

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 15-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2003

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2004 Winter  
 Supp.

West Group  
 Publisher

To amend, on a temporary basis, section 47-1042 of the District of Columbia Official Code to reconfirm and modify the exemption from real estate taxation for the property known as lot 60, square 625 and owned by the National Guard Association of the United States.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Guard Association of the United States Real Property Tax Exemption Reconfirmation and Modification Temporary Act of 2003".

Sec. 2. Section 47-1042 of the District of Columbia Official Code is amended to read as follows:

Note,  
 § 47-1042

"The property situated in square 625 in the City of Washington, District of Columbia, described as lot 60, together with the improvements thereon, shall be exempt from all taxation so long as the property is owned by and titled in the name of the National Guard Association of the United States, a District of Columbia nonprofit corporation, is occupied by the Association, is used solely for purposes of the Association, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The transfer of the property to the National Guard Association of the United States shall be exempt from all transfer and recordation taxes of the District of Columbia."

Sec. 3. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

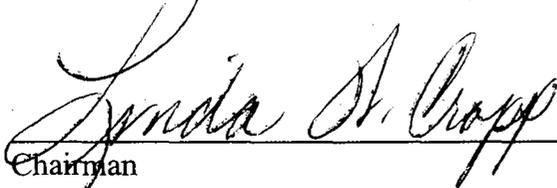
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code §1-206.02(c)(3)).

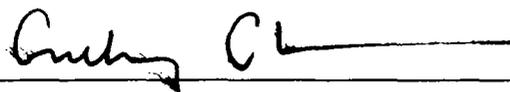
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Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
September 30, 2003

Government of the District of Columbia  
Office of the Chief Financial Officer



Natwar M. Gandhi  
Chief Financial Officer

MEMORANDUM

**TO:** The Honorable Linda W. Cropp  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer

**DATE:** JUL 17 2003

**SUBJECT:** Fiscal Impact Statement: "National Guard Association of the United States Real Property Tax Exemption Reconfirmation and Modification Act of 2003"

**REFERENCE:** Bill 15-311 as Introduced

**Conclusion**

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget and financial plan as agreed to by the Mayor and the Council of the District of Columbia. The proposed legislation will result in a reduction in real property tax revenue of \$0.69 million in FY 2003 and \$3.86 million in FY 2003 through FY 2007.

**Background**

The proposed legislation would exempt property described as Lot 60 in Square 625 and occupied by the National Guard Association. The National Guard Association is a non-profit corporation in the District of Columbia. Conditions of the proposed exemption require that the property not be used for commercial purposes. In addition, the proposed legislation exempts the property from deed transfer and deed recordation taxes only when the parcel is transferred to the National Guard Association.

On March 19, 2003, the Chief Assessor's Office responded to representatives of the National Guard Association concerning the matter of real property taxation and the qualifications under the law for exemption. The purpose was to respond to a request for tax-exemption and assist in exploring options. The Office of Tax and Revenue

determined at that time that the property was not eligible for a real property tax exemption.

### Financial Plan Impact

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget, and financial plan. The proposed legislation will result in a reduction in real property tax revenue. In the event of a proposed transfer of title to the National Guard Association, the legislation exempts deed transfer taxes of approximately \$10,101 and deed recordation taxes of \$10,101 estimated for FY 2003. It will also exempt the property from real property taxes estimated at \$673,400 for FY 2003 and \$754,800 in FY 2004. The table in Figure 1 presents the reduction in property tax revenue impacting the financial plan.

Figure 1.

| Expenditure Impact to the Financial Plan<br>(S in millions) |         |         |         |         |            |
|---|---------|---------|---------|---------|------------|
| FY2003  | FY 2004 | FY 2005 | FY 2006 | FY 2007 | 5-Yr Total |
| \$0.69  | \$0.75  | \$0.78  | \$0.80  | \$0.84  | \$3.86     |

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AN ACT  
D.C. ACT 15-151IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
SEPTEMBER 30, 2003*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2004 Winter  
Supp.West Group  
Publisher

To authorize, on a temporary basis, the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2004 Tax Revenue Anticipation Notes Temporary Act of 2003".

## Sec. 2. Definitions.

For the purposes of this act, the term:

Note,  
§ 1-204.72

- (1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2004, on a parity with the notes.
- (2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.
- (3) "Available funds" means District funds required to be deposited with the Escrow Agent, Receipts, and other District funds that are not otherwise legality committed.
- (4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor.
- (5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.
- (6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.
- (7) "Council" means the Council of the District of Columbia.
- (8) "District" means the District of Columbia.
- (9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers and with an office in the District designated to serve in this capacity by the Mayor.
- (10) "Escrow Agreement" means the escrow agreement between the District and

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the Escrow Agent authorized in section 7.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

### Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of and interest on all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Mayor has advised the Council that, based upon the Mayor's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2004, it may be necessary for the District to borrow a sum not to exceed \$250 million, an amount that does not exceed 20% of the total anticipated revenue for such fiscal year, and to evidence the debt by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$250 million is in the public interest.

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## Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$250 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2004.

(b) The Mayor is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

## Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2004 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2004.

(b) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or Escrow Agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial

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responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. The Mayor's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the notes. The Mayor shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Mayor or an authorized delegate may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Mayor or an authorized delegate shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

- (1) The issuance of the notes;
- (2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes;
- (3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;
- (4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Mayor shall determine; or
- (5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Mayor receives an approving opinion of Bond Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of such interest as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District income

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taxation of the interest on the notes.

(e) The Mayor shall execute a note issuance certificate evidencing the determinations and other actions taken by the Mayor for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2004, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this act shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Mayor may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Mayor may execute and deliver the Escrow Agreement, on behalf of the District and in the Mayor's official capacity, containing the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2004 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement may not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Mayor shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Mayor shall set aside and deposit with the Escrow Agent funds in accordance

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with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2004, until September 30, 2004, then beginning on the date set forth in the Escrow Agreement, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the Receipts received by the District after the date set forth in the Escrow Agreement, until the excess described in this subsection no longer exists.

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2004, through September 30, 2004, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2004, through September 30, 2004, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2004, the Mayor shall review the current monthly cash flow projections of the District, and if the Mayor determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the Receipts estimated by the Mayor to be received after such date by the District but before the maturity of the notes, then the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the Receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal and interest on the notes payable at their maturity.

(h) The Mayor shall, in the full exercise of the authority granted the Mayor under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of and interest on the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then-current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Mayor reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

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(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2004, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Mayor without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Mayor is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1 million during fiscal year 2004, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse said bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Mayor not in excess of 15% per year until paid.

(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Mayor may from time to time determine to be necessary or appropriate to place, in whole or in part:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Mayor may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread or similar exposure, including, without limitation, interest rate floors, or caps, options, puts and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Mayor may deem appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other

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arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Mayor:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent", in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Mayor, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to notes and Additional Notes issued pursuant to sections 471, 472, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

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(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2004, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes on a parity basis with the notes.

(2) The receipts and available funds referred to in paragraph (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a), and taxes, if any, dedicated to particular purposes pursuant to section 490, of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued, then the provisions of section 7 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Mayor or the authorized delegate shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of Receipts pursuant to section 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

- (1) The stated maturity date of all outstanding notes and Additional Notes; or
- (2) The date an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Mayor, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of Receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set aside and deposit would be required, there shall be excluded from receipts estimated by the Mayor to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Mayor shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if such notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative

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minimum tax. The Mayor also shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

This act shall constitute a contract between the District and the owners of the notes authorized by this act. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary to the Council.

Sec. 15. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council

(b) The Mayor shall notify the Council within 30 days of any action taken under section 7(g).

Sec. 16. Fiscal impact statement.

The Office of the Chief Financial Officer estimates that the fiscal impact of issuing these Tax Revenue Anticipation Notes is as follows:

(1) The debt service expense associated with issuing Tax Revenue Anticipation Notes to fund Fiscal Year 2004 seasonal cash needs in the amount of approximately \$175 million is incorporated in the District's proposed Fiscal Year 2004 budget. This act has a not-to-exceed amount of \$250 million, as a contingency in the event that the District's actual Fiscal Year 2004 seasonal cash needs exceed the projected cash needs at the time of budget

## ENROLLED ORIGINAL

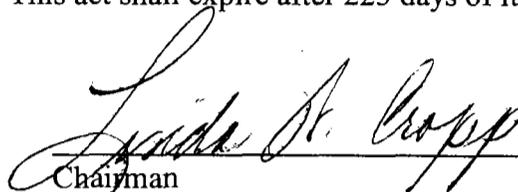
preparation. In that event, the Office of the Chief Financial Officer plans to manage its total debt service expenditures in a manner that keeps such expenditures from exceeding the total debt service budget. As such, there is no additional fiscal impact associated with the passage of this act or the issuance of the notes.

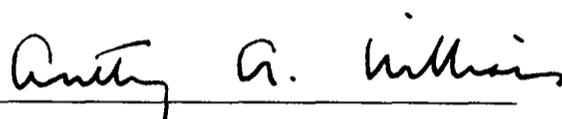
(2) The fiscal impact associated with not passing this act could be an inability of the District to meet numerous operating expenditures during Fiscal Year 2004.

Sec. 17. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
September 30, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2003

To approve, on an emergency basis, the acceptance and use of grants not appropriated in the District of Columbia Appropriations Act, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "September Budget Modifications for FY 2003 Grant Funds Approval Emergency Act of 2003".

Sec.2. Pursuant to section 119 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), the acceptance and use of the following grants are hereby approved:

| Agency                           | Grant # | Phase | Type    | Description                       | Reason for Request                                   | Amount       |
|----------------------------------|---------|-------|---------|-----------------------------------|--|--------------|
| Office of the Mayor              | FOREST  | 03    | Federal | Forest Service Grant              | Established Budget Authority                         | \$ 160,000   |
| Office of the Mayor              | COMMCS  | 03    | Federal | Commission Disability Place Award | Eliminated Budget Authority due to no Grant Received | \$ (124,999) |
| Office of the Mayor              | COMMCS  | 02    | Federal | Commission Disability Place Award | Reduced Unnecessary Budget Authority                 | \$ (2,042)   |
| Office of the Mayor              | CITCOR  | 03    | Federal | Citizen Corps                     | Reduced Unnecessary Budget Authority                 | \$ (1,658)   |
| Office of the Mayor              | ADPDAT  | 03    | Federal | State Commission Administrative   | Increase Budget to meet Projected Expenditures       | \$ 12,004    |
| Office of the City Administrator | CVA003  | 03    | Federal | Victims of Crimes                 | Established Budget Authority                         | \$ 1,136,000 |

## ENROLLED ORIGINAL

| Agency                                | Grant # | Phase | Type    | Description                          | Reason for Request                             | Amount         |
|---------------------------------------|---------|-------|---------|--------------------------------------|--|----------------|
| Office of the City Administrator      | JA8001  | 00    | Federal | Juvenile Accountability              | Increase Budget to meet Projected Expenditures | \$ 3,160       |
| Office of the Chief Financial Officer | EBT901  | 03    | Federal | Electronic Spending Plan             | Reduced Unnecessary Budget Authority           | \$ (36,700)    |
| Emergency Management Agency           | FE1392  | 02    | Federal | ISC Counseling                       | Increase Budget to meet Projected Expenditures | \$ 2,451,127   |
| Emergency Management Agency           | GR3423  | 03    | Federal | FEMA Plan                            | Reduced Unnecessary Budget Authority           | \$ (111,250)   |
| Emergency Management Agency           | GR3427  | 03    | Federal | PD Mitigation                        | Reduced Unnecessary Budget Authority           | \$ (263,533)   |
| Emergency Management Agency           | FE1338  | 03    | Federal | Hazard Mitigation Plan               | Reduced Unnecessary Budget Authority           | \$ (45,256)    |
| Emergency Management Agency           | GR3534  | 03    | Federal | FEMA Security                        | Reduced Unnecessary Budget Authority           | \$ (56,014)    |
| Office on Aging                       | USDA00  | 03    | Federal | Nutrition Services Incentive Program | Increase Budget to meet Projected Expenditures | \$ 59,991      |
| Department of Employment Services     | 121CES  | 03    | Federal | Current Employment Statistics        | Reduced Unnecessary Budget Authority           | \$ (11,292)    |
| Department of Employment Services     | 122LES  | 03    | Federal | Local Area Unemployment Stat.        | Increase Budget to meet Projected Expenditures | \$ 5,228       |
| Department of Employment Services     | 123OES  | 03    | Federal | Occupational Employment Stat.        | Increase Budget to meet Projected Expenditures | \$ 905         |
| Department of Employment Services     | 124ES2  | 03    | Federal | Employment and Wages Report          | Increase Budget to meet Projected Expenditures | \$ 893         |
| Department of Employment Services     | 125PML  | 03    | Federal | Mass Layoff Statistics               | Reduced Unnecessary Budget Authority           | \$ (94)        |
| Department of Employment Services     | 658SSA  | 03    | Federal | Senior Service America               | Increase Budget to meet Projected Expenditures | \$ 89,266      |
| Department of Employment Services     | 645OSH  | 03    | Federal | Occupational Safety and Health       | Increase Budget to meet Projected Expenditures | \$ 29,591      |
| Department of Employment Services     | WIA YTH | 02    | Federal | WIA Youth                            | Reduced Unnecessary Budget Authority           | \$ (1,028,766) |

## ENROLLED ORIGINAL

| Agency                            | Grant # | Phase | Type    | Description                               | Reason for Request                                   | Amount         |
|-----------------------------------|---------|-------|---------|---|--|----------------|
| Department of Employment Services | WIAYTH  | 03    | Federal | WIA Youth                                 | Reduced Unnecessary Budget Authority                 | \$ (1,500,000) |
| Department of Employment Services | WTW009  | 99    | Federal | Welfare-To-Work                           | Reduced Unnecessary Budget Authority                 | \$ (880,000)   |
| Department of Employment Services | YOP000  | 00    | Federal | Youth Opportunity Program                 | Reduced Unnecessary Budget Authority                 | \$ (2,153,091) |
| Department of Employment Services | 2100UI  | 03    | Federal | Unemployment Insurance                    | Increase Budget to meet Projected Expenditures       | \$ 1,533,390   |
| Department of Employment Services | 2070UI  | 03    | Federal | Temporary Extended Unemployment Insurance | Increase Budget to meet Projected Expenditures       | \$ 522,542     |
| Department of Employment Services | WIAADT  | 02    | Federal | WIA Adult Program                         | Reduced Unnecessary Budget Authority                 | \$ (21,577)    |
| Metropolitan Police Department    | GREATF  | 03    | Federal | Gang Resistance Education and Training    | Reduced Unnecessary Budget Authority                 | \$ (89,817)    |
| Metropolitan Police Department    | MOPCTF  | 03    | Federal | Major Offender/Interstate Property        | Eliminated Budget Authority due to no Grant Received | \$ (38,885)    |
| Metropolitan Police Department    | FARS00  | 03    | Federal | Fatal Accident Reporting System           | Reduced Unnecessary Budget Authority                 | \$ (7,840)     |
| Metropolitan Police Department    | BOATSF  | 03    | Federal | Boating Safety                            | Reduced Unnecessary Budget Authority                 | \$ (23,577)    |
| Metropolitan Police Department    | CP0000  | 00    | Federal | COPS Universal Hiring                     | Reduced Unnecessary Budget Authority                 | \$ (109,788)   |
| Metropolitan Police Department    | CVBIF3  | 03    | Federal | COPS Value Based                          | Reduced Unnecessary Budget Authority                 | \$ (25,000)    |
| Metropolitan Police Department    | MORE03  | 03    | Federal | COPS MORE 01                              | Reduced Unnecessary Budget Authority                 | \$ (446,439)   |
| Metropolitan Police Department    | NCRH00  | 03    | Federal | National Criminal History                 | Reduced Unnecessary Budget Authority                 | \$ (620,512)   |
| Metropolitan Police Department    | CIC03F  | 03    | Federal | COPS In Car Camera                        | Reduced Unnecessary Budget Authority                 | \$ (3,939)     |

## ENROLLED ORIGINAL

| Agency                         | Grant # | Phase | Type    | Description                          | Reason for Request                                   | Amount         |
|--------------------------------|---------|-------|---------|--------------------------------------|--|----------------|
| Metropolitan Police Department | GREATF  | 03    | Federal | Gang Prevention (G.R.E.A.T)          | Reduced Unnecessary Budget Authority                 | \$ (37,379)    |
| Metropolitan Police Department | CP9600  | 98    | Federal | COPS MORE 96                         | Reduced Unnecessary Budget Authority                 | \$ (2,190,360) |
| Metropolitan Police Department | MLI03F  | 03    | Federal | Money laundering                     | Reduced Unnecessary Budget Authority                 | \$ (4,435)     |
| Metropolitan Police Department | DRINTF  | 03    | Federal | Drug Interdiction                    | Reduced Unnecessary Budget Authority                 | \$ (52,310)    |
| Metropolitan Police Department | NTT3FF  | 03    | Federal | Narcotic Trafficking Task Force      | Eliminated Budget Authority due to no Grant Received | \$ (24,000)    |
| Metropolitan Police Department | GANGF3  | 03    | Federal | Gang Free Community                  | Eliminated Budget Authority due to no Grant Received | \$ (200,000)   |
| DC Public Schools              | 000DAB  | 02    | Federal | Innovative Program Strategies        | Carryover from FY02 Budget                           | \$ 186,240     |
| DC Public Schools              | 000DAE  | 02    | Federal | Innovative Program Strategies        | Reduced Unnecessary Budget Authority                 | \$ (182,544)   |
| DC Public Schools              | 000EBZ  | 02    | Federal | Title I Neglected and Delinquent     | Carryover from FY02 Budget                           | \$ 3,102       |
| DC Public Schools              | 000QDE  | 02    | Federal | Training for All Teachers            | Reduced Unnecessary Budget Authority                 | \$ (2,376)     |
| DC Public Schools              | 000RCI  | 02    | Federal | Refugee Children School Impact Grant | Reduced Unnecessary Budget Authority                 | \$ (36,315)    |
| DC Public Schools              | 000HNP  | 02    | Federal | Safe Schools Healthy Students        | Carryover from FY02 Budget                           | \$ 603,890     |
| DC Public Schools              | 000ITD  | 03    | Federal | Improving Teacher Quality            | Increase Budget to meet Projected Expenditures       | \$ 726,000     |
| DC Public Schools              | 000ITQ  | 03    | Federal | Improving Teacher Quality            | Increase Budget to meet Projected Expenditures       | \$ 6,247       |
| DC Public Schools              | 000ITT  | 03    | Federal | Improving Teacher Quality            | Increase Budget to meet Projected Expenditures       | \$ 203,507     |

## ENROLLED ORIGINAL

| Agency                             | Grant # | Phase | Type    | Description                       | Reason for Request                                   | Amount       |
|------------------------------------|---------|-------|---------|-----------------------------------|--|--------------|
| DC Public Schools                  | 000ITS  | 03    | Federal | Improving Teacher Quality         | Reduced Unnecessary Budget Authority                 | \$ (203,507) |
| DC Public Schools                  | 000DCA  | 03    | Federal | Innovative Program Strategies     | Increase Budget to meet Projected Expenditures       | \$ 243,719   |
| State Education Office             | 22MSMS  | 03    | Federal | Dwight D. Eisenhower              | Eliminated Budget Authority due to no Grant Received | \$ (286,528) |
| State Education Office             | NSS001  | 03    | Federal | School Supplements                | Increase Budget to meet Projected Expenditures       | \$ 41,533    |
| State Education Office             | TEF001  | 03    | Federal | Temporary Emergency Fund          | Increase Budget to meet Projected Expenditures       | \$ 710       |
| University of District of Columbia | 6P4500  | 00    | Private | AMPS                              | Eliminated Budget Authority due to no Grant Received | \$ (106,000) |
| University of District of Columbia | 6P6400  | 02    | Private | AMPS                              | Eliminated Budget Authority due to no Grant Received | \$ (35,000)  |
| University of District of Columbia | 6P6400  | 01    | Private | NYSP Excess Distribution          | Eliminated Budget Authority due to no Grant Received | \$ (12,000)  |
| University of District of Columbia | 6P3500  | 03    | Project | NYSP Girls Sports Program         | Increase Budget to meet Projected Expenditures       | \$ 1,633     |
| University of District of Columbia | 6P6100  | 02    | Private | Small Business Development Center | Increase Budget to meet Projected Expenditures       | \$ 18,750    |
| University of District of Columbia | 6F6000  | 02    | Federal | Student Support Service           | Increased Budget to meet Projected Expenditures      | \$ 20,141    |
| University of District of Columbia | 6F6000  | 01    | Federal | Student Support Service           | Increase Budget to meet Projected Expenditures       | \$ 30,059    |
| University of District of Columbia | 6P6100  | 03    | Private | Small Business Development Center | Increase Budget to meet Projected Expenditures       | \$ 37,500    |
| University of District of Columbia | 6F2400  | 02    | Federal | Federal Pell Grant                | Increase Budget to meet Projected Expenditures       | \$ 364,958   |
|                                    |         |       |         |                                   |  |              |

## ENROLLED ORIGINAL

| Agency               | Grant # | Phase | Type    | Description                                   | Reason for Request                                   | Amount         |
|----------------------|---------|-------|---------|---|--|----------------|
| Department of Health | 01MRSC  | 01    | Federal | Real Choice Systems Change-Starter            | Established Budget Authority                         | \$ 4,051       |
| Department of Health | 11EHNI  | 03    | Federal | Nonpoint Source Implementation                | Reduced Unnecessary Budget Authority                 | \$ (325,632)   |
| Department of Health | 21EHNI  | 03    | Federal | Nonpoint Source Implementation                | Reduced Unnecessary Budget Authority                 | \$ (680,020)   |
| Department of Health | 21MMMD  | 02    | Federal | Medicaid                                      | Eliminated Budget Authority due to no Grant Received | \$ (9,000,000) |
| Department of Health | 22PHBG  | 03    | Federal | Preventive Health Block Grant                 | Reduced Unnecessary Budget Authority                 | \$ (44,478)    |
| Department of Health | 22PHBR  | 03    | Federal | Behavioral Risk Factor Surveillance System    | Eliminated Budget Authority due to no Grant Received | \$ (4,075)     |
| Department of Health | 22PHPS  | 03    | Federal | Prev. of Primary & Secondary Disabilities     | Eliminated Budget Authority due to no Grant Received | \$ (147,065)   |
| Department of Health | 31APMC  | 03    | Federal | Addressing Asthma a Public Health Perspective | Increase Budget to meet Projected Expenditures       | \$ 57,184      |
| Department of Health | 31EHAP  | 03    | Federal | Air Pollution Control Program Support         | Increase Budget to meet Projected Expenditures       | \$ 7,760       |
| Department of Health | 31EHCB  | 03    | Federal | Chesapeake Bay Program                        | Reduced Unnecessary Budget Authority                 | \$ (84,644)    |
| Department of Health | 31EHGW  | 03    | Federal | Groundwater Pollution Control Program         | Reduced Unnecessary Budget Authority                 | \$ (2,779)     |
| Department of Health | 31EHHT  | 03    | Federal | Hazardous & Toxic Waste Clean-Up              | Increase Budget to meet Projected Expenditures       | \$ 128,685     |

## ENROLLED ORIGINAL

| Agency               | Grant # | Phase | Type    | Description                                | Reason for Request                                   | Amount       |
|----------------------|---------|-------|---------|--|--|--------------|
| Department of Health | 31EHIS  | 03    | Federal | Pollution Prevention Incentives for States | Established Budget Authority                         | \$ 40,000    |
| Department of Health | 31EHNI  | 03    | Federal | Nonpoint Source Implementation             | Reduced Unnecessary Budget Authority                 | \$ (650,730) |
| Department of Health | 31EHTS  | 03    | Federal | Telemetry & Push (Stripe Bass)             | Reduced Unnecessary Budget Authority                 | \$ (28,388)  |
| Department of Health | 31EHWP  | 03    | Federal | Water Pollution Control Program            | Reduced Unnecessary Budget Authority                 | \$ (191,714) |
| Department of Health | 31EHWQ  | 03    | Federal | Water Quality Mgmt. Planning               | Increase Budget to meet Projected Expenditures       | \$ 65,000    |
| Department of Health | 31MMMC  | 03    | Federal | State Mortality/Morbidity                  | Reduced Unnecessary Budget Authority                 | \$ (43,124)  |
| Department of Health | 31MMMD  | 03    | Federal | Medicaid                                   | Increase Budget to meet Projected Expenditures       | \$ 9,000,000 |
| Department of Health | 31PHBM  | 03    | Federal | Bio-Monitoring Planning Grant              | Increase Budget to meet Projected Expenditures       | \$ 62,244    |
| Department of Health | 31PHCD  | 03    | Federal | Chronic Disease & Health Promo             | Increase Budget to meet Projected Expenditures       | \$ 83,550    |
| Department of Health | 31PHPS  | 03    | Federal | Prev. of Primary & Secondary Disabilities  | Eliminated Budget Authority due to no Grant Received | \$ (113,623) |
| Department of Health | 31PHRH  | 03    | Federal | Refugee Preventive Health                  | Reduced Unnecessary Budget Authority                 | \$ (1,000)   |
| Department of Health | 31PHTP  | 03    | Federal | Tobacco Program                            | Eliminated Budget Authority due to no Grant Received | \$ (113,678) |
| Department of Health | 31PSFM  | 03    | Federal | Farmer's Market                            | Established Budget Authority                         | \$ 50,000    |
| Department of Health | 31PSHS  | 03    | Federal | Healthy Start II                           | Reduced Unnecessary Budget Authority                 | \$ (802,442) |

## ENROLLED ORIGINAL

| Agency                       | Grant # | Phase | Type    | Description                                | Reason for Request                                   | Amount         |
|------------------------------|---------|-------|---------|--|--|----------------|
| Department of Health         | 31PSMB  | 03    | Federal | Maternal and Child Block                   | Eliminated Budget Authority due to no Grant Received | \$ (7,715,706) |
| Department of Health         | 31PSSM  | 03    | Federal | Senior Farmers Market Nutrition            | Established Budget Authority                         | \$ 143,080     |
| Department of Health         | 31SHOI  | 03    | Federal | Occupational Injuries Program              | Reduced Unnecessary Budget Authority                 | \$ (20,500)    |
| Department of Health         | 31SHPC  | 03    | Federal | Primary Care Offices                       | Reduced Unnecessary Budget Authority                 | \$ (34,656)    |
| Department of Health         | 31SHSF  | 03    | Federal | Title 19 ICF/MR & Nursing Home             | Increase Budget to meet Projected Expenditures       | \$ 406,376     |
| Department of Health         | 32EHBE  | 03    | Federal | Meaningful Bay Experience in DC            | Reduced Unnecessary Budget Authority                 | \$ (1,395)     |
| Department of Health         | 32EHBJ  | 03    | Federal | Brownfield Job & Training Development      | Reduced Unnecessary Budget Authority                 | \$ (135,616)   |
| Department of Health         | 32NCPC  | 03    | Federal | National Cancer Prevention Control Program | Established Budget Authority                         | \$ 475,990     |
| Department of Health         | 32PHLB  | 03    | Federal | Epidemiology & Laboratory Capacity         | Received Additional Grant Funds                      | \$ 800         |
| Department of Health         | 32PSMB  | 03    | Federal | Maternal and Child Block                   | Increase Budget to meet Projected Expenditures       | \$ 5,935,811   |
| Department of Health         | 86HASP  | 03    | Federal | Shelter Plus Care                          | Eliminated Budget Authority due to no Grant Received | \$ (90,337)    |
| Department of Human Services | 22FSTA  | 03    | Federal | Refugee Resettlement Targeted Assistance   | Reduced Unnecessary Budget Authority                 | \$ (230,000)   |
|                              |         |       |         |  |  |                |

## ENROLLED ORIGINAL

| Agency                       | Grant # | Phase | Type    | Description                                    | Reason for Request                                   | Amount       |
|------------------------------|---------|-------|---------|--|--|--------------|
| Department of Human Services | 32CSCS  | 03    | Federal | Community Service Block Grant                  | Reduced Unnecessary Budget Authority                 | \$ (200,000) |
| Department of Human Services | 22FSRE  | 03    | Federal | Refugee Resettlement Enhanced Service          | Reduced Unnecessary Budget Authority                 | \$ (48,754)  |
| Department of Human Services | 32FSRR  | 03    | Federal | Refugee Cash & Medical Assistance              | Reduced Unnecessary Budget Authority                 | \$ (46,403)  |
| Department of Human Services | 22RSDD  | 03    | Federal | Disability Determination RSA                   | Increase Budget to meet Projected Expenditures       | \$ 439,198   |
| Department of Human Services | 32RSIL  | 03    | Federal | Independent Living Part B                      | Reduced Unnecessary Budget Authority                 | \$ (75,000)  |
| Department of Human Services | 32RSSE  | 03    | Federal | Supported Employment                           | Eliminated Budget Authority due to no Grant Received | \$ (100,000) |
| Department of Human Services | 32DCCI  | 03    | Federal | Transitioning Healthy Child Care               | Increase Budget to meet Projected Expenditures       | \$ 7,400     |
| Department of Human Services | 32IDCR  | 03    | Federal | Indirect Costs Recovery                        | Increase Budget to meet Projected Expenditures       | \$ 400,000   |
| Department of Human Services | 32MSDD  | 03    | Federal | Development Disabilities Councils              | Reduced Unnecessary Budget Authority                 | \$ (120,000) |
| Department of Human Services | 32DCEL  | 03    | Federal | Early Learning Opportunities Act Discretionary | Reduced Unnecessary Budget Authority                 | \$ (255,739) |
| Department of Human Services | 29AFTF  | 03    | Federal | FY02 TANF                                      | Increase Budget to meet Projected Expenditures       | \$ 6,500,000 |
| Department of Human Services | 39AFTF  | 03    | Federal | FY03 TANF                                      | Reduced Unnecessary Budget Authority                 | \$ (80,202)  |
| Department of Human Services | 31JAFS  | 03    | Federal | Food Stamps Administration                     | Increase Budget to meet Projected Expenditures       | \$ 1,383,000 |

## ENROLLED ORIGINAL

| Agency                           | Grant # | Phase | Type    | Description                             | Reason for Request                                   | Amount         |
|----------------------------------|---------|-------|---------|---|--|----------------|
| Department of Human Services     | 31JAMA  | 03    | Federal | Medicaid Administration                 | Reduced Unnecessary Budget Authority                 | \$ (3,000,000) |
| Child and Family Services Agency | 100003  | 00    | Private | Hope                                    | Carryover from FY02 Budget                           | \$ 9,286       |
| Child and Family Services Agency | CS1470  | 00    | Private | Child                                   | Carryover from FY02 Budget                           | \$ 15,685      |
| Child and Family Services Agency | FP00FP  | 03    | Federal | Family Preservation                     | Increase Budget to meet Projected Expenditures       | \$ 118,537     |
| Child and Family Services Agency | MEDCLM  | 03    | Private | Medicaid Funding                        | Increase Budget to meet Projected Expenditures       | \$ 627,597     |
| Child and Family Services Agency | 100000  | 03    | Private | Freddie Mac - FY 03                     | Increase Budget to meet Projected Expenditures       | \$ 12,000      |
| Child and Family Services Agency | AECMC2  | 02    | Private | My Community, My Children               | Carryover from FY02 Budget                           | \$ 55,000      |
| Child and Family Services Agency | CASPRG  | 03    | Private | National Expert Panel                   | Increase Budget to meet Projected Expenditures       | \$ 166,654     |
| Child and Family Services Agency | RETCP2  | 02    | Private | FY02 Recruitment and Retention          | Carryover from FY02 Budget                           | \$ 73,845      |
| Child and Family Services Agency | RETCP3  | 03    | Private | FY03 Recruitment and Retention          | Increase Budget to meet Projected Expenditures       | \$ 56,155      |
| Department of Mental Health      | DCCS02  | 03    | Federal | DC Charter Schools                      | Eliminated Budget Authority due to no Grant Received | \$ (1,000,000) |
| Department of Health             | 11BFRL  | 01    | Federal | Brownsfield Cleanup Revolving Loan Fund | Movement from another phase                          | \$ 337,500     |
| Department of Health             | 31BFRL  | 03    | Federal | Brownsfield Cleanup Revolving Loan      | Movement to another phase                            | \$ (337,500)   |

## ENROLLED ORIGINAL

| Agency                           | Grant # | Phase | Type    | Description                               | Reason for Request                   | Amount       |
|----------------------------------|---------|-------|---------|---|--------------------------------------|--------------|
|                                  |         |       |         | Fund                                      |                                      |              |
| Department of Health             | 21SHCT  | 02    | Federal | Technology Opportunity Program            | Movement from another phase          | \$ 696,212   |
| Department of Health             | 31SHCT  | 03    | Federal | Technology Opportunity Program            | Movement to another phase            | \$ (696,212) |
| Department of Health             | 21SHPB  | 02    | Federal | Pub. Health Prep. & Resp. Bioterrorism    | Movement from another phase          | \$ 332,363   |
| Department of Health             | 31SHPB  | 03    | Federal | Pub. Health Prep. & Resp. Bioterrorism    | Movement to another phase            | \$ (321,805) |
| Department of Health             | 22EHED  | 02    | Federal | Env. Ed F/Compliance of Automotive Repair | Movement from another phase          | \$ 50,000    |
| Department of Health             | 31EHED  | 03    | Federal | Env. Ed F/Compliance of Automotive Repair | Movement to another phase            | \$ (50,000)  |
| Department of Health             | 22EHHW  | 02    | Federal | Hazardous Waste Mgt                       | Movement from another phase          | \$ 387,014   |
| Department of Health             | 31EHHW  | 03    | Federal | Hazardous Waste Mgt                       | Movement to another phase            | \$ (387,014) |
| Department of Health             | 22EHST  | 02    | Federal | Underground Storage Tank                  | Movement from another phase          | \$ 400,520   |
| Department of Health             | 31EHST  | 03    | Federal | Underground Storage Tank                  | Movement to another phase            | \$ (400,520) |
| Department of Health             | 31APHV  | 03    | Federal | HIV Intake Van (Project Orion)            | Movement from incorrect grant        | \$ 465,162   |
| Department of Health             | 31APPO  | 03    | Federal | Project Orion                             | Movement to correct grant            | \$ (465,162) |
| Department of Parks & Recreation | 01UPAR  | 03    | Federal | Urban Park & Recreation Recovery          | Reduced Unnecessary Budget Authority | \$ (57,375)  |

## ENROLLED ORIGINAL

| Agency                       | Grant # | Phase | Type    | Description                               | Reason for Request                              | Amount         |
|------------------------------|---------|-------|---------|---|---|----------------|
| Department of Health         | 21APBH  | 02    | Federal | Bioterrorism Hospital Preparedness        | Reduced Unnecessary Budget Authority            | \$ (48,199)    |
| Department of Health         | 31EHAM  | 03    | Federal | FY03 Ambient Air Monitoring               | Increased Budget to meet Projected Expenditures | \$ 115,400     |
| Department of Health         | 21APDF  | 02    | Federal | Drug Free Schools                         | Reduced Unnecessary Budget Authority            | \$ (5,162)     |
| Department of Health         | 21MMMC  | 02    | Federal | State Mortality & Morbidity Review        | Increased Budget to meet Projected Expenditures | \$ 1,000       |
| Department of Health         | 21PSGS  | 02    | Federal | Genetic Service                           | Increased Budget to meet Projected Expenditures | \$ 29,685      |
| Department of Health         | 21MMTW  | 02    | Federal | Ticket to Work                            | Movement to another phase                       | \$ (235,610)   |
| Department of Health         | 31MMTW  | 03    | Federal | Ticket to Work                            | Movement from another phase                     | \$ 235,610     |
| Department of Health         | 22HATT  | 03    | Federal | Title II: HIV Care                        | Movement to another phase                       | \$ (9,550,748) |
| Department of Health         | 22HATT  | 02    | Federal | Title II: HIV Care                        | Movement from another phase                     | \$ 9,550,748   |
| Department of Health         | 31PSCB  | 03    | Federal | Community Based Abstinence                | Reduced Unnecessary Budget Authority            | \$ (763,583)   |
| Department of Human Services | 22DCCF  | 03    | Federal | Child Care & Development                  | Reduced Unnecessary Budget Authority            | \$ (80)        |
| Department of Human Services | 22RSIO  | 03    | Federal | Indep. Living for Older Blind Individuals | Reduced Unnecessary Budget Authority            | \$ (25,000)    |
| Department of Human Services | 22RSVT  | 03    | Federal | Vocational In Svc Rehab Training          | Increased Budget to meet Projected Expenditures | \$ 10          |
| Department of Human Services | 29AFTF  | 03    | Federal | FY02 TANF                                 | Decrease Budget Authority to Actual Cost        | \$ (6,085,582) |
| Department of Human Services | 19AFTF  | 03    | Federal | FY01 TANF                                 | Increased Budget to meet Projected Expenditures | \$ 5,330,456   |

## ENROLLED ORIGINAL

| Agency                                      | Grant # | Phase | Type    | Description  | Reason for Request                              | Amount       |
|---|---------|-------|---------|--|---|--------------|
| Department of Consumer & Regulatory Affairs | GWAC03  | 03    | Private | Summer Law Clerk   | Increased Budget to meet Projected Expenditures | \$ 2,400     |
| Department of Banking                       | EFG203  | 03    | Private | Enterprise Foundation  | Established Budget Authority                    | \$ 35,000    |
| Department of Health                        | 31PSWC  | 03    | Federal | Special Supplemental Nutrition Program for Women, Infants & Children | Increase Budget to meet Projected Expenditures  | \$ 279,829   |
| Department of Health                        | 22PHST  | 02    | Federal | FY02 Sexually Transmitted Disease                                    | Reduced Unnecessary Budget Authority            | \$ (360)     |
| Department of Health                        | 31PSCB  | 03    | Federal | Community Based Abstinence   | Reduced Unnecessary Budget Authority            | \$ (763,583) |
| Department of Mental Health                 | EMA02   | 02    | Federal | EMA Crisis Emergency   | Award not issued to DMH                         | \$ (334,320) |
| Department of Mental Health                 | EMA02   | 03    | Federal | EMA Crisis Emergency   | Award not issued to DMH                         | \$ (525,916) |
| Department of Human Services                | 09AFTF  | 03    | Federal | FY01 TANF  | Increase Budget to meet Projected Expenditures  | \$ 755,126   |
| Office on Aging                             | 3C1712  | 03    | Federal | Congregate Meals   | Increase Funds to Match New Award               | \$ 13,489    |
| Office on Aging                             | 3C1713  | 03    | Federal | Homebound Meals  | Increase Funds to Match New Award               | \$ 6,348     |
| Office on Aging                             | 3F1717  | 03    | Federal | Preventive Health  | Increase Funds to Match New Award               | \$ 769       |
| Office on Aging                             | 3E1719  | 03    | Federal | Caregivers Program   | Increase Funds to Match New Award               | \$ 4,966     |
| State Education Office                      | TER001  | 03    | Federal | Temporary Emergency Bond Assistance                                  | Establish New Grant                             | \$ 25,339    |

## ENROLLED ORIGINAL

| Agency                             | Grant # | Phase | Type    | Description                       | Reason for Request   | Amount       |
|------------------------------------|---------|-------|---------|-----------------------------------|--|--------------|
| State Education Office             | NSL001  | 02    | Federal | School Lunch Program              | Establish Budget Authority with Carryover from FY02 Budget | \$ 22,167    |
| State Education Office             | NSB001  | 02    | Federal | School Breakfast Program          | Establish Budget Authority with Carryover from FY02 Budget | \$ 2,843     |
| State Education Office             | CAC001  | 02    | Federal | CACFP Cash and Commodities        | Establish Budget Authority with Carryover from FY02 Budget | \$ 2,760     |
| State Education Office             | CAF001  | 02    | Federal | Child and Adult Care Food Program | Establish Budget Authority with Carryover from FY02 Budget | \$ 31,178    |
| University of District of Columbia | 6F6000  | 03    | Federal | Student Support Service           | Increase Budget to meet Projected Expenditures             | \$ 12,879    |
| University of District of Columbia | 6F1800  | 03    | Federal | Upward Bound Program              | Increase Budget to meet Projected Expenditures             | \$ 5,336     |
| University of District of Columbia | 6F1700  | 03    | Federal | Talent Search Service Program     | Increase Budget to meet Projected Expenditures             | \$ 5,242     |
| Department of Motor Vehicles       | CDLG1   | 03    | Federal | Commercial Drivers License Grant  | Establish New Grant  | \$ 733,016   |
| Department of Mental Health        | FEMA02  | 02    | Federal | FEMA-Emergency Crisis Counseling  | Transfer Funds to Correct Budget                           | \$ (334,320) |
| Department of Mental Health        | FEMA02  | 03    | Federal | FEMA-Emergency Crisis Counseling  | Transfer Funds to Correct Budget                           | \$ (525,916) |
| Department of Health               | 22HAER  | 03    | Federal | HIV Emergency Relief              | Increase Budget to meet Projected Expenditures             | \$ 4,927,007 |
| Office on Aging                    | 3B1320  | 03    | Federal | Support Services                  | Increase Funds to Match New Award                          | \$ 12,475    |

## Sec. 3. Fiscal impact statement.

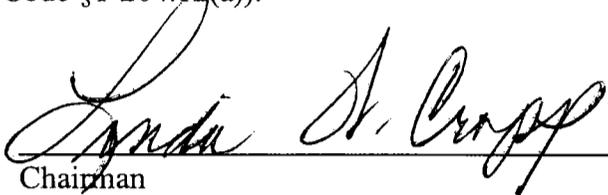
This legislation does not affect the District of Columbia's budget or financial plan and,

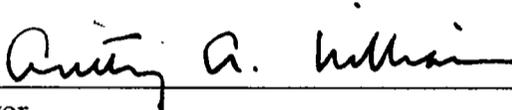
ENROLLED ORIGINAL

therefore, has no fiscal impact.

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
September 30, 2003

RE-ENROLLED ORIGINAL

AN ACT  
D.C. ACT 15-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
SEPTEMBER 30, 2003

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2004 Winter  
 Supp.

West Group  
 Publisher

To amend, on an emergency basis, the District of Columbia Procurement Practices Act of 1985 to modify the procedures for debarring or suspending a person or business from consideration for an award of District contracts or subcontracts by establishing a Debarment and Suspension panel to consider the best interest of the District in the consideration of each debarment or suspension action, and to authorize persons or businesses currently debarred or suspended to do business with the District until a debarment or suspension decision has been issued consistent with the procedures established by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Debarment Procedures Emergency Amendment Act of 2003".

Sec. 2. Section 804 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-308.04), is amended as follows:

Note,  
 § 2-308.04

(a) Subsections (a), (b), (c), (d), and (e) are amended by striking the phrase "CPO" wherever it appears and inserting the phrase "Debarment and Suspension Panel" in its place.

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

(1) Paragraph (1)(A) is amended by adding the phrase "or the present responsibility of the person or business is such that a debarment would not be warranted" before the final semicolon.

(2) Paragraph (3)(B) is amended by adding the phrase "unless the present responsibility of the person or business is such that a debarment would not be warranted" before the final period.

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

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

(A) Add the phrase "the relevant facts and" after the word "State".

(B) Strike the word "and" after the semicolon.

(2) Add new paragraphs (1A) and (1B) to read as follows:

"(1A) Describe the present responsibility of the contractor;

## RE-ENROLLED ORIGINAL

“(1B) Describe whether the debarment is in the best interests of the District; and”.

(d) Subsection (g) is amended by striking the phrase “enable the CPO” and inserting the phrase “enable the Debarment and Suspension Panel” in its place.

(e) Add new subsections (h), (i), and (j) to read as follows:

“(h) For the purposes of this section, the phrase “Debarment and Suspension Panel” means a panel consisting of the Chief Procurement Officer and a representative from the Office of the Chief Financial Officer, the Office of the Deputy Mayor for Planning and Economic Development, the Deputy Mayor for Operations, the Director of the Office of Labor Relations and Collective Bargaining, and from each agency which, in the judgment of the Mayor, would be directly and significantly affected by the proposed debarment. The Mayor shall designate the members of the panel and the panel chair. Legal advice to the panel in its deliberations on debarment decisions shall be provided by the Office of the Corporation Counsel.

“(i) Each debarment or suspension initiated between April 1, 2003 and the effective date of the Debarment Procedures Emergency Amendment Act of 2003, passed on an emergency basis on September 16, 2003 (Enrolled version of Bill 15-420), shall be suspended immediately upon the effective date of this Debarment Procedures Emergency Amendment Act of 2003, except to the extent the debarment or suspension applies to a business division whose predominant work is the production and placement of street asphalt. Each person or business currently debarred or suspended shall be permitted to resume doing business with the District pending the re-hearing of the case of the person or business pursuant to this section. Within 60 days after the effective date of the Debarment Procedures Act of 2003, the Mayor shall convene a Debarment and Suspension Panel to re-hear the evidence in each debarment or suspension, including debarments or suspensions applying to a business division whose predominant work is the production and placement of street asphalt, and the re-hearing shall be held consistent with the procedures and requirements of the Debarment Procedures Emergency Amendment Act of 2003.

“(j) A Debarment and Suspension Panel convened under this section shall render a final decision in the debarment or suspension proceeding within 120 days after the effective date of the Debarment Procedures Emergency Amendment Act of 2003.”.

#### Sec. 4. Fiscal impact statement.

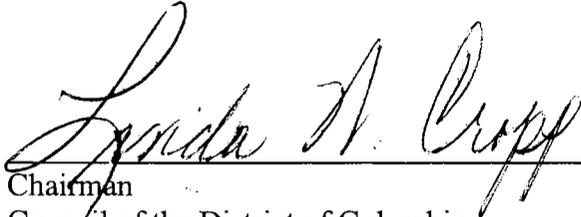
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

#### Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

RE-ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
September 30, 2003

## AN ACT

D.C. ACT 15-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2003

To provide, on an emergency basis, the details of the purpose for the expenditure of \$41,093,000 from the fiscal year 2003 reserve funds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "September Use of the Reserve Emergency Act of 2003".

Sec. 2. Pursuant to section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)), the Council approves the expenditure of \$41,093,000 from the fiscal year 2003 reserve funds as follows:

(1) An amount not to exceed \$1,600,000 shall be made available to the District's Department of Housing and Community Development for the purpose of providing for the Department of Housing and Urban Development grant disallowances;

(2) An amount of \$16,193,000 shall be made available to the District's Department of Health, Medicaid Assistance Administration for increased Medicaid rates and utilization;

(3) An amount of \$23,300,000 shall be made available to the Office of the Chief Financial Officer to cover CAFR audit adjustments, unanticipated revenue shortfalls, or any other budget adjustments necessary to ensure a balanced budget for the District of Columbia for fiscal year 2003;

(4) A reallocation of the \$7.5 million made to the District's Department of Health, Health Care Safety Net in an amount not to exceed:

(A) Four million to be made available to the District's Office of the Deputy Mayor for Planning and Economic Development, Commercial Trust Fund; and

(B) Three and a half million to be made available to the University of the District of Columbia ("University") following:

(i) Certification by the President of the University that no additional funds beyond the amount allocated to the University in the FY 2003 Budget submitted

to Congress on June 2, 2003 will be requested of the District government to fund the costs of the compensation agreement in FY 2004 and beyond; and

(ii) Approval of the compensation agreement by the Chairman of the University Board of Trustees.

Sec. 3. Fiscal impact statement.

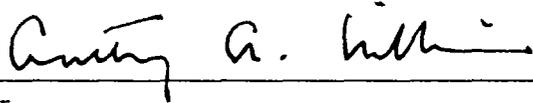
The use of the Reserve funds is already incorporated into the District's budget and financial plan and, therefore, the enactment of this legislation has no fiscal impact.

Sec. 4. Effective date.

This act shall take effect immediately following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (97 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
September 30, 2003