

108TH CONGRESS  
1ST SESSION

# H. R. 2765

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## AN ACT

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

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 District of Columbia for the fiscal year ending September  
6 30, 2004, and for other purposes, namely:

7                   TITLE I—FEDERAL FUNDS

8       FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

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

1 Federal funds appropriated to the Program in this Act  
2 and any subsequent appropriations, any unobligated  
3 balances from prior fiscal years, and any interest earned  
4 in this or any fiscal year: *Provided further*, That the ac-  
5 count shall be under the control of the District of Colum-  
6 bia Chief Financial Officer who shall use those funds sole-  
7 ly for the purposes of carrying out the Resident Tuition  
8 Support Program: *Provided further*, That the Office of the  
9 Chief Financial Officer shall provide a quarterly financial  
10 report to the Committees on Appropriations of the House  
11 of Representatives and Senate for these funds showing,  
12 by object class, the expenditures made and the purpose  
13 therefor: *Provided further*, That not more than 7 percent  
14 of the total amount appropriated for this program may  
15 be used for administrative expenses.

16 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND  
17 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

18 For necessary expenses, as determined by the Mayor  
19 of the District of Columbia in written consultation with  
20 the elected county or city officials of surrounding jurisdic-  
21 tions, \$15,000,000, to remain available until expended, to  
22 reimburse the District of Columbia for the costs of pro-  
23 viding public safety at events related to the presence of  
24 the national capital in the District of Columbia, and for  
25 the costs of providing support to respond to immediate

1 and specific terrorist threats or attacks in the District of  
2 Columbia or surrounding jurisdictions: *Provided*, That any  
3 amount provided under this heading shall be available only  
4 after notice of its proposed use has been transmitted by  
5 the President to Congress and such amount has been ap-  
6 portioned pursuant to chapter 15 of title 31, United  
7 States Code.

8 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
9 COURTS

10 For salaries and expenses for the District of Colum-  
11 bia Courts, \$163,819,000, to be allocated as follows: for  
12 the District of Columbia Court of Appeals, \$8,775,000,  
13 of which not to exceed \$1,500 is for official reception and  
14 representation expenses; for the District of Columbia Su-  
15 perior Court, \$83,387,000, of which not to exceed \$1,500  
16 is for official reception and representation expenses; for  
17 the District of Columbia Court System, \$40,006,000, of  
18 which not to exceed \$1,500 is for official reception and  
19 representation expenses: and \$31,651,000, to remain  
20 available until September 30, 2005, for capital improve-  
21 ments for District of Columbia courthouse facilities: *Pro-*  
22 *vided*, That funds made available for capital improvements  
23 shall be expended consistent with the General Services Ad-  
24 ministration master plan study and building evaluation re-  
25 port: *Provided further*, That notwithstanding any other

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

22 DEFENDER SERVICES IN DISTRICT OF COLUMBIA  
23 COURTS

24 For payments authorized under section 11–2604 and  
25 section 11–2605, D.C. Official Code (relating to represen-

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

1 Committee on Judicial Administration in the District of  
2 Columbia: *Provided further*, That notwithstanding any  
3 other provision of law, this appropriation shall be appor-  
4 tioned quarterly by the Office of Management and Budget  
5 and obligated and expended in the same manner as funds  
6 appropriated for expenses of other Federal agencies, with  
7 payroll and financial services to be provided on a contrac-  
8 tual basis with the General Services Administration  
9 (GSA), said services to include the preparation of monthly  
10 financial reports, copies of which shall be submitted di-  
11 rectly by GSA to the President and to the Committees  
12 on Appropriations of the House of Representatives and  
13 Senate, the Committee on Government Reform of the  
14 House of Representatives, and the Committee on Govern-  
15 mental Affairs of the Senate.

16 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-  
17 FENDER SUPERVISION AGENCY FOR THE DISTRICT  
18 OF COLUMBIA

19 (INCLUDING TRANSFER OF FUNDS)

20 For salaries and expenses, including the transfer and  
21 hire of motor vehicles, of the Court Services and Offender  
22 Supervision Agency for the District of Columbia, as au-  
23 thorized by the National Capital Revitalization and Self-  
24 Government Improvement Act of 1997, \$163,081,000, of  
25 which not to exceed \$2,000 is for official receptions and

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



1 That the Director is authorized to accept and use gifts  
2 in the form of in-kind contributions of space and hospi-  
3 tality to support offender and defendant programs, and  
4 equipment and vocational training services to educate and  
5 train offenders and defendants: *Provided further*, That the  
6 Director shall keep accurate and detailed records of the  
7 acceptance and use of any gift or donation under the pre-  
8 vious proviso, and shall make such records available for  
9 audit and public inspection.

10 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

11 WATER AND SEWER AUTHORITY

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

18 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT

19 INITIATIVE

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

1 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE  
2 COORDINATING COUNCIL

3 For a Federal payment to the Criminal Justice Co-  
4 ordinating Council, \$1,300,000, to support initiatives re-  
5 lated to the coordination of Federal and local criminal jus-  
6 tice resources in the District of Columbia.

7 FEDERAL PAYMENT FOR CAPITAL DEVELOPMENT IN  
8 THE DISTRICT OF COLUMBIA

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

12 FEDERAL PAYMENT FOR PUBLIC SCHOOL FACILITIES

13 For a Federal payment to the District of Columbia  
14 Public Schools, \$4,500,000, of which \$500,000 shall be  
15 for a window repair and reglazing program and  
16 \$4,000,000 shall be for a playground repair and replace-  
17 ment program.

18 FEDERAL PAYMENT FOR THE FAMILY LITERACY  
19 PROGRAM

20 For a Federal payment to the District of Columbia,  
21 \$2,000,000 for the Family Literacy Program to address  
22 the needs of literacy-challenged parents while endowing  
23 their children with an appreciation for literacy and  
24 strengthening familial ties: *Provided*, That the District of

1 Columbia shall provide a 100 percent match with local  
2 funds as a condition of receiving this payment.

3 FEDERAL PAYMENT FOR A DISTRICT OF COLUMBIA  
4 SCHOLARSHIP PROGRAM

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

8 FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER  
9 OF THE DISTRICT OF COLUMBIA

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

14 TITLE II—DISTRICT OF COLUMBIA FUNDS  
15 OPERATING EXPENSES

16 DIVISION OF EXPENSES

17 The following amounts are appropriated for the Dis-  
18 trict of Columbia for the current fiscal year out of the  
19 general fund of the District of Columbia, except as other-  
20 wise specifically provided: *Provided*, That notwithstanding  
21 any other provision of law, except as provided in section  
22 450A of the District of Columbia Home Rule Act (D.C.  
23 Official Code, sec. 1–204.50a) and section 117 of this Act,  
24 the total amount appropriated in this Act for operating  
25 expenses for the District of Columbia for fiscal year 2004

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

## 1 GOVERNMENTAL DIRECTION AND SUPPORT

2 Governmental direction and support, \$284,415,000  
3 (including \$206,825,000 from local funds, \$57,440,000  
4 from Federal grant funds, and \$20,150,000 from other  
5 funds), in addition, \$10,000,000 from funds previously  
6 appropriated in this Act under the heading “Federal Pay-  
7 ment to the Chief Financial Officer of the District of Co-  
8 lumbia”: *Provided*, That not to exceed \$2,500 for the  
9 Mayor, \$2,500 for the Chairman of the Council of the Dis-  
10 trict of Columbia, \$2,500 for the City Administrator, and  
11 \$2,500 for the Office of the Chief Financial Officer shall  
12 be available from this appropriation for official purposes:  
13 *Provided further*, That any program fees collected from the  
14 issuance of debt shall be available for the payment of ex-  
15 penses of the debt management program of the District  
16 of Columbia: *Provided further*, That no revenues from  
17 Federal sources shall be used to support the operations  
18 or activities of the Statehood Commission and Statehood  
19 Compact Commission: *Provided further*, That the District  
20 of Columbia shall identify the sources of funding for Ad-  
21 mission to Statehood from its own locally generated reve-  
22 nues: *Provided further*, That notwithstanding any other  
23 provision of law, or Mayor’s Order 86–45, issued March  
24 18, 1986, the Office of the Chief Technology Officer’s del-  
25 egated small purchase authority shall be \$500,000: *Pro-*

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

15           ECONOMIC DEVELOPMENT AND REGULATION

16           Economic development and regulation, \$276,647,000  
17 (including \$53,336,000 from local funds, \$91,077,000  
18 from Federal grant funds, \$132,109,000 from other  
19 funds, and \$125,000 from private funds), of which  
20 \$15,000,000 collected by the District of Columbia in the  
21 form of BID tax revenue shall be paid to the respective  
22 BIDs pursuant to the Business Improvement Districts Act  
23 of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–  
24 1215.01 et seq.), and the Business Improvement Districts  
25 Amendment Act of 1997 (D.C. Law 12–26; D.C. Official

1 Code, sec. 2–1215.15 et seq.): *Provided*, That such funds  
2 are available for acquiring services provided by the Gen-  
3 eral Services Administration: *Provided further*, That Busi-  
4 ness Improvement Districts shall be exempt from taxes  
5 levied by the District of Columbia.

6 PUBLIC SAFETY AND JUSTICE

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

1 available from this appropriation, and the availability of  
2 the sums shall be deemed as constituting payment in ad-  
3 vance for emergency services involved.

4 PUBLIC EDUCATION SYSTEM

5 (INCLUDING TRANSFERS OF FUNDS)

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

21 (1) DISTRICT OF COLUMBIA PUBLIC  
22 SCHOOLS.—\$870,135,000 (including \$738,444,000  
23 from local funds, \$114,749,000 from Federal grant  
24 funds, \$6,527,000 from other funds, \$3,599,000  
25 from private funds, and not to exceed \$6,816,000, to



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

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

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

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

1       posited in the Credit Enhancement Revolving Fund  
2       established pursuant to section 603(e) of the Stu-  
3       dent Loan Marketing Association Reorganization  
4       Act of 1996 (Public Law 104–208; 110 Stat. 3009;  
5       20 U.S.C. 1155(e)); and (B) the balance shall be for  
6       public education in accordance with section  
7       2403(b)(2) of the District of Columbia School Re-  
8       form Act of 1995 (D.C. Official Code, sec. 38–  
9       1804.03(b)(2)): *Provided further*, That of the  
10      amounts made available to District of Columbia pub-  
11      lic charter schools, \$25,000 shall be made available  
12      to the Office of the Chief Financial Officer as au-  
13      thorized by section 2403(b)(6) of the District of Co-  
14      lumbia School Reform Act of 1995 (D.C. Official  
15      Code, sec. 38–1804.03(b)(6)): *Provided further*, That  
16      \$660,000 of this amount shall be available to the  
17      District of Columbia Public Charter School Board  
18      for administrative costs: *Provided further*, That not-  
19      withstanding the amounts otherwise provided under  
20      this heading or any other provision of law, there  
21      shall be appropriated to the District of Columbia  
22      public charter schools on July 1, 2004, an amount  
23      equal to 25 percent of the total amount provided for  
24      payments to public charter schools in the proposed  
25      budget of the District of Columbia for fiscal year

1 2005 (as submitted to Congress), and the amount of  
2 such payment shall be chargeable against the final  
3 amount provided for such payments under the Dis-  
4 trict of Columbia Appropriations Act, 2005.

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

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

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

19 (6) COMMISSION ON THE ARTS AND HUMAN-  
20 ITIES.—\$2,476,000 (including \$1,601,000 from local  
21 funds, \$475,000 from Federal grant funds, and  
22 \$400,000 from other funds) shall be available for  
23 the Commission on the Arts and Humanities.

## 1 HUMAN SUPPORT SERVICES

2 (INCLUDING TRANSFER OF FUNDS)

3 Human support services, \$2,360,067,000 (including  
4 \$1,030,223,000 from local funds, \$1,247,945,000 from  
5 Federal grant funds, \$24,330,000 from other funds,  
6 \$9,330,000 from private funds, and \$48,239,000, to re-  
7 main available until expended, from the Medicaid and Spe-  
8 cial Education Reform Fund established pursuant to the  
9 Medicaid and Special Education Reform Fund Establish-  
10 ment Act of 2002 (D.C. Act 14–403)): *Provided*, That the  
11 funds available from the Medicaid and Special Education  
12 Reform Fund are allocated as follows: not more than  
13 \$18,744,000 for Child and Family Services, not more than  
14 \$7,795,000 for the Department of Human Services, and  
15 not more than \$21,700,000 for the Department of Mental  
16 Health: *Provided further*, That \$27,959,000 of this appro-  
17 priation, to remain available until expended, shall be avail-  
18 able solely for District of Columbia employees' disability  
19 compensation: *Provided further*, That \$7,500,000 of this  
20 appropriation, to remain available until expended, shall be  
21 deposited in the Addiction Recovery Fund, established  
22 pursuant to section 5 of the Choice in Drug Treatment  
23 Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec.  
24 7–3004) and used exclusively for the purpose of the Drug  
25 Treatment Choice Program established pursuant to sec-

1 tion 4 of the Choice in Drug Treatment Act of 2000 (D.C.  
2 Law 13–146; D.C. Official Code, sec. 7–3003): *Provided*  
3 *further*, That no less than \$2,000,000 of this appropria-  
4 tion shall be available exclusively for the purpose of fund-  
5 ing the pilot substance abuse program for youth ages 14  
6 through 21 years established pursuant to section 4212 of  
7 the Pilot Substance Abuse Program for Youth Act of 2001  
8 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): *Pro-*  
9 *vided further*, That \$4,500,000 of this appropriation, to  
10 remain available until expended, shall be deposited in the  
11 Interim Disability Assistance Fund established pursuant  
12 to section 201 of the District of Columbia Public Assist-  
13 ance Act of 1982 (D.C. Law 4–101; D.C. Official Code,  
14 sec. 4–202.01), to be used exclusively for the Interim Dis-  
15 ability Assistance program and the purposes for that pro-  
16 gram set forth in section 407 of the District of Columbia  
17 Public Assistance Act of 1982 (D.C. Law 13–252; D.C.  
18 Official Code, sec. 4–204.07): *Provided further*, That not  
19 less than \$640,531 of this appropriation shall be available  
20 exclusively for the purpose of funding the Burial Assist-  
21 ance Program established by section 1802 of the Burial  
22 Assistance Program Reestablishment Act of 1999 (D.C.  
23 Law 13–38; D.C. Official Code, sec. 4–1001).



## 1 PUBLIC WORKS

2 Public works, including rental of one passenger-car-  
3 rying vehicle for use by the Mayor and three passenger-  
4 carrying vehicles for use by the Council of the District of  
5 Columbia and leasing of passenger-carrying vehicles,  
6 \$327,046,000 (including \$308,028,000 from local funds,  
7 \$5,274,000 from Federal grant funds, and \$13,744,000  
8 from other funds): *Provided*, That this appropriation shall  
9 not be available for collecting ashes or miscellaneous  
10 refuse from hotels and places of business.

## 11 CASH RESERVE

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

## 17 EMERGENCY AND CONTINGENCY RESERVE FUNDS

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

## 1           REPAYMENT OF LOANS AND INTEREST

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

## 13          PAYMENT OF INTEREST ON SHORT-TERM BORROWING

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

## 16                   CERTIFICATES OF PARTICIPATION

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

## 21                   SETTLEMENTS AND JUDGMENTS

22          For making refunds and for the payment of legal set-  
23 tlements or judgments that have been entered against the  
24 District of Columbia government, \$22,522,000 from local  
25 funds: *Provided*, That this appropriation shall not be con-

1 strued as modifying or affecting the provisions of section  
2 103 of this Act.

3 WILSON BUILDING

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

6 WORKFORCE INVESTMENTS

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

11 NON-DEPARTMENTAL AGENCY

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

19 PAY-AS-YOU-GO CAPITAL

20 For Pay-As-You-Go Capital funds in lieu of capital  
21 financing, \$11,267,000 from local funds, to be transferred  
22 to the Capital Fund, subject to the Criteria for Spending  
23 Pay-as-You-Go Funding Amendment Act of 2003, ap-  
24 proved by the Council of the District of Columbia on 1st  
25 reading, May 6, 2003 (title 25 of Bill 15–218): *Provided*,

1 That pursuant to this Act, there are authorized to be  
2 transferred from Pay-As-You-Go Capital funds to other  
3 headings of this Act, such sums as may be necessary to  
4 carry out the purposes of this Act.

5 TAX INCREMENT FINANCING PROGRAM

6 For a Tax Increment Financing Program,  
7 \$1,940,000 from local funds.

8 MEDICAID DISALLOWANCE

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

16 EMERGENCY PLANNING AND SECURITY COSTS

17 From funds previously appropriated in this Act under  
18 the heading "Federal Payment for Emergency Planning  
19 and Security Costs in the District of Columbia",  
20 \$15,000,000.

21 FAMILY LITERACY

22 From funds previously appropriated in this Act under  
23 the heading "Federal Payment for the Family Literacy  
24 Program", \$2,000,000.

## 1 SCHOLARSHIP PROGRAM

2 From funds previously appropriated in this Act under  
3 the heading “Federal Payment for a District of Columbia  
4 Scholarship Program”, \$10,000,000.

## 5 ENTERPRISE AND OTHER FUNDS

## 6 WATER AND SEWER AUTHORITY

7 For operation of the Water and Sewer Authority,  
8 \$259,095,000 from other funds, of which \$18,692,000  
9 shall be apportioned for repayment of loans and interest  
10 incurred for capital improvement projects and payable to  
11 the District’s debt service fund.

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

## 1 WASHINGTON AQUEDUCT

2 For operation of the Washington Aqueduct,  
3 \$55,553,000 from other funds.

## 4 STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

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

## 7 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

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

## 21 SPORTS AND ENTERTAINMENT COMMISSION

22 For the Sports and Entertainment Commission,  
23 \$13,979,000 from local funds.

## 1 DISTRICT OF COLUMBIA RETIREMENT BOARD

2 For the District of Columbia Retirement Board, es-  
3 tablished pursuant to section 121 of the District of Colum-  
4 bia Retirement Reform Act of 1979 (D.C. Official Code,  
5 sec. 1-711), \$13,895,000 from the earnings of the appli-  
6 cable retirement funds to pay legal, management, invest-  
7 ment, and other fees and administrative expenses of the  
8 District of Columbia Retirement Board: *Provided*, That  
9 the District of Columbia Retirement Board shall provide  
10 to the Congress and to the Council of the District of Co-  
11 lumbia a quarterly report of the allocations of charges by  
12 fund and of expenditures of all funds: *Provided further*,  
13 That the District of Columbia Retirement Board shall pro-  
14 vide the Mayor, for transmittal to the Council of the Dis-  
15 trict of Columbia, an itemized accounting of the planned  
16 use of appropriated funds in time for each annual budget  
17 submission and the actual use of such funds in time for  
18 each annual audited financial report.

## 19 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

## 22 NATIONAL CAPITAL REVITALIZATION CORPORATION

23 For the National Capital Revitalization Corporation,  
24 \$7,849,000 from other funds.

## CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

1 For construction projects, an increase of  
2 \$1,004,796,000, of which \$601,708,000 shall be from  
3 local funds, \$46,014,000 from Highway Trust funds,  
4 \$38,311,000 from the Rights-of-way funds, \$218,880,000  
5 from Federal grant funds, and a rescission of \$99,884,000  
6 from local funds appropriated under this heading in prior  
7 fiscal years, for a net amount of \$904,913,000, to remain  
8 available until expended; in addition, \$8,000,000 from  
9 funds previously appropriated in this Act under the head-  
10 ing “Federal Payment for Capital Development in the Dis-  
11 trict of Columbia” and \$4,300,000 from funds previously  
12 appropriated in this Act under the heading “Federal Pay-  
13 ment for the Anacostia Waterfront Initiative”: *Provided*,  
14 That funds for use of each capital project implementing  
15 agency shall be managed and controlled in accordance  
16 with all procedures and limitations established under the  
17 Financial Management System: *Provided further*, That all  
18 funds provided by this appropriation title shall be available  
19 only for the specific projects and purposes intended.

## TITLE III—GENERAL PROVISIONS

22 SEC. 101. Whenever in this Act, an amount is speci-  
23 fied within an appropriation for a particular purposes or  
24 objects of expenditure, such amount, unless otherwise  
25



1 specified, shall be considered as the maximum amount  
2 that may be expended for said purpose or object rather  
3 than an amount set apart exclusively therefor.

4       SEC. 102. Appropriations in this act shall be available  
5 for expenses of travel and for the payment of dues of orga-  
6 nizations concerned with the work of the District of Co-  
7 lumbia government, when authorized by the Mayor: *Pro-*  
8 *vided*, That in the case of the Council of the District of  
9 Columbia, funds may be expended with the authorization  
10 of the Chairman of the Council.

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

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

23       SEC. 105. No funds appropriated in this Act for the  
24 District of Columbia government for the operation of edu-  
25 cational institutions, the compensation of personnel, or for

1 other educational purposes may be used to permit, encour-  
2 age, facilitate, or further partisan political activities.  
3 Nothing herein is intended to prohibit the availability of  
4 school buildings for the use of any community or partisan  
5 political group during non-school hours.

6       SEC. 106. None of the funds appropriated in this Act  
7 shall be made available to pay the salary of any employee  
8 of the District of Columbia government whose name, title,  
9 grade, and salary are not available for inspection by the  
10 Committees on Appropriations of the House of Represent-  
11 atives and Senate, the Committee on Government Reform  
12 of the House of Representatives, the Committee on Gov-  
13 ernmental Affairs of the Senate, and the Council of the  
14 District of Columbia, or their duly authorized representa-  
15 tive.

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

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

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

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

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

7           SEC. 108. (a) None of the funds provided under this  
8           Act to the agencies funded by this Act, both Federal and  
9           District government agencies, that remain available for  
10          obligation or expenditure in fiscal year 2004, or provided  
11          from any accounts in the Treasury of the United States  
12          derived by the collection of fees available to the agencies  
13          funded by this Act, shall be available for obligation or ex-  
14          penditures for an agency through a reprogramming of  
15          funds which—

16                (1) creates new programs;

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

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

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

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

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

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

8           unless the Committee on Appropriations of the House of  
9           Representatives and Senate are notified in writing 30 days  
10          in advance of the reprogramming.

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

20          SEC. 109. Consistent with the provisions of section  
21          1301(a) of title 31, United States Code, appropriations  
22          under this Act shall be applied only to the objects for  
23          which the appropriations were made except as otherwise  
24          provided by law.

1        SEC. 110. Notwithstanding any other provisions of  
2 law, the provisions of the District of Columbia Govern-  
3 ment Comprehensive Merit Personnel Act of 1978 (D.C.  
4 Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.),  
5 enacted pursuant to section 422(3) of the District of Co-  
6 lumbia Home Rule Act (D.C. Official Code, sec. 1-  
7 2041.22(3)), shall apply with respect to the compensation  
8 of District of Columbia employees: *Provided*, That for pay  
9 purposes, employees of the District of Columbia govern-  
10 ment shall not be subject to the provisions of title 5,  
11 United States Code.

12        SEC. 111. No later than 30 days after the end of the  
13 first quarter of fiscal year 2004, the Mayor of the District  
14 of Columbia shall submit to the Council of the District  
15 of Columbia and the Committees on Appropriations of the  
16 House of Representatives and Senate the new fiscal year  
17 2004 revenue estimates as of the end of such quarter.  
18 These estimates shall be used in the budget request for  
19 fiscal year 2005. The officially revised estimates at mid-  
20 year shall be used for the midyear report.

21        SEC. 112. No sole source contract with the District  
22 of Columbia government or any agency thereof may be re-  
23 newed or extended without opening that contract to the  
24 competitive bidding process as set forth in section 303 of  
25 the District of Columbia Procurement Practices Act of

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

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

23 (b) For purposes of the Balanced Budget and Emer-  
24 gency Deficit Control Act of 1985, the term “program,  
25 project, and activity” shall be synonymous with and refer

1 specifically to each account appropriating Federal funds  
2 in this Act, and any sequestration order shall be applied  
3 to each of the accounts rather than to the aggregate total  
4 of those accounts: *Provided*, That sequestration orders  
5 shall not be applied to any account that is specifically ex-  
6 empted from sequestration by the Balanced Budget and  
7 Emergency Deficit Control Act of 1985.

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

15       SEC. 115. None of the funds appropriated under this  
16 Act shall be expended for any abortion except where the  
17 life of the mother would be endangered if the fetus were  
18 carried to term or where the pregnancy is the result of  
19 an act of rape or incest.

20       SEC. 116. None of the Federal funds made available  
21 in this Act may be used to implement or enforce the  
22 Health Care Benefits Expansion Act of 1992 (D.C. Law  
23 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-  
24 erwise implement or enforce any system of registration of  
25 unmarried, cohabiting couples, including but not limited

1 to registration for the purpose of extending employment,  
2 health, or governmental benefits to such couples on the  
3 same basis that such benefits are extended to legally mar-  
4 ried couples.

5       SEC. 117. (a) Notwithstanding any other provision  
6 of this Act, the Mayor, in consultation with the Chief Fi-  
7 nancial Officer of the District of Columbia may accept,  
8 obligate, and expend Federal, private, and other grants  
9 received by the District government that are not reflected  
10 in the amounts appropriated in this Act.

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

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

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

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

23           (A) no written notice of disapproval is filed with  
24 the Secretary of the Council within 14 calendar days



1 of the receipt of the report from the Chief Financial  
2 Officer under paragraph (1)(A); or

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

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

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

23 SEC. 118. (a) Except as otherwise provided in this  
24 section, none of the funds made available by this Act or  
25 by any other Act may be used to provide any officer or

1 employee of the District of Columbia with an official vehi-  
2 cle unless the officer or employee uses the vehicle only in  
3 the performance of the officer's or employee's official du-  
4 ties. For purposes of this paragraph, the term "official  
5 duties" does not include travel between the officer's or em-  
6 ployee's residence and workplace, except in the case of—

7           (1) an officer or employee of the Metropolitan  
8 Police Department who resides in the District of Co-  
9 lumbia or is otherwise designated by the Chief of the  
10 Department;

11           (2) at the discretion of the Fire Chief, an offi-  
12 cer or employee of the District of Columbia Fire and  
13 Emergency Medical Services Department who re-  
14 sides in the District of Columbia and is on call 24  
15 hours a day;

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

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

19       (b) The Chief Financial Officer of the District of Co-  
20 lumbia shall submit by March 1, 2004, an inventory, as  
21 of September 30, 2003, of all vehicles owned, leased or  
22 operated by the District of Columbia government. The in-  
23 ventory shall include, but not be limited to, the depart-  
24 ment to which the vehicle is assigned; the year and make  
25 of the vehicle; the acquisition date and cost; the general

1 condition of the vehicle; annual operating and mainte-  
2 nance costs; current mileage; and whether the vehicle is  
3 allowed to be taken home by a District officer or employee  
4 and if so, the officer or employee's title and resident loca-  
5 tion.

6 SEC. 119. None of the funds contained in this Act  
7 may be used for purposes of the annual independent audit  
8 of the District of Columbia government for fiscal year  
9 2004 unless—

10 (1) the audit is conducted by the Inspector  
11 General of the District of Columbia, in coordination  
12 with the Chief Financial Officer of the District of  
13 Columbia, pursuant to section 208(a)(4) of the Dis-  
14 trict of Columbia Procurement Practices Act of  
15 1985 (D.C. Official Code, sec. 2-302.8); and

16 (2) the audit includes as a basic financial state-  
17 ment a comparison of audited actual year-end re-  
18 sults with the revenues submitted in the budget doc-  
19 ument for such year and the appropriations enacted  
20 into law for such year using the format, terminology,  
21 and classifications contained in the law making the  
22 appropriations for the year and its legislative his-  
23 tory.

24 SEC. 120. (a) None of the funds contained in this  
25 Act may be used by the District of Columbia Corporation

1 Counsel or any other officer or entity of the District gov-  
2 ernment to provide assistance for any petition drive or civil  
3 action which seeks to require Congress to provide for vot-  
4 ing representation in Congress for the District of Colum-  
5 bia.

6 (b) Nothing in this section bars the District of Co-  
7 lumbia Corporation Counsel from reviewing or com-  
8 menting on briefs in private lawsuits, or from consulting  
9 with officials of the District government regarding such  
10 lawsuits.

11 SEC. 121. (a) None of the funds contained in this  
12 Act may be used for any program of distributing sterile  
13 needles or syringes for the hypodermic injection of any ille-  
14 gal drug.

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

20 SEC. 122. None of the funds contained in this Act  
21 may be used after the expiration of the 60-day period that  
22 begins on the date of the enactment of this Act to pay  
23 the salary of any chief financial officer of any office of  
24 the District of Columbia government (including any inde-  
25 pendent agency of the District of Columbia) who has not

1 filed a certification with the Mayor and the Chief Finan-  
2 cial Officer of the District of Columbia that the officer  
3 understands the duties and restrictions applicable to the  
4 officer and the officer's agency as a result of this Act (and  
5 the amendments made by this Act), including any duty  
6 to prepare a report requested either in the Act or in any  
7 of the reports accompanying the Act and the deadline by  
8 which each report must be submitted. The Chief Financial  
9 Officer of the District of Columbia shall provide to the  
10 Committees on Appropriations of the House of Represent-  
11 atives and Senate by the 10th day after the end of each  
12 quarter a summary list showing each report, the due date,  
13 and the date submitted to the Committees.

14       SEC. 123. (a) None of the funds contained in this  
15 Act may be used to enact or carry out any law, rule, or  
16 regulation to legalize or otherwise reduce penalties associ-  
17 ated with the possession, use, or distribution of any sched-  
18 ule I substance under the Controlled Substances Act (21  
19 U.S.C. 802) or any tetrahydrocannabinols derivative.

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

24       SEC. 124. Nothing in this Act may be construed to  
25 prevent the Council or Mayor of the District of Columbia

1 from addressing the issue of the provision of contraceptive  
2 coverage by health insurance plans, but it is the intent  
3 of Congress that any legislation enacted on such issue  
4 should include a “conscience clause” which provides excep-  
5 tions for religious beliefs and moral convictions.

6       SEC. 125. The Mayor of the District of Columbia  
7 shall submit to the Committees on Appropriations of the  
8 House of Representatives and Senate, the Committee on  
9 Government Reform of the House of Representatives, and  
10 the Committee on Governmental Affairs of the Senate  
11 quarterly reports addressing—

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

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

21           (3) management of parolees and pre-trial vio-  
22           lent offenders, including the number of halfway  
23           houses escapes and steps taken to improve moni-  
24           toring and supervision of halfway house residents to  
25           reduce the number of escapes to be provided in con-

1       sultation with the Court Services and Offender Su-  
2       pervision Agency for the District of Columbia;

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

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

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

16          (7) indicators of child well-being.

17       SEC. 126. No later than 30 calendar days after the  
18       date of the enactment of this Act, the Chief Financial Offi-  
19       cer of the District of Columbia shall submit to the appro-  
20       priate committees of Congress, the Mayor, and the Council  
21       of the District of Columbia a revised appropriated funds  
22       operating budget in the format of the budget that the Dis-  
23       trict of Columbia government submitted pursuant to sec-  
24       tion 442 of the District of Columbia Home Rule Act (D.C.  
25       Official Code, sec. 1-204.42), for all agencies of the Dis-

1 triet of Columbia government for fiscal year 2003 that is  
2 in the total amount of the approved appropriation and  
3 that realigns all budgeted data for personal services and  
4 other-than-personal-services, respectively, with anticipated  
5 actual expenditures.

6       SEC. 127. None of the funds contained in this Act  
7 may be used to issue, administer, or enforce any order  
8 by the District of Columbia Commission on Human Rights  
9 relating to docket numbers 93–030–(PA) and 93–031–  
10 (PA).

11       SEC. 128. None of the Federal funds made available  
12 in this Act may be transferred to any department, agency,  
13 or instrumentality of the United States Government, ex-  
14 cept pursuant to a transfer made by, or transfer authority  
15 provided in, this Act or any other appropriation Act.

16       SEC. 129. During fiscal year 2004 and any subse-  
17 quent fiscal year, in addition to any other authority to pay  
18 claims and judgments, any department, agency, or instru-  
19 mentality of the District government may use local funds  
20 to pay the settlement or judgment of a claim or lawsuit  
21 in an amount less than \$10,000, in accordance with the  
22 Risk Management for Settlements and Judgments  
23 Amendment Act of 2000 (D.C. Law 13–172; D.C. Official  
24 Code, sec. 2–402).



1        SEC. 130. Notwithstanding any other law, the Dis-  
2 trict of Columbia Courts shall transfer to the general  
3 treasury of the District of Columbia all fines levied and  
4 collected by the Courts under section 10(b)(1) and (2) of  
5 the District of Columbia Traffic Act (D.C. Official Code,  
6 sec. 50–2201.05(b)(1) and (2)). The transferred funds  
7 shall remain available until expended and shall be used  
8 by the Office of the Corporation Counsel for enforcement  
9 and prosecution of District traffic alcohol laws in accord-  
10 ance with section 10(b)(3) of the District of Columbia  
11 Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

12        SEC. 131. During fiscal year 2004 and any subse-  
13 quent fiscal year, any agency of the District government  
14 may transfer to the Office of Labor Relations and Collec-  
15 tive Bargaining (OLRCB) such local funds as may be nec-  
16 essary to pay for representation by OLRCB in third-party  
17 cases, grievances, and dispute resolution, pursuant to an  
18 intra-District agreement with OLRCB. These amounts  
19 shall be available for use by OLRCB to reimburse the cost  
20 of providing the representation.

21        SEC. 132. (a) None of the funds contained in this  
22 Act may be made available to pay—

23            (1) the fees of an attorney who represents a  
24 party in an action or an attorney who defends an ac-  
25 tion, including an administrative proceeding, brought

1 against the District of Columbia Public Schools  
2 under the Individuals with Disabilities Education  
3 Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for  
4 that action; or

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

11 (b)(1) The District of Columbia Public Schools shall  
12 increase the amount of local funds it allocates for services  
13 to children under the Individuals With Disabilities Edu-  
14 cation Act during fiscal year 2004 by the amount of sav-  
15 ings resulting during the year from the restrictions on the  
16 payment of attorney fees under subsection (a), as esti-  
17 mated and published by the Chief Financial Officer.

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

22 SEC. 133. The Chief Financial Officer of the District  
23 of Columbia shall require attorneys in special education  
24 cases brought under the Individuals with Disabilities Act  
25 (IDEA) in the District of Columbia to certify in writing

1 that the attorney or representative rendered any and all  
2 services for which they receive awards, including those re-  
3 ceived under a settlement agreement or as part of an ad-  
4 ministrative proceeding, under the IDEA from the District  
5 of Columbia: *Provided*, That as part of the certification,  
6 the Chief Financial Officer of the District of Columbia  
7 shall require all attorneys in IDEA cases to disclose any  
8 financial, corporate, legal, memberships on boards of di-  
9 rectors, or other relationships with any special education  
10 diagnostic services, schools, or other special education  
11 service providers to which the attorneys have referred any  
12 clients as part of this certification: *Provided further*, That  
13 the Chief Financial Officer shall prepare and submit quar-  
14 terly reports to the Committees on Appropriations of the  
15 Senate and the House of Representatives on the certifi-  
16 cation of and the amount paid by the government of the  
17 District of Columbia, including the District of Columbia  
18 Public Schools, to attorneys in cases brought under IDEA:  
19 *Provided further*, That the Inspector General of the Dis-  
20 trict of Columbia may conduct investigations to determine  
21 the accuracy of the certifications.

22       SEC. 134. None of the funds contained in this Act  
23 may be used to fund or otherwise support the action of  
24 District of Columbia, et al., v. Beretta U.S.A. et al. (Nos.

1 03–CV–24, 03–CV–38, District of Columbia Court of Ap-  
2 peals).

3           **TITLE IV—DC PARENTAL**  
4                           **CHOICE**

5 **SEC. 401. SHORT TITLE.**

6           This title may be cited as the “DC Parental Choice  
7 Incentive Act of 2003”.

8 **SEC. 402. FINDINGS.**

9           The Congress finds the following:

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

14           (2) For many parents in the District of Colum-  
15           bia, public school choice provided for under the No  
16           Child Left Behind Act of 2001 is inadequate due to  
17           capacity constraints within the public schools.  
18           Therefore, in keeping with the spirit of the No Child  
19           Left Behind Act of 2001, school choice options, in  
20           addition to those already available to parents in the  
21           District of Columbia (such as magnet and charter  
22           schools and open enrollment schools) should be made  
23           available to those parents.

24           (3) In the most recent mathematics assessment  
25           on the National Assessment of Educational Progress

1 (NAEP), administered in 2000, a lower percentage  
2 of 4th-grade students in DC demonstrated pro-  
3 ficiency than was the case for any State. Seventy-six  
4 percent of DC fourth-graders scored at the “below  
5 basic” level and of the 8th-grade students in the  
6 District of Columbia, only 6 percent of the students  
7 tested at the proficient or advanced levels, and 77  
8 percent were below basic. In the most recent NAEP  
9 reading assessment, in 1998, only 10 percent of DC  
10 fourth-graders could read proficiently, while 72 per-  
11 cent were below basic. At the 8th-grade level, 12  
12 percent were proficient or advanced and 56 percent  
13 were below basic.

14 (4) A program enacted for the valid secular  
15 purpose of providing educational assistance to low-  
16 income children in a demonstrably failing public  
17 school system is constitutional under *Zelman v. Sim-*  
18 *mons-Harris* if it is neutral with respect to religion  
19 and provides assistance to a broad class of citizens  
20 who direct government aid to schools solely as a re-  
21 sult of their independent private choices.

22 **SEC. 403. PURPOSE.**

23 The purpose of this title is to provide low-income par-  
24 ents residing in the District of Columbia, particularly par-  
25 ents of students who attend elementary or secondary

1 schools identified for improvement, corrective action, or  
2 restructuring under section 1116 of the Elementary and  
3 Secondary Education Act of 1965 (20 U.S.C. 6316), with  
4 expanded opportunities for enrolling their children in high-  
5 er-performing schools in the District of Columbia.

6 **SEC. 404. GENERAL AUTHORITY.**

7 (a) **AUTHORITY.**—From funds appropriated to carry  
8 out this title, the Secretary shall award grants on a com-  
9 petitive basis to eligible entities with approved applications  
10 under section 405 to carry out activities to provide eligible  
11 students with expanded school choice opportunities. The  
12 Secretary may award a single grant or multiple grants,  
13 depending on the quality of applications submitted and the  
14 priorities of this title.

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

18 **SEC. 405. APPLICATIONS.**

19 (a) **IN GENERAL.**—In order to receive a grant under  
20 this title, an eligible entity shall submit an application to  
21 the Secretary at such time, in such manner, and accom-  
22 panied by such information as the Secretary may require.

23 (b) **CONTENTS.**—The Secretary may not approve the  
24 request of an eligible entity for a grant under this title  
25 unless the entity’s application includes—

1 (1) a detailed description of—

2 (A) how the entity will address the prior-  
3 ities described in section 406;

4 (B) how the entity will ensure that if more  
5 eligible students seek admission in the program  
6 than the program can accommodate, eligible  
7 students are selected for admission through a  
8 random selection process which gives weight to  
9 the priorities described in section 406;

10 (C) how the entity will ensure that if more  
11 participating eligible students seek admission to  
12 a participating school than the school can ac-  
13 commodate, participating eligible students are  
14 selected for admission through a random selec-  
15 tion process;

16 (D) how the entity will notify parents of el-  
17 igible students of the expanded choice opportu-  
18 nities;

19 (E) the activities that the entity will carry  
20 out to provide parents of eligible students with  
21 expanded choice opportunities through the  
22 awarding of scholarships under section 407(a);

23 (F) how the entity will determine the  
24 amount that will be provided to parents for the

1 tuition, fees, and transportation expenses, if  
2 any;

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

10 (H) how the entity will ensure that partici-  
11 pating schools are financially responsible;

12 (I) how the entity will address the renewal  
13 of scholarships to participating eligible stu-  
14 dents, including continued eligibility; and

15 (J) how the entity will ensure that a ma-  
16 jority of its voting board members or governing  
17 organization are residents of the District of Co-  
18 lumbia; and

19 (2) an assurance that the entity will comply  
20 with all requests regarding any evaluation carried  
21 out under section 409.

22 **SEC. 406. PRIORITIES.**

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



1           (1) give priority to eligible students who, in the  
2 school year preceding the school year for which the  
3 eligible student is seeking a scholarship, attended an  
4 elementary or secondary school identified for im-  
5 provement, corrective action, or restructuring under  
6 section 1116 of the Elementary and Secondary Edu-  
7 cation Act of 1965 (20 U.S.C. 6316);

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

11           (3) provide students and families with the  
12 widest range of educational options; and

13           (4) serve students of varying ages and grade  
14 levels.

15 **SEC. 407. USE OF FUNDS.**

16 (a) SCHOLARSHIPS.—

17           (1) IN GENERAL.—Subject to paragraph (2)  
18 and (3), a grantee shall use the grant funds to pro-  
19 vide eligible students with scholarships to pay the  
20 tuition, fees, and transportation expenses, if any, to  
21 enable them to attend the District of Columbia pri-  
22 vate elementary or secondary school of their choice.  
23 Each grantee shall ensure that the amount of any  
24 tuition or fees charged by a school participating in  
25 the grantee’s program under this title to an eligible

1 student participating in the program does not exceed  
2 the amount of tuition or fees that the school custom-  
3 arily charges to students who do not participate in  
4 the program.

5 (2) PAYMENTS TO PARENTS.—A grantee shall  
6 make scholarship payments under the program  
7 under this title to the parent of the eligible student  
8 participating in the program, in a manner which en-  
9 sures that such payments will be used for the pay-  
10 ment of tuition, fees, and transportation expenses (if  
11 any), in accordance with this title.

12 (3) AMOUNT OF ASSISTANCE.—

13 (A) VARYING AMOUNTS PERMITTED.—Sub-  
14 ject to the other requirements of this section, a  
15 grantee may award scholarships in larger  
16 amounts to those eligible students with the  
17 greatest need.

18 (B) ANNUAL LIMIT ON AMOUNT.—The  
19 amount of assistance provided to any eligible  
20 student by a grantee under a program under  
21 this title may not exceed \$7,500 for any aca-  
22 demic year.

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

1 rying out its program under this title during the year,  
2 including—

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

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

8           (3) selecting students to receive scholarships;

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

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

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

16 **SEC. 408. NONDISCRIMINATION.**

17       (a) **IN GENERAL.**—A school participating in any pro-  
18       gram under this title shall not discriminate on the basis  
19       of race, color, national origin, or sex in participating in  
20       the program.

21       (b) **APPLICABILITY AND CONSTRUCTION WITH RE-**  
22       **SPECT TO DISCRIMINATION ON THE BASIS OF SEX.**—

23           (1) **APPLICABILITY.**—Notwithstanding sub-  
24       section (a) or any other provision of law, it shall not  
25       be considered discrimination on the basis of sex for

1 a school that is operated by, supervised by, con-  
2 trolled by, or connected to a religious organization to  
3 take sex into account to the extent that failing to do  
4 so would be inconsistent with the religious tenets or  
5 beliefs of the school.

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

10 (3) CONSTRUCTION.—With respect to discrimi-  
11 nation on the basis of sex, nothing in subsection (a)  
12 shall be construed to require any person or public or  
13 private entity to provide or pay, or to prohibit any  
14 such person or entity from providing or paying, for  
15 any benefit or service, including the use of facilities,  
16 related to an abortion. Nothing in the preceding sen-  
17 tence shall be construed to permit a penalty to be  
18 imposed on any person or individual because such  
19 person or individual is seeking or has received any  
20 benefit or services related to a legal abortion.

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

24 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

1           (1) IN GENERAL.—Notwithstanding any other  
2           provision of law, a school participating in any pro-  
3           gram under this title which is operated by, super-  
4           vised by, controlled by, or connected to, a religious  
5           organization may employ persons of the same reli-  
6           gion to the extent determined by that school to pro-  
7           mote the religious purpose for which the school is es-  
8           tablished or maintained.

9           (2) RELIGIOUS PURPOSES.—Notwithstanding  
10          any other provision of law, funds made available  
11          under this title may be used for religious educational  
12          purposes, and no participating school shall be re-  
13          quired to remove religious art, icons, scriptures, or  
14          other symbols. A participating school may retain re-  
15          ligious terms in its name, select its board members  
16          on a religious basis, and include religious references  
17          in its mission statements and other chartering or  
18          governing documents.

19          (e) RULE OF CONSTRUCTION.—A scholarship (or any  
20          other form of support provided to parents of eligible stu-  
21          dents) under this title shall be considered assistance to  
22          the student and shall not be considered assistance to the  
23          school that enrolls the eligible student. The amount of any  
24          scholarship (or other form of support provided to parents  
25          of an eligible student) under this title shall not be treated

1 as income of the parents for purposes of Federal tax laws  
2 or for determining eligibility for any other Federal pro-  
3 gram.

4 **SEC. 409. EVALUATIONS.**

5 (a) IN GENERAL.—

6 (1) DUTIES OF SECRETARY.—The Secretary  
7 shall—

8 (A) conduct an evaluation using the  
9 strongest possible research design for deter-  
10 mining the effectiveness of the programs funded  
11 under this title that addresses the issues de-  
12 scribed in paragraph (2); and

13 (B) disseminate information on the impact  
14 of the programs in increasing the student aca-  
15 demic achievement of participating students, as  
16 well as other appropriate measures of student  
17 success, and on the impact of the programs on  
18 students and schools in the District of Colum-  
19 bia.

20 (2) ISSUES TO BE EVALUATED.—The issues de-  
21 scribed in this paragraph include the following:

22 (A) A comparison of the academic achieve-  
23 ment of students who participate in the pro-  
24 grams funded under this title with the academic

1 achievement of students of similar backgrounds  
2 who do not participate in such programs.

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

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

7 (D) A comparison of the retention rates,  
8 dropout rates, and (if appropriate) graduation  
9 and college admission rates of students who  
10 participate in the programs funded under this  
11 title with the retention rates, dropout rates, and  
12 (if appropriate) graduation and college admis-  
13 sion rates of students of similar backgrounds  
14 who do not participate in such programs.

15 (E) The impact of the program on stu-  
16 dents and public elementary and secondary  
17 schools in the District of Columbia.

18 (F) A comparison of the safety of the  
19 schools attended by students who participate in  
20 the programs and the schools attended by stu-  
21 dents who do not participate in the programs.

22 (G) Such other issues as the Secretary  
23 considers appropriate for inclusion in the eval-  
24 uation.

1 (b) REPORTS.—The Secretary shall submit to the  
2 Committees on Appropriations, Education and the Work-  
3 force, and Government Reform of the House of Represent-  
4 atives and the Committees on Appropriations, Health,  
5 Education, Labor, and Pensions, and Governmental Af-  
6 fairs of the Senate—

7 (1) annual interim reports not later than De-  
8 cember 1 of each year for which a grant is made  
9 under this title on the progress and preliminary re-  
10 sults of the evaluation of the programs funded under  
11 this title; and

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

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

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



1 **SEC. 410. REPORTING REQUIREMENTS.**

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

7 (b) **ACHIEVEMENT REPORTS.**—

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

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

18 (B) the graduation and college admission  
19 rates of students who participate in the pro-  
20 gram, where appropriate; and

21 (C) parental satisfaction with the program.

22 (2) **PROHIBITING DISCLOSURE OF PERSONAL**  
23 **INFORMATION.**—No report under this subsection  
24 may contain any personally identifiable information.

25 (c) **REPORTS TO PARENT.**—

1           (1) IN GENERAL.—Each grantee shall ensure  
2           that each school participating in the grantee’s pro-  
3           gram under this title during a year reports at least  
4           once during the year to the parents of each of the  
5           school’s students who are participating in the pro-  
6           gram on—

7                   (A) the student’s academic achievement, as  
8                   measured by a comparison with the aggregate  
9                   academic achievement of other participating  
10                  students at the student’s school in the same  
11                  grade or level, as appropriate, and the aggre-  
12                  gate academic achievement of the student’s  
13                  peers at the student’s school in the same grade  
14                  or level, as appropriate; and

15                  (B) the safety of the school, including the  
16                  incidence of school violence, student suspen-  
17                  sions, and student expulsions.

18           (2) PROHIBITING DISCLOSURE OF PERSONAL  
19           INFORMATION.—No report under this subsection  
20           may contain any personally identifiable information,  
21           except as to the student who is the subject of the  
22           report to that student’s parent.

23           (d) REPORT TO CONGRESS.—The Secretary shall  
24           submit to the Committees on Appropriations, Education  
25           and the Workforce, and Government Reform of the House

1 of Representatives and the Committees on Appropriations,  
2 Health, Education, Labor, and Pensions, and Govern-  
3 mental Affairs of the Senate an annual report on the find-  
4 ings of the reports submitted under subsections (a) and  
5 (b).

6 **SEC. 411. OTHER REQUIREMENTS FOR PARTICIPATING**  
7 **SCHOOLS.**

8 (a) **ADMISSION OF ELIGIBLE STUDENTS.**—Each  
9 school choosing to participate in a program funded under  
10 this title shall accept any participating eligible student on  
11 a religious-neutral basis, except that if the school has more  
12 participating eligible students seeking admission than it  
13 can accommodate, the school shall accept participating eli-  
14 gible students through a religious-neutral, random selec-  
15 tion process, consistent with section 405(b)(1)(C).

16 (b) **REQUESTS FOR DATA AND INFORMATION.**—Each  
17 school participating in a program funded under this title  
18 shall comply with all requests for data and information  
19 regarding evaluations conducted under section 409(a).

20 (c) **RULES OF CONDUCT AND OTHER SCHOOL POLI-**  
21 **CIES.**—Subject to section 408, a participating school may  
22 require eligible students to abide by any rules of conduct  
23 and other requirements applicable to all other students at  
24 the school.

1 **SEC. 412. DEFINITIONS.**

2 As used in this title:

3 (1) **ELEMENTARY SCHOOL.**—The term “elemen-  
4 tary school” has the meaning given that term in sec-  
5 tion 9101 of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 7801).

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

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

11 (B) A nonprofit organization.

12 (C) A consortium of nonprofit organiza-  
13 tions.

14 (3) **ELIGIBLE STUDENT.**—The term “eligible  
15 student” means a student who is a resident of the  
16 District of Columbia and who comes from a house-  
17 hold whose income does not exceed 185 percent of  
18 the poverty line applicable to a family of the size in-  
19 volved.

20 (4) **PARENT.**—The term “parent” has the  
21 meaning given that term in section 9101 of the Ele-  
22 mentary and Secondary Education Act of 1965 (20  
23 U.S.C. 7801).

24 (5) **POVERTY LINE.**—The term “poverty line”  
25 has the meaning given that term in section 9101 of

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

3 (6) SECONDARY SCHOOL.—The term “sec-  
4 ondary school” has the meaning given that term in  
5 section 9101 of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 7801).

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

9 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to carry out  
11 this title \$10,000,000 for fiscal year 2004 and such sums  
12 as may be necessary for each of the 4 succeeding fiscal  
13 years.

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

Passed the House of Representatives September 9,  
2003.

Attest:

*Clerk.*



108TH CONGRESS  
1ST SESSION

# H. R. 2765

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## AN ACT

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