

Calendar No. 272

108TH CONGRESS
1ST SESSION

S. 1583

[Report No. 108–142]

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 4, 2003

Mr. DEWINE, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

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

1 year ending September 30, 2004, and for other purposes,
2 namely:

3 TITLE I—FEDERAL FUNDS

4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

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

1 shall be under the control of the District of Columbia
 2 Chief Financial Officer who shall use those funds solely
 3 for the purposes of carrying out the Resident Tuition Sup-
 4 port Program: *Provided further*, That the Resident Tuition
 5 Support Program Office and the Office of the Chief Fi-
 6 nancial Officer shall provide a quarterly financial report
 7 to the Committees on Appropriations of the House of Rep-
 8 resentatives and Senate for these funds showing, by object
 9 class, the expenditures made and the purpose therefor:
 10 *Provided further*, That not more than 7 percent of the
 11 total amount appropriated for this program may be used
 12 for administrative expenses.

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

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

4 FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM
5 PREPAREDNESS IN THE DISTRICT OF COLUMBIA

14 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
15 COURTS

1 improvements for District of Columbia courthouse facilities:
2 *Provided*, That funds made available for capital improve-
3 ments shall be expended consistent with the General Serv-
4 ices Administration master plan study and building eval-
5 uation report: *Provided further*, That notwithstanding any
6 other provision of law, all amounts under this heading
7 shall be apportioned quarterly by the Office of Manage-
8 ment and Budget and obligated and expended in the same
9 manner as funds appropriated for salaries and expenses
10 of other Federal agencies, with payroll and financial serv-
11 ices to be provided on a contractual basis with the General
12 Services Administration (GSA), said services to include
13 the preparation of monthly financial reports, copies of
14 which shall be submitted directly by GSA to the President
15 and to the Committees on Appropriations of the House
16 of Representatives and Senate, the Committee on Govern-
17 ment Reform of the House of Representatives, and the
18 Committee on Governmental Affairs of the Senate: *Pro-*
19 *vided further*, That funds made available for capital im-
20 provements may remain available until September 30,
21 2005: *Provided further*, That 30 days after providing writ-
22 ten notice to the Committees on Appropriations of the
23 House of Representatives and Senate, the District of Co-
24 lumbia Courts may reallocate not more than \$1,000,000

1 of the funds provided under this heading among the items
 2 and entities funded under such heading.

3 DEFENDER SERVICES IN DISTRICT OF COLUMBIA

4 COURTS

5 For payments authorized under section 11–2604 and
 6 section 11–2605, D.C. Official Code (relating to represen-
 7 tation provided under the District of Columbia Criminal
 8 Justice Act), payments for counsel appointed in adoption
 9 proceedings under Chapter 3 of title 16, D.C. Code, pay-
 10 ments for counsel appointed in proceedings in the Family
 11 Court of the Superior Court of the District of Columbia
 12 under chapter 23 of title 16, D.C. Official Code or pursu-
 13 ant to a contract with a non-profit organization to provide
 14 guardian ad litem representation, training, technical as-
 15 sistance and such other services as are necessary to im-
 16 prove the quality of guardian ad litem representation, and
 17 payments for counsel authorized under section 21–2060,
 18 D.C. Official Code (relating to representation provided
 19 under the District of Columbia Guardianship, Protective
 20 Proceedings, and Durable Power of Attorney Act of 1986),
 21 \$32,000,000, to remain available until expended: *Pro-*
 22 *vided*, That funds provided under this heading shall be ad-
 23 ministered by the Joint Committee on Judicial Adminis-
 24 tration in the District of Columbia: *Provided further*, That
 25 notwithstanding any other provision of law, this appro-

1 priation shall be apportioned quarterly by the Office of
2 Management and Budget and obligated and expended in
3 the same manner as funds appropriated for expenses of
4 other Federal agencies, with payroll and financial services
5 to be provided on a contractual basis with the General
6 Services Administration (GSA), said services to include
7 the preparation of monthly financial reports, copies of
8 which shall be submitted directly by GSA to the President
9 and to the Committees on Appropriations of the House
10 of Representatives and Senate, the Committee on Govern-
11 ment Reform of the House of Representatives, and the
12 Committee on Governmental Affairs of the Senate.

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

16 (INCLUDING TRANSFER OF FUNDS)

17 For salaries and expenses, including the transfer and
18 hire of motor vehicles, of the Court Services and Offender
19 Supervision Agency for the District of Columbia, and the
20 Public Defender Service for the District of Columbia as
21 authorized by the National Capital Revitalization and Self-
22 Government Improvement Act of 1997, \$173,396,000, of
23 which not to exceed \$25,000 is for dues and assessments
24 relating to the implementation of the Court Services and
25 Offender Supervision Agency Interstate Supervision Act

1 of 2002, of which not to exceed \$2,000 is for official recep-
2 tions and representation expenses related to Community
3 and Pretrial Services Agency Programs; of which
4 \$110,775,000 shall be for necessary expenses of Commu-
5 nity Supervision and Sex Offender Registration, to include
6 expenses relating to the supervision of adults subject to
7 protection orders or the provision of services for or related
8 to such persons; of which \$25,210,000 shall be transferred
9 to the Public Defender Service for the District of Colum-
10 bia to include expenses relating to the provision of legal
11 representation and including related services provided to
12 the local courts and Criminal Justice Act bar; and of
13 which \$37,411,000 shall be available to the Pretrial Serv-
14 ices Agency: *Provided*, That notwithstanding any other
15 provision of law, all amounts under this heading shall be
16 apportioned quarterly by the Office of Management and
17 Budget and obligated and expended in the same manner
18 as funds appropriated for salaries and expenses of other
19 Federal agencies: *Provided further*, That notwithstanding
20 chapter 33 of title 40, United States Code, the Director
21 shall acquire by purchase, lease, condemnation, or dona-
22 tion, and renovate as necessary, Building Number 17,
23 1900 Massachusetts Avenue, Southeast, Washington, Dis-
24 trict of Columbia to house or supervise offenders and de-
25 fendants, with funds made available for this purpose in

1 Public Law 107–96: *Provided further*, That the Director
2 is authorized to accept and use gifts in the form of in-
3 kind contributions of space and hospitality to support of-
4 fender and defendant programs, and equipment and voca-
5 tional training services to educate and train offenders and
6 defendants: *Provided further*, That the Director shall keep
7 accurate and detailed records of the acceptance and use
8 of any gift or donation under the previous proviso, and
9 shall make such records available for audit and public in-
10 spection: *Provided further*, That the Director is authorized
11 to accept appropriation reimbursements from the District
12 of Columbia Government for space and services provided
13 on a cost reimbursable basis: *Provided further*, That these
14 reimbursements are subject to approved apportionments
15 from the Office of Management and Budget.

16 FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER
17 OF THE DISTRICT OF COLUMBIA

18 For a Federal payment to the Chief Financial Officer
19 of the District of Columbia, \$20,000,000: *Provided*, That
20 these funds shall be available for the projects and in the
21 amounts specified in the statement of the managers on
22 the conference report accompanying this Act: *Provided*
23 *further*, That each entity that receives funding under this
24 heading shall submit to the Committees on Appropriations
25 of the House of Representatives and Senate a report due

1 March 15, 2004, on the activities carried out with such
2 funds.

3 FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

4 For a Federal payment to the District of Columbia
5 Department of Transportation, \$3,500,000, of which
6 \$500,000 shall be allocated to implement a downtown
7 circulator transit system, and of which \$3,000,000 shall
8 be to offset a portion of the District of Columbia's allo-
9 cated operating subsidy payment to the Washington Met-
10 ropolitan Area Transit Authority.

11 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

12 WATER AND SEWER AUTHORITY

13 For a Federal payment to the District of Columbia
14 Water and Sewer Authority, \$25,000,000, to remain avail-
15 able until expended, to continue implementing the Com-
16 bined Sewer Overflow Long-Term Control Plan: *Provided,*
17 That the District of Columbia Water and Sewer Authority
18 provides a 100 percent match for the fiscal year 2004
19 Federal contribution.

20 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT

21 INITIATIVE IN THE DISTRICT OF COLUMBIA

22 For a Federal payment to the District of Columbia
23 Department of Transportation, for implementation of the
24 Anacostia Waterfront Initiative, \$6,000,000, to remain
25 available until expended.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
2 FOR CAPITAL DEVELOPMENT

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

6 FEDERAL PAYMENT TO CHILDREN'S NATIONAL
7 MEDICAL CENTER

8 For a Federal payment to Children's National Med-
9 ical Center, \$10,000,000, for construction costs associated
10 with the expansion of a neo-natal care unit, pediatric in-
11 tensive care unit, and cardiac intensive care unit.

12 FEDERAL PAYMENT TO ST. COLETTA OF GREATER
13 WASHINGTON EXPANSION PROJECT

14 For a Federal payment to St. Coletta of Greater
15 Washington, Inc., \$2,000,000, for costs associated with
16 establishment of a day program and comprehensive case
17 management services for mentally retarded and multiple-
18 handicapped adolescents and adults in the District of Co-
19 lumbia, including property acquisition and construction.

20 FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS
21 IN THE DISTRICT OF COLUMBIA

22 For a Federal payment to the District of Columbia
23 for foster care improvements, \$14,000,000: *Provided,*
24 That \$9,000,000 shall be for the Child and Family Serv-
25 ices Agency, of which \$2,000,000 shall be to establish an

1 early intervention unit to provide intensive and immediate
2 services for foster children; of which \$1,000,000 shall be
3 to establish an emergency support fund to purchase items
4 necessary to allow children to remain in the care of an
5 approved family member; of which \$3,000,000 shall be for
6 a loan repayment program for social workers who meet
7 certain agency-established requirements; of which
8 \$3,000,000 shall be to upgrade the agency's computer
9 database to a web-based technology and to provide com-
10 puter technology for social workers: *Provided further*, That
11 \$3,900,000 shall be for the Department of Mental Health
12 to provide all court-ordered mental health assessments and
13 treatments for children under the supervision of the Child
14 and Family Services Agency: *Provided further*, That the
15 Director of the Department of Mental Health shall ensure
16 that court-ordered mental health assessments are com-
17 pleted within 15 days of the court order and that all as-
18 sessments be provided to the Court within 5 days of com-
19 pletion of the assessment: *Provided further*, That the Di-
20 rector shall initiate court-ordered mental health services
21 within 10 days of the issuance of an order: *Provided fur-*
22 *ther*, That \$1,100,000 shall be for the Washington Metro-
23 politan Council of Governments to develop a program to
24 provide respite care for and recruitment of foster parents:
25 *Provided further*, That the Mayor shall submit a detailed

1 expenditure plan for the use of funds provided under this
 2 heading within 15 days of enactment of this legislation
 3 to the Committees on Appropriations of the House of Rep-
 4 resentatives and Senate: *Provided further*, That the funds
 5 provided under this heading shall not be made available
 6 until 30 calendar days after the submission to Congress
 7 of a spending plan: *Provided further*, That no part of this
 8 appropriation may be used for contractual community-
 9 based services: *Provided further*, That the Comptroller
 10 General shall prepare and submit to the Committees on
 11 Appropriations of the House and Senate an accounting of
 12 all obligations and expenditures of the funds provided
 13 under this heading: *Provided further*, That the Comptroller
 14 General shall initiate management reviews of the Child
 15 and Family Services Agency and the Department of Men-
 16 tal Health and submit a report to the Committees on Ap-
 17 propriations of the House and Senate no later than 6
 18 months after enactment of this Act.

19 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

20 For a Federal payment for a School Improvement
 21 Program in the District of Columbia, \$40,000,000, to be
 22 allocated as follows: for the State Education Office,
 23 \$13,000,000 to improve public school education in the
 24 District of Columbia; for the State Education Office,
 25 \$13,000,000 to expand quality charter schools in the Dis-

1 trict of Columbia; for the Secretary of the Department of
 2 Education, \$13,000,000 to administer opportunity schol-
 3 arships for students in the District of Columbia in accord-
 4 ance with title II of this Act: *Provided further*, That
 5 \$1,000,000 shall be for administrative expenses necessary
 6 for carrying out title II of this Act: *Provided*, That the
 7 State Education Office shall submit a plan for the use of
 8 funds provided under this heading for public school edu-
 9 cation to the Committees on Appropriations of the House
 10 of Representatives and Senate within 30 days of enact-
 11 ment of this Act: *Provided further*, That the funds pro-
 12 vided under this heading for public school education shall
 13 not be made available until 30 calendar days after the sub-
 14 mission of a spending plan by the State Education Office
 15 to the Committees on Appropriations of the House of Rep-
 16 resentatives and Senate.

17 **TITLE II—DC STUDENT OPPORTUNITY**
 18 **SCHOLARSHIP ACT OF 2003**

19 **SECTION 1. SHORT TITLE.**

20 This Act may be cited as the “DC Student Oppor-
 21 tunity Scholarship Act of 2003”.

22 **SEC. 2. FINDINGS.**

23 The Congress finds the following:

24 (1) Parents are best equipped to make decisions
 25 for their children, including the educational setting

1 that will best serve the interests and educational
2 needs of their child.

3 (2) For many parents in the District of Colum-
4 bia, available educational alternatives to the public
5 schools are inadequate, and more educational op-
6 tions are needed. In particular, funds are needed to
7 assist low-income parents to exercise choice among
8 enhanced public opportunities and private edu-
9 cational environments, whether religious or nonreli-
10 gious.

11 (3) In the most recent mathematics assessment
12 on the National Assessment of Educational Progress
13 (NAEP), administered in 2000, a lower percentage
14 of 4th-grade students in the District of Columbia
15 demonstrated proficiency than was the case for any
16 State. Seventy-six percent of the District of Colum-
17 bia fourth-graders scored at the “below basic” level
18 and of the 8th-grade students in the District of Co-
19 lumbia, only 6 percent of the students tested at the
20 proficient or advanced levels, and 77 percent were
21 below basic. In the most recent NAEP reading as-
22 sessment, in 1998, only 10 percent of the District of
23 Columbia fourth-graders could read proficiently,
24 while 72 percent were below basic. At the 8th-grade

1 level, 12 percent were proficient or advanced and 56
2 percent were below basic.

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

12 (5) The Mayor of the District of Columbia and
13 the President of the District of Columbia Board of
14 Education support this Act.

15 (6) This Act provides additional money for the
16 District of Columbia public schools and therefore
17 money for vouchers is not being taken out of money
18 that would otherwise go to the District of Columbia
19 public schools.

20 (7) This Act creates a 5-year pilot program tai-
21 lored to the current needs and particular cir-
22 cumstances of low-income children in District of Co-
23 lumbia schools. This Act does not establish param-
24 eters or requirements for other school choice pro-
25 grams.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to provide low-income par-
3 ents residing in the District of Columbia, particularly par-
4 ents of students who attend elementary schools or sec-
5 ondary schools identified for improvement, corrective ac-
6 tion, or restructuring under section 1116 of the Elemen-
7 tary and Secondary Education Act of 1965 (20 U.S.C.
8 6316), with expanded opportunities for enrolling their
9 children in higher-performing schools in the District of
10 Columbia.

11 **SEC. 4. GENERAL AUTHORITY.**

12 (a) **AUTHORITY.**—From funds appropriated to carry
13 out this Act, the Secretary shall award grants on a com-
14 petitive basis to eligible entities with approved applications
15 under section 5 to carry out activities to provide eligible
16 students with expanded school choice opportunities. The
17 Secretary may award a single grant or multiple grants,
18 depending on the quality of applications submitted and the
19 priorities of this Act.

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

23 (c) **MEMORANDUM OF UNDERSTANDING.**—The Sec-
24 retary and the Mayor of the District of Columbia shall
25 enter into a memorandum of understanding regarding the
26 design of, selection of eligible entities to receive grants

1 under, and implementation of, a program assisted under
2 this Act.

3 **SEC. 5. APPLICATIONS.**

4 (a) IN GENERAL.—In order to receive a grant under
5 this Act, an eligible entity shall submit an application to
6 the Secretary at such time, in such manner, and accom-
7 panied by such information as the Secretary may require.

8 (b) CONTENTS.—The Secretary may not approve the
9 request of an eligible entity for a grant under this Act
10 unless the entity’s application includes—

11 (1) a detailed description of—

12 (A) how the entity will address the prior-
13 ities described in section 6;

14 (B) how the entity will ensure that if more
15 eligible students seek admission in the program
16 than the program can accommodate, eligible
17 students are selected for admission through a
18 random selection process which gives weight to
19 the priorities described in section 6;

20 (C) how the entity will ensure that if more
21 participating eligible students seek admission to
22 a participating school than the school can ac-
23 commodate, participating eligible students are
24 selected for admission through a random selec-
25 tion process;

1 (D) how the entity will notify parents of el-
2 igible students of the expanded choice opportu-
3 nities and how the entity will ensure that par-
4 ents receive sufficient information about their
5 options to allow the parents to make informed
6 decisions;

7 (E) the activities that the entity will carry
8 out to provide parents of eligible students with
9 expanded choice opportunities through the
10 awarding of scholarships under section 7(a);

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

15 (G) how the entity will seek out private el-
16 elementary schools and secondary schools in the
17 District of Columbia to participate in the pro-
18 gram, and will ensure that participating schools
19 will meet the applicable requirements of this
20 Act (including those related to the admission of
21 participating eligible students) and provide the
22 information needed for the entity to meet the
23 reporting requirements of this Act;

24 (H) how the entity will ensure that partici-
25 pating schools are financially responsible and

1 will use the funds received under this title effec-
2 tively;

3 (I) how the entity will address the renewal
4 of scholarships to participating eligible stu-
5 dents, including continued eligibility; and

6 (J) how the entity will ensure that a ma-
7 jority of its voting board members or governing
8 organization are residents of the District of Co-
9 lumbia; and

10 (2) an assurance that the entity will comply
11 with all requests regarding any evaluation carried
12 out under section 9.

13 **SEC. 6. PRIORITIES.**

14 In awarding grants under this Act, the Secretary
15 shall give priority to applications from eligible entities who
16 will most effectively—

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

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

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

6 **SEC. 7. USE OF FUNDS.**

7 (a) SCHOLARSHIPS.—

8 (1) IN GENERAL.—Subject to paragraphs (2)
9 and (3), a grantee shall use the grant funds to pro-
10 vide eligible students with scholarships to pay the
11 tuition, fees, and transportation expenses, if any, to
12 enable them to attend the District of Columbia pri-
13 vate elementary school or secondary school of their
14 choice. Each grantee shall ensure that the amount
15 of any tuition or fees charged by a school partici-
16 pating in the grantee’s program under this Act to an
17 eligible student participating in the program does
18 not exceed the amount of tuition or fees that the
19 school customarily charges to students who do not
20 participate in the program.

21 (2) PAYMENTS TO PARENTS.—A grantee shall
22 make scholarship payments under the program
23 under this Act to the parent of the eligible student
24 participating in the program, in a manner which en-
25 sures that such payments will be used for the pay-

1 ment of tuition, fees, and transportation expenses (if
2 any), in accordance with this Act.

3 (3) AMOUNT OF ASSISTANCE.—

4 (A) VARYING AMOUNTS PERMITTED.—Sub-
5 ject to the other requirements of this section, a
6 grantee may award scholarships in larger
7 amounts to those eligible students with the
8 greatest need.

9 (B) ANNUAL LIMIT ON AMOUNT.—The
10 amount of assistance provided to any eligible
11 student by a grantee under a program under
12 this Act may not exceed \$7,500 for any aca-
13 demic year.

14 (4) CONTINUATION OF SCHOLARSHIPS.—Not-
15 withstanding section 12(3)(B), an eligible entity re-
16 ceiving a grant under this Act may award a scholar-
17 ship, for the second or any succeeding year of an eli-
18 gible student's participation in a program under this
19 Act, to a student who comes from a household whose
20 income does not exceed 200 percent of the poverty
21 line.

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

1 rying out its program under this Act during the year, in-
2 cluding—

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 the scholarships 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. 8. NONDISCRIMINATION.**

17 (a) IN GENERAL.—An eligible entity or a school par-
18 ticipating in any program under this Act shall not dis-
19 criminate against program participants or applicants on
20 the basis of race, color, national origin, religion, or sex.

21 (b) APPLICABILITY AND SINGLE SEX SCHOOLS,
22 CLASSES, OR ACTIVITIES.—

23 (1) APPLICABILITY.—Notwithstanding any
24 other provision of law, the prohibition of sex dis-
25 crimination in subsection (a) shall not apply to a

1 participating school that is operated by, supervised
2 by, controlled by, or connected to a religious organi-
3 zation to the extent that the application of sub-
4 section (a) is inconsistent with the religious tenets of
5 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 (c) CHILDREN WITH DISABILITIES.—Nothing in this
11 Act may be construed to alter or modify the provisions
12 of the Individuals with Disabilities Education Act.

13 (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, a school participating in any pro-
16 gram under this Act that is operated by, supervised
17 by, controlled by, or connected to, a religious organi-
18 zation may exercise its discretion in matters of em-
19 ployment consistent with title VII of the Civil Rights
20 Act of 1964 (42 U.S.C. 2000e–1 et seq.), including
21 the exemptions in such title.

22 (2) MAINTENANCE OF PURPOSE.—Notwith-
23 standing any other provision of law, funds made
24 available under this Act to eligible students that are
25 received by a participating school, as a result of

1 their parents' choice, shall not, consistent with the
2 first amendment of the United States Constitution,
3 necessitate any change in the participating school's
4 teaching mission, require any participating school to
5 remove religious art, icons, scriptures, or other sym-
6 bols, or preclude any participating school from re-
7 taining religious terms in its name, selecting its
8 board members on a religious basis, or including re-
9 ligious references in its mission statements and
10 other chartering or governing documents.

11 (e) RULE OF CONSTRUCTION.—A scholarship (or any
12 other form of support provided to parents of eligible stu-
13 dents) under this Act shall be considered assistance to the
14 student and shall not be considered assistance to the
15 school that enrolls the eligible student. The amount of any
16 scholarship (or other form of support provided to parents
17 of an eligible student) under this Act shall not be treated
18 as income of the parents for purposes of Federal tax laws
19 or for determining eligibility for any other Federal pro-
20 gram.

21 **SEC. 9. EVALUATIONS.**

22 (a) IN GENERAL.—

23 (1) DUTIES OF SECRETARY.—The Secretary,
24 directly or by grant, contract, or cooperative agree-
25 ment, shall—

1 (A) conduct an evaluation using the
2 strongest possible research design for deter-
3 mining the effectiveness of the programs funded
4 under this Act that addresses the issues de-
5 scribed in paragraph (2); and

6 (B) disseminate information on the impact
7 of the programs in increasing the student aca-
8 demic achievement of participating students, as
9 well as other appropriate measures of student
10 success, and on the impact of the programs on
11 students and schools in the District of Colum-
12 bia.

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

15 (A) A comparison of the academic achieve-
16 ment of students who participate in the pro-
17 grams funded under this Act with the academic
18 achievement of students of similar backgrounds
19 who do not participate in such programs, in-
20 cluding a consideration of school factors that
21 may contribute to any differences in their aca-
22 demic achievement.

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

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

3 (D) A comparison of the retention rates,
4 dropout rates, and (if appropriate) graduation
5 and college admission rates of students who
6 participate in the programs funded under this
7 Act with the retention rates, dropout rates, and
8 (if appropriate) graduation and college admis-
9 sion rates of students of similar backgrounds
10 who do not participate in such programs.

11 (E) The impact of the program on stu-
12 dents and public elementary schools and sec-
13 ondary schools in the District of Columbia.

14 (F) A comparison of the safety of the
15 schools attended by students who participate in
16 the programs and the schools attended by stu-
17 dents who do not participate in the programs.

18 (G) Such other issues as the Secretary
19 considers appropriate for inclusion in the eval-
20 uation.

21 (b) REPORTS.—The Secretary shall submit to the
22 Committees on Appropriations, Education and the Work-
23 force, and Government Reform of the House of Represent-
24 atives and the Committees on Appropriations, Health,

1 Education, Labor, and Pensions, and Governmental Af-
2 fairs of the Senate—

3 (1) annual interim reports not later than De-
4 cember 1 of each year for which a grant is made
5 under this Act on the progress and preliminary re-
6 sults of the evaluation of the programs funded under
7 this Act; and

8 (2) a final report not later than 1 year after the
9 final year for which a grant is made under this Act
10 on the results of the evaluation of the programs
11 funded under this Act.

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

18 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-
19 pended by the Secretary to carry out this section for any
20 fiscal year may not exceed 3 percent of the total amount
21 appropriated to carry out this Act for the year.

22 **SEC. 10. REPORTING REQUIREMENTS.**

23 (a) ACTIVITIES REPORTS.—Each grantee receiving
24 funds under this Act during a year shall submit a report
25 to the Secretary not later than July 30 of the following

1 year regarding the activities carried out with the funds
2 during the preceding year.

3 (b) ACHIEVEMENT REPORTS.—

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

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

14 (B) the graduation and college admission
15 rates of students who participate in the pro-
16 gram, where appropriate; and

17 (C) parental satisfaction with the program.

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

21 (c) REPORTS TO PARENT.—

22 (1) IN GENERAL.—Each grantee shall ensure
23 that each school participating in the grantee's pro-
24 gram under this Act during a year reports at least
25 once during the year to the parents of each of the

1 school's students who are participating in the pro-
2 gram on—

3 (A) the student's academic achievement, as
4 measured by a comparison with the aggregate
5 academic achievement of other participating
6 students at the student's school in the same
7 grade or level, as appropriate, and the aggre-
8 gate academic achievement of the student's
9 peers at the student's school in the same grade
10 or level, as appropriate; and

11 (B) the safety of the school, including the
12 incidence of school violence, student suspen-
13 sions, and student expulsions.

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

19 (d) REPORT TO CONGRESS.—The Secretary shall
20 submit to the Committees on Appropriations, Education
21 and the Workforce, and Government Reform of the House
22 of Representatives and the Committees on Appropriations,
23 Health, Education, Labor, and Pensions, and Govern-
24 mental Affairs of the Senate an annual report on the find-

1 ings of the reports submitted under subsections (a) and
2 (b).

3 **SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING**
4 **SCHOOLS.**

5 (a) REQUESTS FOR DATA AND INFORMATION.—Each
6 school participating in a program funded under this Act
7 shall comply with all requests for data and information
8 regarding evaluations conducted under section 9(a).

9 (b) RULES OF CONDUCT AND OTHER SCHOOL POLI-
10 CIES.—A participating school may require eligible stu-
11 dents to abide by any rules of conduct and other require-
12 ments applicable to all other students at the school.

13 (c) ASSESSMENTS.—Each participating school
14 shall—

15 (1) ensure that participating eligible students
16 receive comparable academic assessments in the
17 same grade levels as those provided to District of
18 Columbia public school students, and ensure, to the
19 maximum extent possible, that the assessment re-
20 sults are capable of being compared to determine the
21 relative achievement levels between participating eli-
22 gible students and District of Columbia public school
23 students in the same grades; and

24 (2) ensure academic assessment results con-
25 taining any personally identifiable information shall

1 be disclosed only to the parents of the student tak-
2 ing the assessment.

3 **SEC. 12. DEFINITIONS.**

4 As used in this Act:

5 (1) **ELEMENTARY SCHOOL.**—The term “elemen-
6 tary school” means an institutional day or residen-
7 tial school, including a public elementary charter
8 school, that provides elementary education, as deter-
9 mined under District of Columbia law.

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

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

14 (B) A nonprofit organization.

15 (C) A consortium of nonprofit organiza-
16 tions.

17 (3) **ELIGIBLE STUDENT.**—The term “eligible
18 student” means a student who—

19 (A) is a resident of the District of Colum-
20 bia; and

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

23 (4) **PARENT.**—The term “parent” has the
24 meaning given that term in section 9101 of the Ele-

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

3 (5) POVERTY LINE.—The term “poverty line”
4 has the meaning given that term in section 9101 of
5 the Elementary and Secondary Education Act of
6 1965 (20 U.S.C. 7801).

7 (6) SECONDARY SCHOOL.—The term “sec-
8 ondary school” means an institutional day or resi-
9 dential school, including a public secondary charter
10 school, as determined under District of Columbia
11 law, except that the term does not include any edu-
12 cation beyond grade 12.

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

15 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to carry out
17 this Act such sums as may be necessary.

18 **TITLE III—DISTRICT OF COLUMBIA FUNDS**

19 **OPERATING EXPENSES**

20 **DIVISION OF EXPENSES**

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

1 450A of the District of Columbia Home Rule Act and pro-
2 visions of this Act (D.C. Official Code, sec. 1–204.50a),
3 the total amount appropriated in this Act for operating
4 expenses for the District of Columbia for fiscal year 2004
5 under this heading shall not exceed the lesser of the sum
6 of the total revenues of the District of Columbia for such
7 fiscal year or \$6,326,138,000 (of which \$3,832,734,000
8 shall be from local funds (of which \$96,248,000 shall be
9 funds identified in the fiscal year 2002 comprehensive an-
10 nual financial report as the District of Columbia’s fund
11 balance funds), \$1,568,734,000 shall be from Federal
12 grant funds, \$13,766,000 shall be from private funds,
13 \$910,904,000 shall be from other funds) and
14 \$109,500,000 from funds previously appropriated in this
15 Act as Federal payments: *Provided further*, That an
16 amount of \$263,759,000 shall be for Intra-District funds:
17 *Provided further*, That this amount may be increased by
18 proceeds of one-time transactions, which are expended for
19 emergency or unanticipated operating or capital needs:
20 *Provided further*, That such increases shall be approved
21 by enactment of local District law and shall comply with
22 all reserve requirements contained in the District of Co-
23 lumbia Home Rule Act: *Provided further*, That the Chief
24 Financial Officer of the District of Columbia shall take
25 such steps as are necessary to assure that the District of

1 Columbia meets these requirements, including the appor-
 2 tioning by the Chief Financial Officer of the appropria-
 3 tions and funds made available to the District during fis-
 4 cal year 2004, except that the Chief Financial Officer may
 5 not reprogram for operating expenses any funds derived
 6 from bonds, notes, or other obligations issued for capital
 7 projects.

8 GOVERNMENTAL DIRECTION AND SUPPORT

9 Governmental direction and support, \$284,415,000
 10 (including \$206,825,000 from local funds, \$57,440,000
 11 from Federal funds, and \$20,150,000 from other funds),
 12 in addition, \$20,000,000 from funds previously appro-
 13 priated in this Act under the heading “Federal Payment
 14 to the Chief Financial Officer of the District of Colum-
 15 bia”, and \$1,100,000 from funds previously appropriated
 16 in this Act under the heading “Federal Payment for Fos-
 17 ter Care Improvement in the District of Columbia”: *Pro-*
 18 *vided*, That not to exceed \$2,500 for the Mayor, \$2,500
 19 for the Chairman of the Council of the District of Colum-
 20 bia, \$2,500 for the City Administrator, and \$2,500 for
 21 the Office of the Chief Financial Officer shall be available
 22 from this appropriation for official purposes: *Provided fur-*
 23 *ther*, That any program fees collected from the issuance
 24 of debt shall be available for the payment of expenses of
 25 the debt management program of the District of Colum-

1 bia: *Provided further*, That no revenues from Federal
2 sources shall be used to support the operations or activi-
3 ties of the Statehood Commission and Statehood Compact
4 Commission: *Provided further*, That the District of Colum-
5 bia shall identify the sources of funding for Admission to
6 Statehood from its own locally generated revenues: *Pro-*
7 *vided further*, That notwithstanding any other provision of
8 law, or Mayor's Order 86-45, issued March 18, 1986, the
9 Office of the Chief Technology Officer's delegated small
10 purchase authority shall be \$500,000: *Provided further*,
11 That the District of Columbia government may not require
12 the Office of the Chief Technology Officer to submit to
13 any other procurement review process, or to obtain the ap-
14 proval of or be restricted in any manner by any official
15 or employee of the District of Columbia government, for
16 purchases that do not exceed \$500,000: *Provided further*,
17 That an amount not to exceed \$25,000 of the funds in
18 the Antifraud Fund established pursuant to section 820
19 of the District of Columbia Procurement Practices Act of
20 1985, effective May 8, 1998 (D.C. Law 12-104; D.C. Offi-
21 cial Code, sec. 2-308.20), is hereby made available, to re-
22 main available until expended, for the use of the Office
23 of the Corporation Counsel of the District of Columbia
24 in accordance with the laws establishing this fund.

1 ECONOMIC DEVELOPMENT AND REGULATION

2 Economic development and regulation, \$276,647,000
3 (including \$53,336,000 from local funds, \$91,077,000
4 from Federal funds, \$125,000 from private funds, and
5 \$132,109,000 from other funds), of which \$15,000,000
6 collected by the District of Columbia in the form of BID
7 tax revenue shall be paid to the respective BIDs pursuant
8 to the Business Improvement Districts Act of 1996 (D.C.
9 Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.),
10 and the Business Improvement Districts Amendment Act
11 of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–
12 1215.15 et seq.): *Provided*, That such funds are available
13 for acquiring services provided by the General Services
14 Administration: *Provided further*, That Business Improve-
15 ment Districts shall be exempt from taxes levied by the
16 District of Columbia.

17 PUBLIC SAFETY AND JUSTICE

18 Public safety and justice, \$745,958,000 (including
19 \$716,715,000 from local funds, \$10,290,000 from Federal
20 funds, \$9,000 from private funds, and \$18,944,000 from
21 other funds): *Provided*, That not to exceed \$500,000 shall
22 be available from this appropriation for the Chief of Police
23 for the prevention and detection of crime: *Provided further*,
24 That the Mayor shall reimburse the District of Columbia
25 National Guard for expenses incurred in connection with

1 services that are performed in emergencies by the National
 2 Guard in a militia status and are requested by the Mayor,
 3 in amounts that shall be jointly determined and certified
 4 as due and payable for these services by the Mayor and
 5 the Commanding General of the District of Columbia Na-
 6 tional Guard: *Provided further*, That such sums as may
 7 be necessary for reimbursement to the District of Colum-
 8 bia National Guard under the preceding proviso shall be
 9 available from this appropriation, and the availability of
 10 the sums shall be deemed as constituting payment in ad-
 11 vance for emergency services involved.

12 PUBLIC EDUCATION SYSTEM

13 (INCLUDING TRANSFERS OF FUNDS)

14 Public education system, including the development
 15 of national defense education programs, \$1,157,841,000
 16 (including \$962,941,000 from local funds, \$156,708,000
 17 from Federal grant funds, \$4,302,000 from private funds,
 18 and not to exceed \$6,816,000, to remain available until
 19 expended, from the Medicaid and Special Education Re-
 20 form Fund), in addition, \$17,000,000 from funds pre-
 21 viously appropriated in this Act under the heading “Fed-
 22 eral Payment for Resident Tuition Support” and
 23 \$26,000,000 from funds previously appropriated in this
 24 Act under the heading “Federal Payment for School Im-

1 provement in the District of Columbia”, to be allocated
 2 as follows:

3 (1) DISTRICT OF COLUMBIA PUBLIC
 4 SCHOOLS.—\$870,135,000 (including \$738,444,000
 5 from local funds, \$114,749,000 from Federal funds,
 6 \$3,599,000 from private funds, and \$6,527,000
 7 from other funds shall be available for District of
 8 Columbia Public Schools: *Provided*, That notwith-
 9 standing any other provision of law, rule, or regula-
 10 tion, the evaluation process and instruments for
 11 evaluating District of Columbia Public School em-
 12 ployees shall be a non-negotiable item for collective
 13 bargaining purposes: *Provided further*, That this ap-
 14 propriation shall not be available to subsidize the
 15 education of any nonresident of the District of Co-
 16 lumbia at any District of Columbia public elemen-
 17 tary or secondary school during fiscal year 2004, un-
 18 less the nonresident pays tuition to the District of
 19 Columbia at a rate that covers 100 percent of the
 20 costs incurred by the District of Columbia that are
 21 attributable to the education of the nonresident (as
 22 established by the Superintendent of the District of
 23 Columbia Public Schools): *Provided further*, That
 24 notwithstanding the amounts otherwise provided
 25 under this heading or any other provision of law,

1 there shall be appropriated to the District of Colum-
2 bia Public Schools on July 1, 2004, an amount
3 equal to 10 percent of the total amount provided for
4 the District of Columbia Public Schools in the pro-
5 posed budget of the District of Columbia for fiscal
6 year 2005 (as submitted to Congress), and the
7 amount of such payment shall be chargeable against
8 the final amount provided for the District of Colum-
9 bia Public Schools under the District of Columbia
10 Appropriations Act, 2005: *Provided further*, That
11 not to exceed \$2,500 for the Superintendent of
12 Schools shall be available from this appropriation for
13 official purposes: *Provided further*, That the District
14 of Columbia Public Schools shall submit to the
15 Board of Education by January 1 and July 1 of
16 each year a Schedule A showing all the current
17 funded positions of the District of Columbia Public
18 Schools, their compensation levels, and indicating
19 whether the positions are encumbered: *Provided fur-*
20 *ther*, That the Board of Education shall approve or
21 disapprove each Schedule A within 30 days of its
22 submission and provide the Council of the District
23 of Columbia a copy of the Schedule A upon its ap-
24 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 and \$26,000,000 from funds previously appropriated
8 in this Act under the heading “Federal Payment for
9 School Improvement in the District of Columbia”
10 shall be available for the State Education Office:
11 *Provided*, That of the amounts provided to the State
12 Education Office, \$500,000 from local funds shall
13 remain available until June 30, 2005 for an audit of
14 the student enrollment of each District of Columbia
15 Public School and of each District of Columbia pub-
16 lic charter school.

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

1 lic charter school currently in operation through the
 2 per pupil funding formula, the funds shall be avail-
 3 able as follows: (1) the first \$3,000,000 shall be de-
 4 posited in the Credit Enhancement Revolving Fund
 5 established pursuant to section 603(e) of the Stu-
 6 dent Loan Marketing Association Reorganization
 7 Act of 1996, approved September 20, 1996 (Public
 8 Law 104–208; 110 Stat. 3009; 20 U.S.C. 1155(e));
 9 and (2) the balance shall be for public education in
 10 accordance with section 2403(b)(2) of the District of
 11 Columbia School Reform Act of 1995, approved No-
 12 vember 19, 1997 (Public Law 105–100, section 172;
 13 D.C. Official Code, section 38–1804.03(b)(2)): *Pro-*
 14 *vided further*, That of the amounts made available to
 15 District of Columbia public charter schools, \$25,000
 16 shall be made available to the Office of the Chief Fi-
 17 nancial Officer as authorized by section 2403(b)(6)
 18 of the District of Columbia School Reform Act of
 19 1995 (D.C. Official Code, sec. 38–1804.03(b)(6)):
 20 *Provided further*, That \$660,000 of this amount
 21 shall be available to the District of Columbia Public
 22 Charter School Board for administrative costs: *Pro-*
 23 *vided further*, That notwithstanding the amounts
 24 otherwise provided under this heading or any other
 25 provision of law, there shall be appropriated to the

1 District of Columbia public charter schools on July
 2 1, 2004, an amount equal to 25 percent of the total
 3 amount provided for payments to public charter
 4 schools in the proposed budget of the District of Co-
 5 lumbia for fiscal year 2005 (as submitted to Con-
 6 gress), and the amount of such payment shall be
 7 chargeable against the final amount provided for
 8 such payments under the District of Columbia Ap-
 9 propriations Act, 2005.

10 (4) UNIVERSITY OF THE DISTRICT OF COLUM-
 11 BIA.—\$80,660,000 (including \$48,656,000 from
 12 local funds, \$11,867,000 from Federal funds,
 13 \$703,000 from private funds, and \$19,434,000 from
 14 other funds) shall be available for the University of
 15 the District of Columbia: *Provided*, That this appro-
 16 priation shall not be available to subsidize the edu-
 17 cation of nonresidents of the District of Columbia at
 18 the University of the District of Columbia, unless
 19 the Board of Trustees of the University of the Dis-
 20 trict of Columbia adopts, for the fiscal year ending
 21 September 30, 2004, a tuition rate schedule that will
 22 establish the tuition rate for nonresident students at
 23 a level no lower than the nonresident tuition rate
 24 charged at comparable public institutions of higher
 25 education in the metropolitan area: *Provided further*,

1 That notwithstanding the amounts otherwise pro-
2 vided under this heading or any other provision of
3 law, there shall be appropriated to the University of
4 the District of Columbia on July 1, 2004, an
5 amount equal to 10 percent of the total amount pro-
6 vided for the University of the District of Columbia
7 in the proposed budget of the District of Columbia
8 for fiscal year 2005 (as submitted to Congress), and
9 the amount of such payment shall be chargeable
10 against the final amount provided for the University
11 of the District of Columbia under the District of Co-
12 lumbia Appropriations Act, 2005: *Provided further*,
13 That not to exceed \$2,500 for the President of the
14 University of the District of Columbia shall be avail-
15 able from this appropriation for official purposes.

16 (5) DISTRICT OF COLUMBIA PUBLIC LIBRAR-
17 IES.—\$28,287,000 (including \$26,750,000 from
18 local funds, \$1,000,000 from Federal funds, and
19 \$537,000 from other funds) shall be available for
20 the District of Columbia Public Libraries: *Provided*,
21 That not to exceed \$2,000 for the Public Librarian
22 shall be available from this appropriation for official
23 purposes.

24 (6) COMMISSION ON THE ARTS AND HUMAN-
25 ITIES.—\$2,476,000 (including \$1,601,000 from local

1 funds, \$475,000 from Federal funds, and \$400,000
 2 from other funds) shall be available for the Commis-
 3 sion on the Arts and Humanities.

4 HUMAN SUPPORT SERVICES

5 (INCLUDING TRANSFER OF FUNDS)

6 Human support services, \$2,360,067,000 (including
 7 \$1,030,223,000 from local funds, \$1,247,945,000 from
 8 Federal funds, \$9,330,000 from private funds, and
 9 \$24,330,000 from other funds, of which \$48,239,000, to
 10 remain available until expended, shall be available for de-
 11 posit in the Medicaid and Special Education Reform Fund
 12 established pursuant to the Medicaid and Special Edu-
 13 cation Reform Fund Establishment Act of 2002, effective
 14 October 1, 2002 (D.C. Law 14–190; D.C. Official Code
 15 4–204.51 et seq.)), in addition, \$12,900,000 from funds
 16 previously appropriated in this Act under the heading
 17 “Federal Payment to Foster Care Improvement in the
 18 District of Columbia”: *Provided*, That the funds deposited
 19 in the Medicaid and Special Education Reform Fund are
 20 allocated as follows: no more than \$6,816,000 for District
 21 of Columbia Public Schools, no more than \$18,744,000
 22 for Child and Family Services, no more than \$7,795,000
 23 for the Department of Human Services, and no more than
 24 \$21,700,000 for the Department of Mental Health: *Pro-*
 25 *vided further*, That \$27,959,000 of this appropriation, to

1 remain available until expended, shall be available solely
2 for District of Columbia employees' disability compensa-
3 tion: *Provided further*, That \$7,500,000 of this appropria-
4 tion, to remain available until expended, shall be deposited
5 in the Addiction Recovery Fund, established pursuant to
6 section 5 of the Choice in Drug Treatment Act of 2000
7 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004) and
8 used exclusively for the purpose of the Drug Treatment
9 Choice Program established pursuant to section 4 of the
10 Choice in Drug Treatment Act of 2000 (D.C. Law 13–
11 146; D.C. Official Code, sec. 7–3003): *Provided further*,
12 That no less than \$2,000,000 of this appropriation shall
13 be available exclusively for the purpose of funding the pilot
14 substance abuse program for youth ages 14 through 21
15 years established pursuant to section 4212 of the Pilot
16 Substance Abuse Program for Youth Act of 2001 (D.C.
17 Law 14–28; D.C. Official Code, sec. 7–3101): *Provided*
18 *further*, That \$4,500,000 of this appropriation, to remain
19 available until expended, shall be deposited in the Interim
20 Disability Assistance Fund established pursuant to section
21 201 of the District of Columbia Public Assistance Act of
22 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–
23 202.01), to be used exclusively for the Interim Disability
24 Assistance program and the purposes for that program set
25 forth in section 407 of the District of Columbia Public

1 Assistance Act of 1982 (D.C. Law 13–252; D.C. Official
 2 Code, sec. 4–204.07): *Provided further*, That no less than
 3 \$640,531 of this appropriation shall be available exclu-
 4 sively for the purpose of funding the Burial Assistance
 5 Program established by section 1802 of the Burial Assist-
 6 ance Program Reestablishment Act of 1999, effective Oc-
 7 tober 20, 1999 (D.C. Law 13–38; D.C. Official Code, sec-
 8 tion 4–1001).

9 PUBLIC WORKS

10 Public works, including rental of one passenger-car-
 11 rying vehicle for use by the Mayor and three passenger-
 12 carrying vehicles for use by the Council of the District of
 13 Columbia and leasing of passenger-carrying vehicles,
 14 \$327,046,000 (including \$308,028,000 from local funds,
 15 \$5,274,000 from Federal funds, and \$13,744,000 from
 16 other funds): *Provided*, That this appropriation shall not
 17 be available for collecting ashes or miscellaneous refuse
 18 from hotels and places of business.

19 EMERGENCY AND CONTINGENCY RESERVE FUNDS

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

1 That this appropriation shall not be construed as modi-
 2 fying or affecting the provisions of section 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) to be
 16 transferred by the Mayor of the District of Columbia with-
 17 in the various appropriation headings in this Act: *Pro-*
 18 *vided*, That \$5,000,000 in local funds shall be available
 19 to meet contractual obligations, and \$11,455,000 in local
 20 funds shall be for anticipated costs associated with the No
 21 Child Left Behind Act.

22 EMERGENCY PLANNING AND SECURITY COSTS

23 From funds previously appropriated in this Act under
 24 the heading "Federal Payment for Emergency Planning

1 and Security Costs in the District of Columbia”,
2 \$15,000,000.

3 TRANSPORTATION ASSISTANCE

4 From funds previously appropriated in this Act under
5 the heading “Federal Payment for Transportation Assist-
6 ance”, \$3,500,000.

7 PAY-AS-YOU-GO CAPITAL

8 For Pay-As-You-Go Capital funds in lieu of capital
9 financing, \$11,267,000, to be transferred to the Capital
10 Fund, subject to the Criteria for Spending Pay-as-You-
11 Go Funding Amendment Act of 2003, approved by the
12 Council of the District of Columbia on 1st reading, May
13 6, 2003 (Title 25 of Bill 15–218). Pursuant to this Act,
14 there are authorized to be transferred from Pay-As-You-
15 Go Capital funds to other headings of this Act, as nec-
16 essary to carry out the purposes of this Act.

17 TAX INCREMENT FINANCING PROGRAM

18 For a Tax Increment Financing Program,
19 \$1,940,000 from local funds.

20 CASH RESERVE

21 For the cumulative cash reserve established pursuant
22 to section 202(j)(2) of the District of Columbia Financial
23 Responsibility and Management Assistance Act of 1995,
24 approved April 17, 1995 (Public Law 107–96; D.C. Offi-

1 cial Code, section 47–392.02(j)(2)), \$50,000,000 from
 2 local funds.

3 MEDICAID DISALLOWANCE

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

11 ENTERPRISE AND OTHER FUNDS

12 WATER AND SEWER AUTHORITY

13 For operation of the Water and Sewer Authority,
 14 \$259,095,000 from other funds, of which \$18,692,000
 15 shall be apportioned for repayment of loans and interest
 16 incurred for capital improvement projects (\$18,094,000
 17 and payable to the District’s debt service fund).

18 For construction projects, \$199,807,000, to be dis-
 19 tributed as follows: \$99,449,000 for the Blue Plains
 20 Wastewater Treatment Plant, \$16,739,000 for the sewer
 21 program, \$42,047,000 for the combined sewer program,
 22 \$42,047,000 for the Combined Sewer Overflow Long-
 23 Term Control Plan, \$5,993,000 for the stormwater pro-
 24 gram, \$24,431,000 for the water program, and
 25 \$11,148,000 for the capital equipment program, in addi-

tion, \$25,000,000 from funds previously appropriated in this Act under the heading “Federal Payment to the District of Columbia Water and Sewer Authority”.

WASHINGTON AQUEDUCT

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

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

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

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

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

1 SPORTS AND ENTERTAINMENT COMMISSION

2 For the Sports and Entertainment Commission,
3 \$13,979,000 from local funds.

4 DISTRICT OF COLUMBIA RETIREMENT BOARD

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

22 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

1 NATIONAL CAPITAL REVITALIZATION CORPORATION

2 For the National Capital Revitalization Corporation,
3 \$7,849,000 from other funds.

4 CAPITAL OUTLAY

5 (INCLUDING RESCISSIONS)

6 For construction projects, an increase of
7 \$1,004,796,000, of which \$601,708,000 shall be from
8 local funds, \$46,014,000 from Highway Trust funds,
9 \$38,311,000 from the Rights-of-way funds, \$218,880,000
10 from Federal funds, and a rescission of \$99,884,000 from
11 local funds appropriated under this heading in prior fiscal
12 years, for a net amount of \$904,913,000, to remain avail-
13 able until expended, in addition, \$5,000,000 from funds
14 previously appropriated in this Act under the heading
15 “Federal Payment for Capital Development in the District
16 of Columbia” and \$6,000,000 from funds previously ap-
17 propriated in this Act for the “Anacostia Waterfront Ini-
18 tiative”: *Provided*, That funds for use of each capital
19 project implementing agency shall be managed and con-
20 trolled in accordance with all procedures and limitations
21 established under the Financial Management System: *Pro-*
22 *vided further*, That all funds provided by this appropria-
23 tion title shall be available only for the specific projects
24 and purposes intended.

1 TITLE IV—GENERAL PROVISIONS

2 SEC. 101. Whenever in this Act, an amount is speci-
3 fied within an appropriation for particular purposes or ob-
4 jects of expenditure, such amount, unless otherwise speci-
5 fied, shall be considered as the maximum amount that
6 may be expended for said purpose or object rather than
7 an amount set apart exclusively therefor.

8 SEC. 102. Appropriations in this Act shall be avail-
9 able for expenses of travel and for the payment of dues
10 of organizations concerned with the work of the District
11 of Columbia government, when authorized by the Mayor:
12 *Provided*, That in the case of the Council of the District
13 of Columbia, funds may be expended with the authoriza-
14 tion of the Chairman of the Council.

15 SEC. 103. There are appropriated from the applicable
16 funds of the District of Columbia such sums as may be
17 necessary for making refunds and for the payment of legal
18 settlements or judgments that have been entered against
19 the District of Columbia government: *Provided*, That
20 nothing contained in this section shall be construed as
21 modifying or affecting the provisions of section 11(c)(3)
22 of title XII of the District of Columbia Income and Fran-
23 chise Tax Act of 1947 (D.C. Official Code, sec. 47–
24 1812.11(c)(3)).

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

4 SEC. 105. No funds appropriated in this Act for the
5 District of Columbia government for the operation of edu-
6 cational institutions, the compensation of personnel, or for
7 other educational purposes may be used to permit, encour-
8 age, facilitate, or further partisan political activities.
9 Nothing herein is intended to prohibit the availability of
10 school buildings for the use of any community or partisan
11 political group during non-school hours.

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

22 SEC. 107. None of the Federal funds provided in this
23 Act may be used for publicity or propaganda purposes or
24 implementation of any policy including boycott designed

1 to support or defeat legislation pending before Congress
2 or any State legislature.

3 SEC. 108. (a) None of the Federal funds provided in
4 this Act may be used to carry out lobbying activities on
5 any matter.

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

9 SEC. 109. (a) None of the funds provided under this
10 Act to the agencies funded by this Act, both Federal and
11 District government agencies, that remain available for
12 obligation or expenditure in fiscal year 2004, or provided
13 from any accounts in the Treasury of the United States
14 derived by the collection of fees available to the agencies
15 funded by this Act, shall be available for obligation or ex-
16 penditure for an agency through a reprogramming of
17 funds which—

18 (1) creates new programs;

19 (2) eliminates a program, project, or responsi-
20 bility center;

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

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

1 (5) reestablishes any program or project pre-
2 viously deferred through reprogramming;

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

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

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

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

22 SEC. 110. Consistent with the provisions of section
23 1301(a) of title 31, United States Code, appropriations
24 under this Act shall be applied only to the objects for

1 which the appropriations were made except as otherwise
2 provided by law.

3 SEC. 111. Notwithstanding any other provisions of
4 law, the provisions of the District of Columbia Govern-
5 ment Comprehensive Merit Personnel Act of 1978 (D.C.
6 Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.),
7 enacted pursuant to section 422(3) of the District of Co-
8 lumbia Home Rule Act (D.C. Official Code, sec. 1–
9 204.22(3)), shall apply with respect to the compensation
10 of District of Columbia employees: *Provided*, That for pay
11 purposes, employees of the District of Columbia govern-
12 ment shall not be subject to the provisions of title 5,
13 United States Code.

14 SEC. 112. No later than 30 days after the end of the
15 first quarter of fiscal year 2004, the Mayor of the District
16 of Columbia shall submit to the Council of the District
17 of Columbia and the Committees on Appropriations of the
18 House of Representatives and Senate the new fiscal year
19 2004 revenue estimates as of the end of such quarter.
20 These estimates shall be used in the budget request for
21 fiscal year 2005. The officially revised estimates at mid-
22 year shall be used for the midyear report.

23 SEC. 113. No sole source contract with the District
24 of Columbia government or any agency thereof may be re-
25 newed or extended without opening that contract to the

1 competitive bidding process as set forth in section 303 of
2 the District of Columbia Procurement Practices Act of
3 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03),
4 except that the District of Columbia government or any
5 agency thereof may renew or extend sole source contracts
6 for which competition is not feasible or practical, but only
7 if the determination as to whether to invoke the competi-
8 tive bidding process has been made in accordance with
9 duly promulgated rules and procedures and has been re-
10 viewed and certified by the Chief Financial Officer of the
11 District of Columbia.

12 SEC. 114. (a) In the event a sequestration order is
13 issued pursuant to the Balanced Budget and Emergency
14 Deficit Control Act of 1985 after the amounts appro-
15 priated to the District of Columbia for the fiscal year in-
16 volved have been paid to the District of Columbia, the
17 Mayor of the District of Columbia shall pay to the Sec-
18 retary of the Treasury, within 15 days after receipt of a
19 request therefor from the Secretary of the Treasury, such
20 amounts as are sequestered by the order: *Provided*, That
21 the sequestration percentage specified in the order shall
22 be applied proportionately to each of the Federal appro-
23 priation accounts in this Act that are not specifically ex-
24 empted from sequestration by such Act.

1 (b) For purposes of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985, the term “program,
3 project, and activity” shall be synonymous with and refer
4 specifically to each account appropriating Federal funds
5 in this Act, and any sequestration order shall be applied
6 to each of the accounts rather than to the aggregate total
7 of those accounts: *Provided*, That sequestration orders
8 shall not be applied to any account that is specifically ex-
9 empted from sequestration by the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 SEC. 115. (a)(1) An entity of the District of Colum-
12 bia government may accept and use a gift or donation dur-
13 ing fiscal year 2004 if—

14 (A) the Mayor approves the acceptance and use
15 of the gift or donation (except as provided in para-
16 graph (2) of this subsection); and

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

19 (2) The Council of the District of Columbia and the
20 District of Columbia courts may accept and use gifts with-
21 out prior approval by the Mayor.

22 (b) Each entity of the District of Columbia govern-
23 ment shall keep accurate and detailed records of the ac-
24 ceptance and use of any gift or donation under subsection

1 (a), and shall make such records available for audit and
2 public inspection.

3 (c) For the purposes of this section, the term “entity
4 of the District of Columbia government” includes an inde-
5 pendent agency of the District of Columbia.

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

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

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

23 SEC. 118. None of the Federal funds made available
24 in this Act may be used to implement or enforce the
25 Health Care Benefits Expansion Act of 1992 (D.C. Law

1 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
2 erwise implement or enforce any system of registration of
3 unmarried, cohabiting couples, including but not limited
4 to registration for the purpose of extending employment,
5 health, or governmental benefits to such couples on the
6 same basis that such benefits are extended to legally mar-
7 ried couples.

8 SEC. 119. (a) Notwithstanding any other provision
9 of this Act, the Mayor, in consultation with the Chief Fi-
10 nancial Officer of the District of Columbia may accept,
11 obligate, and expend Federal, private, and other grants
12 received by the District government that are not reflected
13 in the amounts appropriated in this Act.

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

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

20 (2) the Council within 15 calendar days after
21 receipt of the report submitted under paragraph (1)
22 has reviewed and approved the acceptance, obliga-
23 tion, and expenditure of such grant.

24 (c) No amount may be obligated or expended from
25 the general fund or other funds of the District of Colum-

1 bia government in anticipation of the approval or receipt
2 of a grant under subsection (b)(2) or in anticipation of
3 the approval or receipt of a Federal, private, or other
4 grant not subject to such subsection.

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

13 SEC. 120. (a) Except as otherwise provided in this
14 section, none of the funds made available by this Act or
15 by any other Act may be used to provide any officer or
16 employee of the District of Columbia with an official vehi-
17 cle unless the officer or employee uses the vehicle only in
18 the performance of the officer's or employee's official du-
19 ties. For purposes of this paragraph, the term "official
20 duties" does not include travel between the officer's or em-
21 ployee's residence and workplace, except in the case of—

22 (1) an officer or employee of the Metropolitan
23 Police Department who resides in the District of Co-
24 lumbia or is otherwise designated by the Chief of the
25 Department;

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

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

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

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

21 SEC. 121. No officer or employee of the District of
22 Columbia government (including any independent agency
23 of the District of Columbia, but excluding the Office of
24 the Chief Technology Officer, the Office of the Chief Fi-
25 nancial Officer of the District of Columbia, and the Metro-

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

13 SEC. 122. None of the funds contained in this Act
14 may be used for purposes of the annual independent audit
15 of the District of Columbia government for fiscal year
16 2004 unless—

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

23 (2) the audit includes as a basic financial state-
24 ment a comparison of audited actual year-end re-
25 sults with the revenues submitted in the budget doc-

1 ument for such year and the appropriations enacted
2 into law for such year using the format, terminology,
3 and classifications contained in the law making the
4 appropriations for the year and its legislative his-
5 tory.

6 SEC. 123. (a) None of the funds contained in this
7 Act may be used by the District of Columbia Corporation
8 Counsel or any other officer or entity of the District gov-
9 ernment to provide assistance for any petition drive or civil
10 action which seeks to require Congress to provide for vot-
11 ing representation in Congress for the District of Colum-
12 bia.

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

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

22 (b) Any individual or entity who receives any funds
23 contained in this Act and who carries out any program
24 described in subsection (a) shall account for all funds used

1 for such program separately from any funds contained in
2 this Act.

3 SEC. 125. None of the funds contained in this Act
4 may be used after the expiration of the 60-day period that
5 begins on the date of the enactment of this Act to pay
6 the salary of any chief financial officer of any office of
7 the District of Columbia government (including any inde-
8 pendent agency of the District of Columbia) who has not
9 filed a certification with the Mayor and the Chief Finan-
10 cial Officer of the District of Columbia that the officer
11 understands the duties and restrictions applicable to the
12 officer and the officer's agency as a result of this Act (and
13 the amendments made by this Act), including any duty
14 to prepare a report requested either in the Act or in any
15 of the reports accompanying the Act and the deadline by
16 which each report must be submitted. The Chief Financial
17 Officer of the District of Columbia shall provide to the
18 Committees on Appropriations of the House of Represent-
19 atives and Senate by the 10th day after the end of each
20 quarter a summary list showing each report, the due date,
21 and the date submitted to the Committees.

22 SEC. 126. (a) None of the funds contained in this
23 Act may be used to enact or carry out any law, rule, or
24 regulation to legalize or otherwise reduce penalties associ-
25 ated with the possession, use, or distribution of any sched-

1 ule I substance under the Controlled Substances Act (21
2 U.S.C. 802) or any tetrahydrocannabinols derivative.

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

7 SEC. 127. Nothing in this Act may be construed to
8 prevent the Council or Mayor of the District of Columbia
9 from addressing the issue of the provision of contraceptive
10 coverage by health insurance plans, but it is the intent
11 of Congress that any legislation enacted on such issue
12 should include a “conscience clause” which provides excep-
13 tions for religious beliefs and moral convictions.

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

24 (b) A payment described in this subsection is—

1 (1) a payment authorized under section 11–
2 2604 and section 11–2605, D.C. Official Code (re-
3 lating to representation provided under the District
4 of Columbia Criminal Justice Act);

5 (2) a payment for counsel appointed in pro-
6 ceedings in the Family Court of the Superior Court
7 of the District of Columbia under chapter 23 of title
8 16, D.C. Official Code; or

9 (3) a payment for counsel authorized under sec-
10 tion 21–2060, D.C. Official Code (relating to rep-
11 resentation provided under the District of Columbia
12 Guardianship, Protective Proceedings, and Durable
13 Power of Attorney Act of 1986).

14 (c) The chief judges of the Superior Court of the Dis-
15 trict of Columbia and the District of Columbia Court of
16 Appeals shall establish standards and criteria for deter-
17 mining whether vouchers submitted for claims for pay-
18 ments described in subsection (b) are complete, and shall
19 publish and make such standards and criteria available to
20 attorneys who practice before such Courts.

21 (d) Nothing in this section shall be construed to re-
22 quire the assessment of interest against any claim (or por-
23 tion of any claim) which is denied by the Court involved.

24 (e) This section shall apply with respect to claims re-
25 ceived by the Superior Court of the District of Columbia

1 or the District of Columbia Court of Appeals during fiscal
2 year 2003 and any subsequent fiscal year.

3 SEC. 129. The Mayor of the District of Columbia
4 shall submit to the Committees on Appropriations of the
5 House of Representatives and Senate, the Committee on
6 Government Reform of the House of Representatives, and
7 the Committee on Governmental Affairs of the Senate
8 quarterly reports addressing the following issues—

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

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

18 (3) management of parolees and pre-trial vio-
19 lent offenders, including the number of halfway
20 house escapes and steps taken to improve moni-
21 toring and supervision of halfway house residents to
22 reduce the number of escapes to be provided in con-
23 sultation with the Court Services and Offender Su-
24 pervision Agency for the District of Columbia;

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

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

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

14 (7) indicators of child well-being.

15 SEC. 130. No later than 30 calendar days after the
16 date of the enactment of this Act, the Chief Financial Offi-
17 cer of the District of Columbia shall submit to the appro-
18 priate committees of Congress, the Mayor, and the Council
19 of the District of Columbia a revised appropriated funds
20 operating budget in the format of the budget that the Dis-
21 trict of Columbia government submitted pursuant to sec-
22 tion 442 of the District of Columbia Home Rule Act (D.C.
23 Official Code, sec. 1-204.42), for all agencies of the Dis-
24 trict of Columbia government for fiscal year 2004 that is
25 in the total amount of the approved appropriation and

1 that realigns all budgeted data for personal services and
2 other-than-personal-services, respectively, with anticipated
3 actual expenditures.

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

9 SEC. 132. None of the Federal funds made available
10 in this Act may be transferred to any department, agency,
11 or instrumentality of the United States Government, ex-
12 cept pursuant to a transfer made by, or transfer authority
13 provided in, this Act or any other appropriation Act.

14 SEC. 133. In addition to any other authority to pay
15 claims and judgments, any department, agency, or instru-
16 mentality of the District government may pay the settle-
17 ment or judgment of a claim or lawsuit in an amount less
18 than \$10,000, in accordance with the Risk Management
19 for Settlements and Judgments Amendment Act of 2000
20 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

21 SEC. 134. All funds from the Crime Victims Com-
22 pensation Fund, established pursuant to section 16 of the
23 Victims of Violent Crime Compensation Act of 1996 (D.C.
24 Law 11–243; D.C. Official Code, sec. 4–514) (“Com-
25 pensation Act”), that are designated for outreach activi-

1 ties pursuant to section 16(d)(2) of the Compensation Act
2 shall be deposited in the Crime Victims Assistance Fund,
3 established pursuant to section 16a of the Compensation
4 Act, for the purpose of outreach activities, and shall re-
5 main available until expended.

6 SEC. 135. Notwithstanding any other law, the Dis-
7 trict of Columbia Courts shall transfer to the general
8 treasury of the District of Columbia all fines levied and
9 collected by the Courts in cases charging Driving Under
10 the Influence and Driving While Impaired. The trans-
11 ferred funds shall remain available until expended and
12 shall be used by the Office of the Corporation Counsel for
13 enforcement and prosecution of District traffic alcohol
14 laws in accordance with section 10(b)(3) of the District
15 of Columbia Traffic Control Act (D.C. Official Code, sec.
16 50–2201.05(b)(3)).

17 SEC. 136. From the local funds appropriated under
18 this Act, any agency of the District government may
19 transfer to the Office of Labor Relations and Collective
20 Bargaining (OLRCB) such amounts as may be necessary
21 to pay for representation by OLRCB in third-party cases,
22 grievances, and dispute resolution, pursuant to an intra-
23 District agreement with OLRCB. These amounts shall be
24 available for use by OLRCB to reimburse the cost of pro-
25 viding the representation.

1 SEC. 137. None of the funds contained in this Act
2 may be made available to pay—

3 (1) the fees of an attorney who represents a
4 party in an action or an attorney who defends any
5 action, including an administrative proceeding,
6 brought against the District of Columbia Public
7 Schools under the Individuals with Disabilities Edu-
8 cation Act (20 U.S.C. 1400 et seq.) in excess of
9 \$4,000 for that action; or

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

16 SEC. 138. The Chief Financial Officer of the District
17 of Columbia shall require attorneys in special education
18 cases brought under the Individuals with Disabilities Act
19 (IDEA) in the District of Columbia to certify in writing
20 that the attorney or representative rendered any and all
21 services for which they receive awards, including those re-
22 ceived under a settlement agreement or as part of an ad-
23 ministrative proceeding, under the IDEA from the District
24 of Columbia: *Provided*, That as part of the certification,
25 the Chief Financial Officer of the District of Columbia re-

1 quire all attorneys in IDEA cases to disclose any financial,
 2 corporate, legal, memberships on boards of directors, or
 3 other relationships with any special education diagnostic
 4 services, schools, or other special education service pro-
 5 viders to which the attorneys have referred any clients as
 6 part of this certification: *Provided further*, That the Chief
 7 Financial Officer shall prepare and submit quarterly re-
 8 ports to the Committees on Appropriations of the Senate
 9 and the House of Representatives on the certification of
 10 and the amount paid by the government of the District
 11 of Columbia, including the District of Columbia Public
 12 Schools, to attorneys in cases brought under IDEA: *Pro-*
 13 *vided further*, That the Inspector General of the District
 14 of Columbia may conduct investigations to determine the
 15 accuracy of the certifications.

16 SEC. 139. Chapter 3 of title 16, District of Columbia
 17 Code, is amended by inserting at the end the following
 18 new section:

19 **“SEC. 16-316. APPOINTMENT AND COMPENSATION OF**
 20 **COUNSEL; GUARDIAN AD LITEM.**

21 “(a) When a petition for adoption has been filed and
 22 there has been no termination or relinquishment of paren-
 23 tal rights with respect to the proposed adoptee or consent
 24 to the proposed adoption by a parent or guardian whose
 25 consent is required under D.C. Code section 16-304, the

1 Court may appoint an attorney to represent such parent
 2 or guardian in the adoption proceeding if the individual
 3 is financially unable to obtain adequate representation.

4 “(b) The Court may appoint a guardian ad litem who
 5 is an attorney to represent the child in an adoption pro-
 6 ceeding. The guardian ad litem shall in general be charged
 7 with the representation of the child’s best interest.

8 “(c) An attorney appointed pursuant to subsection
 9 (a) or (b) of this section shall be compensated in accord-
 10 ance with D.C. Code section 16–2326.01, except that com-
 11 pensation in the adoption case shall be subject to the limi-
 12 tation set forth in D.C. Code section 16–2326.01(b)(2).”

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

“Sec. 16–316. Appointment and compensation of counsel; guardian ad litem.”.

16 SEC. 140. (a) The amount appropriated by this Act
 17 as Other Type Funds may be increased no more than 25
 18 percent to an account for unanticipated growth in revenue
 19 collections.

20 (b) CONDITIONS OF USE.—The District of Columbia
 21 may obligate or expend these amounts only in accordance
 22 with the following conditions:

23 (1) CERTIFICATION BY THE CHIEF FINANCIAL
 24 OFFICER.—The Chief Financial Officer of the Dis-
 25 trict of Columbia shall certify that anticipated rev-

1 enue collections support an increase in Other Type
2 authority in the amount request.

3 (2) NOTICE REQUIREMENT.—The amounts may
4 be obligated or expended only if the Mayor notifies
5 the Committees on Appropriations of the House of
6 Representatives and the Senate in writing 30 days
7 in advance of any obligation or expenditure.

8 SEC. 141. (a) The amount appropriated by this Act
9 may be increased by no more than \$15,000,000 from
10 funds identified in the comprehensive annual financial re-
11 port as the District’s fund balance.

12 (b) CONDITIONS ON USE.—The District of Columbia
13 may obligate or expend these amounts only in accordance
14 with the following conditions:

15 (1) CERTIFICATION BY THE CHIEF FINANCIAL
16 OFFICER.—The Chief Financial Officer of the Dis-
17 trict of Columbia shall certify that the use of any
18 such amounts is not anticipated to have a negative
19 impact on the District of Columbia’s long-term fi-
20 nancial, fiscal, and economic vitality.

21 (2) PURPOSE.—The District of Columbia may
22 only use these funds for the following expenditures:

- 23 (A) Unanticipated one-time expenditures;
24 (B) To address potential deficits;
25 (C) Debt reduction;

1 (D) Unanticipated program needs; or

2 (E) To cover revenue shortfalls.

3 (3) LOCAL LAW.—The amounts shall be obli-
4 gated or expended in accordance with laws enacted
5 by the Council in support of each such obligation or
6 expenditure.

7 (4) RECEIVERSHIP.—The amounts may not be
8 used to fund the agencies of the District of Colum-
9 bia government under court-ordered receivership.

10 (5) NOTICE REQUIREMENT.—The amounts may
11 be obligated or expended only if the Mayor notifies
12 the Committees on Appropriations of the House of
13 Representatives and the Senate in writing 30 days
14 in advance of any obligation or expenditure.

15 (6) AVAILABILITY OF FUNDS.—Funds made
16 available pursuant to this section shall remain avail-
17 able until expended.

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

Calendar No. 272

108TH CONGRESS
1ST SESSION

S. 1583

[Report No. 108-142]

A BILL

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

SEPTEMBER 4, 2003

Read twice and placed on the calendar