

In the Senate of the United States,

September 22, 2004.

Resolved, That the bill from the House of Representatives (H.R. 4850) entitled “An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *District of Columbia and related agencies for the fiscal year*
- 4 *ending September 30, 2005, and for other purposes, namely:*

1 *TITLE I—FEDERAL FUNDS*2 *FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT*

3 *For a Federal payment to the District of Columbia,*
4 *to be deposited into a dedicated account, for a nationwide*
5 *program to be administered by the Mayor, for District of*
6 *Columbia resident tuition support, \$21,200,000, to remain*
7 *available until expended: Provided, That such funds, in-*
8 *cluding any interest accrued thereon, may be used on behalf*
9 *of eligible District of Columbia residents to pay an amount*
10 *based upon the difference between in-State and out-of-State*
11 *tuition at public institutions of higher education, or to pay*
12 *up to \$2,500 each year at eligible private institutions of*
13 *higher education: Provided further, That the awarding of*
14 *such funds may be prioritized on the basis of a resident's*
15 *academic merit, the income and need of eligible students*
16 *and such other factors as may be authorized: Provided fur-*
17 *ther, That the District of Columbia government shall main-*
18 *tain a dedicated account for the Resident Tuition Support*
19 *Program that shall consist of the Federal funds appro-*
20 *priated to the Program in this Act and any subsequent ap-*
21 *propriations, any unobligated balances from prior fiscal*
22 *years, and any interest earned in this or any fiscal year:*
23 *Provided further, That the account shall be under the con-*
24 *trol of the District of Columbia Chief Financial Officer who*
25 *shall use those funds solely for the purposes of carrying out*

1 *the Resident Tuition Support Program: Provided further,*
2 *That the Office of the Chief Financial Officer shall provide*
3 *a quarterly financial report to the Committees on Appro-*
4 *priations of the House of Representatives and Senate for*
5 *these funds showing, by object class, the expenditures made*
6 *and the purpose therefor: Provided further, That not more*
7 *than 7 percent of the total amount appropriated for this*
8 *program may be used for administrative expenses.*

9 *FEDERAL PAYMENT FOR EMERGENCY PLANNING AND*
10 *SECURITY COSTS IN THE DISTRICT OF COLUMBIA*

11 *For necessary expenses, as determined by the Mayor*
12 *of the District of Columbia in written consultation with the*
13 *elected county or city officials of surrounding jurisdictions,*
14 *\$15,000,000, to remain available until expended, to reim-*
15 *burse the District of Columbia for the costs of providing*
16 *public safety at events related to the presence of the national*
17 *capital in the District of Columbia and for the costs of pro-*
18 *viding support to respond to immediate and specific ter-*
19 *rorist threats or attacks in the District of Columbia or sur-*
20 *rounding jurisdictions: Provided, That any amount pro-*
21 *vided under this heading shall be available only after notice*
22 *of its proposed use has been transmitted by the President*
23 *to Congress and such amount has been apportioned pursu-*
24 *ant to chapter 15 of title 31, United States Code.*

1 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*2 *COURTS*

3 *For salaries and expenses for the District of Columbia*
4 *Courts, \$195,010,000, to be allocated as follows: for the Dis-*
5 *trict of Columbia Court of Appeals, \$8,952,000, of which*
6 *not to exceed \$1,500 is for official reception and representa-*
7 *tion expenses; for the District of Columbia Superior Court,*
8 *\$84,948,000, of which not to exceed \$1,500 is for official*
9 *reception and representation expenses; for the District of*
10 *Columbia Court System, \$40,699,000, of which not to ex-*
11 *ceed \$1,500 is for official reception and representation ex-*
12 *penses; and \$60,411,000, to remain available until Sep-*
13 *tember 30, 2005, for capital improvements for District of*
14 *Columbia courthouse facilities: Provided, That funds made*
15 *available for capital improvements shall be expended con-*
16 *sistent with the General Services Administration master*
17 *plan study and building evaluation report: Provided fur-*
18 *ther, That notwithstanding any other provision of law, a*
19 *single contract or related contracts for development and*
20 *construction of facilities may be employed which collectively*
21 *include the full scope of the project: Provided further, That*
22 *the solicitation and contract shall contain the clause “avail-*
23 *ability of funds” found at 48 CFR 52.232–18: Provided fur-*
24 *ther, That notwithstanding any other provision of law, all*
25 *amounts under this heading shall be apportioned quarterly*

1 *by the Office of Management and Budget and obligated and*
2 *expended in the same manner as funds appropriated for*
3 *salaries and expenses of other Federal agencies, with payroll*
4 *and financial services to be provided on a contractual basis*
5 *with the General Services Administration (GSA), said serv-*
6 *ices to include the preparation of monthly financial reports,*
7 *copies of which shall be submitted directly by GSA to the*
8 *President and to the Committees on Appropriations of the*
9 *House of Representatives and Senate, the Committee on*
10 *Government Reform of the House of Representatives, and*
11 *the Committee on Governmental Affairs of the Senate: Pro-*
12 *vided further, That 30 days after providing written notice*
13 *to the Committees on Appropriations of the House of Rep-*
14 *resentatives and Senate, the District of Columbia Courts*
15 *may reallocate not more than \$1,000,000 of the funds pro-*
16 *vided under this heading among the items and entities*
17 *funded under such heading for operations, and not more*
18 *than 4 percent of the funds provided under this heading*
19 *for facilities.*

20 *DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS*

21 *For payments authorized under section 11–2604 and*
22 *section 11–2605, D.C. Official Code (relating to representa-*
23 *tion provided under the District of Columbia Criminal Jus-*
24 *tice Act), payments for counsel appointed in proceedings*
25 *in the Family Court of the Superior Court of the District*

1 of Columbia under chapter 23 of title 16, D.C. Official
2 Code, or pursuant to contractual agreements to provide
3 guardian ad litem representation, training, technical as-
4 sistance and/or such other services as are necessary to im-
5 prove the quality of guardian ad litem representation, pay-
6 ments for counsel appointed in adoption proceedings under
7 chapter 3 of title 16, D.C. Code, and payments for counsel
8 authorized under section 21–2060, D.C. Official Code (relat-
9 ing to representation provided under the District of Colum-
10 bia Guardianship, Protective Proceedings, and Durable
11 Power of Attorney Act of 1986), \$34,500,000, to remain
12 available until expended: Provided, That the funds provided
13 in this Act under the heading “Federal Payment to the Dis-
14 trict of Columbia Courts” (other than the \$53,011,000 pro-
15 vided under such heading for capital improvements for Dis-
16 trict of Columbia courthouse facilities) may also be used
17 for payments under this heading: Provided further, That
18 in addition to the funds provided under this heading, the
19 Joint Committee on Judicial Administration in the Dis-
20 trict of Columbia shall use funds provided in this Act under
21 the heading “Federal Payment to the District of Columbia
22 Courts” (other than the \$53,011,000 provided under such
23 heading for capital improvements for District of Columbia
24 courthouse facilities), to make payments described under
25 this heading for obligations incurred during any fiscal

1 year: *Provided further, That funds provided under this*
2 *heading shall be administered by the Joint Committee on*
3 *Judicial Administration in the District of Columbia: Pro-*
4 *vided further, That notwithstanding any other provision of*
5 *law, this appropriation shall be apportioned quarterly by*
6 *the Office of Management and Budget and obligated and*
7 *expended in the same manner as funds appropriated for*
8 *expenses of other Federal agencies, with payroll and finan-*
9 *cial services to be provided on a contractual basis with the*
10 *General Services Administration (GSA), said services to in-*
11 *clude the preparation of monthly financial reports, copies*
12 *of which shall be submitted directly by GSA to the President*
13 *and to the Committees on Appropriations of the House of*
14 *Representatives and Senate, the Committee on Government*
15 *Reform of the House of Representatives, and the Committee*
16 *on Governmental Affairs of the Senate.*

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

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For salaries and expenses, including the transfer and*
22 *hire of motor vehicles, of the Court Services and Offender*
23 *Supervision Agency for the District of Columbia and the*
24 *Public Defender Service for the District of Columbia, as au-*
25 *thorized by the National Capital Revitalization and Self-*

1 *Government Improvement Act of 1997, \$182,490,000, of*
2 *which not to exceed \$2,000 is for official reception and rep-*
3 *resentation expenses related to Community Supervision and*
4 *Pretrial Services Agency programs; of which not to exceed*
5 *\$25,000 is for dues and assessments relating to the imple-*
6 *mentation of the Court Services and Offender Supervision*
7 *Agency Interstate Supervision Act of 2002; of which*
8 *\$113,343,000 shall be for necessary expenses of Community*
9 *Supervision and Sex Offender Registration, to include ex-*
10 *penses relating to the supervision of adults subject to protec-*
11 *tion orders or the provision of services for or related to such*
12 *persons; of which \$39,314,000 shall be available to the Pre-*
13 *trial Services Agency; and of which \$29,833,000 shall be*
14 *transferred to the Public Defender Service for the District*
15 *of Columbia: Provided, That \$1,100,000 shall be to lower*
16 *supervision caseload ratios to 25:1 for special population*
17 *offenders: Provided further, That \$200,000 shall be to ex-*
18 *pand monitoring of offenders using global position system*
19 *technology: Provided further, That notwithstanding any*
20 *other provision of law, all amounts under this heading shall*
21 *be apportioned quarterly by the Office of Management and*
22 *Budget and obligated and expended in the same manner*
23 *as funds appropriated for salaries and expenses of other*
24 *Federal agencies: Provided further, That notwithstanding*
25 *chapter 12 of title 40, United States Code, the Director may*

1 *acquire by purchase, lease, condemnation, or donation, and*
2 *renovate as necessary, Building Number 17, 1900 Massa-*
3 *chusetts Avenue, Southeast, Washington, District of Colum-*
4 *bia to house or supervise offenders and defendants, with*
5 *funds made available for this purpose in Public Law 107–*
6 *96: Provided further, That the Director is authorized to ac-*
7 *cept and use gifts in the form of in-kind contributions of*
8 *space and hospitality to support offender and defendant*
9 *programs, and equipment and vocational training services*
10 *to educate and train offenders and defendants: Provided*
11 *further, That the Director shall keep accurate and detailed*
12 *records of the acceptance and use of any gift or donation*
13 *under the previous proviso, and shall make such records*
14 *available for audit and public inspection: Provided further,*
15 *That the Court Services and Offender Supervision Agency*
16 *Director is authorized to accept and use reimbursement*
17 *from the D.C. Government for space and services provided*
18 *on a cost reimbursement basis: Provided further, That the*
19 *Public Defender Service is authorized to charge fees to cover*
20 *cost of materials distributed to attendees of educational*
21 *events, including conferences, sponsored by the Public De-*
22 *fender Service, and notwithstanding 31 U.S.C. 3302, said*
23 *fees shall be credited to the Public Defender Service account*
24 *to be available for use without further appropriation.*

1 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*2 *WATER AND SEWER AUTHORITY*

3 *For a Federal payment to the District of Columbia*
4 *Water and Sewer Authority, \$10,000,000, to remain avail-*
5 *able until expended, to continue implementation of the*
6 *Combined Sewer Overflow Long-Term Plan: Provided, That*
7 *the District of Columbia Water and Sewer Authority pro-*
8 *vides a 100 percent match for this payment.*

9 *FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT*10 *INITIATIVE*

11 *For a Federal payment to the District of Columbia*
12 *Department of Transportation, \$3,000,000, to remain*
13 *available until September 30, 2006, for design and con-*
14 *struction of a continuous pedestrian and bicycle trail sys-*
15 *tem from the Potomac River to the District's border with*
16 *Maryland.*

17 *FEDERAL PAYMENT TO THE CRIMINAL JUSTICE*18 *COORDINATING COUNCIL*

19 *For a Federal payment to the Criminal Justice Co-*
20 *ordinating Council, \$1,300,000, to remain available until*
21 *expended, to support initiatives related to the coordination*
22 *of Federal and local criminal justice resources in the Dis-*
23 *trict of Columbia.*

1 *FEDERAL PAYMENT FOR THE UNIFIED COMMUNICATIONS*
2 *CENTER*

3 *For a Federal payment to the District of Columbia,*
4 *\$7,000,000, to remain available until expended, shall be for*
5 *the Unified Communications Center.*

6 *FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE*

7 *For a Federal payment to the District of Columbia*
8 *Department of Transportation, \$5,000,000, of which*
9 *\$1,000,000 shall be allocated to implement a downtown*
10 *circulator transit system, and of which \$4,000,000 shall be*
11 *to offset a portion of the District of Columbia's allocated*
12 *operating subsidy payment to the Washington Metropolitan*
13 *Area Transit Authority.*

14 *FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN*
15 *THE DISTRICT OF COLUMBIA*

16 *For a Federal payment to the District of Columbia*
17 *for foster care improvements, \$5,000,000, to remain avail-*
18 *able until expended: Provided, That \$3,250,000 shall be for*
19 *the Child and Family Services Agency, of which \$2,000,000*
20 *shall be for the early intervention program to provide inten-*
21 *sive and immediate services for foster children; of which*
22 *\$750,000 shall be for the emergency support fund to pur-*
23 *chase services or technology necessary to allow children to*
24 *remain in the care of an approved and licensed family*
25 *member; of which \$500,000 shall be for technology upgrades:*

1 *Provided further, That \$1,250,000 shall be for the Depart-*
2 *ment of Mental Health to provide all court-ordered or agen-*
3 *cy-required mental health screenings, assessments and treat-*
4 *ments for children under the supervision of the Child and*
5 *Family Services Agency: Provided further, That \$500,000*
6 *shall be for the Washington Metropolitan Council of Govern-*
7 *ments, to continue a program in conjunction with the Fos-*
8 *ter and Adoptive Parents Advocacy Center, to provide res-*
9 *pite care for and recruitment of foster parents: Provided*
10 *further, That these Federal funds shall supplement and not*
11 *supplant local funds for the purposes described under this*
12 *heading.*

13 *FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF*

14 *FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA*

15 *For a Federal payment to the Office of the Chief Fi-*
16 *nancial Officer of the District of Columbia, \$32,500,000:*
17 *Provided, That these funds shall be available for the projects*
18 *and in the amounts specified in the statement of the man-*
19 *agers on the conference report accompanying this Act: Pro-*
20 *vided further, That each entity that receives funding under*
21 *this heading shall submit to the Office of the Chief Finan-*
22 *cial Officer of the District of Columbia and the Committees*
23 *on Appropriations of the House of Representatives and Sen-*
24 *ate a report on the activities to be carried out with such*
25 *funds no later than March 15, 2005.*

1 *FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT*

2 *For a Federal payment for a School Improvement Pro-*
3 *gram in the District of Columbia, \$40,000,000, to be allo-*
4 *cated as follows: for the District of Columbia Public Schools,*
5 *\$13,000,000 to improve public school education in the Dis-*
6 *trict of Columbia, \$13,000,000 to expand quality public*
7 *charter schools in the District of Columbia; for the Sec-*
8 *retary of the Department of Education, \$14,000,000 to pro-*
9 *vide opportunity scholarships for students in the District*
10 *of Columbia in accordance with Public Law 108–199, of*
11 *which up to \$1,000,000 may be used to administer and fund*
12 *assessments: Provided, That of the \$13,000,000 for the Dis-*
13 *trict of Columbia Public Schools, \$5,000,000 shall be for*
14 *a new incentive fund to reward high performing or signifi-*
15 *cantly improved public schools; \$5,000,000 shall be to sup-*
16 *port the Transformation School Initiative directed to*
17 *schools in need of improvement: Provided further, That of*
18 *the remaining amounts, the Superintendent of the District*
19 *of Columbia Public Schools shall use such sums as necessary*
20 *to contract for management consulting services and imple-*
21 *ment recommended reforms: Provided further, That the*
22 *Comptroller General shall conduct a financial audit of the*
23 *District of Columbia Public Schools: Provided further, That*
24 *of the \$13,000,000 provided for public charter schools in*
25 *the District of Columbia, \$4,000,000 shall be for the City*

1 *Build Initiative to create neighborhood-based charter*
2 *schools; \$2,750,000 shall be for the Direct Loan Fund for*
3 *Charter Schools; \$150,000 shall be for administrative ex-*
4 *penses of the Office of Charter School Financing and Sup-*
5 *port to expand outreach and support of charter schools;*
6 *\$100,000 shall be for the D.C. Public Charter School Asso-*
7 *ciation to enhance the quality of charter schools; \$4,000,000*
8 *shall be for the development of an incubator facility for pub-*
9 *lic charter schools; and \$2,000,000 shall be for a new incen-*
10 *tive fund to reward high performing or significantly im-*
11 *proved public charter schools: Provided further, That the*
12 *District of Columbia government shall establish a dedicated*
13 *account for the Office of Charter School Financing and*
14 *Support (the Office) that shall consist of the Federal funds*
15 *appropriated in this Act, any subsequent appropriations,*
16 *any unobligated balances from prior fiscal years, any addi-*
17 *tional grants, and any interest and principal derived from*
18 *loans made to Charter Schools, and repayment of dollars*
19 *utilized to support credit enhancement earned in this or*
20 *any fiscal year: Provided further, That the account shall*
21 *be under the control of the District of Columbia Chief Fi-*
22 *nanacial Officer who shall use those funds solely for the pur-*
23 *poses of carrying out the Credit Enhancement Program, Di-*
24 *rect Loan Fund Grant Program, and any other charter*
25 *school financing under the management of the Office: Pro-*

1 *vided further, That in this and subsequent fiscal years the*
2 *Office of the Chief Financial Officer shall conduct an an-*
3 *nual audit of the funds expended by the Office and provide*
4 *an annual financial report to the Mayor, the Council of*
5 *the District of Columbia, the Office of the District of Colum-*
6 *bia Treasurer and the Committees on Appropriations of the*
7 *House of Representatives and Senate for these funds show-*
8 *ing, by object class, the expenditures made and the purpose*
9 *therefor: Provided further, That not more than \$1,000,000*
10 *of the total amount appropriated for this program may be*
11 *used for administrative expenses and training expenses re-*
12 *lated to the cost of the National Charter School Con-*
13 *ference(s) to be hosted by December 2006; and no more than*
14 *5 percent of the funds appropriated for the direct loan fund*
15 *may be used for administrative expenses related to the ad-*
16 *ministration and annual audit of the direct loan, grant,*
17 *and credit enhancement programs.*

18 *FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS*

19 *LABORATORY*

20 *For a Federal payment to the District of Columbia,*
21 *\$8,000,000, to remain available until September 30, 2006,*
22 *for design, planning, and procurement costs associated with*
23 *the construction of a bioterrorism and forensics laboratory:*
24 *Provided, That the District of Columbia shall provide an*

1 *additional \$2,300,000 with local funds as a condition of*
2 *receiving this payment.*

3 *TITLE II—DISTRICT OF COLUMBIA FUNDS*

4 *OPERATING EXPENSES*

5 *DIVISION OF EXPENSES*

6 *The following amounts are appropriated for the Dis-*
7 *trict of Columbia for the current fiscal year out of the gen-*
8 *eral fund of the District of Columbia, except as otherwise*
9 *specifically provided: Provided, That notwithstanding any*
10 *other provision of law, except as provided in section 450A*
11 *of the District of Columbia Home Rule Act (D.C. Official*
12 *Code, sec. 1–204.50a) and the provisions of this Act, the*
13 *total amount appropriated in this Act for operating ex-*
14 *penses for the District of Columbia for fiscal year 2005*
15 *under this heading shall not exceed the lesser of the sum*
16 *of the total revenues of the District of Columbia for such*
17 *fiscal year or \$7,206,164,000 (of which \$4,215,088,000 shall*
18 *be from local funds, \$1,762,046,000 shall be from Federal*
19 *funds, \$1,214,843,000 shall be from other funds, and*
20 *\$14,817,000 shall be from private funds), and an intra-dis-*
21 *trict amount of \$435,054,000, in addition, \$186,900,000*
22 *from funds previously appropriated in this Act as Federal*
23 *payments: Provided further, That this amount may be in-*
24 *creased by proceeds of one-time transactions, which are ex-*
25 *pendent for emergency or unanticipated operating or capital*

1 *needs: Provided further, That such increases shall be ap-*
2 *proved by enactment of local District law and shall comply*
3 *with all reserve requirements contained in the District of*
4 *Columbia Home Rule Act as amended by this Act: Provided*
5 *further, That the Chief Financial Officer of the District of*
6 *Columbia shall take such steps as are necessary to assure*
7 *that the District of Columbia meets these requirements, in-*
8 *cluding the apportioning by the Chief Financial Officer of*
9 *the appropriations and funds made available to the District*
10 *during fiscal year 2005, except that the Chief Financial Of-*
11 *ficer may not reprogram for operating expenses any funds*
12 *derived from bonds, notes, or other obligations issued for*
13 *capital projects.*

14 *GOVERNMENTAL DIRECTION AND SUPPORT*

15 *Governmental direction and support, \$416,069,000*
16 *(including \$261,068,000 from local funds, \$100,256,000*
17 *from Federal funds, and \$54,745,000 from other funds), in*
18 *addition, \$32,500,000 from funds previously appropriated*
19 *in this Act under the heading “Federal Payment to the Of-*
20 *fice of the Chief Financial Officer of the District of Colum-*
21 *bia”, \$15,000,000 from funds previously appropriated in*
22 *this Act under the heading “Federal Payment for Emer-*
23 *gency Planning and Security Costs in the District of Co-*
24 *lumbia”, and \$5,000,000 from funds previously appro-*
25 *priated in this Act under the heading “Federal Payment*

1 *for Foster Care Improvements in the District of Columbia*’:
2 *Provided, That not to exceed \$9,300 for the Mayor, \$9,300*
3 *for the Chairman of the Council of the District of Columbia,*
4 *\$9,300 for the City Administrator, and \$9,300 for the Office*
5 *of the Chief Financial Officer shall be available from this*
6 *appropriation for official reception and representation ex-*
7 *penses: Provided further, That any program fees collected*
8 *from the issuance of debt shall be available for the payment*
9 *of expenses of the debt management program of the District*
10 *of Columbia: Provided further, That no revenues from Fed-*
11 *eral sources shall be used to support the operations or ac-*
12 *tivities of the Statehood Commission and Statehood Com-*
13 *pact Commission: Provided further, That the District of Co-*
14 *lumbia shall identify the sources of funding for Admission*
15 *to Statehood from its own locally generated revenues: Pro-*
16 *vided further, That notwithstanding any other provision of*
17 *law, or Mayor’s Order 86–45, issued March 18, 1986, the*
18 *Office of the Chief Technology Officer’s delegated small pur-*
19 *chase authority shall be \$500,000: Provided further, That*
20 *the District of Columbia government may not require the*
21 *Office of the Chief Technology Officer to submit to any other*
22 *procurement review process, or to obtain the approval of*
23 *or be restricted in any manner by any official or employee*
24 *of the District of Columbia government, for purchases that*
25 *do not exceed \$500,000.*

1 *ECONOMIC DEVELOPMENT AND REGULATION*

2 *Economic development and regulation, \$334,745,000*
3 *(including \$55,764,000 from local funds, \$93,050,000 from*
4 *Federal funds, \$185,806,000 from other funds, and*
5 *\$125,000 from private funds), of which \$13,000,000 col-*
6 *lected by the District of Columbia in the form of BID tax*
7 *revenue shall be paid to the respective BIDs pursuant to*
8 *the Business Improvement Districts Act of 1996 (D.C. Law*
9 *11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the*
10 *Business Improvement Districts Amendment Act of 1997*
11 *(D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et*
12 *seq.): Provided, That such funds are available for acquiring*
13 *services provided by the General Services Administration:*
14 *Provided further, That Business Improvement Districts*
15 *shall be exempt from taxes levied by the District of Colum-*
16 *bia: Provided further, That local funds in the amount of*
17 *\$1,200,000 shall be appropriated for the Excel Institute.*

18 *PUBLIC SAFETY AND JUSTICE*

19 *Public safety and justice, \$798,723,000 (including*
20 *\$760,849,000 from local funds, \$7,899,000 from Federal*
21 *funds, \$29,966,000 from other funds, and \$9,000 from pri-*
22 *vate funds), in addition, \$1,300,000 from funds previously*
23 *appropriated in this Act under the heading “Federal Pay-*
24 *ment to the Criminal Justice Coordinating Council”: Pro-*
25 *vided, That not to exceed \$500,000 shall be available from*

1 *this appropriation for the Chief of Police for the prevention*
 2 *and detection of crime: Provided further, That the Mayor*
 3 *shall reimburse the District of Columbia National Guard*
 4 *for expenses incurred in connection with services that are*
 5 *performed in emergencies by the National Guard in a mili-*
 6 *tia status and are requested by the Mayor, in amounts that*
 7 *shall be jointly determined and certified as due and payable*
 8 *for these services by the Mayor and the Commanding Gen-*
 9 *eral of the District of Columbia National Guard: Provided*
 10 *further, That such sums as may be necessary for reimburse-*
 11 *ment to the District of Columbia National Guard under the*
 12 *preceding proviso shall be available from this appropri-*
 13 *ation, and the availability of the sums shall be deemed as*
 14 *constituting payment in advance for emergency services in-*
 15 *volved.*

16 *PUBLIC EDUCATION SYSTEM*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *Public education system, including the development of*
 19 *national defense education programs, \$1,266,424,000 (in-*
 20 *cluding \$1,058,709,000 from local funds, \$194,979,000 from*
 21 *Federal funds, \$8,957,000 from other funds, \$3,780,000*
 22 *from private funds to be allocated as follows:*

23 *(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—*

24 *\$901,944,000 (including \$760,494,000 from local*
 25 *funds, \$130,450,000 from Federal funds, \$7,330,000*

1 *from other funds, \$3,670,000 from private funds, and*
2 *not to exceed \$6,816,000, to remain available until*
3 *expended, from the Medicaid and Special Education*
4 *Reform Fund established pursuant to the Medicaid*
5 *and Special Education Reform Fund Establishment*
6 *Act of 2002 (D.C. Law 14–190; D.C. Official Code 4–*
7 *204.51 et seq.)), and \$14,000,000 from funds pre-*
8 *viously appropriated in this Act under the heading*
9 *“Federal Payment for School Improvement in the*
10 *District of Columbia” shall be available for District*
11 *of Columbia Public Schools: Provided, That notwith-*
12 *standing any other provision of law, rule, or regula-*
13 *tion, the evaluation process and instruments for eval-*
14 *uating District of Columbia Public School employees*
15 *shall be a non-negotiable item for collective bar-*
16 *gaining purposes: Provided further, That this appro-*
17 *priation shall not be available to subsidize the edu-*
18 *cation of any nonresident of the District of Columbia*
19 *at any District of Columbia public elementary or sec-*
20 *ondary school during fiscal year 2005 unless the non-*
21 *resident pays tuition to the District of Columbia at*
22 *a rate that covers 100 percent of the costs incurred by*
23 *the District of Columbia that are attributable to the*
24 *education of the nonresident (as established by the*
25 *Superintendent of the District of Columbia Public*

1 *Schools): Provided further, That notwithstanding the*
2 *amounts otherwise provided under this heading or*
3 *any other provision of law, there shall be appro-*
4 *priated to the District of Columbia Public Schools on*
5 *July 1, 2005, an amount equal to 10 percent of the*
6 *total amount of the local funds provided for the Dis-*
7 *trict of Columbia Public Schools in the proposed*
8 *budget of the District of Columbia for fiscal year 2005*
9 *(as submitted to Congress), and the amount of such*
10 *payment shall be chargeable against the final amount*
11 *provided for the District of Columbia Public Schools*
12 *under the District of Columbia Appropriations Act,*
13 *2005: Provided further, That not to exceed \$9,300 for*
14 *the Superintendent of Schools shall be available from*
15 *this appropriation for official reception and represen-*
16 *tation expenses.*

17 (2) *TEACHERS' RETIREMENT FUND.—\$9,200,000*
18 *from local funds shall be available for the Teachers'*
19 *Retirement Fund.*

20 (3) *STATE EDUCATION OFFICE.—\$73,104,000*
21 *(including \$10,015,000 from local funds, \$62,914,000*
22 *from Federal funds, and \$176,000 from other funds),*
23 *in addition, \$26,500,000 from funds previously ap-*
24 *propriated in this Act under the heading "Federal*
25 *Payment for Resident Tuition Support" and*

1 \$14,000,000 from funds previously appropriated in
2 this Act under the heading “Federal Payment for
3 School Improvement in the District of Columbia”
4 shall be available for the State Education Office: Pro-
5 vided, That of the amounts provided to the State
6 Education Office, \$500,000 from local funds shall re-
7 main available until June 30, 2006 for an audit of
8 the student enrollment of each District of Columbia
9 Public School and of each District of Columbia public
10 charter school.

11 (4) DISTRICT OF COLUMBIA PUBLIC CHARTER
12 SCHOOLS.—\$196,802,000 from local funds shall be
13 available for District of Columbia public charter
14 schools: Provided, That there shall be quarterly dis-
15 bursement of funds to the District of Columbia public
16 charter schools, with the first payment to occur with-
17 in 15 days of the beginning of the fiscal year: Pro-
18 vided further, That if the entirety of this allocation
19 has not been provided as payments to any public
20 charter schools currently in operation through the per
21 pupil funding formula, the funds shall remain avail-
22 able as follows: (A) the first \$3,000,000 shall be depos-
23 ited in the Credit Enhancement Revolving Fund es-
24 tablished pursuant to section 603(e) of the Student
25 Loan Marketing Association Reorganization Act of

1 1996 (Public Law 104–208; 110 Stat. 3009; 20
2 U.S.C. 1155(e)); and (B) the balance shall be for pub-
3 lic education in accordance with section 2403(b)(2) of
4 the District of Columbia School Reform Act of 1995
5 (D.C. Official Code, sec. 38–1804.03(b)(2)): Provided
6 further, That of the amounts made available to Dis-
7 trict of Columbia public charter schools, \$25,000 shall
8 be made available to the Office of the Chief Financial
9 Officer as authorized by section 2403(b)(6) of the Dis-
10 trict of Columbia School Reform Act of 1995 (D.C.
11 Official Code, sec. 38–1804.03(b)(6)): Provided fur-
12 ther, That \$660,000 of this amount shall be available
13 to the District of Columbia Public Charter School
14 Board for administrative costs: Provided further,
15 That notwithstanding the amounts otherwise provided
16 under this heading or any other provision of law,
17 there shall be appropriated to the District of Colum-
18 bia public charter schools on July 1, 2005, an amount
19 equal to 25 percent of the total amount of the local
20 funds appropriations request provided for payments
21 to public charter schools in the proposed budget of the
22 District of Columbia for fiscal year 2005 (as sub-
23 mitted to Congress), and the amount of such payment
24 shall be chargeable against the final amount provided
25 for such payments under the District of Columbia Ap-

1 *appropriations Act, 2005: Provided further, That not-*
2 *withstanding any other provision of law, of the funds*
3 *appropriated herein for the District of Columbia Pub-*
4 *lic Charter Schools, the Chief Financial Officer of the*
5 *District of Columbia, in coordination with the Dis-*
6 *trict of Columbia Chartering Authorities for the Dis-*
7 *trict of Columbia Public Charter Schools, shall estab-*
8 *lish requirements, policies and procedures for the per-*
9 *formance of a single financial audit, to be performed*
10 *by one auditing firm selected by the Chief Financial*
11 *Officer of the District of Columbia: Provided further,*
12 *That beginning in fiscal year 2005, the District of*
13 *Columbia Chartering Authorities for the District of*
14 *Columbia Public Charter Schools shall implement*
15 *and follow these requirements (including, but not lim-*
16 *ited to, the terms and conditions), policies and proce-*
17 *dures to ensure the completion of the annual financial*
18 *single audit of all District of Columbia Public Char-*
19 *ter Schools conducted in accordance herewith.*

20 (5) *UNIVERSITY OF THE DISTRICT OF COLUMBIA*
21 *SUBSIDY.—\$49,602,000 from local funds shall be*
22 *available for the University of the District of Colum-*
23 *bia: Provided, That this appropriation shall not be*
24 *available to subsidize the education of nonresidents of*
25 *the District of Columbia at the University of the Dis-*

1 *trict of Columbia, unless the Board of Trustees of the*
2 *University of the District of Columbia adopts, for the*
3 *fiscal year ending September 30, 2005, a tuition rate*
4 *schedule that will establish the tuition rate for non-*
5 *resident students at a level no lower than the non-*
6 *resident tuition rate charged at comparable public in-*
7 *stitutions of higher education in the metropolitan*
8 *area: Provided further, That notwithstanding the*
9 *amounts otherwise provided under this heading or*
10 *any other provision of law, there shall be appro-*
11 *priated to the University of the District of Columbia*
12 *on July 1, 2005, an amount equal to 10 percent of*
13 *the total amount of the local funds appropriations re-*
14 *quest provided for the University of the District of*
15 *Columbia in the proposed budget of the District of Co-*
16 *lumbia for fiscal year 2005 (as submitted to Con-*
17 *gress), and the amount of such payment shall be*
18 *chargeable against the final amount provided for the*
19 *University of the District of Columbia under the Dis-*
20 *trict of Columbia Appropriations Act, 2005: Provided*
21 *further, That not to exceed \$9,300 for the President*
22 *of the University of the District of Columbia shall be*
23 *available from this appropriation for official recep-*
24 *tion and representation expenses.*

1 \$8,498,720, to remain available until expended, shall be de-
2 posited in the Addiction Recovery Fund, established pursu-
3 ant to section 5 of the Choice in Drug Treatment Act of
4 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004)
5 and used exclusively for the purpose of the Choice in Drug
6 Treatment program, established pursuant to section 4 of the
7 Choice in Drug Treatment Act of 2000 (D.C. Law 13–146;
8 D.C. Official Code, sec. 7–3003), of which \$7,500,000 shall
9 be provided from local funds: Provided further, That none
10 of the \$8,498,720 for the Choice in Drug Treatment pro-
11 gram shall be used by the Department of Health’s Addiction
12 Prevention and Recovery Administration to provide youth
13 residential treatment services or youth outpatient treatment
14 services: Provided further, That no less than \$2,000,000
15 shall be available to the Department of Health’s Addiction
16 Prevention and Recovery Administration exclusively for the
17 purpose of providing youth residential treatment services:
18 Provided further, That no less than \$1,575,416 shall be
19 available to the Department of Health’s Addiction Preven-
20 tion and Recovery Administration exclusively for the pur-
21 pose of providing youth outpatient treatment services, of
22 which \$750,000 shall be made available exclusively to pro-
23 vide intensive outpatient treatment slots, outpatient treat-
24 ment slots, and other program costs for youth in the care
25 of the Youth Services Administration: Provided further,

1 *That no less than \$1,400,000 shall be used by the Depart-*
2 *ment of Health's Addiction Prevention and Recovery Ad-*
3 *ministration to fund a Child and Family Services Agency*
4 *pilot project entitled Family Treatment Court: Provided*
5 *further, That \$1,200,000 of local funds, to remain available*
6 *until expended, shall be deposited in the Adoption Voucher*
7 *Fund, established pursuant to section 3805(a) of the Adop-*
8 *tion Voucher Fund Act of 2000, effective October 19, 2000*
9 *(D.C. Law 13-172; D.C. Official Code, sec. 4-344(a)), to*
10 *be used exclusively for the purposes set forth in section*
11 *3805(b) of the Adoption Voucher Fund Act (D.C. Official*
12 *Code, sec. 4-344(b)): Provided further, That no less than*
13 *\$300,000 shall be used by the Department of Health's Envi-*
14 *ronmental Health Administration to operate the Total Max-*
15 *imum Daily Load program: Provided further, That no less*
16 *than \$1,268,500 shall be used by the Department of Health's*
17 *Environmental Health Administration to operate its air*
18 *quality programs, of which no less than \$242,000 shall be*
19 *used to fund 4 full-time air quality employees: Provided*
20 *further, That the Department of Human Services, Youth*
21 *Services Administration shall not expend any appropriated*
22 *fiscal year 2005 funds until the Mayor has submitted to*
23 *the Council by September 30, 2004 a plan, including time*
24 *lines, to close the Oak Hill Youth Center at the earliest fea-*
25 *sible date. All of the above proviso amounts in this heading*

1 *relate back to and are a subset of the first-referenced appro-*
2 *priation amount of \$2,533,825,000.*

3 *PUBLIC WORKS*

4 *Public works, including rental of one passenger-car-*
5 *rying vehicle for use by the Mayor and three passenger-car-*
6 *rying vehicles for use by the Council of the District of Co-*
7 *lumbia and leasing of passenger-carrying vehicles,*
8 *\$331,936,000 (including \$312,035,000 from local funds,*
9 *\$4,000,000 from Federal funds, and \$15,901,000 from other*
10 *funds), in addition, \$5,000,000 from funds previously ap-*
11 *propriated in this Act under the heading “Federal Payment*
12 *for Transportation Assistance”: Provided, That this appro-*
13 *priation shall not be available for collecting ashes or mis-*
14 *cellaneous refuse from hotels and places of business.*

15 *CASH RESERVE*

16 *For the cumulative cash reserve established pursuant*
17 *to section 202(j)(2) of the District of Columbia Financial*
18 *Responsibility and Management Assistance Act of 1995*
19 *(D.C. Official Code, sec. 47–392.02(j)(2)), \$50,000,000 from*
20 *local funds.*

21 *EMERGENCY AND CONTINGENCY RESERVE FUNDS*

22 *For the emergency reserve fund and the contingency*
23 *reserve fund under section 450A of the District of Columbia*
24 *Home Rule Act (D.C. Official Code, sec. 1–204.50a), such*
25 *additional amounts from the District’s general fund balance*

1 *as are necessary to meet the balance requirements for funds*
2 *under section 450A.*

3 *REPAYMENT OF LOANS AND INTEREST*

4 *For payment of principal, interest, and certain fees*
5 *directly resulting from borrowing by the District of Colum-*
6 *bia to fund District of Columbia capital projects as author-*
7 *ized by sections 462, 475, and 490 of the District of Colum-*
8 *bia Home Rule Act (D.C. Official Code, secs. 1–204.62, 1–*
9 *204.75, and 1–204.90), \$347,700,000 from local funds.*

10 *PAYMENT OF INTEREST ON SHORT-TERM BORROWING*

11 *For payment of interest on short-term borrowing,*
12 *\$4,000,000 from local funds.*

13 *CERTIFICATES OF PARTICIPATION*

14 *For principal and interest payments on the District's*
15 *Certificates of Participation, issued to finance the ground*
16 *lease underlying the building located at One Judiciary*
17 *Square, \$11,252,000 from local funds.*

18 *SETTLEMENTS AND JUDGMENTS*

19 *For making refunds and for the payment of legal set-*
20 *tlements or judgments that have been entered against the*
21 *District of Columbia government, \$20,270,000 from local*
22 *funds: Provided, That this appropriation shall not be con-*
23 *strued as modifying or affecting the provisions of section*
24 *103 of this Act.*

1 *WILSON BUILDING*

2 *For expenses associated with the John A. Wilson build-*
3 *ing, \$3,633,000 from local funds.*

4 *WORKFORCE INVESTMENTS*

5 *For workforce investments, \$38,114,000 from local*
6 *funds, to be transferred by the Mayor of the District of Co-*
7 *lumbia within the various appropriation headings in this*
8 *Act for which employees are properly payable: Provided,*
9 *That of this amount \$3,548,000 shall remain available*
10 *until expended to meet the requirements of the Compensa-*
11 *tion Agreement Between the District of Columbia Govern-*
12 *ment Units 1 and 2 Approval Resolution of 2004, effective*
13 *February 17, 2004 (Res. 15-459; 51 DCR 2325).*

14 *NON-DEPARTMENTAL AGENCY*

15 *To account for anticipated costs that cannot be allo-*
16 *cated to specific agencies during the development of the pro-*
17 *posed budget, \$13,946,000 (including \$4,000,000 from local*
18 *funds and \$9,946,000 from other funds) to be transferred*
19 *by the Mayor of the District of Columbia within the various*
20 *appropriations headings in this Act: Provided, That*
21 *\$4,000,000 from local funds shall be for anticipated costs*
22 *associated with the No Child Left Behind Act.*

23 *PAY-AS-YOU-GO CAPITAL*

24 *For Pay-As-You-Go Capital funds in lieu of capital*
25 *financing, \$6,531,000 from local funds, to be transferred to*

1 *the Capital Fund, subject to the Criteria for Spending Pay-*
 2 *as-You-Go Funding Amendment Act of 2003 (D.C. Act 15-*
 3 *106): Provided, That pursuant to this Act, there are author-*
 4 *ized to be transferred from Pay-As-You-Go Capital funds*
 5 *to other headings of this Act, such sums as may be necessary*
 6 *to carry out the purposes of this Act.*

7 *EMERGENCY PLANNING AND SECURITY FUND*

8 *For Emergency Planning and Security Fund,*
 9 *\$15,000,000 from funds previously appropriated in this Act*
 10 *under the heading “Federal Payment for Planning and Se-*
 11 *curity Costs in the District of Columbia”.*

12 *OLD CONVENTION CENTER DEMOLITION RESERVE*

13 *For the Old Convention Center Demolition Reserve,*
 14 *such amounts as may be necessary, not to exceed*
 15 *\$11,000,000, from the District’s general fund balance.*

16 *TAX INCREMENT FINANCING PROGRAM*

17 *For a Tax Increment Financing Program, such*
 18 *amounts as are necessary to meet the Tax Increment Fi-*
 19 *nancing requirements, not to exceed \$9,710,000 from the*
 20 *District’s general fund balance.*

21 *PAY-AS-YOU-GO CONTINGENCY*

22 *For Pay-As-You-Go Contingency Fund, \$43,137,000,*
 23 *subject to the Criteria for Spending Pay-as-You-Go Fund-*
 24 *ing Act of 2004, approved by the Council of the District*
 25 *of Columbia on 1st reading, May 14, 2004 (Title I of Bill*

1 15–768), *there are authorized to be transferred from the con-*
 2 *tingency fund to certain other headings of this Act as nec-*
 3 *essary to carry out the purposes of this Act. Expenditures*
 4 *from the Pay-As-You-Go Contingency Fund shall be subject*
 5 *to the approval of the Council by resolution.*

6 *REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY*

7 *If the Chief Financial Officer for the District of Co-*
 8 *lumbia certifies through a revised revenue estimate that*
 9 *funds are available from local funds, such available funds*
 10 *shall be expended as provided in the Contingency for Rec-*
 11 *ordation and Transfer Tax Reduction and the Office of*
 12 *Property Management and Library Expenditures Act of*
 13 *2004, approved by the Council of the District of Columbia*
 14 *on 1st reading, May 14, 2004 (Bill 15–768), including up*
 15 *to \$2,000,000 to the Office of Property Management, up to*
 16 *\$1,200,000 to the District of Columbia Public Library, up*
 17 *to \$256,000 to the D.C. Police and Firefighters Retirement*
 18 *and Relief Board, and \$132,600 for the Police and Fire*
 19 *Clinic.*

20 *ENTERPRISE AND OTHER FUNDS*

21 *WATER AND SEWER AUTHORITY*

22 *For operation of the Water and Sewer Authority,*
 23 *\$287,206,000 from other funds, of which \$15,180,402 shall*
 24 *be apportioned for repayment of loans and interest incurred*

1 *for capital improvement projects and payable to the Dis-*
 2 *trict's debt service fund.*

3 *For construction projects, \$371,040,000, to be distrib-*
 4 *uted as follows: \$181,656,000 for the Blue Plains Waste-*
 5 *water Treatment Plant, \$43,800,000 for the sewer program,*
 6 *\$9,118,000 for the stormwater program, \$122,627,000 for*
 7 *the water program, and \$13,839,000 for the capital equip-*
 8 *ment program; in addition, \$10,000,000 from funds pre-*
 9 *viously appropriated in this Act under the heading "Fed-*
 10 *eral Payment to the District of Columbia Water and Sewer*
 11 *Authority": Provided, That the requirements and restric-*
 12 *tions that are applicable to general fund capital improve-*
 13 *ment projects and set forth in this Act under the Capital*
 14 *Outlay appropriation account shall apply to projects ap-*
 15 *proved under this appropriation account.*

16 *WASHINGTON AQUEDUCT*

17 *For operation of the Washington Aqueduct,*
 18 *\$47,972,000 from other funds.*

19 *STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND*

20 *For operation of the Stormwater Permit Compliance*
 21 *Enterprise Fund, \$3,792,000 from other funds.*

22 *LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND*

23 *For the Lottery and Charitable Games Enterprise*
 24 *Fund, established by the District of Columbia Appropria-*
 25 *tion Act, 1982, for the purpose of implementing the Law*

1 *to Legalize Lotteries, Daily Numbers Games, and Bingo*
2 *and Raffles for Charitable Purposes in the District of Co-*
3 *lumbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301*
4 *et seq. and sec. 22-1716 et seq.), \$247,000,000 from other*
5 *funds: Provided, That the District of Columbia shall iden-*
6 *tify the source of funding for this appropriation title from*
7 *the District's own locally generated revenues: Provided fur-*
8 *ther, That no revenues from Federal sources shall be used*
9 *to support the operations or activities of the Lottery and*
10 *Charitable Games Control Board: Provided further, That*
11 *the Lottery and Charitable Games Enterprise Fund is here-*
12 *by authorized to make transfers to the general fund of the*
13 *District of Columbia, in excess of this appropriation, if such*
14 *funds are available for transfer.*

15 *SPORTS AND ENTERTAINMENT COMMISSION*

16 *For the Sports and Entertainment Commission,*
17 *\$7,322,000 from other funds: Provided, That the paragraph*
18 *under the heading "Sports and Entertainment Commis-*
19 *sion" in Public Law 108-199 (118 Stat. 125) is amended*
20 *by striking the term "local funds" and inserting the term*
21 *"other funds" in its place.*

22 *DISTRICT OF COLUMBIA RETIREMENT BOARD*

23 *For the District of Columbia Retirement Board, estab-*
24 *lished pursuant to section 121 of the District of Columbia*
25 *Retirement Reform Act of 1979 (D.C. Official Code, sec. 1-*

1 711), \$15,277,000 from the earnings of the applicable retire-
2 ment funds to pay legal, management, investment, and
3 other fees and administrative expenses of the District of Co-
4 lumbia Retirement Board: Provided, That the District of
5 Columbia Retirement Board shall provide to the Congress
6 and to the Council of the District of Columbia a quarterly
7 report of the allocations of charges by fund and of expendi-
8 tures of all funds: Provided further, That the District of
9 Columbia Retirement Board shall provide the Mayor, for
10 transmittal to the Council of the District of Columbia, an
11 itemized accounting of the planned use of appropriated
12 funds in time for each annual budget submission and the
13 actual use of such funds in time for each annual audited
14 financial report.

15 *WASHINGTON CONVENTION CENTER ENTERPRISE FUND*

16 *For the Washington Convention Center Enterprise*
17 *Fund, \$77,176,000 from other funds.*

18 *NATIONAL CAPITAL REVITALIZATION CORPORATION*

19 *For the National Capital Revitalization Corporation,*
20 *\$7,850,000 from other funds.*

21 *UNIVERSITY OF THE DISTRICT OF COLUMBIA*

22 *For the University of the District of Columbia,*
23 *\$85,102,000 (including, \$49,602,000 from local funds pre-*
24 *viously appropriated in this Act under the heading “Public*
25 *Education Systems”, \$15,192,000 from Federal funds,*

1 \$19,434,000 from other funds, and \$873,000 from private
2 funds): Provided, That this appropriation shall not be
3 available to subsidize the education of nonresidents of the
4 District of Columbia at the University of the District of
5 Columbia, unless the Board of Trustees of the University
6 of the District of Columbia adopts, for the fiscal year ending
7 September 30, 2005, a tuition rate schedule that will estab-
8 lish the tuition rate for nonresident students at a level no
9 lower than the nonresident tuition rate charged at com-
10 parable public institutions of higher education in the metro-
11 politan area.

12 *UNEMPLOYMENT COMPENSATION FUND*

13 *For the Unemployment Compensation Fund,*
14 *\$180,000,000 from other funds.*

15 *DISTRICT OF COLUMBIA PERSONNEL TRUST FUND*

16 *For the District of Columbia Personnel Trust Fund,*
17 *\$953,000 from other funds.*

18 *DISTRICT OF COLUMBIA PUBLIC LIBRARY TRUST FUND*

19 *For the District of Columbia Public Library Trust*
20 *Fund, \$17,000 from other funds: Provided, That \$7,000*
21 *shall be for the Theodore W. Noyes Trust Fund: Provided*
22 *further, That \$10,000 shall be for the Peabody Trust Fund.*

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

1 *For construction projects, an increase of*
2 *\$1,087,649,000, of which \$839,897,000 shall be from local*
3 *funds, \$38,542,000 from Highway Trust funds, \$37,000,000*
4 *from the Rights-of-way funds, \$172,209,000 from Federal*
5 *funds, and a rescission of \$367,763,000 from local funds*
6 *appropriated under this heading in prior fiscal years, for*
7 *a net amount of \$725,886,000, to remain available until*
8 *expended; in addition, \$7,000,000 from funds previously*
9 *appropriated in this Act under the heading “Federal Pay-*
10 *ment for the Unified Communications Center” and*
11 *\$3,000,000 from funds previously appropriated in this Act*
12 *under the heading “Federal Payment for the Anacostia Wa-*
13 *terfront Initiative”: Provided, That funds for use of each*
14 *capital project implementing agency shall be managed and*
15 *controlled in accordance with all procedures and limita-*
16 *tions established under the Financial Management System:*
17 *Provided further, That all funds provided by this appro-*
18 *priation title shall be available only for the specific projects*
19 *and purposes intended: Provided further, That the Office*
20 *of the Chief Technology Officer of the District of Columbia*
21 *shall implement the following information technology*
22 *projects on behalf of the District of Columbia Public*
23 *Schools: Student Information System (project number*
24
25

1 T2240), *Student Information System PCS* (project number
2 T2241), *Enterprise Resource Planning* (project number
3 T2242), *E-Rate* (project number T2243), and *SETS Ex-*
4 *pansion PCS* (project number T2244).

5 *TITLE III—GENERAL PROVISIONS*

6 *SEC. 301. Whenever in this Act, an amount is specified*
7 *within an appropriation for particular purposes or objects*
8 *of expenditure, such amount, unless otherwise specified,*
9 *shall be considered as the maximum amount that may be*
10 *expended for said purpose or object rather than an amount*
11 *set apart exclusively therefor.*

12 *SEC. 302. Appropriations in this Act shall be available*
13 *for expenses of travel and for the payment of dues of organi-*
14 *zations concerned with the work of the District of Columbia*
15 *government, when authorized by the Mayor: Provided, That*
16 *in the case of the Council of the District of Columbia, funds*
17 *may be expended with the authorization of the Chairman*
18 *of the Council.*

19 *SEC. 303. There are appropriated from the applicable*
20 *funds of the District of Columbia such sums as may be nec-*
21 *essary for making refunds and for the payment of legal set-*
22 *tlements or judgments that have been entered against the*
23 *District of Columbia government.*

1 *SEC. 304. No part of any appropriation contained in*
2 *this Act shall remain available for obligation beyond the*
3 *current fiscal year unless expressly to provided herein.*

4 *SEC. 305. None of the funds appropriated in this Act*
5 *shall be made available to pay the salary of any employee*
6 *of the District of Columbia government whose name, title,*
7 *grade, and salary are not available for inspection by the*
8 *Committees on Appropriations of the House of Representa-*
9 *tives and Senate, the Committee on Government Reform of*
10 *the House of Representatives, the Committee on Govern-*
11 *mental Affairs of the Senate, and the Council of the District*
12 *of Columbia, or their duly authorized representative.*

13 *SEC. 306. None of the Federal funds provided in this*
14 *Act may be used for publicity or propaganda purposes or*
15 *implementation of any policy including boycott designed to*
16 *support or defeat legislation pending before Congress or any*
17 *State legislature.*

18 *SEC. 307. (a) None of the Federal funds provided in*
19 *this Act may be used to carry out lobbying activities on*
20 *any matter.*

21 *(b) Nothing in this section may be construed to pro-*
22 *hibit any elected official from advocating with respect to*
23 *any issue.*

24 *SEC. 308. (a) None of the funds provided under this*
25 *Act to the agencies funded by this Act, both Federal and*

1 *District government agencies, that remain available for ob-*
2 *ligation or expenditure in fiscal year 2005, or provided*
3 *from any accounts in the Treasury of the United States*
4 *derived by the collection of fees available to the agencies*
5 *funded by this Act, shall be available for obligation or ex-*
6 *penditures for an agency through a reprogramming of funds*
7 *which—*

8 (1) *creates new programs;*

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

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

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

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

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

22 (7) *increases by 20 percent or more personnel as-*
23 *signed to a specific program, project or responsibility*
24 *center, unless the Committee on Appropriations of the*

1 *House of Representatives and Senate are notified in*
2 *writing 15 days in advance of the reprogramming.*

3 *(b) None of the local funds contained in this Act may*
4 *be available for obligation or expenditure for an agency*
5 *through a transfer of any local funds in excess of \$1,000,000*
6 *from one appropriation heading to another unless the Com-*
7 *mittees on Appropriations of the House of Representatives*
8 *and Senate are notified in writing 15 days in advance of*
9 *the transfer, except that in no event may the amount of*
10 *any funds transferred exceed 4 percent of the local funds*
11 *in the appropriations.*

12 *SEC. 309. Consistent with the provisions of section*
13 *1301(a) of title 31, United States Code, appropriations*
14 *under this Act shall be applied only to the objects for which*
15 *the appropriations were made except as otherwise provided*
16 *by law.*

17 *SEC. 310. Notwithstanding any other provisions of*
18 *law, the provisions of the District of Columbia Government*
19 *Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-*
20 *139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pur-*
21 *suant to section 422(3) of the District of Columbia Home*
22 *Rule Act (D.C. Official Code, sec. 1-204l.22(3)), shall apply*
23 *with respect to the compensation of District of Columbia*
24 *employees: Provided, That for pay purposes, employees of*

1 *the District of Columbia government shall not be subject*
2 *to the provisions of title 5, United States Code.*

3 *SEC. 311. No later than 30 days after the end of the*
4 *first quarter of fiscal year 2005, the Mayor of the District*
5 *of Columbia shall submit to the Council of the District of*
6 *Columbia and the Committees on Appropriations of the*
7 *House of Representatives and Senate the new fiscal year*
8 *2005 revenue estimates as of the end of such quarter. These*
9 *estimates shall be used in the budget request for fiscal year*
10 *2005. The officially revised estimates at midyear shall be*
11 *used for the midyear report.*

12 *SEC. 312. No sole source contract with the District of*
13 *Columbia government or any agency thereof may be re-*
14 *newed or extended without opening that contract to the*
15 *competitive bidding process as set forth in section 303 of*
16 *the District of Columbia Procurement Practices Act of 1985*
17 *(D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except*
18 *that the District of Columbia government or any agency*
19 *thereof may renew or extend sole source contracts for which*
20 *competition is not feasible or practical, but only if the deter-*
21 *mination as to whether to invoke the competitive bidding*
22 *process has been made in accordance with duly promulgated*
23 *rules and procedures and has been reviewed and certified*
24 *by the Chief Financial Officer of the District of Columbia.*

1 *SEC. 313. None of the Federal funds provided in this*
2 *Act may be used by the District of Columbia to provide*
3 *for salaries, expenses, or other costs associated with the of-*
4 *fices of United States Senator or United States Representa-*
5 *tive under section 4(d) of the District of Columbia State-*
6 *hood Constitutional Convention Initiatives of 1979 (D.C.*
7 *Law 3–171; D.C. Official Code, sec. 1–123).*

8 *SEC. 314. None of the funds appropriated under this*
9 *Act shall be expended for any abortion except where the life*
10 *of the mother would be endangered if the fetus were carried*
11 *to term or where the pregnancy is the result of an act of*
12 *rape or incest.*

13 *SEC. 315. None of the Federal funds made available*
14 *in this Act may be used to implement or enforce the Health*
15 *Care Benefits Expansion Act of 1992 (D.C. Law 9–114;*
16 *D.C. Official Code, sec. 32–701 et seq.) or to otherwise im-*
17 *plement or enforce any system of registration of unmarried,*
18 *cohabiting couples, including but not limited to registration*
19 *for the purpose of extending employment, health, or govern-*
20 *mental benefits to such couples on the same basis that such*
21 *benefits are extended to legally married couples.*

22 *SEC. 316. (a) Notwithstanding any other provision of*
23 *this Act, the Mayor, in consultation with the Chief Finan-*
24 *cial Officer of the District of Columbia may accept, obligate,*
25 *and expend Federal, private, and other grants received by*

1 *the District government that are not reflected in the*
2 *amounts appropriated in this Act.*

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

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

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

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

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

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

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

1 *ernment in anticipation of the approval or receipt of a*
2 *grant under subsection (b)(2) or in anticipation of the ap-*
3 *proval or receipt of a Federal, private, or other grant not*
4 *subject to such subsection.*

5 *(d) The Chief Financial Officer of the District of Co-*
6 *lumbia may adjust the budget for Federal, private, and*
7 *other grants received by the District government reflected*
8 *in the amounts appropriated in this Act, or approved and*
9 *received under subsection (b)(2) to reflect a change in the*
10 *actual amount of the grant.*

11 *(e) The Chief Financial Officer of the District of Co-*
12 *lumbia shall prepare a quarterly report setting forth de-*
13 *tailed information regarding all Federal, private, and other*
14 *grants subject to this section. Each such report shall be sub-*
15 *mitted to the Council of the District of Columbia and to*
16 *the Committees on Appropriations of the House of Rep-*
17 *resentatives and Senate not later than 15 days after the*
18 *end of the quarter covered by the report.*

19 *SEC. 317. (a) Except as otherwise provided in this sec-*
20 *tion, none of the funds made available by this Act or by*
21 *any other Act may be used to provide any officer or em-*
22 *ployee of the District of Columbia with an official vehicle*
23 *unless the officer or employee uses the vehicle only in the*
24 *performance of the officer's or employee's official duties. For*
25 *purposes of this paragraph, the term "official duties" does*

1 *not include travel between the officer's or employee's resi-*
2 *dence and workplace, except in the case of—*

3 *(1) an officer or employee of the Metropolitan*
4 *Police Department who resides in the District of Co-*
5 *lumbia or is otherwise designated by the Chief of the*
6 *Department;*

7 *(2) an officer or employee of the District of Co-*
8 *lumbia Fire and Emergency Medical Services Depart-*
9 *ment who resides in the District of Columbia and is*
10 *on call 24 hours a day or is otherwise designated by*
11 *the Fire Chief;*

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

13 *(4) the Chairman of the Council of the District*
14 *of Columbia.*

15 *(b) The Chief Financial Officer of the District of Co-*
16 *lumbia shall submit by March 1, 2005, an inventory, as*
17 *of September 30, 2004, of all vehicles owned, leased or oper-*
18 *ated by the District of Columbia government. The inventory*
19 *shall include, but not be limited to, the department to which*
20 *the vehicle is assigned; the year and make of the vehicle;*
21 *the acquisition date and cost; the general condition of the*
22 *vehicle; annual operating and maintenance costs; current*
23 *mileage; and whether the vehicle is allowed to be taken home*
24 *by a District officer or employee and if so, the officer or*
25 *employee's title and resident location.*

1 *SEC. 318. None of the funds contained in this Act may*
2 *be used for purposes of the annual independent audit of*
3 *the District of Columbia government for fiscal year 2005*
4 *unless—*

5 *(1) the audit is conducted by the Inspector Gen-*
6 *eral of the District of Columbia, in coordination with*
7 *the Chief Financial Officer of the District of Colum-*
8 *bia, pursuant to section 208(a)(4) of the District of*
9 *Columbia Procurement Practices Act of 1985 (D.C.*
10 *Official Code, sec. 2–302.8); and*

11 *(2) the audit includes as a basic financial state-*
12 *ment a comparison of audited actual year-end results*
13 *with the revenues submitted in the budget document*
14 *for such year and the appropriations enacted into law*
15 *for such year using the format, terminology, and clas-*
16 *sifications contained in the law making the appro-*
17 *priations for the year and its legislative history.*

18 *SEC. 319. (a) None of the Federal funds contained in*
19 *this Act may be used by the District of Columbia Corpora-*
20 *tion Counsel or any other officer or entity of the District*
21 *government to provide assistance for any petition drive or*
22 *civil action which seeks to require Congress to provide for*
23 *voting representation in Congress for the District of Colum-*
24 *bia.*

1 **(b)** *Nothing in this section bars the District of Colum-*
2 *bia Corporation Counsel from reviewing or commenting on*
3 *briefs in private lawsuits, or from consulting with officials*
4 *of the District government regarding such lawsuits.*

5 **SEC. 320. (a)** *None of the Federal funds contained in*
6 *this Act may be used for any program of distributing sterile*
7 *needles or syringes for the hypodermic injection of any ille-*
8 *gal drug.*

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

14 **SEC. 321.** *None of the funds contained in this Act may*
15 *be used after the expiration of the 60-day period that begins*
16 *on the date of the enactment of this Act to pay the salary*
17 *of any chief financial officer of any office of the District*
18 *of Columbia government (including any independent agen-*
19 *cy of the District of Columbia) who has not filed a certifi-*
20 *cation with the Mayor and the Chief Financial Officer of*
21 *the District of Columbia that the officer understands the*
22 *duties and restrictions applicable to the officer and the offi-*
23 *cer's agency as a result of this Act (and the amendments*
24 *made by this Act), including any duty to prepare a report*
25 *requested either in the Act or in any of the reports accom-*

1 *panying the Act and the deadline by which each report*
2 *must be submitted. The Chief Financial Officer of the Dis-*
3 *trict of Columbia shall provide to the Committees on Appro-*
4 *priations of the House of Representatives and Senate by*
5 *the 10th day after the end of each quarter a summary list*
6 *showing each report, the due date, and the date submitted*
7 *to the Committees.*

8 *SEC. 322. (a) None of the funds contained in this Act*
9 *may be used to enact or carry out any law, rule, or regula-*
10 *tion to legalize or otherwise reduce penalties associated with*
11 *the possession, use, or distribution of any schedule I sub-*
12 *stance under the Controlled Substances Act (21 U.S.C. 802)*
13 *or any tetrahydrocannabinols derivative.*

14 *(b) The Legalization of Marijuana for Medical Treat-*
15 *ment Initiative of 1998, also known as Initiative 59, ap-*
16 *proved by the electors of the District of Columbia on Novem-*
17 *ber 3, 1998, shall not take effect.*

18 *SEC. 323. Nothing in this Act may be construed to pre-*
19 *vent the Council or Mayor of the District of Columbia from*
20 *addressing the issue of the provision of contraceptive cov-*
21 *erage by health insurance plans, but it is the intent of Con-*
22 *gress that any legislation enacted on such issue should in-*
23 *clude a “conscience clause” which provides exceptions for*
24 *religious beliefs and moral convictions.*

1 *SEC. 324. The Mayor of the District of Columbia shall*
2 *submit to the Committees on Appropriations of the House*
3 *of Representatives and Senate, the Committee on Govern-*
4 *ment Reform of the House of Representatives, and the Com-*
5 *mittee on Governmental Affairs of the Senate quarterly re-*
6 *ports addressing—*

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

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

16 (3) *management of parolees and pre-trial violent*
17 *offenders, including the number of halfway houses es-*
18 *caped and steps taken to improve monitoring and su-*
19 *pervision of halfway house residents to reduce the*
20 *number of escapes to be provided in consultation with*
21 *the Court Services and Offender Supervision Agency*
22 *for the District of Columbia;*

23 (4) *education, including access to special edu-*
24 *cation services and student achievement to be pro-*
25 *vided in consultation with the District of Columbia*

1 *Public Schools and the District of Columbia public*
2 *charter schools;*

3 *(5) improvement in basic District services, in-*
4 *cluding rat control and abatement;*

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

11 *(7) indicators of child well-being.*

12 *SEC. 325. (a) No later than 30 calendar days after*
13 *the date of the enactment of this Act, the Chief Financial*
14 *Officer of the District of Columbia shall submit to the ap-*
15 *propriate committees of Congress, the Mayor, and the Coun-*
16 *cil of the District of Columbia a revised appropriated funds*
17 *operating budget in the format of the budget that the Dis-*
18 *trict of Columbia government submitted pursuant to section*
19 *442 of the District of Columbia Home Rule Act (D.C. Offi-*
20 *cial Code, sec. 1-204.42), for all agencies of the District of*
21 *Columbia government for fiscal year 2004 that is in the*
22 *total amount of the approved appropriation and that re-*
23 *aligns all budgeted data for personal services and other-*
24 *than-personal-services, respectively, with anticipated actual*
25 *expenditures.*

1 (b) *APPLICABILITY.*—*This provision shall apply only*
2 *to an agency where the Chief Financial Officer of the Dis-*
3 *trict of Columbia certifies that a reallocation is required*
4 *to address unanticipated changes in program requirements.*

5 *SEC. 326. None of the funds contained in this Act may*
6 *be used to issue, administer, or enforce any order by the*
7 *District of Columbia Commission on Human Rights relat-*
8 *ing to docket numbers 93–030–(PA) and 93–031–(PA).*

9 *SEC. 327. Notwithstanding any other law, the District*
10 *of Columbia Courts shall transfer to the general treasury*
11 *of the District of Columbia all fines levied and collected by*
12 *the Courts under section 10(b)(1) and (2) of the District*
13 *of Columbia Traffic Act (D.C. Official Code, sec. 50–*
14 *2201.05(b)(1) and (2)). The transferred funds shall remain*
15 *available until expended and shall be used by the Office of*
16 *the Corporation Counsel for enforcement and prosecution*
17 *of District traffic alcohol laws in accordance with section*
18 *10(b)(3) of the District of Columbia Traffic Act (D.C. Offi-*
19 *cial Code, sec. 50–2201.05(b)(3)).*

20 *SEC. 328. None of the funds contained in this Act may*
21 *be made available to pay—*

22 (1) *the fees of an attorney who represents a*
23 *party in an action or an attorney who defends an ac-*
24 *tion, including an administrative proceeding, brought*
25 *against the District of Columbia Public Schools under*

1 *the Individuals with Disabilities Education Act (20*
2 *U.S.C. 1400 et seq.) in excess of \$4,000 for that ac-*
3 *tion; or*

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

10 *SEC. 329. The Chief Financial Officer of the District*
11 *of Columbia shall require attorneys in special education*
12 *cases brought under the Individuals with Disabilities Act*
13 *(IDEA) in the District of Columbia to certify in writing*
14 *that the attorney or representative rendered any and all*
15 *services for which they receive awards, including those re-*
16 *ceived under a settlement agreement or as part of an ad-*
17 *ministrative proceeding, under the IDEA from the District*
18 *of Columbia: Provided, That as part of the certification,*
19 *the Chief Financial Officer of the District of Columbia shall*
20 *require all attorneys in IDEA cases to disclose any finan-*
21 *cial, corporate, legal, memberships on boards of directors,*
22 *or other relationships with any special education diagnostic*
23 *services, schools, or other special education service providers*
24 *to which the attorneys have referred any clients as part of*
25 *this certification: Provided further, That the Chief Finan-*

1 *cial Officer shall prepare and submit quarterly reports to*
2 *the Committees on Appropriations of the House of Rep-*
3 *resentatives and Senate on the certification of and the*
4 *amount paid by the government of the District of Columbia,*
5 *including the District of Columbia Public Schools, to attor-*
6 *neys in cases brought under IDEA: Provided further, That*
7 *the Inspector General of the District of Columbia may con-*
8 *duct investigations to determine the accuracy of the certifi-*
9 *cations.*

10 *SEC. 330. Section 401(a) and (b) of Chapter 4 of Pub-*
11 *lic Law 106–554 is hereby amended by striking paragraph*
12 *(5).*

13 *SEC. 331. Sections 11–1701(b)(5), 11–1704(b), 11–*
14 *1723(b), 11–2102(a)(2), and the second and third sentences*
15 *of Section 11–1724, of the District of Columbia Official*
16 *Code, are hereby repealed.*

17 *SEC. 332. Section 11–1728 of the District of Columbia*
18 *Official Code, is amended to read as follows:*

19 **“SEC. 11–1728. RECRUITMENT AND TRAINING OF PER-**
20 **SONNEL AND TRAVEL.**

21 *“(a) The Executive Officer shall be responsible for re-*
22 *cruiting such qualified personnel as may be necessary for*
23 *the District of Columbia Courts and for providing in-serv-*
24 *ice training for court personnel.*

1 “(b) *Travel under Federal supply schedules is author-*
2 *ized for the travel of court personnel on official business.*
3 *The joint committee shall prescribe such requirements, con-*
4 *ditions and restrictions for such travel as it considers ap-*
5 *propriate, and shall include policies and procedures for pre-*
6 *venting abuses of that travel authority.”.*

7 *SEC. 333. Section 450A of the District of Columbia*
8 *Home Rule Act, approved December 24, 1973 (87 Stat. 803;*
9 *D.C. Official Code, sec. 1-204.50a), is amended as follows:*

10 (1) *Subsection (a) is amended as follows:*

11 (A) *Paragraph (1) is amended to read as*
12 *follows:*

13 “(1) *IN GENERAL.—There is established an emer-*
14 *gency cash reserve fund (‘emergency reserve fund’) as*
15 *an interest-bearing account (separate from other ac-*
16 *counts in the General Fund) into which the Mayor*
17 *shall make a deposit in cash not later than October*
18 *1 of each fiscal year of such an amount as may be*
19 *required to maintain a balance in the fund of at least*
20 *2 percent of the operating expenditures as defined in*
21 *paragraph (2) of this subsection or such amount as*
22 *may be required for deposit in a fiscal year in which*
23 *the District is replenishing the emergency reserve*
24 *fund pursuant to subsection (a)(7).”.*

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

3 “(2) *IN GENERAL.*—For the purpose of this sub-
4 section, operating expenditures is defined as the
5 amount reported in the District of Columbia’s Com-
6 prehensive Annual Financial Report for the fiscal
7 year immediately preceding the current fiscal year as
8 the actual operating expenditure from local funds, less
9 such amounts that are attributed to debt service pay-
10 ments for which a separate reserve fund is already es-
11 tablished under this Act.”.

12 (C) Paragraph (7) is amended to read as
13 follows:

14 “(7) *REPLENISHMENT.*—The District of Colum-
15 bia shall appropriate sufficient funds each fiscal year
16 in the budget process to replenish any amounts allo-
17 cated from the emergency reserve fund during the pre-
18 ceding fiscal years so that not less than 50 percent of
19 any amount allocated in the preceding fiscal year or
20 the amount necessary to restore the emergency reserve
21 fund to the 2 percent required balance, whichever is
22 less, is replenished by the end of the first fiscal year
23 following each such allocation and 100 percent of the
24 amount allocated or the amount necessary to restore
25 the emergency reserve fund to the 2 percent required

1 *balance, whichever is less, is replenished by the end*
2 *of the second fiscal year following each such alloca-*
3 *tion.”.*

4 *(2) Subsection (b) is amended as follows:*

5 *(A) Paragraph (1) is amended to read as*
6 *follows:*

7 *“(1) IN GENERAL.—There is established a con-*
8 *tingency cash reserve fund (‘contingency reserve*
9 *fund’) as an interest-bearing account, separate from*
10 *other accounts in the General Fund, into which the*
11 *Mayor shall make a deposit in cash not later than*
12 *October 1 of each fiscal year of such amount as may*
13 *be required to maintain a balance in the fund of at*
14 *least 4 percent of the operating expenditures as de-*
15 *defined in paragraph (2) of this subsection or such*
16 *amount as may be required for deposit in a fiscal*
17 *year in which the District is replenishing the emer-*
18 *gency reserve fund pursuant to subsection (b)(6).”.*

19 *(B) Paragraph (2) is amended to read as*
20 *follows:*

21 *“(2) IN GENERAL.—For the purpose of this sub-*
22 *section, operating expenditures is defined as the*
23 *amount reported in the District of Columbia’s Com-*
24 *prehensive Annual Financial Report for the fiscal*
25 *year immediately preceding the current fiscal year as*

1 *the actual operating expenditure from local funds, less*
2 *such amounts that are attributed to debt service pay-*
3 *ments for which a separate reserve fund is already es-*
4 *tablished under this Act.”.*

5 *(C) Paragraph (6) is amended to read as*
6 *follows:*

7 “(6) *REPLENISHMENT.—The District of Colum-*
8 *bia shall appropriate sufficient funds each fiscal year*
9 *in the budget process to replenish any amounts allo-*
10 *cated from the contingency reserve fund during the*
11 *preceding fiscal years so that not less than 50 percent*
12 *of any amount allocated in the preceding fiscal year*
13 *or the amount necessary to restore the contingency re-*
14 *serve fund to the 4 percent required balance, which-*
15 *ever is less, is replenished by the end of the first fiscal*
16 *year following each such allocation and 100 percent*
17 *of the amount allocated or the amount necessary to*
18 *restore the contingency reserve fund to the 4 percent*
19 *required balance, whichever is less, is replenished by*
20 *the end of the second fiscal year following each such*
21 *allocation.”.*

22 *SEC. 334. For fiscal year 2005, the Chief Financial*
23 *Officer shall re-calculate the emergency and contingency*
24 *cash reserve funds amount established by Section 450A of*
25 *the District of Columbia Home Rule Act, approved Decem-*

1 ber 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1–
2 204.50a), as amended by this Act and is authorized to
3 transfer funds between the emergency and contingency cash
4 reserve funds to reach the required percentages: Provided,
5 That for fiscal year 2005, the Chief Financial Officer may
6 transfer funds from the emergency and contingency cash re-
7 serve funds to the general fund of the District of Columbia
8 to the extent that such funds are not necessary to meet the
9 requirements established for each fund: Provided further,
10 That the Chief Financial Officer may not transfer funds
11 from the emergency or the contingency reserve funds to the
12 extent that such a transfer would lower the fiscal year 2005
13 total percentage below 7 percent of operating expenditures,
14 as amended by this Act.

15 SEC. 335. Section 6 of the *Policemen and Firemen’s*
16 *Retirement and Disability Act*, approved August 21, 1957
17 (Public Law 85–157; 71 Stat. 399; D.C. Official Code § 5–
18 732) is amended by striking the phrase “of this chapter,
19 to the extent that such benefit payments exceed the deduc-
20 tions from the salaries of federal employees for credit to the
21 revenues of the District of Columbia.” and inserting the
22 phrase “of this chapter and to reimburse the District of Co-
23 lumbia for the administrative costs associated with making
24 such benefit payments for credit to the revenues of the Dis-
25 trict of Columbia: Provided, That benefit payment reim-

1 bursement shall only be to the extent that such benefit pay-
2 ments exceed the deductions from the salaries of federal em-
3 ployees.” in its place.

4 *SEC. 336. Notwithstanding any other provision of this*
5 *Act, there is hereby appropriated for the Office of the In-*
6 *spector General such amounts in local funds, as are con-*
7 *sistent with the annual estimates for the expenditures and*
8 *appropriations necessary for the operation of the Office of*
9 *the Inspector General as prepared by the Inspector General*
10 *and submitted to the Mayor and forwarded to the Council*
11 *pursuant to D.C. Official Code 2–302.08(a)(2)(A) for fiscal*
12 *year 2005: Provided, That the Office of the Chief Financial*
13 *Officer shall take such steps as are necessary to implement*
14 *the provisions of this subsection.*

15 *SEC. 337. The authority which the Chief Financial Of-*
16 *ficer of the District of Columbia exercised with respect to*
17 *personnel, procurement, and the preparation of fiscal im-*
18 *pact statements during a control period (as defined in Pub-*
19 *lic Law 104–8) shall remain in effect through September*
20 *30, 2005.*

21 *SEC. 338. The paragraph under the heading “Federal*
22 *Payment for Incentives for Adoption of Children” in Public*
23 *Law 106–113, approved November 29, 1999 (113 Stat.*
24 *1501), is amended to add the following proviso: “: Provided*
25 *further, That the funds provided under this heading for the*

1 *establishment of a scholarship fund for District of Columbia*
2 *children of adoptive families, and District of Columbia chil-*
3 *dren without parents due to the September 11, 2001 ter-*
4 *rorist attack to be used for post high school education and*
5 *training, once obligated by the District to establish the*
6 *scholarship fund, shall remain obligated and be retained by*
7 *the District for 25 years from the date of obligation to allow*
8 *for any individual who is within the class of persons to*
9 *be assisted by this provision to reach post high school and*
10 *to present expenditures to be extinguished by the fund”.*

11 *SEC. 339. AUTHORITY OF OPCSFS. (a) Section*
12 *161(3)(E)(i) of Public Law 106–522 shall be amended to*
13 *include a new section known as (E)(i)(IV) to establish regu-*
14 *lations for administering lease guarantees through the cred-*
15 *it enhancement fund to public charter schools in the District*
16 *of Columbia.*

17 *(b) The first sentence of section 143 of the District of*
18 *Columbia Appropriations Act of 2003 (Public Law 108–*
19 *7, 117 STAT. 130) approved April 20, 2003 is amended*
20 *by striking the phrase, “under the authority of the Depart-*
21 *ment of Banking and Financial Institutions” and inserting*
22 *“under the authority of the Mayor” in its place.*

23 *SEC. 340. PROCESS FOR FILING CHARTER PETITIONS.*
24 *D.C. Code § 38–1802.01 is amended by adding a new sec-*
25 *tion (e) as follows—*

1 “(e) A petition to establish a public charter school in
2 the District of Columbia, or to convert a District of Colum-
3 bia public school or an existing private or independent
4 school, is a public document.”.

5 SEC. 341. AMENDMENTS TO CHARTER SCHOOL LAW.

6 (a) PROCESS FOR FILING CHARTER PETITIONS.—Section
7 2201 of the District of Columbia School Reform Act of 1995
8 (D.C. Code 38–1802.01) is amended—

9 (1) in subsection (a)(3)(B), by striking “two-
10 thirds” and inserting “51 percent”; and

11 (2) in subsection (b)(3)(B), by striking “two-
12 thirds” and inserting “51 percent”.

13 (b) EMPLOYEES.—Section 2207 of the District of Co-
14 lumbia School Reform Act of 1995 (D.C. Code 38–1802.07)
15 is amended by adding at the end the following:

16 “(d) TEACHERS REMAINING AT CONVERTED PUBLIC
17 CHARTER SCHOOLS.—A teacher employed at a District of
18 Columbia public school that converts to a public charter
19 school under section 2201 shall have the option of remain-
20 ing at the charter school during the school’s first year of
21 operation after receiving an extended leave of absence under
22 subsection (a)(1). After this 1-year period, the teacher may
23 continue to be employed at the public charter school, at the
24 sole discretion of the public charter school, or shall main-

1 *tain current status within the District of Columbia public*
2 *school system.”.*

3 (c) *PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER*
4 *SCHOOLS.—Section 2209(b) of the District of Columbia*
5 *School Reform Act of 1995 (D.C. Code 38–1802.09(b)) is*
6 *amended—*

7 (1) *in paragraph (1)—*

8 (A) *by amending subparagraph (A) to read*
9 *as follows:*

10 “(A) *IN GENERAL.—Notwithstanding any*
11 *other provision of law, regulation, or order relat-*
12 *ing to the disposition of a facility or property*
13 *described in subparagraph (B), or to the dispo-*
14 *sition of any property of the District of Columbia,*
15 *the Mayor and the District of Columbia govern-*
16 *ment shall give a right of first offer, which right*
17 *shall be annually reinstated with respect to any*
18 *facility or property not previously disposed of, or*
19 *under contract to be disposed of, to an eligible*
20 *applicant whose petition to establish a public*
21 *charter school has been conditionally approved*
22 *under section 2203(d)(2), or a Board of Trustees,*
23 *with respect to the purchase, lease, transfer, or*
24 *use of a facility or property described in sub-*
25 *paragraph (B).”;*

1 *(B) by amending subparagraph (B)(iii) to*
2 *read as follows:*

3 *“(iii) With respect to which—*

4 *“(I) the Board of Education has*
5 *transferred jurisdiction to the Mayor*
6 *and over which the Mayor has jurisdic-*
7 *tion on the effective date of this sub-*
8 *clause; or*

9 *“(II) over which the Mayor or*
10 *any successor agency gains jurisdiction*
11 *after the effective date of this sub-*
12 *clause.”; and*

13 *(C) by adding at the end the following:*

14 *“(C) TERMS OF PURCHASE OR LEASE.—The*
15 *terms of purchase or lease of a facility or prop-*
16 *erty described in subparagraph (B) shall—*

17 *“(i) be negotiated by the Mayor;*

18 *“(ii) include rent or an acquisition*
19 *price, as applicable, that is at least 25 per-*
20 *cent less than the appraised value of the*
21 *property (based on use of the property for*
22 *school purposes); and*

23 *“(iii) include a lease period, if the*
24 *property is to be leased, of not less than 25*
25 *years, and renewable for additional 25-year*

1 *periods as long as the eligible applicant or*
 2 *Board of Trustees maintains its charter.”;*
 3 *and*

4 *(2) in paragraph (2)(A), by striking “pref-*
 5 *erence” and inserting “a right to first offer”; and*

6 *(3) by adding at the end the following:*

7 *“(3) CONVERSION PUBLIC CHARTER SCHOOLS.—*
 8 *Any District of Columbia public school that was ap-*
 9 *proved to become a conversion public charter school*
 10 *under section 2201 before the effective date of this sub-*
 11 *section or is approved to become a conversion public*
 12 *charter school after the effective date of this sub-*
 13 *section, shall have the right to exclusively occupy the*
 14 *facilities the school occupied as a District of Colum-*
 15 *bia public school under a lease for a period of not less*
 16 *than 25 years, renewable for additional 25-year peri-*
 17 *ods as long as the school maintains its charter at the*
 18 *non-profit rate, or if there is no non-profit rate, at*
 19 *25 percent less than the fair market rate for school*
 20 *use.”.*

21 *SEC. 342. ANNUAL REPORT TO CONGRESS. Section*
 22 *2211 of the School Reform Act of 1995 (D.C. Code 38–*
 23 *1802.11) shall be amended by:*

24 *(1) adding the following new subparagraph at*
 25 *the end of section 2211(a)(1):*

1 “(D) Shall ensure that each public charter
2 school complies with the annual reporting re-
3 quirement of subsection 38–1802.04(b)(11) of this
4 Act, including submission of the audited finan-
5 cial statement required by sub-subsection (B)(ix)
6 of that section.”; and

7 (2) adding the following before the period at the
8 end of subparagraph (d): “(10) details of major
9 Board actions; (11) major findings from school re-
10 views of academic, financial, and compliance with
11 health and safety standards and resulting Board ac-
12 tion or recommendations; (12) details of the fifth year
13 review process and outcomes; (13) summary of an-
14 nual financial audits of all charter schools, including
15 (a) the number of schools that failed to timely submit
16 the audited financial statement required by that sec-
17 tion; (b) the number of schools whose audits revealed
18 a failure to follow required accounting practices or
19 other material deficiencies; and (c) the steps taken by
20 the authority to ensure that deficiencies found by the
21 audits are rectified; (14) number of schools which
22 have required intervention by authorizing board to
23 address any academic or operational issue; (15) what
24 recommendations an authorizing board has made to
25 correct identified deficiencies”.

1 *SEC. 343. LEASE TO DISTRICT OF COLUMBIA. (a)*
2 *LEASE.—*

3 (1) *IN GENERAL.—Not later than 90 days after*
4 *the date of enactment of this Act, subject to subsection*
5 *(b), the Secretary of the Interior (referred to in this*
6 *section as the “Secretary”) shall lease to the govern-*
7 *ment of the District of Columbia, without consider-*
8 *ation, the property described in paragraph (2).*

9 (2) *PROPERTY.—The property referred to in*
10 *paragraph (1) is—*

11 (A) *the National Park Service land in Ana-*
12 *costia Park, the boundaries of which are the*
13 *Anacostia River to the west, Watts Branch to the*
14 *south, Kenilworth Aquatic Gardens to the north,*
15 *and Anacostia Avenue to the east (US Reserva-*
16 *tions 325 and 343, Section G); and*

17 (B) *the community center under the juris-*
18 *isdiction of the District of Columbia known as the*
19 *“Kenilworth Parkside Community Center”.*

20 (b) *CONDITIONS OF LEASE.—*

21 (1) *TERM.—The lease under subsection (a)(1)*
22 *shall be for a period of 50 years.*

23 (2) *TRANSFER OF TITLE.—The lease under sub-*
24 *section (a)(1) shall be subject to such terms and con-*
25 *ditions, to be included in the lease, as are necessary*

1 to ensure that the property leased under that
2 subsection—

3 (A) may be subleased by the District of Co-
4 lumbia to any public entity or private not-for-
5 profit corporation under a public process; and

6 (B) is used only for the provision of public
7 recreational facilities, open space, or public out-
8 door recreational opportunities.

9 (C) Nothing in the Act precludes the Dis-
10 trict of Columbia from entering into a sublease
11 for all or part of the property with a public not-
12 for-profit entity for the management or mainte-
13 nance of the property.

14 (3) *TERMINATION.*—

15 (A) *IN GENERAL.*—The lease under sub-
16 section (a)(1) shall terminate if—

17 (i) any term or condition of the lease
18 described in paragraph (2) is violated, as
19 determined by the Secretary; and

20 (ii) the violation is not corrected by the
21 date that is 90 days after the date on which
22 the Mayor of the District of Columbia re-
23 ceives from the Secretary a written notice of
24 the violation.

1 (B) *DETERMINATION OF CORRECTION.*—A
2 violation of a term or condition of the lease
3 under subsection (a)(1) shall be determined to
4 have been corrected under subparagraph (A)(ii)
5 if, after notification of the violation, the District
6 of Columbia and the Secretary enter into an
7 agreement that the Secretary considers to be ade-
8 quate to ensure that the property leased will be
9 used in a manner consistent with paragraph (2).

10 (4) *PROHIBITION OF CIVIL ACTIONS.*—No person
11 may bring a civil action relating to a violation any
12 term or condition of the lease described in paragraph
13 (2) before the date that is 90 days after the person no-
14 tifies the Mayor of the District of Columbia of the al-
15 leged violation (including the intent of the person to
16 bring a civil action for termination of the lease under
17 paragraph (3)).

18 (5) *REMOVAL OF STRUCTURES; REHABILITA-*
19 *TION.*—The lease under subsection (a)(1) shall be sub-
20 ject to the condition that, in the event of a termi-
21 nation of the lease under paragraph (3), the District
22 of Columbia shall bear the cost of removing structures
23 on, or rehabilitating, the property leased.

24 (6) *ADMINISTRATION OF PROPERTY.*—If the lease
25 under subsection (a)(1) is terminated under para-

1 *graph (3), the property covered by the lease shall be*
2 *administered by the Secretary as a unit of the Na-*
3 *tional Park System in the District of Columbia in ac-*
4 *cordance with—*

5 *(A) the Act of August 25, 1916 (commonly*
6 *known as the “National Park Service Organic*
7 *Act”) (16 U.S.C. 1 et seq.); and*

8 *(B) other laws (including regulations) gen-*
9 *erally applicable to units of the National Park*
10 *System.*

11 *SEC. 344. BIENNIAL EVALUATION OF CHARTER*
12 *SCHOOL AUTHORIZING BOARDS. (a) Biennial management*
13 *evaluation of the District of Columbia Chartering Authori-*
14 *ties for the District of Columbia Public Charter Schools*
15 *shall be conducted by the Comptroller General of the United*
16 *States.*

17 *(b) Evaluation shall include the following:*

18 *(1) Establish standards to assess each author-*
19 *izer’s procedures and oversight quality;*

20 *(2) Identify gaps in oversight and recommenda-*
21 *tions;*

22 *(3) Review processes of charter school applica-*
23 *tions;*

24 *(4) Extent of ongoing monitoring, technical as-*
25 *sistance, and sanctions provided to schools;*

1 (5) *Compliance with annual reporting require-*
2 *ments;*

3 (6) *Actual budget expenditures for the preceding*
4 *two fiscal years;*

5 (7) *Comparison of budget expenditures with*
6 *mandated responsibilities;*

7 (8) *Alignment with best practices; and*

8 (9) *Quality and timeliness of meeting Section*
9 *2211(d) of the School Reform Act of 1995 (D.C. Code*
10 *38–1802.11(d)), as amended.*

11 (c) *INITIAL INTERIM REPORT TO CONGRESS.—The*
12 *Government Accountability Office shall submit to the Com-*
13 *mittees on Appropriations of the House of Representatives*
14 *and Senate, no later than May 1, 2005, a baseline report*
15 *on the performance of each authorizer in meeting the re-*
16 *quirements of the School Reform Act of 1995.*

17 (d) *Hereafter Section 2214(f) of Public Law 104–143*
18 *(D.C. Code 38–1802.14(f)), shall apply to the District of*
19 *Columbia Board of Education Charter Schools Office.*

20 SEC. 345. *CLARIFYING OPERATIONS OF PUBLIC CHAR-*
21 *TER SCHOOL BOARD. Section 2214 of the School Reform*
22 *Act of 1995 (Public Law 104–134; D.C. Code 38–1802.14),*
23 *is amended—*

24 (1) *by striking subsection (f) and inserting the*
25 *following:*

1 “(f) *AUDIT.*—*The Board shall maintain its accounts*
2 *according to Generally Accepted Accounting Principles for*
3 *Not-for-Profit Organizations. The Board shall provide for*
4 *an audit of the financial statements of the Board by an*
5 *independent certified public accountant in accordance with*
6 *Government auditing standards for financial audits issued*
7 *by the Comptroller General of the United States. The find-*
8 *ings and recommendations of any such audit shall be for-*
9 *warded to the Mayor, the District of Columbia Council, the*
10 *appropriate congressional committees, and the Office of the*
11 *Chief Financial Officer.”; and*

12 (2) *adding at the end the following:*

13 “(h) *CONTRACTING AND PROCUREMENT.*—*The Board*
14 *shall have the authority to solicit, award, and execute con-*
15 *tracts independently of the Office of Contracting and Pro-*
16 *curement and the Chief Procurement Officer. Nothing in*
17 *chapter 3 of title 2 of the District of Columbia Code shall*
18 *affect the authority of the Board under this subsection.”.*

19 *This Act may be cited as the “District of Columbia*
20 *Appropriations Act, 2005”.*

Attest:

Secretary.

108TH CONGRESS
2^D SESSION

H. R. 4850

AMENDMENT