

Union Calendar No. 130

107TH CONGRESS
1ST SESSION

H. R. 2944

[Report No. 107-216]

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, 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2001

Mr. KNOLLENBERG, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

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

1 District of Columbia for the fiscal year ending September
2 30, 2002, and for other purposes, namely:

3 FEDERAL FUNDS

4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

5 For a Federal payment to the District of Columbia
6 for a nationwide program, to be administered by the
7 Mayor, for District of Columbia resident tuition support,
8 \$17,000,000, to remain available until expended: *Pro-*
9 *vided*, That such funds may be used on behalf of eligible
10 District of Columbia residents to pay an amount based
11 upon the difference between in-State and out-of-State tui-
12 tion at public institutions of higher education, usable at
13 both public and private institutions for higher education:
14 *Provided further*, That the awarding of such funds may
15 be prioritized on the basis of a resident's academic merit
16 and such other factors as may be authorized: *Provided fur-*
17 *ther*, That not more than 7 percent of the total amount
18 appropriated for this program may be used for administra-
19 tive expenses.

20 FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF
21 CHILDREN

22 The paragraph under the heading "Federal Payment
23 for Incentives for Adoption of Children" in Public Law
24 106–113, approved November 29, 1999 (113 Stat. 1501),
25 is amended to read as follows: "For a Federal payment

1 to the District of Columbia to create incentives to promote
2 the adoption of children in the District of Columbia foster
3 care system, \$5,000,000: *Provided*, That such funds shall
4 remain available until September 30, 2003, and shall be
5 used to carry out all of the provisions of title 38 of the
6 Fiscal Year 2001 Budget Support Act of 2000, effective
7 October 19, 2000 (D.C. Law 13–172), as amended, except
8 for section 3808.”.

9 FEDERAL PAYMENT TO THE CAPITOL CITY CAREER
10 DEVELOPMENT AND JOB TRAINING PARTNERSHIP

11 For a Federal Payment to the Capitol City Career
12 Development and Job Training Partnership, \$1,500,000.

13 FEDERAL PAYMENT TO THE FIRE AND EMERGENCY
14 MEDICAL SERVICES DEPARTMENT

15 For a Federal payment to the Fire and Emergency
16 Medical Services Department, \$500,000 for dry-docking
17 of the Fire Boat.

18 FEDERAL PAYMENT TO THE CHIEF MEDICAL EXAMINER

19 For a Federal payment to the Chief Medical Exam-
20 iner, \$585,000 for reduction in the backlog of autopsies,
21 case reports and for the purchase of toxicology and his-
22 tology equipment.

23 FEDERAL PAYMENT TO THE YOUTH LIFE FOUNDATION

24 For a Federal payment to the Youth Life Founda-
25 tion, \$250,000 for technical assistance, operational ex-

1 penses, and establishment of a National Training Insti-
2 tute.

3 FEDERAL PAYMENT TO FOOD AND FRIENDS

4 For a Federal payment to Food and Friends,
5 \$2,000,000 for their Capital Campaign.

6 FEDERAL PAYMENT TO THE CITY ADMINISTRATOR

7 For a Federal payment to the City Administrator,
8 \$300,000 for the Criminal Justice Coordinating Council
9 for the District of Columbia.

10 FEDERAL PAYMENT TO SOUTHEASTERN UNIVERSITY

11 For a Federal payment to Southeastern University,
12 \$500,000 for a public/private partnership with the District
13 of Columbia Public Schools at the McKinley Technology
14 High School campus.

15 FEDERAL PAYMENT FOR VOYAGER UNIVERSAL

16 LITERACY SYSTEM

17 For a Federal payment to Voyager Expanded Learn-
18 ing, to implement the Voyager Universal Literacy System
19 in the District of Columbia public schools and public char-
20 ter schools, \$1,000,000: *Provided*, That the payment
21 under this heading is contingent upon a certification by
22 the Inspector General of the District of Columbia that the
23 District of Columbia has deposited matching funds to im-
24 plement such System into an escrow account held by the
25 Chief Financial Officer of the District of Columbia.

1 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF
2 TECHNOLOGY OFFICER

3 For a Federal payment to the Chief Technology Offi-
4 cer of the District of Columbia to carry out the Local-
5 Federal Mobile Wireless Interoperability Demonstration
6 Project, \$500,000: *Provided*, That the payment under this
7 heading is contingent upon a certification by the Inspector
8 General of the District of Columbia that each entity of
9 the Federal Government which is participating in such
10 Project has deposited matching funds to carry out the
11 Project into an escrow account held by the Chief Financial
12 Officer of the District of Columbia.

13 FEDERAL PAYMENT FOR EMERGENCY PLANNING

14 For a Federal payment to the District of Columbia
15 for emergency planning, \$16,058,000: *Provided*, That
16 \$4,623,000 of such amount shall be made available imme-
17 diately for development of an emergency operations plan
18 for the District of Columbia, to be submitted to the appro-
19 priate Federal agencies as soon as practicable: *Provided*
20 *further*, That upon submission of such plan, \$8,029,000
21 of such amount shall be made available to begin implemen-
22 tation of the plan: *Provided further*, That \$3,406,000 of
23 such amount shall be made available immediately for reim-
24 bursement of planning and related expenses incurred by
25 the District of Columbia in anticipation of providing secu-

1 rity for the planned meetings in September 2001 of the
2 World Bank and the International Monetary Fund in the
3 District of Columbia: *Provided further*, That one-half of
4 the amounts under the headings “Federal Payment for
5 Resident Tuition Support”, “Federal Payment to the Fire
6 and Emergency Medical Services Department”, “Federal
7 Payment to the Chief Medical Examiner”, and “Federal
8 Payment to the City Administrator”, shall not be made
9 available until the emergency operations plan has been
10 submitted to the appropriate Federal agencies in accord-
11 ance with the preceding proviso: *Provided further*, That
12 the Chief Financial Officer of the District of Columbia
13 shall provide quarterly reports to the Committees on Ap-
14 propriations on the use of the funds under this heading,
15 beginning not later than January 2, 2002.

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

18 For a Federal payment to the Chief Financial Officer
19 of the District of Columbia, \$2,350,000, of which
20 \$1,000,000 shall be for payment to the Excel Institute
21 Adult Education Program to be used by the Institute for
22 construction and to acquire construction services provided
23 by the General Services Administration on a reimbursable
24 basis; \$300,000 shall be for payment to the Woodlawn
25 Cemetery for restoration of the Cemetery; \$250,000 shall

1 be for payment to the Real World Schools concerning 21st
2 Century reform models for secondary education and the
3 use of technology to support learning in the District of
4 Columbia; \$300,000 shall be for payment to a mentoring
5 program and for hotline services; \$250,000 shall be for
6 payment to a youth development program with a character
7 building curriculum; and \$250,000 shall be for payment
8 to a basic values training program.

9 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

10 CORRECTIONS TRUSTEE OPERATIONS

11 For salaries and expenses of the District of Columbia
12 Corrections Trustee, \$32,700,000 for the administration
13 and operation of correctional facilities and for the admin-
14 istrative operating costs of the Office of the Corrections
15 Trustee, as authorized by section 11202 of the National
16 Capital Revitalization and Self-Government Improvement
17 Act of 1997 (Public Law 105-33; 111 Stat. 712) of which
18 \$1,000,000 is to fund an initiative to improve case proc-
19 essing in the District of Columbia criminal justice system,
20 \$2,500,000 to remain available until September 30, 2003,
21 for building renovations required to accommodate func-
22 tions transferred from the Lorton Correctional Complex,
23 and \$2,000,000 to remain available until September 30,
24 2003, to be transferred to the appropriate agency for the
25 closing of the sewage treatment plant and the removal of

1 underground storage tanks at the Lorton Correctional
2 Complex: *Provided*, That notwithstanding any other provi-
3 sion of law, funds appropriated in this Act for the District
4 of Columbia Corrections Trustee shall be apportioned
5 quarterly by the Office of Management and Budget and
6 obligated and expended in the same manner as funds ap-
7 propriated for salaries and expenses of other Federal
8 agencies.

9 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
10 COURTS

11 For salaries and expenses for the District of Colum-
12 bia Courts, \$111,238,000, to be allocated as follows: for
13 the District of Columbia Court of Appeals, \$8,003,000,
14 of which not to exceed \$1,500 is for official reception and
15 representation expenses; for the District of Columbia Su-
16 perior Court, \$66,091,000, of which not to exceed \$1,500
17 is for official reception and representation expenses; for
18 the District of Columbia Court System, \$31,149,000, of
19 which not to exceed \$1,500 is for official reception and
20 representation expenses; and \$5,995,000 to remain avail-
21 able until September 30, 2003, for capital improvements
22 for District of Columbia courthouse facilities: *Provided*,
23 That none of the funds in this Act or in any other Act
24 shall be available for the purchase, installation or oper-
25 ation of an Integrated Justice Information System until

1 a detailed plan and design has been submitted by the
2 courts and approved by the Committees on Appropriations
3 of the House of Representatives and the Senate: *Provided*
4 *further*, That notwithstanding any other provision of law,
5 all amounts under this heading shall be apportioned quar-
6 terly by the Office of Management and Budget and obli-
7 gated and expended in the same manner as funds appro-
8 priated for salaries and expenses of other Federal agen-
9 cies, with payroll and financial services to be provided on
10 a contractual basis with the General Services Administra-
11 tion (GSA), said services to include the preparation of
12 monthly financial reports, copies of which shall be sub-
13 mitted directly by GSA to the President and to the Com-
14 mittees on Appropriations of the Senate and House of
15 Representatives, the Committee on Governmental Affairs
16 of the Senate, and the Committee on Government Reform
17 of the House of Representatives.

18 FEDERAL PAYMENT FOR FAMILY COURT ACT

19 For carrying out the District of Columbia Family
20 Court Act of 2001, \$23,316,000, of which \$18,316,000
21 shall be for the Superior Court of the District of Columbia
22 and \$5,000,000 shall be for the Mayor of the District of
23 Columbia: *Provided*, That the chief judge of the Superior
24 Court shall submit the transition plan for the Family
25 Court of the Superior Court required under section

1 2(b)(1) of the District of Columbia Family Court Act of
2 2001 to the Comptroller General (in addition to any other
3 requirements under such section): *Provided further*, That
4 the Comptroller General shall prepare and submit to the
5 President and Congress an analysis of the contents and
6 effectiveness of the plan, including an analysis of whether
7 the plan contains all of the information required under
8 such section: *Provided further*, That the funds provided
9 under this heading to the Superior Court shall not be
10 made available until the expiration of the 30-day period
11 (excluding Saturdays, Sundays, legal public holidays, and
12 any day on which neither House of Congress is in session
13 because of an adjournment sine die, a recess of more than
14 three days, or an adjournment of more than three days)
15 which begins on the date the Comptroller General submits
16 such analysis to the President and Congress: *Provided fur-*
17 *ther*, That the Mayor shall prepare and submit to the
18 President, Congress, and the Comptroller General a plan
19 for the use of the funds provided to the Mayor under this
20 heading, consistent with the requirements of the District
21 of Columbia Family Court Act of 2001, including the re-
22 quirement to integrate the computer systems of the Dis-
23 trict government with the computer systems of the Supe-
24 rior Court: *Provided further*, That the Comptroller General
25 shall prepare and submit to the President and Congress

1 an analysis of the contents and effectiveness of the plan:
2 *Provided further*, That the funds provided under this head-
3 ing to the Mayor shall not be made available until the expi-
4 ration of the 30-day period (excluding Saturdays, Sun-
5 days, legal public holidays, and any day on which neither
6 House of Congress is in session because of an adjourn-
7 ment sine die, a recess of more than three days, or an
8 adjournment of more than three days) which begins on
9 the date the Comptroller General submits such plan to the
10 President and Congress.

11 DEFENDER SERVICES IN DISTRICT OF COLUMBIA

12 COURTS

13 For payments authorized under section 11–2604 and
14 section 11–2605, D.C. Official Code (relating to represen-
15 tation provided under the District of Columbia Criminal
16 Justice Act), payments for counsel appointed in pro-
17 ceedings in the Family Division of the Superior Court of
18 the District of Columbia under chapter 23 of title 16, D.C.
19 Official Code, and payments for counsel authorized under
20 section 21–2060, D.C. Official Code (relating to represen-
21 tation provided under the District of Columbia Guardian-
22 ship, Protective Proceedings, and Durable Power of Attor-
23 ney Act of 1986), \$34,311,000, to remain available until
24 expended: *Provided*, That the funds provided in this Act
25 under the heading “Federal Payment to the District of

1 Columbia Courts” (other than the \$5,995,000 provided
2 under such heading for capital improvements for District
3 of Columbia courthouse facilities) may also be used for
4 payments under this heading: *Provided further*, That, in
5 addition to the funds provided under this heading, the
6 Joint Committee on Judicial Administration in the Dis-
7 trict of Columbia shall use funds provided in this Act
8 under the heading “Federal Payment to the District of
9 Columbia Courts” (other than the \$5,995,000 provided
10 under such heading for capital improvements for District
11 of Columbia courthouse facilities), to make payments de-
12 scribed under this heading for obligations incurred during
13 any fiscal year: *Provided further*, That such funds shall
14 be administered by the Joint Committee on Judicial Ad-
15 ministration in the District of Columbia: *Provided further*,
16 That notwithstanding any other provision of law, this ap-
17 propriation shall be apportioned quarterly by the Office
18 of Management and Budget and obligated and expended
19 in the same manner as funds appropriated for expenses
20 of other Federal agencies, with payroll and financial serv-
21 ices to be provided on a contractual basis with the General
22 Services Administration (GSA), said services to include
23 the preparation of monthly financial reports, copies of
24 which shall be submitted directly by GSA to the President
25 and to the Committees on Appropriations of the Senate

1 and House of Representatives, the Committee on Govern-
2 mental Affairs of the Senate, and the Committee on Gov-
3 ernment Reform of the House of Representatives.

4 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
5 FENDER SUPERVISION AGENCY FOR THE DISTRICT
6 OF COLUMBIA

7 (INCLUDING TRANSFER OF FUNDS)

8 For salaries and expenses, including the transfer and
9 hire of motor vehicles, of the Court Services and Offender
10 Supervision Agency for the District of Columbia, as au-
11 thorized by the National Capital Revitalization and Self-
12 Government Improvement Act of 1997 (Public Law 105-
13 33; 111 Stat. 712), \$147,300,000, of which \$13,015,000
14 shall remain available until expended for construction
15 project; not to exceed \$1,500 is for official receptions re-
16 lated to offender and defendant support programs;
17 \$94,112,000 shall be for necessary expenses of Commu-
18 nity Supervision and Sex Offender Registration, to include
19 expenses relating to supervision of adults subject to pro-
20 tection orders or provision of services for or related to such
21 persons; \$20,829,000 shall be transferred to the Public
22 Defender Service; and \$32,359,000 shall be available to
23 the Pretrial Services Agency: *Provided*, That notwith-
24 standing any other provision of law, all amounts under
25 this heading shall be apportioned quarterly by the Office

1 of Management and Budget and obligated and expended
2 in the same manner as funds appropriated for salaries and
3 expenses of other Federal agencies: *Provided further*, That
4 notwithstanding chapter 12 of title 40, United States
5 Code, the Director may acquire by purchase, lease, con-
6 demnation, or donation, and renovate as necessary, Build-
7 ing Number 17, 1900 Massachusetts Avenue, Southeast
8 Washington, District of Columbia, to house or supervise
9 offenders and defendants, with funds made available by
10 this Act: *Provided further*, That the Director is authorized
11 to accept and use gifts in the form of in-kind contributions
12 of space and hospitality to support offender and defendant
13 programs, and equipment and vocational training services
14 to educate and train offenders and defendants: *Provided*
15 *further*, That the Director shall keep accurate and detailed
16 records of the acceptance and use of any gift or donation
17 under the previous proviso, and shall make such records
18 available for audit and public inspection.

19 CHILDREN'S NATIONAL MEDICAL CENTER

20 For a Federal contribution to the Children's National
21 Medical Center in the District of Columbia, \$5,500,000,
22 of which \$500,000 shall be used for the network of sat-
23 ellite pediatric health clinics for children and families in
24 underserved neighborhoods and communities in the Dis-
25 trict of Columbia and \$5,000,000 shall be used to mod-

1 ernize the Children’s National Medical Center and update
2 its medical equipment.

3 ST. COLETTA OF GREATER WASHINGTON EXPANSION
4 PROJECT

5 For a Federal contribution to St. Coletta of Greater
6 Washington, Inc. for costs associated with the establish-
7 ment of a day program and comprehensive case manage-
8 ment services for mentally retarded and multiple-handi-
9 capped adolescents and adults in the District of Columbia,
10 including property acquisition and construction,
11 \$1,000,000.

12 FEDERAL PAYMENT TO FAITH AND POLITICS INSTITUTE

13 For a Federal payment to the Faith and Politics In-
14 stitute, \$50,000, for grass roots-based racial sensitivity
15 programs in the District of Columbia.

16 FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

17 Notwithstanding any other provision of law, the
18 funds made available in the District of Columbia Appro-
19 priations Act, 2001 (Public Law 106–522; 114 Stat.
20 2445), for Brownfield Remediation shall be available until
21 expended.

1 DISTRICT OF COLUMBIA FUNDS
2 OPERATING EXPENSES
3 DIVISION OF EXPENSES

4 The following amounts are appropriated for the Dis-
5 trict of Columbia for the current fiscal year out of the
6 general fund of the District of Columbia, except as other-
7 wise specifically provided: *Provided*, That notwithstanding
8 any other provision of law, except as provided in section
9 450A of the District of Columbia Home Rule Act and sec-
10 tion 119 of this Act (Public Law 93–198; D.C. Official
11 Code, sec. 1–204.50a), the total amount appropriated in
12 this Act for operating expenses for the District of Colum-
13 bia for fiscal year 2002 under this heading shall not ex-
14 ceed the lesser of the sum of the total revenues of the
15 District of Columbia for such fiscal year or
16 \$6,043,881,000 (of which \$124,163,000 shall be from
17 intra-District funds and \$3,571,343,000 shall be from
18 local funds): *Provided further*, That the Chief Financial
19 Officer of the District of Columbia shall take such steps
20 as are necessary to assure that the District of Columbia
21 meets these requirements, including the apportioning by
22 the Chief Financial Officer of the appropriations and
23 funds made available to the District during fiscal year
24 2002, except that the Chief Financial Officer may not re-
25 program for operating expenses any funds derived from

1 bonds, notes, or other obligations issued for capital
2 projects.

3 GOVERNMENTAL DIRECTION AND SUPPORT

4 Governmental direction and support, \$285,359,000
5 (including \$229,271,000 from local funds, \$38,809,000
6 from Federal funds, and \$17,279,000 from other funds):
7 *Provided*, That not to exceed \$2,500 for the Mayor,
8 \$2,500 for the Chairman of the Council of the District
9 of Columbia, and \$2,500 for the City Administrator shall
10 be available from this appropriation for official purposes:
11 *Provided further*, That any program fees collected from the
12 issuance of debt shall be available for the payment of ex-
13 penses of the debt management program of the District
14 of Columbia: *Provided further*, That no revenues from
15 Federal sources shall be used to support the operations
16 or activities of the Statehood Commission and Statehood
17 Compact Commission: *Provided further*, That the District
18 of Columbia shall identify the sources of funding for Ad-
19 mission to Statehood from its own locally-generated reve-
20 nues: *Provided further*, That notwithstanding any other
21 provision of law, or Mayor's Order 86-45, issued March
22 18, 1986, the Office of the Chief Technology Officer's del-
23 egated small purchase authority shall be \$500,000: *Pro-*
24 *vided further*, That the District of Columbia government
25 may not require the Office of the Chief Technology Officer

1 to submit to any other procurement review process, or to
2 obtain the approval of or be restricted in any manner by
3 any official or employee of the District of Columbia gov-
4 ernment, for purchases that do not exceed \$500,000.

5 ECONOMIC DEVELOPMENT AND REGULATION

6 Economic development and regulation, \$230,878,000
7 (including \$60,786,000 from local funds, \$96,199,000
8 from Federal funds, and \$73,893,000 from other funds),
9 of which \$15,000,000 collected by the District of Colum-
10 bia in the form of BID tax revenue shall be paid to the
11 respective BIDs pursuant to the Business Improvement
12 Districts Act of 1996 (D.C. Law 11–134; D.C. Official
13 Code, sec. 2–1215.01 et seq.), and the Business Improve-
14 ment Districts Amendment Act of 1997 (D.C. Law 12–
15 26; D.C. Official Code, sec 2–1215.15(l)(2)): *Provided*,
16 That such funds are available for acquiring services pro-
17 vided by the General Services Administration: *Provided*
18 *further*, That Business Improvement Districts shall be ex-
19 empt from taxes levied by the District of Columbia: *Pro-*
20 *vided further*, That the fees established and collected pur-
21 suant to D.C. Law 13–281 shall be identified, and an ac-
22 counting provided, to the District of Columbia Council’s
23 Committee on Consumer and Regulatory Affairs.

1 PUBLIC SAFETY AND JUSTICE

2 Public safety and justice, \$633,853,000 (including
3 \$594,803,000 from local funds, \$8,298,000 from Federal
4 funds, and \$30,752,000 from other funds): *Provided*, That
5 not to exceed \$500,000 shall be available from this appro-
6 priation for the Chief of Police for the prevention and de-
7 tection of crime: *Provided further*, That notwithstanding
8 any other law, section 3703 of title XXXVII of the Fiscal
9 Year 2002 Budget Support Act of 2001 (D.C. Bill 14-
10 144), adopted by the Council of the District of Columbia,
11 is enacted into law: *Provided further*, That the Mayor shall
12 reimburse the District of Columbia National Guard for ex-
13 penses incurred in connection with services that are per-
14 formed in emergencies by the National Guard in a militia
15 status and are requested by the Mayor, in amounts that
16 shall be jointly determined and certified as due and pay-
17 able for these services by the Mayor and the Commanding
18 General of the District of Columbia National Guard: *Pro-*
19 *vided further*, That such sums as may be necessary for
20 reimbursement to the District of Columbia National
21 Guard under the preceding proviso shall be available from
22 this appropriation, and the availability of the sums shall
23 be deemed as constituting payment in advance for emer-
24 gency services involved.

1 PUBLIC EDUCATION SYSTEM

2 Public education system, including the development
3 of national defense education programs, \$1,106,165,000
4 (including \$894,494,000 from local funds, \$185,044,000
5 from Federal funds, and \$26,627,000 from other funds),
6 to be allocated as follows: \$810,542,000 (including
7 \$658,624,000 from local funds, \$144,630,000 from Fed-
8 eral funds, and \$7,288,000 from other funds), for the pub-
9 lic schools of the District of Columbia; \$47,370,000 (in-
10 cluding \$19,911,000 from local funds of which
11 \$17,000,000 is from a Federal payment previously appro-
12 priated in this Act for resident tuition support at public
13 and private institutions of higher learning for eligible Dis-
14 trict of Columbia residents, \$26,917,000 from Federal
15 funds, and \$542,000 from other funds), for the State
16 Education Office, and \$142,257,000 from local funds for
17 public charter schools: *Provided*, That there shall be quar-
18 terly disbursement of funds to the District of Columbia
19 public charter schools, with the first payment to occur
20 within 15 days of the beginning of each fiscal year: *Pro-*
21 *vided further*, That if the entirety of this allocation has
22 not been provided as payments to any public charter
23 school currently in operation through the per pupil fund-
24 ing formula, the funds shall be available for public edu-
25 cation in accordance with the School Reform Act of 1995

1 (Public Law 104–134; D.C. Official Code, sec. 38–
2 1804.03(a)(2)(D): *Provided further*, That \$480,000 of this
3 amount shall be available to the District of Columbia Pub-
4 lic Charter School Board for administrative costs: *Pro-*
5 *vided further*, That \$76,542,000 (including \$45,912,000
6 from local funds, \$12,539,000 from Federal funds, and
7 \$18,091,000 from other funds) shall be available for the
8 University of the District of Columbia: *Provided further*,
9 That \$750,000 shall be available for Enhancing and
10 Actualizing Internationalism and Multiculturalism in the
11 Academic Programs of the University of the District of
12 Columbia: \$1,000,000 shall be paid to the Excel Institute
13 Adult Education Program by the Chief Financial Officer
14 quarterly on the first day of each quarter, and not less
15 than \$200,000 for the Adult Education and \$27,256,000
16 (including \$26,030,000 from local funds, \$560,000 from
17 Federal funds and \$666,000 other funds) for the Public
18 Library: *Provided further*, That \$2,198,000 (including
19 \$1,760,000 from local funds, \$398,000 from Federal
20 funds and \$40,000 from other funds) shall be available
21 for the Commission on the Arts and Humanities: *Provided*
22 *further*, That the public schools of the District of Columbia
23 are authorized to accept not to exceed 31 motor vehicles
24 for exclusive use in the driver education program: *Provided*
25 *further*, That not to exceed \$2,500 for the Superintendent

1 of Schools, \$2,500 for the President of the University of
2 the District of Columbia, and \$2,000 for the Public Li-
3 brarian shall be available from this appropriation for offi-
4 cial purposes: *Provided further*, That none of the funds
5 contained in this Act may be made available to pay the
6 salaries of any District of Columbia Public School teacher,
7 principal, administrator, official, or employee who know-
8 ingly provides false enrollment or attendance information
9 under article II, section 5 of the Act entitled “An Act to
10 provide for compulsory school attendance, for the taking
11 of a school census in the District of Columbia, and for
12 other purposes”, approved February 4, 1925 (D.C. Offi-
13 cial Code, sec. 38–201 et seq.): *Provided further*, That this
14 appropriation shall not be available to subsidize the edu-
15 cation of any nonresident of the District of Columbia at
16 any District of Columbia public elementary and secondary
17 school during fiscal year 2002 unless the nonresident pays
18 tuition to the District of Columbia at a rate that covers
19 100 percent of the costs incurred by the District of Colum-
20 bia which are attributable to the education of the non-
21 resident (as established by the Superintendent of the Dis-
22 trict of Columbia Public Schools): *Provided further*, That
23 this appropriation shall not be available to subsidize the
24 education of nonresidents of the District of Columbia at
25 the University of the District of Columbia, unless the

1 Board of Trustees of the University of the District of Co-
2 lumbia adopts, for the fiscal year ending September 30,
3 2002, a tuition rate schedule that will establish the tuition
4 rate for nonresident students at a level no lower than the
5 nonresident tuition rate charged at comparable public in-
6 stitutions of higher education in the metropolitan area:
7 *Provided further*, That notwithstanding any other provi-
8 sion of law, rule, or regulation, the evaluation process and
9 instruments for evaluating District of Columbia Public
10 School employees shall be a non-negotiable item for collec-
11 tive bargaining purposes: *Provided further*, That the Dis-
12 trict of Columbia Public Schools shall spend \$1,200,000
13 to implement the D.C. Teaching Fellows Program in the
14 District's public schools: *Provided further*, That notwith-
15 standing the amounts otherwise provided under this head-
16 ing or any other provision of law, there shall be appro-
17 priated to the District of Columbia public charter schools
18 on July 1, 2002, an amount equal to 25 percent of the
19 total amount provided for payments to public charter
20 schools in the proposed budget of the District of Columbia
21 for fiscal year 2003 (as submitted to Congress), and the
22 amount of such payment shall be chargeable against the
23 final amount provided for such payments under the Dis-
24 trict of Columbia Appropriations Act, 2003: *Provided fur-*
25 *ther*, That notwithstanding the amounts otherwise pro-

1 vided under this heading or any other provision of law,
2 there shall be appropriated to the District of Columbia
3 Public Schools on July 1, 2002, an amount equal to 10
4 percent of the total amount provided for the District of
5 Columbia Public Schools in the proposed budget of the
6 District of Columbia for fiscal year 2003 (as submitted
7 to Congress), and the amount of such payment shall be
8 chargeable against the final amount provided for the Dis-
9 trict of Columbia Public Schools under the District of Co-
10 lumbia Appropriations Act, 2003.

11 HUMAN SUPPORT SERVICES

12 Human support services, \$1,803,923,000 (including
13 \$711,072,000 from local funds, \$1,075,960,000 from
14 Federal funds, and \$16,891,000 from other funds): *Pro-*
15 *vided*, That \$27,986,000 of this appropriation, to remain
16 available until expended, shall be available solely for Dis-
17 trict of Columbia employees' disability compensation: *Pro-*
18 *vided further*, That \$90,000,000 transferred pursuant to
19 the District of Columbia Appropriations Act, 2001 (Public
20 Law 106-522; 114 Stat. 2452), to the Public Benefit Cor-
21 poration for restructuring shall be made available to the
22 Department of Health's Health Care Safety Net Adminis-
23 tration for the purpose of restructuring the delivery of
24 health services in the District of Columbia shall remain
25 available for obligation during fiscal year 2002: *Provided*

1 *further*, That the District of Columbia shall not provide
2 free government services such as water, sewer, solid waste
3 disposal or collection, utilities, maintenance, repairs, or
4 similar services to any legally constituted private nonprofit
5 organization, as defined in section 411(5) of the Stewart
6 B. McKinney Homeless Assistance Act (101 Stat. 485;
7 Public Law 100–77; 42 U.S.C. 11371), providing emer-
8 gency shelter services in the District, if the District would
9 not be qualified to receive reimbursement pursuant to such
10 Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301
11 et seq.).

12 PUBLIC WORKS

13 Public works, including rental of one passenger-car-
14 rying vehicle for use by the Mayor and three passenger-
15 carrying vehicles for use by the Council of the District of
16 Columbia and leasing of passenger-carrying vehicles,
17 \$300,151,000 (including \$286,334,000 from local funds,
18 \$4,392,000 from Federal funds, and \$9,425,000 from
19 other funds): *Provided*, That \$11,000,000 of this appro-
20 priation shall be available for transfer to the Highway
21 Trust Fund’s Local Roads, Construction and Maintenance
22 Fund upon certification by the Chief Financial Officer
23 that funds are available from the fiscal year 2001 budg-
24 eted reserve or where the Chief Financial Officer certifies
25 that additional local revenues are available: *Provided fur-*

1 *ther*, That this appropriation shall not be available for col-
2 lecting ashes or miscellaneous refuse from hotels and
3 places of business.

4 RECEIVERSHIP PROGRAMS

5 For all agencies of the District of Columbia govern-
6 ment under court ordered receivership, \$403,368,000 (in-
7 cluding \$250,015,000 from local funds, \$134,339,000
8 from Federal funds, and \$19,014,000 from other funds).

9 WORKFORCE INVESTMENTS

10 For workforce investments, \$42,896,000 from local
11 funds, to be transferred by the Mayor of the District of
12 Columbia within the various appropriation headings in
13 this Act for which employees are properly payable.

14 RESERVE

15 For replacement of funds expended, if any, during
16 fiscal year 2001 from the Reserve established by section
17 202(j) of the District of Columbia Financial Responsibility
18 and Management Assistance Act of 1995, Public Law
19 104–8, \$150,000,000 from local funds: *Provided*, That
20 none of these funds shall be obligated or expended under
21 this heading until the emergency reserve fund established
22 under Sec. 450A(a) of the District of Columbia Home
23 Rule Act (Public Law 93–198 as amended; 114 Stat.
24 2478; D.C. Official Code, Sec. 1–204.50a(a)) has been
25 fully funded for fiscal year 2002.

1 CONTINGENCY RESERVE FUND

2 For the contingency reserve fund established under
3 section 450A(b) of the District of Columbia Home Rule
4 Act (Public Law 93–198; D.C. Official Code, sec. 1–
5 204.50a(b)), the amount provided for fiscal year 2002
6 under such section, to be derived from local funds.

7 REPAYMENT OF LOANS AND INTEREST

8 For payment of principal, interest, and certain fees
9 directly resulting from borrowing by the District of Co-
10 lumbia to fund District of Columbia capital projects as
11 authorized by sections 462, 475, and 490 of the District
12 of Columbia Home Rule Act (Public Law 93–198 as
13 amended; D.C. Official Code, secs. 1–204.62, 1–204.75,
14 1–204.90), \$247,902,000 from local funds: *Provided*, That
15 any funds set aside pursuant to section 148 of the District
16 of Columbia Appropriations Act, 2000 (Public Law 106–
17 113; 113 Stat. 1523) that are not used in the reserve
18 funds established herein shall be used for Pay-As-You-Go
19 Capital Funds: *Provided further*, That for equipment
20 leases, the Mayor may finance \$14,300,000 of equipment
21 cost, plus cost of issuance not to exceed 2 percent of the
22 par amount being financed on a lease purchase basis with
23 a maturity not to exceed 5 years: *Provided further*, That
24 \$4,440,000 is allocated for the Fire and Emergency Med-
25 ical Services Department, \$2,010,000 for the Department

1 of Parks and Recreation, and \$7,850,000 for the Depart-
2 ment of Public Works.

3 REPAYMENT OF GENERAL FUND RECOVERY DEBT

4 For the purpose of eliminating the \$331,589,000
5 general fund accumulated deficit as of September 30,
6 1990, \$39,300,000 from local funds, as authorized by sec-
7 tion 461(a) of the District of Columbia Home Rule Act,
8 (105 Stat. 540; D.C. Official Code, sec. 1-204.61(a)).

9 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

10 For payment of interest on short-term borrowing,
11 \$500,000 from local funds.

12 EMERGENCY PLANNING

13 For an emergency operations plan, implementation of
14 the emergency operations plan, and reimbursement of
15 planning and related expenses incurred by the District of
16 Columbia in anticipation of the planned World Bank and
17 International Monetary Fund September 2001 meetings,
18 \$16,058,000, from funds previously appropriated in this
19 Act as a Federal payment: *Provided*, That this appropria-
20 tion shall be apportioned by the Chief Financial Officer
21 within the various appropriation heading in this Act.

22 WILSON BUILDING

23 For expenses associated with the John A. Wilson
24 Building, \$8,859,000 from local funds.

1 EMERGENCY RESERVE FUND TRANSFER

2 Subject to the issuance of bonds to pay the purchase
3 price of the District of Columbia's right, title, and, inter-
4 est in and to the Master Settlement Agreement, and con-
5 sistent with the Tobacco Settlement Trust Fund Estab-
6 lishment Act of 1999 (D.C. Official Code, sec. 7-
7 1811.01(a)(2) et seq.) and the Tobacco Settlement Fi-
8 nancing Act of 2000 (D.C. Official Code, sec. 7-1831.03),
9 there is transferred the amount available pursuant there-
10 to, but not to exceed \$33,254,000, to the Emergency Re-
11 serve Fund established pursuant to section 450A(a) of the
12 District of Columbia Home Rule Act (Public Law 93-198,
13 as amended; 114 Stat. 2478; D.C. Official Code, sec. 1-
14 204.50a(a)).

15 NON-DEPARTMENTAL AGENCY

16 To account for anticipated costs that cannot be allo-
17 cated to specific agencies during the development of the
18 proposed budget including anticipated employee health in-
19 surance cost increases and contract security costs,
20 \$5,799,000 from local funds.

21 ENTERPRISE AND OTHER FUNDS

22 WATER AND SEWER AUTHORITY

23 For operation of the Water and Sewer Authority,
24 \$244,978,000 from other funds, of which \$44,244,000
25 shall be apportioned for repayment of loans and interest

1 incurred for capital improvement projects (\$17,952,936
2 payable to the District’s debt service fund and
3 \$26,291,064 payable for other debt service). For construc-
4 tion projects, \$152,114,000, in the following capital pro-
5 grams; \$52,600,000 for the Blue Plains Wastewater
6 Treatment Plant, \$11,148,000 for the sewer program,
7 \$109,000 for the combined sewer program, \$118,000 for
8 the stormwater program, \$77,957,000 for the water pro-
9 gram, and \$10,182,000 for the capital equipment pro-
10 gram: *Provided*, That the requirements and restrictions
11 that are applicable to general fund capital improvements
12 projects and set forth in this Act under the Capital Outlay
13 appropriation title shall apply to projects approved under
14 this appropriation title: *Provided further*, That section
15 106(b)(2) of the District of Columbia Public Works Act
16 of 1954 (sec. 34–2401.25(b)(2), D.C. Official Code) is
17 amended by inserting after “the Office of Management
18 and Budget,” the following: “the Secretary of the Treas-
19 ury, and the head of each of the respective Federal depart-
20 ments, independent establishments, and agencies,”: *Pro-*
21 *vided further*, That section 212(b)(2) of the District of Co-
22 lumbia Public Works Act of 1954 (sec. 34–2112(b)(2),
23 D.C. Official Code) is amended by inserting after “the Of-
24 fice of Management and Budget,” the following: “the Sec-
25 retary of the Treasury, and the head of each of the respec-

1 tive Federal departments, independent establishments,
2 and agencies,”.

3 WASHINGTON AQUEDUCT

4 For operation of the Washington Aqueduct,
5 \$46,510,000 from other funds.

6 STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

7 For operation of the Stormwater Permit Compliance
8 Enterprise Fund, \$3,100,000 from other funds.

9 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

10 For the Lottery and Charitable Games Enterprise
11 Fund, established by the District of Columbia Appropria-
12 tion Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91),
13 for the purpose of implementing the Law to Legalize Lot-
14 teries, Daily Numbers Games, and Bingo and Raffles for
15 Charitable Purposes in the District of Columbia (D.C.
16 Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and
17 sec. 22–1716 et seq.), \$229,688,000: *Provided*, That the
18 District of Columbia shall identify the source of funding
19 for this appropriation title from the District’s own locally
20 generated revenues: *Provided further*, That no revenues
21 from Federal sources shall be used to support the oper-
22 ations or activities of the Lottery and Charitable Games
23 Control Board.

1 SPORTS AND ENTERTAINMENT COMMISSION

2 For the Sports and Entertainment Commission,
3 \$9,127,000 (including \$2,177,000 to be derived by trans-
4 fer from the general fund of the District of Columbia and
5 \$6,950,000 from other funds): *Provided*, That the transfer
6 of \$2,177,000 from the general fund shall not be made
7 unless the District of Columbia general fund has received
8 \$2,177,000 from the D.C. Sports and Entertainment
9 Commission prior to September 20, 2001: *Provided fur-*
10 *ther*, That the Mayor shall submit a budget for the Armory
11 Board for the forthcoming fiscal year as required by sec-
12 tion 442(b) of the District of Columbia Home Rule Act
13 (87 Stat. 824; Public Law 93–198; D.C. Official Code,
14 sec. 1–204.42(b)).

15 DISTRICT OF COLUMBIA RETIREMENT BOARD

16 For the District of Columbia Retirement Board, es-
17 tablished by section 121 of the District of Columbia Re-
18 tirement Reform Act of 1979 (93 Stat. 866; D.C. Official
19 Code, sec. 1–711), \$13,388,000 from the earnings of the
20 applicable retirement funds to pay legal, management, in-
21 vestment, and other fees and administrative expenses of
22 the District of Columbia Retirement Board: *Provided*,
23 That the District of Columbia Retirement Board shall pro-
24 vide to the Congress and to the Council of the District
25 of Columbia a quarterly report of the allocations of

1 charges by fund and of expenditures of all funds: *Provided*
2 *further*, That the District of Columbia Retirement Board
3 shall provide the Mayor, for transmittal to the Council of
4 the District of Columbia, an itemized accounting of the
5 planned use of appropriated funds in time for each annual
6 budget submission and the actual use of such funds in
7 time for each annual audited financial report.

8 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

9 For the Washington Convention Center Enterprise
10 Fund, \$57,278,000 from other funds.

11 HOUSING FINANCE AGENCY

12 For the Housing Finance Agency, \$4,711,000 from
13 other funds.

14 NATIONAL CAPITAL REVITALIZATION CORPORATION

15 For the National Capital Revitalization Corporation,
16 \$2,673,000 from other funds.

17 CAPITAL OUTLAY

18 (INCLUDING RESCISSIONS)

19 For construction projects, an increase of
20 \$1,550,787,000 of which \$1,348,783,000 shall be from
21 local funds, \$44,431,000 from Highway Trust funds, and
22 \$157,573,000 from Federal funds, and a rescission of
23 \$476,182,000 from local funds appropriated under this
24 heading in prior fiscal years, for a net amount of
25 \$1,074,605,000 to remain available until expended: *Pro-*

1 SEC. 102. Appropriations in this Act shall be avail-
2 able for expenses of travel and for the payment of dues
3 of organizations concerned with the work of the District
4 of Columbia government, when authorized by the Mayor:
5 *Provided*, That in the case of the Council of the District
6 of Columbia, funds may be expended with the authoriza-
7 tion of the chair of the Council.

8 SEC. 103. There are appropriated from the applicable
9 funds of the District of Columbia such sums as may be
10 necessary for making refunds and for the payment of
11 judgments that have been entered against the District of
12 Columbia government: *Provided*, That nothing contained
13 in this section shall be construed as modifying or affecting
14 the provisions of section 11(c)(3) of title XII of the Dis-
15 trict of Columbia Income and Franchise Tax Act of 1947
16 (70 Stat. 78; Public Law 84-460; D.C. Official Code, sec.
17 47-1812.11(c)(3)).

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

21 SEC. 105. No funds appropriated in this Act for the
22 District of Columbia government for the operation of edu-
23 cational institutions, the compensation of personnel, or for
24 other educational purposes may be used to permit, encour-
25 age, facilitate, or further partisan political activities.

1 Nothing herein is intended to prohibit the availability of
2 school buildings for the use of any community or partisan
3 political group during non-school hours.

4 SEC. 106. 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, salary, past work experience, and salary history are
8 not available for inspection by the House and Senate Com-
9 mittees on Appropriations, the House Committee on Gov-
10 ernment Reform, the Senate Committee on Governmental
11 Affairs, and the Council of the District of Columbia, or
12 their duly authorized representative.

13 SEC. 107. There are appropriated from the applicable
14 funds of the District of Columbia such sums as may be
15 necessary for making payments authorized by the District
16 of Columbia Revenue Recovery Act of 1977 (D.C. Law
17 2-20; D.C. Code, sec. 47-422 et seq.).

18 SEC. 108. No part of this appropriation shall be used
19 for publicity or propaganda purposes or implementation
20 of any policy including boycott designed to support or de-
21 feat legislation pending before Congress or any State legis-
22 lature.

23 SEC. 109. At the start of the fiscal year, the Mayor
24 shall develop an annual plan, by quarter and by project,
25 for capital outlay borrowings: *Provided*, That within a rea-

1 sonable time after the close of each quarter, the Mayor
2 shall report to the Council of the District of Columbia and
3 the Congress the actual borrowings and spending progress
4 compared with projections.

5 SEC. 110. (a) None of the funds provided under this
6 Act to the agencies funded by this Act, both Federal and
7 District government agencies, that remain available for
8 obligation or expenditure in fiscal year 2002, or provided
9 from any accounts in the Treasury of the United States
10 derived by the collection of fees available to the agencies
11 funded by this Act, shall be available for obligation or ex-
12 penditure for an agency through a reprogramming of
13 funds which: (1) creates new programs; (2) eliminates a
14 program, project, or responsibility center; (3) establishes
15 or changes allocations specifically denied, limited or in-
16 creased by Congress in this Act; (4) increases funds or
17 personnel by any means for any program, project, or re-
18 sponsibility center for which funds have been denied or
19 restricted; (5) reestablishes through reprogramming any
20 program or project previously deferred through re-
21 programming; (6) augments existing programs, projects,
22 or responsibility centers through a reprogramming of
23 funds in excess of \$1,000,000 or 10 percent, whichever
24 is less; or (7) increases by 20 percent or more personnel
25 assigned to a specific program, project or responsibility

1 center; unless the Committees on Appropriations of both
2 the Senate and House of Representatives are notified in
3 writing 30 days in advance of any reprogramming as set
4 forth in this section.

5 (b) None of the local funds contained in this Act may
6 be available for obligation or expenditure for an agency
7 through a reprogramming of funds which transfers any
8 local funds from one appropriation to another unless the
9 Committees on Appropriations of the Senate and House
10 of Representatives are notified in writing 30 days in ad-
11 vance of the transfer, except that in no event may the
12 amount of any funds transferred exceed two percent of
13 the local funds in the appropriation.

14 SEC. 111. Consistent with the provisions of 31 U.S.C.
15 1301(a), appropriations under this Act shall be applied
16 only to the objects for which the appropriations were made
17 except as otherwise provided by law.

18 SEC. 112. (a) Notwithstanding any other provisions
19 of law, the provisions of the District of Columbia Govern-
20 ment Comprehensive Merit Personnel Act of 1978 (D.C.
21 Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.),
22 enacted pursuant to section 422(3) of the District of Co-
23 lumbia Home Rule Act (87 Stat. 790; Public Law 93-
24 198; D.C. Official Code, sec. 1-204.22(3)), shall apply
25 with respect to the compensation of District of Columbia

1 employees: *Provided*, That for pay purposes, employees of
2 the District of Columbia government shall not be subject
3 to the provisions of title 5, United States Code.

4 (b)(1) CERTIFICATION OF NEED BY CHIEF TECH-
5 NOLOGY OFFICER.—Section 2706(b) of the District of Co-
6 lumbia Government Comprehensive Merit Personnel Act
7 of 1978, as added by section 2 of the District Government
8 Personnel Exchange Agreement Amendment Act of 2000
9 (D.C. Law 13–296), is amended by inserting after “Direc-
10 tor of Personnel” each place it appears the following: “(or
11 the Chief Technology Officer, in the case of the Office of
12 the Chief Technology Officer)”.

13 (2) INCLUSION OF OVERHEAD COSTS IN AGREE-
14 MENTS.—Section 2706(c)(3) of such Act is amended by
15 striking the period at the end and inserting the following:
16 “, except that in the case of the Office of the Chief Tech-
17 nology Officer, general and administrative costs shall in-
18 clude reasonable overhead costs and shall be calculated by
19 the Chief Technology Officer (as determined under such
20 criteria as the Chief Technology Officer independently
21 deems appropriate, including a consideration of standards
22 used to calculate general, administrative, and overhead
23 costs for off-site employees found in Federal law and regu-
24 lation and in general private industry practice).”.

1 (3) REPORTING REQUIREMENT.—Section 2706 of
2 such Act is amended—

3 (A) by redesignating subsection (f) as sub-
4 section (g); and

5 (B) by inserting after subsection (e) the fol-
6 lowing new subsection:

7 “(f) Not later than 45 days after the end of each fis-
8 cal year (beginning with fiscal year 2002), the Chief Tech-
9 nology Officer shall prepare and submit to the Council and
10 to the Committees on Appropriations of the House of Rep-
11 resentatives and Senate a report describing all agreements
12 entered into by the Chief Technology Officer under this
13 section which are in effect during the fiscal year.”.

14 (c) NO LIMIT ON FTEs.—Notwithstanding any other
15 provision of law, no limit may be placed on the number
16 of full-time equivalent employees of the Office of the Chief
17 Technology Officer of the District of Columbia for any fis-
18 cal year.

19 (d) Section 424(b)(3) of the District of Columbia
20 Home Rule Act (sec. 1–204.24b(e), D.C. Official Code)
21 is amended by striking “level IV” and inserting “level I”.

22 (e) EFFECTIVE DATE.—The amendment made by
23 subsection (d) shall apply with respect to pay periods in
24 fiscal year 2002 and each succeeding fiscal year.

1 SEC. 113. No sole source contract with the District
2 of Columbia government or any agency thereof may be re-
3 newed or extended without opening that contract to the
4 competitive bidding process as set forth in section 303 of
5 the District of Columbia Procurement Practices Act of
6 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03),
7 except that the District of Columbia government or any
8 agency thereof may renew or extend sole source contracts
9 for which competition is not feasible or practical: *Provided*,
10 That the determination as to whether to invoke the com-
11 petitive bidding process has been made in accordance with
12 duly promulgated rules and procedures.

13 SEC. 114. In the event a sequestration order is issued
14 pursuant to the Balanced Budget and Emergency Deficit
15 Control Act of 1985 (99 Stat. 1037; Public Law 99–177),
16 after the amounts appropriated to the District of Colum-
17 bia for the fiscal year involved have been paid to the Dis-
18 trict of Columbia, the Mayor of the District of Columbia
19 shall pay to the Secretary of the Treasury, within 15 days
20 after receipt of a request therefor from the Secretary of
21 the Treasury, such amounts as are sequestered by the
22 order: *Provided*, That the sequestration percentage speci-
23 fied in the order shall be applied proportionately to each
24 of the Federal appropriation accounts in this Act that are
25 not specifically exempted from sequestration by such Act.

1 ACCEPTANCE AND USE OF GIFTS

2 SEC. 115. (a) APPROVAL BY MAYOR.—

3 (1) IN GENERAL.—An entity of the District of
4 Columbia government may accept and use a gift or
5 donation during fiscal year 2002 if—

6 (A) the Mayor approves the acceptance
7 and use of the gift or donation (except as pro-
8 vided in paragraph (2)); and

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

11 (2) EXCEPTION FOR COUNCIL AND COURTS.—

12 The Council of the District of Columbia and the
13 District of Columbia courts may accept and use gifts
14 without prior approval by the Mayor.

15 (b) RECORDS AND PUBLIC INSPECTION.—Each enti-
16 ty of the District of Columbia government shall keep accu-
17 rate and detailed records of the acceptance and use of any
18 gift or donation under subsection (a), and shall make such
19 records available for audit and public inspection.

20 (c) INDEPENDENT AGENCIES INCLUDED.—For the
21 purposes of this section, the term “entity of the District
22 of Columbia government” includes an independent agency
23 of the District of Columbia.

24 (d) EXCEPTION FOR BOARD OF EDUCATION.—This
25 section shall not apply to the District of Columbia Board

1 of Education, which may, pursuant to the laws and regula-
2 tions of the District of Columbia, accept and use gifts to
3 the public schools without prior approval by the Mayor.

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

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

16 SEC. 118. None of the Federal funds made available
17 in this Act may be used to implement or enforce the
18 Health Care Benefits Expansion Act of 1992 (D.C. Law
19 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
20 erwise implement or enforce any system of registration of
21 unmarried, cohabiting couples (whether homosexual, het-
22 erosexual, or lesbian), including but not limited to reg-
23 istration for the purpose of extending employment, health,
24 or governmental benefits to such couples on the same basis
25 that such benefits are extended to legally married couples.

1 SEC. 119. (a) ACCEPTANCE AND USE OF GRANTS
2 NOT INCLUDED IN CEILING.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of this Act, the Mayor, in consultation with
5 the Chief Financial Officer may accept, obligate, and
6 expend Federal, private, and other grants received
7 by the District government that are not reflected in
8 the amounts appropriated in this Act.

9 (2) REQUIREMENT OF CHIEF FINANCIAL OFFI-
10 CER REPORT AND COUNCIL APPROVAL.—No such
11 Federal, private, or other grant may be accepted, ob-
12 ligated, or expended pursuant to paragraph (1)
13 until—

14 (A) the Chief Financial Officer of the Dis-
15 trict of Columbia submits to the Council a re-
16 port setting forth detailed information regard-
17 ing such grant; and

18 (B) the Council within 15 days after re-
19 ceipt of the report submitted under (A) has re-
20 viewed and approved the acceptance, obligation,
21 and expenditure of such grant.

22 (3) PROHIBITION ON SPENDING IN ANTICIPA-
23 TION OF APPROVAL OR RECEIPT.—No amount may
24 be obligated or expended from the general fund or
25 other funds of the District government in anticipa-

1 tion of the approval or receipt of a grant under
2 paragraph (2)(B) of this subsection or in anticipa-
3 tion of the approval or receipt of a Federal, private,
4 or other grant not subject to such paragraph.

5 (4) QUARTERLY REPORTS.—The Chief Finan-
6 cial Officer of the District of Columbia shall prepare
7 a quarterly report setting forth detailed information
8 regarding all Federal, private, and other grants sub-
9 ject to this subsection. Each such report shall be
10 submitted to the Council of the District of Columbia,
11 and to the Committees on Appropriations of the
12 House of Representatives and the Senate, not later
13 than 15 days after the end of the quarter covered
14 by the report.

15 SEC. 120. (a) Except as otherwise provided in this
16 section, none of the funds made available by this Act or
17 by any other Act may be used to provide any officer or
18 employee of the District of Columbia with an official vehi-
19 cle unless the officer or employee uses the vehicle only in
20 the performance of the officer's or employee's official du-
21 ties. For purposes of this paragraph, the term "official
22 duties" does not include travel between the officer's or em-
23 ployee's residence and workplace (except: (1) in the case
24 of an officer or employee of the Metropolitan Police De-
25 partment who resides in the District of Columbia or is

1 otherwise designated by the Chief of the Department; (2)
2 at the discretion of the Fire Chief, an officer or employee
3 of the District of Columbia Fire and Emergency Medical
4 Services Department who resides in the District of Colum-
5 bia and is on call 24 hours a day; (3) the Mayor of the
6 District of Columbia; and (4) the Chairman of the Council
7 of the District of Columbia).

8 (b) The Chief Financial Officer of the District of Co-
9 lumbia shall submit, by November 15, 2001, an inventory,
10 as of September 30, 2001, of all vehicles owned, leased
11 or operated by the District of Columbia government. The
12 inventory shall include, but not be limited to, the depart-
13 ment to which the vehicle is assigned; the year and make
14 of the vehicle; the acquisition date and cost; the general
15 condition of the vehicle; annual operating and mainte-
16 nance costs; current mileage; and whether the vehicle is
17 allowed to be taken home by a District officer or employee
18 and if so, the officer or employee's title and resident loca-
19 tion.

20 (c) No officer or employee of the District of Columbia
21 government (including any independent agency of the Dis-
22 trict but excluding the Office of the Chief Technology Offi-
23 cer) may enter into an agreement in excess of \$2,500 for
24 the procurement of goods or services on behalf of any enti-
25 ty of the District government until the officer or employee

1 has conducted an analysis of how the procurement of the
2 goods and services involved under the applicable regula-
3 tions and procedures of the District government would dif-
4 fer from the procurement of the goods and services in-
5 volved under the Federal supply schedule and other appli-
6 cable regulations and procedures of the General Services
7 Administration, including an analysis of any differences
8 in the costs to be incurred and the time required to obtain
9 the goods or services.

10 SEC. 121. Notwithstanding any other provision of
11 law, not later than 120 days after the date that a District
12 of Columbia Public Schools (DCPS) student is referred
13 for evaluation or assessment—

14 (1) the District of Columbia Board of Edu-
15 cation, or its successor, and DCPS shall assess or
16 evaluate a student who may have a disability and
17 who may require special education services; and

18 (2) if a student is classified as having a dis-
19 ability, as defined in section 101(a)(1) of the Indi-
20 viduals with Disabilities Education Act (84 Stat.
21 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the
22 Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C.
23 706(8)), the Board and DCPS shall place that stu-
24 dent in an appropriate program of special education
25 services.

1 SEC. 122. (a) COMPLIANCE WITH BUY AMERICAN
2 ACT.—None of the funds made available in this Act may
3 be expended by an entity unless the entity agrees that in
4 expending the funds the entity will comply with the Buy
5 American Act (41 U.S.C. 10a–10c).

6 (b) SENSE OF THE CONGRESS; REQUIREMENT RE-
7 GARDING NOTICE.—

8 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT
9 AND PRODUCTS.—In the case of any equipment or
10 product that may be authorized to be purchased
11 with financial assistance provided using funds made
12 available in this Act, it is the sense of the Congress
13 that entities receiving the assistance should, in ex-
14 pending the assistance, purchase only American-
15 made equipment and products to the greatest extent
16 practicable.

17 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—
18 In providing financial assistance using funds made
19 available in this Act, the head of each agency of the
20 Federal or District of Columbia government shall
21 provide to each recipient of the assistance a notice
22 describing the statement made in paragraph (1) by
23 the Congress.

24 (c) PROHIBITION OF CONTRACTS WITH PERSONS
25 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

1 If it has been finally determined by a court or Federal
2 agency that any person intentionally affixed a label bear-
3 ing a “Made in America” inscription, or any inscription
4 with the same meaning, to any product sold in or shipped
5 to the United States that is not made in the United
6 States, the person shall be ineligible to receive any con-
7 tract or subcontract made with funds made available in
8 this Act, pursuant to the debarment, suspension, and ineli-
9 gibility procedures described in sections 9.400 through
10 9.409 of title 48, Code of Federal Regulations.

11 SEC. 123. None of the funds contained in this Act
12 may be used for purposes of the annual independent audit
13 of the District of Columbia government for fiscal year
14 2002 unless—

15 (1) the audit is conducted by the Inspector
16 General of the District of Columbia pursuant to sec-
17 tion 208(a)(4) of the District of Columbia Procure-
18 ment Practices Act of 1985 (D.C. Official Code, sec.
19 2–302.8); and

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

1 appropriations for the year and its legislative his-
2 tory.

3 SEC. 124. None of the funds contained in this Act
4 may be used by the District of Columbia Corporation
5 Counsel or any other officer or entity of the District gov-
6 ernment to provide assistance for any petition drive or civil
7 action which seeks to require Congress to provide for vot-
8 ing representation in Congress for the District of Colum-
9 bia.

10 SEC. 125. (a) None of the funds contained in this
11 Act may be used for any program of distributing sterile
12 needles or syringes for the hypodermic injection of any ille-
13 gal drug.

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

19 SEC. 126. None of the funds contained in this Act
20 may be used after the expiration of the 60-day period that
21 begins on the date of the enactment of this Act to pay
22 the salary of any chief financial officer of any office of
23 the District of Columbia government (including any inde-
24 pendent agency of the District) who has not filed a certifi-
25 cation with the Mayor and the Chief Financial Officer of

1 the District of Columbia that the officer understands the
2 duties and restrictions applicable to the officer and the
3 officer's agency as a result of this Act (and the amend-
4 ments made by this Act), including any duty to prepare
5 a report requested either in the Act or in any of the re-
6 ports accompanying the Act and the deadline by which
7 each report must be submitted, and the District's Chief
8 Financial Officer shall provide to the Committees on Ap-
9 propriations of the Senate and the House of Representa-
10 tives by the 10th day after the end of each quarter a sum-
11 mary list showing each report, the due date and the date
12 submitted to the Committees.

13 SEC. 127. In submitting any document showing the
14 budget for an office of the District of Columbia govern-
15 ment (including an independent agency of the District)
16 that contains a category of activities labeled as "other",
17 "miscellaneous", or a similar general, nondescriptive term,
18 the document shall include a description of the types of
19 activities covered in the category and a detailed breakdown
20 of the amount allocated for each such activity.

21 SEC. 128. (a) None of the funds contained in this
22 Act may be used to enact or carry out any law, rule, or
23 regulation to legalize or otherwise reduce penalties associ-
24 ated with the possession, use, or distribution of any sched-

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

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

7 SEC. 129. Notwithstanding any other provision of
8 law, the Mayor of the District of Columbia is hereby solely
9 authorized to allocate the District’s limitation amount of
10 qualified zone academy bonds (established pursuant to 26
11 U.S.C. 1397E) among qualified zone academies within the
12 District.

13 SEC. 130. Nothing in this Act may be construed to
14 prevent the Council or Mayor of the District of Columbia
15 from addressing the issue of the provision of contraceptive
16 coverage by health insurance plans, but it is the intent
17 of Congress that any legislation enacted on such issue
18 should include a “conscience clause” which provides excep-
19 tions for religious beliefs and moral convictions.

20 SEC. 131. Section 149 of division A, Miscellaneous
21 Appropriations Act, 2001, as enacted by section 1(A)(4)
22 of Public Law 106–554 shall apply with respect to claims
23 received by the Superior Court of the District of Columbia
24 or the District of Columbia Court of Appeals during fiscal
25 year 2002, and claims received previously that remain un-

1 paid at the end of fiscal year 2001 and would have quali-
2 fied for interest payment under such section 149.

3 FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW
4 BANNING POSSESSION OF TOBACCO PRODUCTS BY
5 MINORS

6 SEC. 132. (a) CONTRIBUTION.—There is hereby ap-
7 propriated a Federal contribution of \$100,000 to the Met-
8 ropolitan Police Department of the District of Columbia,
9 effective upon the enactment by the District of Columbia
10 of a law which reads as follows:

11 “BAN ON POSSESSION OF TOBACCO PRODUCTS BY
12 MINORS

13 “SECTION 1. (a) IN GENERAL.—It shall be unlawful
14 for any individual under 18 years of age to possess any
15 cigarette or other tobacco product in the District of Co-
16 lumbia.

17 “(b) EXCEPTIONS.—

18 “(1) POSSESSION IN COURSE OF EMPLOY-
19 MENT.—Subsection (a) shall not apply with respect
20 to an individual making a delivery of cigarettes or
21 tobacco products in pursuance of employment.

22 “(2) PARTICIPATION IN LAW ENFORCEMENT
23 OPERATION.—Subsection (a) shall not apply with re-
24 spect to an individual possessing products in the
25 course of a valid, supervised law enforcement oper-
26 ation.

1 “(c) PENALTIES.—Any individual who violates sub-
2 section (a) shall be subject to the following penalties:

3 “(1) For any violation, the individual may be
4 required to perform community service or attend a
5 tobacco cessation program.

6 “(2) Upon the first violation, the individual
7 shall be subject to a civil penalty not to exceed \$50.

8 “(3) Upon the second and each subsequent vio-
9 lation, the individual shall be subject to a civil pen-
10 alty not to exceed \$100.

11 “(4) Upon the third and each subsequent viola-
12 tion, the individual may have his or her driving
13 privileges in the District of Columbia suspended for
14 a period of 90 consecutive days.”.

15 (b) USE OF CONTRIBUTION.—The Metropolitan Po-
16 lice Department shall use the contribution made under
17 subsection (a) to enforce the law referred to in such sub-
18 section.

19 SEC. 133. Nothing in this Act bars the District of
20 Columbia Corporation Counsel from reviewing or com-
21 menting on briefs in private lawsuits, or from consulting
22 with officials of the District government regarding such
23 lawsuits.

24 SEC. 134. (a) Section 11201(g)(4)(A) of the National
25 Capital Revitalization and Self-Government Improvement

1 Act of 1997 (sec. 24–1201(g)(4)(A), D.C. Code), as
2 amended by section 163 of the District of Columbia Ap-
3 propriations Act, 2001, is amended—

4 (1) by striking “and” at the end of clause (ix);

5 (2) by striking the period at the end of clause
6 (x); and

7 (3) by adding at the end the following new
8 clause:

9 “(xi) obligate and expend the proceeds
10 and funds deposited under clauses (ix) and
11 (x) as provided in such clauses.”.

12 (b) The amendment made by subsection (a) shall take
13 effect as if included in the enactment of the Lorton Tech-
14 nical Corrections Act of 1998 (Public Law 105–277; 112
15 Stat. 2681–600).

16 This Act may be cited as the “District of Columbia
17 Appropriations Act, 2002”.

Union Calendar No. 130

107TH CONGRESS
1ST SESSION

H. R. 2944

[Report No. 107-216]

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

SEPTEMBER 24, 2001

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed