public School Facilities'', and $26,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement in the District of Columbia''] to be allocated as follows:

(1) District of Columbia Public Schools.-- [$870,135,000] *$901,944,000* (including [$738,444,000] *$760,494,000* from local funds, [$114,749,000] *$130,450,000* from Federal [grant] funds, [$6,527,000] *$7,330,000* from other funds, [$3,599,000] *$3,670,000* from private funds [, and not to exceed $6,816,000 to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.)), in addition, $4,500,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Public School Facilities'' and $13,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement in the District of Columbia''] 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 secondary school during fiscal year [2004] *2005* 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 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] *2005*, an amount equal to 10 percent of the total amount *of the local funds appropriations request* provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year [2005] *2006* (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] *2006*: *Provided further*, That not to exceed [$2,500] *$9,300* for the Superintendent of Schools shall be available from this appropriation for official reception and representation expenses [: *Provided further*, That the District of Columbia Public Schools shall submit to the Board of Education by January 1 and July 1 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) Teachers' Retirement Fund.-- $9,200,000 from local funds shall be available for the Teacher's Retirement Fund.

[(2)] *(3)* State Education Office.--[$38,752,000] *$73,104,000* (including [$9,959,000] *$10,015,000* from local funds, [$28,617,000] *$62,914,000* from Federal [grant] funds, and $176,000 from other funds) [, in addition, $17,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Resident Tuition Support'' and $13,000,000 from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement in the District of Columbia''] 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] *2006* for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

[(3)] *(4)* District of Columbia Public Charter Schools.-- [$137,531,000] *$196,802,000* from local 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 schools currently in operation through the per pupil funding formula, the funds shall [be] *remain* available [as follows: (A) 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 (Public Law 104-208; 110 Stat. 3009; 20 U.S.C. 1155(e)); and (B) the balance shall be] 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] *$100,000* shall be made available to the Office of the Chief Financial Officer as authorized by section [2403(b)(6)] *2403(b)(5)* of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. [38-1804.03(b)(6)] *38-1804.03(b)(5)*): [*Provided further*, That $660,000 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] *2005*, an amount equal to 25 percent of the total amount *of the local funds appropriations request* provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year [2005] *2006* (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] *2006*.

[(4)] *(5)* University of the District of Columbia *Subsidy*.-- [$80,660,000] *$49,602,000 from local funds* [(including $48,656,000 from local funds, $11,867,000 from Federal grant funds, $19,434,000 from other funds, and $703,000 from private funds)] shall be available for the University of the District of Columbia *Subsidy*: *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] *2005*, 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] *2005*, an amount equal to 10 percent of the total amount *of the local funds appropriations request* provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year [2005] *2006* (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] *2006*: *Provided further*, That not to exceed [$2,500] *$9,300* for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses.

[(5)] *(6)* District of Columbia Public Libraries.-- [$28,287,000] *$30,831,000* (including [$26,750,000] *$28,978,000* from local funds, [$1,000,000] *$1,093,000* from Federal [grant] funds, [and $537,000] *$651,000* from other funds, *and $110,000 from private funds*) shall be available for the District of Columbia Public Libraries: *Provided*, That not to exceed [$2,000] *$7,500* for the Public Librarian shall be available from this appropriation for official reception and representation expenses.

[(6)] *(7)* Commission on the Arts and Humanities.-- [$2,476,000] *$4,941,000* (including [$1,601,000] *$3,618,000* from local funds, [$475,000] *$523,000* from Federal [grant] funds, and [$400,000] *$800,000* from other funds) shall be available for the Commission on the Arts and Humanities.

Human Support Services

(INCLUDING TRANSFER OF FUNDS)

Human support services, [$2,360,067,000] *$2,533,825,000* (including [$1,030,223,000] *$1,165,314,000* from local funds, [$1,247,945,000] *$1,331,670,000* from Federal [grant] funds, [$24,330,000] *$27,441,000* from other funds, [$9,330,000] *$9,400,000* from private funds [, and $48,239, 000 to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.)), in addition, $7,500,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Hospital Bioterrorism Preparedness in the District of Columbia'' and $12,900,000 from funds previously appropriated in this Act under the heading ``Federal Payment to Foster Care Improvements in the District of Columbia'': *Provided*, That the funds available from the Medicaid and Special Education Reform Fund are allocated as follows: not more than $18,744,000 for Child and Family Services, not more than $7,795,000 for the Department of Human Services, and not more than $21,700,000 for the Department of Mental Health: *Provided further*] : *Provided*, That [$27,959,000] *$29,600,000* of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That *no less than $8,498,720* [$7,500,000 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), to be used exclusively for the purpose of the Choice in Drug Treatment 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), of which $7,500,00 shall be provided from local funds: Provided further, That none of the $8,498,720 for the Choice in Drug Treatment program shall be used by the Department of Health's Addiction Prevention and Recovery Administration to provide youth residential treatment services or youth outpatient treatment services* [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 *shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth residential treatment services: Provided further, That no less than $1,575,416 shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth outpatient treatment services, of which $750,000 shall be made available exclusively to provide intensive outpatient treatment slots, outpatient treatment slots, and other program costs for youth in the care of the Youth Services Administration: Provided further, That no less than $1,400,000 shall be used by the Department of Health's Addiction Prevention and Recovery Administration to fund a Child and Family Services Agency pilot project*

entitled Family Treatment Court: Provided further, That $1,200,000 of local funds, to remain available until expended, shall be deposited in the Adoption Voucher Fund, established pursuant to section 3805(a) of the Adoption Voucher Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code, sec. 4-344(a)), to be used exclusively for the purposes set forth in section 3805(b) of the Adoption Voucher Fund Act (D.C. Official Code, sec. 4-344(b)): Provided further, That no less than $300,000 shall be used by the Department of Health's Environmental Health Administration to operate the Total Maximum Daily Load program: Provided further, That no less than $1,268,500 shall be used by the Department of Health's Environmental Health Administration to operate its air quality programs, of which no less than $242,000 shall be used to fund 4 full-time air quality employees: provided further, that the Department of Human Services, Youth Services Administrations shall not expend any appropriated fiscal year 2005 funds until the Mayor has submitted to the Council by September 30, 2004 a plan, including time lines, to close the Oak Hill Youth Center at the earliest feasible date. All of the above proviso amounts in this heading relate back to and are a subset of the first-referenced appropriation amount of $2,533,825,000. [of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 14 through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 (D.C. Law 14-28; D.C. Official Code, sec. 7-3101): *Provided further*, That $4,500,000 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 (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 (D.C. Law 13-252; D.C. Official Code, sec. 4-204.07): *Provided further*, That not less than $640,531 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 (D.C. Law 13-38; D.C. Official Code, sec. 4-1001)].

[Department of Mental Health.-- $3,900,000 for foster care improvements.]

[Department of Health.-- $7,500,000 for hospital bioterrorism preparedness.]

[Child and Family Services Agency.-- $9,000,000 for foster care improvements.]

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, [$327,046,000] *$331,936,000* (including [$308,028,000] *$312,035,000* from local funds, [$5,274,000] *$4,000,000* from Federal [grant] funds, and [$13,744,000] *$15,901,000* from other funds) [, in addition, $3,500,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Transportation Assistance"]: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

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 (D.C. Official Code, sec. 47-392.02(j)(2)), $50,000,000 from local funds.

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] *$347,700,000* 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].

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, [$3,000,000] *$4,000,000* 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] *$11,252,000* 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, $20,270,000 from local funds: *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] *$3,633,000* from local funds.

Workforce Investments

For workforce investments, [$22,308,000] *$38,114,000* 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. *Provided, That of this amount $3,548,000 shall remain available until expended to meet the requirements of the Compensation Agreement Between the District of Columbia Government Units 1 and 2 Approval Resolution of 2004, effective February 17, 2004 (Res. 15-459; 51 DCR 2325).*

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, [$19,639,000] *$13,946,000* (including [$11,455,000] *$4,000,000* from local funds and [$8,184,000] *$9,946,000* from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act: *Provided*, That [$11,455,000] *$4,000,000* from local funds shall be for anticipated costs associated with the No Child Left Behind Act.

Pay-As-You-Go Capital

For Pay-As-You-Go Capital funds in lieu of capital financing, [$11,267,000] *$6,531,000* from local funds, to be transferred to the Capital Fund [, subject to the Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2003 (D.C. Act 15-106): *Provided*, That pursuant to this Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, such sums as may be necessary to carry out the purposes of this Act].

Emergency Planning and Security Fund

For Emergency Planning and Security Fund, $15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia".

Tax Increment Financing Program

For a Tax Increment Financing Program, *such amounts as are necessary to meet the Tax Increment Financing requirements, not to exceed* [$1,940,000] $9,710,000 from [local funds] *the District's general fund balance.*

[Medicaid Disallowance]

[For making refunds associated with disallowed Medicaid 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.]

Equipment Lease Operating

For Equipment Lease Operating $23,109,000 from local funds: Provided, That for equipment leases, the Mayor may finance $19,453,000 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.

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 98-198, as amended;* D.C. Official Code, sec. 1-204.50a), such *additional* amounts from [local funds] *the District's general fund balance* as are necessary to meet the balance requirements for such funds under [such] section 450A.

Pay-As-You-Go Contingency

For Pay-As-You-Go Contingency Fund, $43,137,000, subject to the Criteria for Spending Pay-as-You-Go Funding Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Title I of Bill 15-768), there are authorized to be transferred from the contingency fund to certain other headings of this Act as necessary to carry out the purposes of this Act. Expenditures from the Pay-as-you-Go contingency fund shall be subject to the approval of the Council by resolution.

Revised Revenue Estimate Contingency Priority

If the Chief Financial Officer for the District of Columbia certifies through a revised revenue estimate that funds are available from local funds, such available funds shall be expended as provided in the Contingency for Recordation and Transfer Tax Reduction and the Office of Property Management and Library Expenditures Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Bill 15-768), including up to $2,000,000 to the Office of Property Management, and up to $1,200,000 to the District of Columbia Public Library.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority

For operation of the Water and Sewer Authority, [$259,095,000] *$275,289,000* from other funds, of which [$18,692,000] *$15,180,402* shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, [$229,807,000] *$371,040*,000 to be distributed as follows: [$99,449,000] *$181,656,000* for the Blue Plains Wastewater Treatment Plant, [$16,739,000] *$43,800,000* for the sewer program, [$72,047,000 for the combined sewer program, $5,993,000] *$9,118,000* for the stormwater program, [$24,431,000] *$122,627,000* for the water program, and [$11,148,000] *$13,839,000* for the capital equipment program; in addition, [30,000,000] *$10,000,000* from funds previously appropriated in this Act under the heading ''Federal Payment to the District of Columbia Water and Sewer Authority'': *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] *$47,972,000* from other funds.

Stormwater Permit Compliance Enterprise Fund

For operation of the Stormwater Permit Compliance Enterprise Fund, [$3,501,000] *$3,792,000* 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, 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] *$247,000,000* from other funds: *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[.]*: Provided further, That the Lottery and Charitable Games Enterprise Fund is hereby authorized to make transfers to the general fund of the District of Columbia, in excess of this appropriation, if such funds are available for transfer.*

Sports and Entertainment Commission

For the Sports and Entertainment Commission, [$13,979,000] *$7,322,000* from [local] *other* funds.

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 (D.C. Official Code, sec. 1-711), [$13,895,000] *$15,277,000* 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] *$77,176,000* from other funds.

National Capital Revitalization Corporation

For the National Capital Revitalization Corporation, [$7,849,000] *$7,850,000* from other funds.

University of the District of Columbia

For the University of the District of Columbia, $85,102,000 (including, $49,602,000 from local funds previously appropriated in this Act under the heading "Public Education Systems", $15,192,000 from Federal funds, $19,434,000 from other funds, and $873,000 from private funds): 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, 2005, 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.

Unemployment Insurance Trust Fund

For the Unemployment Insurance Trust fund, $180,000,000 from other funds.

Other Post Employee Benefits Trust Fund

For the Other Post Employee Benefits Trust Fund, $953,000 from other funds.

DC Public Library Trust Fund

For the DC Public Library Trust Fund, $17,000 from other funds: Provided, That $7,000 shall be for the Theodore W. Noyes Trust Fund: Provided, further That $10,000 shall be for the Peabody Trust Fund.

Capital Outlay

(INCLUDING RESCISSIONS)

For construction projects, an increase of [$1,004,796,000] *$1,087,649,000*, of which [$601,708,000] *$839,897,000* shall be from local funds, $38,542,000 from Highway Trust funds, [$38,311,000] *$37,000,000* from the Rights-of-way funds, $172,209,000 from Federal [grant] funds, and a rescission of [$99,884,000] *$361,763,000* from local funds appropriated under this heading in prior fiscal years, for a net amount of [$904,913,000] *$725,886,000*, to remain available until expended; in addition, [$8,150,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Capital Development in the District of Columbia" and $5,000,000] *$3,000,000* from funds previously appropriated in this Act under the heading ``Federal Payment for the Anacostia Waterfront Initiative" *and $10,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Fire and Emergency Medical Services Department" and $7,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Unified Communications Center"* : *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 Office of the Chief Technology Officer of the District of Columbia shall implement the following information technology projects on behalf of the District of Columbia Public Schools: Student Information System (project number T2240), Student Information System PCS (project number T2241), Enterprise Resource Planning (project number T2242), E-Rate (project number T2243), and SETS Expansion PCS (project number T2244).*

[TITLE III--DC SCHOOL CHOICE INCENTIVE ACT OF 2003]

[SEC. 301. SHORT TITLE.

This title may be cited as the ``DC School Choice Incentive Act of 2003".

SEC. 302. FINDINGS.

The Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided for under the No Child Left Behind Act of 2001 as well as under other public school choice programs, is inadequate due to capacity constraints. Available educational alternatives to the public schools are insufficient and more educational options are needed. In particular, funds are needed to assist low-income parents to exercise choice among enhanced public opportunities and private educational environments, whether religious or nonreligious. Therefore, in keeping with the spirit of the No Child Left Behind Act of 2001, school choice options, in addition to those already available to parents in the District of Columbia (such as magnet and charter schools and open enrollment schools) should be made available to those parents.

(3) In the most recent mathematics assessment on the National Assessment of Educational Progress (NAEP), administered in 2000, a lower percentage of 4th-grade students in the District of Columbia demonstrated proficiency than was the case for any State. Seventy-six percent of the District of Columbia fourth-graders scored at the ''below basic'' level and of the 8th-grade students in the District of Columbia, only 6 percent of the students tested at the proficient or advanced levels, and 77 percent were below basic. In the most recent NAEP reading assessment, in 1998, only 10 percent of the District of Columbia fourth-graders could read proficiently, while 72 percent were below basic. At the 8th-grade level, 12 percent were proficient or advanced and 56 percent were below basic.

(4) A program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional under Zelman v. Simmons-Harris, 536 U.S. 639 (2002), if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(5) The Mayor of the District of Columbia, the Chairman of the Education Committee of the City Council of the District of Columbia, and the President of the District of Columbia Board of Education support this title.

(6) This title provides additional money for the District of Columbia public schools and therefore money for scholarships is not being taken out of money that would otherwise go to the District of Columbia public schools.

(7) This title creates a 5-year program tailored to the current needs and particular circumstances of low-income children in District of Columbia schools. This title does not establish parameters or requirements for other school choice programs.

SEC. 303. PURPOSE.

The purpose of this title is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia.

SEC. 304. GENERAL AUTHORITY.

(a) AUTHORITY.--From funds appropriated to carry out this title, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 305 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this title.

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

(c) MEMORANDUM OF UNDERSTANDING.--The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding, as described in the statement of the managers, regarding the design of, selection of eligible entities to receive grants under, and implementation of, a program assisted under this title.

SEC. 305. APPLICATIONS.

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

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

(1) a detailed description of--

(A) how the entity will address the priorities described in section 306;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 306;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities and how the entity will ensure that parents receive sufficient information about their options to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 307(a);

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

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

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under this title effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 309.

SEC. 306. PRIORITIES.

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

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

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

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

SEC. 307. USE OF FUNDS.

(a) SCHOLARSHIPS.--

(1) IN GENERAL.--Subject to paragraphs (2) and (3), a grantee shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable them to attend the District of Columbia private elementary school or secondary school of their choice. Each grantee shall ensure that the amount of any tuition or fees charged by a school participating in the grantee's program under this title to an eligible student participating in the program does not exceed the amount of tuition or fees that the school customarily charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.--A grantee shall make scholarship payments under the program under this title to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this title.

(3) AMOUNT OF ASSISTANCE.--

(A) VARYING AMOUNTS PERMITTED.--Subject to the other requirements of this section, a grantee may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.--The amount of assistance provided to any eligible student by a grantee under a program under this title may not exceed $7,500 for any academic year.

(4) CONTINUATION OF SCHOLARSHIPS.--Notwithstanding section 312(3)(B), an eligible entity receiving a grant under this title may award a scholarship, for the second or any succeeding year of an eligible student's participation in a program under this title, to a student who comes from a household whose income does not exceed 200 percent of the poverty line.

(b) ADMINISTRATIVE EXPENSES.--A grantee may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this title during the year, including--

(1) determining the eligibility of students to participate;

(2) providing information about the program and the schools involved to parents of eligible students;

(3) selecting students to receive scholarships;

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

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

(6) providing funds to assist parents in meeting expenses that might otherwise preclude the participation of their child in the program.

SEC. 308. NONDISCRIMINATION.

(a) IN GENERAL.--An eligible entity or a school participating in any program under this title shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.--

(1) IN GENERAL.--Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.--Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) APPLICABILITY.--For purposes of this title, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this title as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this title.

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

(d) RELIGIOUSLY AFFILIATED SCHOOLS.--

(1) IN GENERAL.--Notwithstanding any other provision of law, a school participating in any program under this title that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1 et seq.), including the exemptions in such title.

(2) MAINTENANCE OF PURPOSE.--Notwithstanding any other provision of law, funds made available under this title to eligible students that are received by a participating school, as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.--A scholarship (or any other form of support provided to parents of eligible students) under this title shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this title shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 309. EVALUATIONS.

(a) IN GENERAL.--

(1) DUTIES OF THE SECRETARY AND THE MAYOR.--The Secretary and the Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year program under this title, and shall make the evaluations public in accordance with subsection (c).

(2) DUTIES OF THE SECRETARY.--The Secretary, through a grant, contract, or cooperative agreement, shall--

(A) ensure that the evaluation is conducted using the strongest possible research design for determining the effectiveness of the programs funded under this title that addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the programs in increasing the student academic achievement of participating students, and on the impact of the programs on students and schools in the District of Columbia.

(3) DUTIES OF THE INDEPENDENT ENTITY.--The independent entity shall--

(A) measure the academic achievement of all participating eligible students;

(B) use the same grade appropriate measurement every school year to assess participating eligible students as the measurement used by the District of Columbia Public Schools to assess District of Columbia Public School students in the first year of the program;

(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the measurements given annually by the independent entity for the period for which the student applied for or received the scholarship, respectively.

(4) ISSUES TO BE EVALUATED.--The issues to be evaluated include the following:

(A) A comparison of the academic achievement of participating eligible students in the measurements described in this section to the achievement of--

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in the District of Columbia public schools who sought to participate in the scholarship program but were not selected.

(B) The success of the programs in expanding choice options for parents.

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

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates, of students who participate in the programs funded under this title with the retention

rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such programs.

(E) The impact of the program on students, and public elementary schools and secondary schools, in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the programs and the schools attended by students who do not participate in the programs.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(5) PROHIBITION.--Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) REPORTS.--The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate--

(1) annual interim reports, not later than December 1 of each year for which a grant is made under this title, on the progress and preliminary results of the evaluation of the programs funded under this title; and

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

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

(d) LIMIT ON AMOUNT EXPENDED.--The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 3 percent of the total amount appropriated to carry out this title for the fiscal year.

SEC. 310. REPORTING REQUIREMENTS.

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

(b) ACHIEVEMENT REPORTS.--

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

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

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

(C) parental satisfaction with the program.

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

(c) REPORTS TO PARENT.--

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

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

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

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

(d) REPORT TO CONGRESS.--The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 311. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) REQUESTS FOR DATA AND INFORMATION.--Each school participating in a program funded under this title shall comply with all requests for data and information regarding evaluations conducted under section 309(a).

(b) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.--A participating school, including those described in section 308(d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

SEC. 312. DEFINITIONS.

As used in this title:

(1) ELEMENTARY SCHOOL.--The term ``elementary school'' means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.--The term ``eligible entity'' means any of the following:

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

(B) A nonprofit organization.

(C) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.--The term ``eligible student'' means a student who--

(A) is a resident of the District of Columbia; and

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

(4) PARENT.--The term ``parent'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.--The term ``poverty line'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.--The term ``secondary school'' means an institutional day or residential school, including a public secondary charter school, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.--The term ``Secretary'' means the Secretary of Education.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $14,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.]

TITLE [IV] *III*--GENERAL PROVISIONS

SEC. [401] *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. [402] *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. [403]*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. [404] *104*. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly to provided herein.

[SEC. 405. 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. 406. 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. [407] *105.* (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. [408] *106.* (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 [2004] *2005*, 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 expenditures 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 Committee on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the reprogramming.

(b) None the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds *in excess of $1,000,000* 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 4 percent of the local funds in the appropriations.

SEC. [409] *107.* 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. [410] *108.* Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. [411] *109.* No later than 30 days after the end of the first quarter of fiscal year [2004] *2005,* 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 [2004] *2005* revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year [2005] *2006.* The officially revised estimates at midyear shall be used for the midyear report.

[SEC. 412. 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. 413. (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. 414. 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. 415. 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. 416. 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. [417] *110.* (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)(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until--

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

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

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if--

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

(B) If such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(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 may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this Act, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

[(d)] *(e)* 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. [418] *111*. (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 *or is otherwise designated by the Fire Chief*;

(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, [2004] *2005*, an inventory, as of September 30, [2003] *2004*, 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. [419] *112*. 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 [2004] *2005* 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. 420. (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. 421. (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. 422. 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. 423. (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. 424. 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. 425. 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, *and to the President* quarterly reports addressing--

(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 houses 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. [426] *113. (a)* 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 (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year [2003] *2004* 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. *(b) Applicability - This provision shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.*

[SEC. 427. 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. [428] *114.* 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. 429. During fiscal year 2004 and any subsequent fiscal year, in addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may use local funds to 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 (D.C. Law 13-172; D.C. Official Code, sec. 2-402).]

SEC. [430] *115.* 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 Act (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 Act (D.C. Official Code, sec. 50-2201.05(b)(3)).

[SEC. 431. During fiscal year 2004 and any subsequent fiscal year, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such local funds 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. [432] *116.* 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 an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (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. [433] *117*. 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 shall 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 House of Representatives and Senate 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. 434. Section 603(e)(3)(C)(iv) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)(C)(iv)) is amended as follows:

(1) by inserting ``for a fiscal year'' after ``this subparagraph''; and

(2) by inserting ``for the fiscal year'' before the period.]

[SEC. 435. Chapter 3 of title 16, District of Columbia Code, is amended by inserting at the end the following new section:

``SEC. 16-316. APPOINTMENT AND COMPENSATION OF COUNSEL; GUARDIAN AD LITEM.

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

``(b) The Court may appoint a guardian ad litem who is an attorney to represent the child in an adoption proceeding. The guardian ad litem shall in general be charged with the representation of the child's best interest.

``(c) An attorney appointed pursuant to subsection (a) or (b) of this section shall be compensated in accordance with D.C. Code section 16-2326.01, except that compensation in the adoption case shall be subject to the limitation set forth in D.C. Code section 16-2326.01(b)(2)."

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

``Sec..16-316. Appointment and compensation of counsel; guardian ad litem.".]

SEC. [436] *118.* 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's fiscal year [2003] *2004* unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

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

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

(A) Unanticipated one-time expenditures;

(B) To avoid deficit spending;

(C) Debt Reduction;

(D) Unanticipated program needs; or

(E) To avoid revenue shortfalls.

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

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

(5) The amounts may be obligated and expended only [if approved by] *after notification of* the Committees on Appropriations of the House of Representatives and Senate in advance of any obligation or expenditure.

SEC. 119. 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. 120. (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) No amount may be obligated or expended pursuant to subsection (a) until:

(A) The Chief Financial Officer submits to the Council a report setting forth detailed information regarding the unanticipated revenue; and

(B) The Council has reviewed and approved the obligation and expenditure of the unanticipated revenue.

(3) The Council shall be deemed to have reviewed and approved the obligation and expenditure of the unexpected revenue if:

(A) 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 under subparagraph (2)(A); or

(B) If a notice of disapproval is filed pursuant to subparagraph 3(A), the Council does not by resolution disapprove the obligation or expenditure of the unexpected revenue within 30 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (2)(A).

(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 unexpected revenue.

(d) The Chief Financial Officer may adjust the budget to reflect Other type funds approved under subsection (b)(2).

(e) Notice Requirement - The unexpected revenue 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.

(f) The Chief Financial Officer shall prepare a quarterly report setting forth detailed information regarding all unexpected revenue subject to this section. Each such report shall be submitted to the Council 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. 121. Section 450A of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1-204.50a), is amended as follows:

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

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

"(1) In general. -- There is established an emergency cash reserve fund ("emergency reserve fund") as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall make a deposit in cash each fiscal year of such an amount as may be required to maintain a balance in the fund of at least 2% of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (a)(7).".

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

"(2) In general. – For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia's Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.".

(3) Paragraph (7) is amended to read as follows:

"(7) Replenishment. -- The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50% of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2% required balance, whichever is less, is replenished by the end of the current fiscal year and 100% of the amount allocated

or the amount necessary to restore the emergency reserve fund to the 2% required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.".

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

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

"(1) In general. -- There is established a contingency cash reserve fund ("contingency reserve fund") as an interest-bearing account, separate from other accounts in the general fund, into which the Mayor shall make a deposit in cash each fiscal year of such amount as may be required to maintain a balance in the fund of at least 4% of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (b)(6).".

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

"(2) In general. – For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia's Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.".

(3) Paragraph (6) is amended to read as follows:

"(6) Replenishment. -- The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50% of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4% required balance, whichever is less, is replenished by the end of the current fiscal year and 100% of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4% required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.".

SEC. 122. For fiscal year 2005, the Chief Financial Officer shall re-calculate the emergency and contingency cash reserve funds amount established by Section 450A of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1-204.50a), as amended by this Act and is authorized to transfer funds between the emergency and contingency cash reserve funds to reach the required percentages: Provided, That for fiscal year 2005, the Chief Financial Officer may transfer funds from the emergency and contingency cash reserve funds to the general fund of the District of Columbia to the extent that such funds are not necessary to meet the requirements established for each fund: Provided further, That the Chief Financial Officer may not transfer funds from the emergency or the contingency reserve funds to the extent that such a transfer would lower the fiscal year 2005 total percentage below 7%.

SEC. 123. Section 6 of the Policemen and Firemen's Retirement and Disability Act, approved Aug. 21, 1957 (Pub. L. 85-157; 71 Stat. 399; D.C. Official Code § 5-732) is amended by striking the phrase "of this chapter, to the extent that such benefit payments exceed the deductions from the salaries of federal employees for credit to the revenues of the District of Columbia." and inserting the phrase "of this chapter and to reimburse the District of Columbia for the administrative costs associated with making such benefit payments for credit to the revenues of the District of Columbia; provided, that benefit payment reimbursement shall only be to the extent that such benefit payments exceed the deductions from the salaries of federal employees." in its place.

SEC. 124. Section 2403(b) of 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. 38-1804.03(b)), is amended as follows:

(a) Paragraph (1) is amended to read as follows:

"(1) Establishment of fund. -- The "New Charter School Fund", as established in the general fund of the District of Columbia prior to February 20, 2003, shall be redesignated as the "Charter School Fund," which shall be a nonlapsing, revolving fund separate from the general fund; all funds deposited into the Charter School Fund shall not revert to the general fund at the end of any fiscal year or at any other time, but shall remain available until expended for the purposes of this act.".

(b) Paragraph (2) is amended by adding a new subparagraph (C) to read as follows:

"(C) Beginning in fiscal year 2004, and each succeeding fiscal year, any additional local funds that the District of Columbia's Chief Financial Officer certifies are necessary to carry out the requirements of this Act may be transferred into the fund; provided, that no such transfer, whether deposited pursuant to subparagraph (A) or (B) of this paragraph, shall result in the fund's cumulative balance exceeding $5,000,000.".

This Act may be cited as the "District of Columbia Appropriations Act, 2005 [2004]".

DISTRICT OF COLUMBIA AUTHORIZATION REQUEST

DIVISION – B[1]

SEC. [120] *125.* 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] *126. Section 352 of the District of Columbia Fiscal Year 2004 Budget Support Act of 2003, effective November 13, 2003 (D.C. Law 15-39; 50 DCR 5668), is hereby enacted into law.*

SEC. [122] *127.* 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] *1800.01* et seq.), is amended as follows:

(a) Section 2552 (D. C. Official Code, sec 38-1805.52) is amended by adding a new subsection (d) to read as follows:

"(d) Audits. – Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) is authorized to request, on an annual basis, from the Board of Education and the Superintendent, a financial audit of those projects described in section 2551(b)(2)(a). The audit shall be performed pursuant to specifications as may be described in the request and shall be conducted by an independent auditor approved by the Chief Financial Officer of the District of Columbia.".

(b) Add a new section 2316 to read as follows:

"Sec. 2316. Nothing in this act shall be interpreted to exempt a public charter school from complying with the development of the complete financial statement and report established under section 424c of the Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code sec. 1-204.24c(24)).".

[(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] *128.* 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] *129.* 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] *130.* 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] *131.* (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] *132.* 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.".

SEC. 133. District of Columbia Public Safety Event Fund Authorization: Funds are authorized, at such sums as may be appropriated, to reimburse the District of Columbia for local costs directly associated with providing public safety support for events within the District of Columbia and related to the presence of the federal government or international public entities, as well as other public safety responses to terrorist threats, risks, or attacks.

SEC. 134. Section 424(e) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code sec. 1-204.24f), is amended as follows:

(a) A new paragraph (4) is added to read as follows:

"(4) The term "retirement systems" means the funds and administration necessary to implement any retirement program authorized by the Council of the District of Columbia or the Congress that are maintained within the District Government but does not include the administration of the retirement programs funded pursuant to sections 122(a)(a) and 123(a)(a) of the District of Columbia Retirement Reform Act of 1979, November 17, 1979 (93 Stat. 866; D.C. Official Code "§§ 1-712(a) and 1-713(a)), and continued by sections 111(a) and 112(a) of the District of Columbia Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code §§ 1-903.01(a) and 1-903.02(a)).".

SEC. 135[2]*. Section 208(a)(2)(A) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 2-302.08(a)(2)(A)), is amended to read as follows:*

"(A) The Inspector General shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV (D. C. Official Code § 1-204.41 et seq.) of the District of Columbia Home Rule Act for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Office for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of the Home Rule Act.".

[2] Pursuant to the Mayor's authority, on June 15, 2004, the Mayor disapproved Section 135 of the "District of Columbia Omnibus Authorization Act, 2005". The District of Columbia Council may take action within 30 days to override the veto. (The District of Columbia Home Rule Act, Public Law 93-198, §404(f); DC Official Code §1-204.04(f)).

This Act may be cited as the "District of Columbia Omnibus Authorization Act, *2005* [2004]".

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