

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 2, 2003

To approve the request of the District of Columbia government 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 Budget Request Act".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 2004.

**DIVISION A  
FEDERAL FUNDS**

**Federal Payment to the Court Services and Offender Supervision Agency for the  
District of Columbia  
(INCLUDING TRANSFER OF FUNDS)**

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (Public Law 105-33; 111 Stat. 712), \$166,525,000, of which not to exceed \$25,000 shall be for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002, approved November 26, 2002 (Public Law 107-302; 116 Stat. 2353); not to exceed \$2,000 shall be for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency Programs; \$103,904,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or to provision of services for or related to such persons; \$25,210,000 shall be transferred to the Public Defender Service for the District of Columbia to include expenses relating to the provision of legal representation and including related services provided to the local courts and Criminal Justice Act bar; and \$37,411,000 shall be available to the Pretrial

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Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

**Federal Payment to the District of Columbia Courts**

For salaries and expenses for the District of Columbia Courts, \$163,819,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,775,000, of which not to exceed \$1,500 shall be for official reception and representation expenses; for the District of Columbia Superior Court, \$83,387,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$40,006,000, of which not to exceed \$1,500 shall be for official reception and representation expenses; and \$31,651,000 for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration ("GSA"), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives and subject to reapportionment, the District of Columbia Courts may reallocate funds provided under this heading for the Court of Appeals, Superior Court, and Court System: *Provided further*, That such reallocation may increase or decrease funding for such entity by no more than 2 percent: *Provided further*, That funds made available for capital improvements may remain available until September 30, 2005.

**Defender Services in District of Columbia Courts**

For payments authorized under sections 11-2604 and 11-2605 of the D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16 of the D.C. Official Code, and payments for counsel authorized under section 21-2060 of the D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable

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Power of Attorney Act of 1986), \$32,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the amount provided under such heading for capital improvements) may also be used for payments under this heading and such funds shall be used to make such payments for obligations incurred during any prior fiscal year, as determined by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That of the amounts provided in previous fiscal years for payments described under this heading that remain unobligated as of the date of the enactment of this Act, such sums as may be necessary shall be applied toward any increases in the maximum amounts which may be paid for representation services in the District of Columbia courts: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

**Federal Payment for Resident Tuition Support**

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of an eligible resident's academic merit, income, and need and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purposes therefor: *Provided further*,

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That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

**FEDERAL SUPPORT FOR ECONOMIC DEVELOPMENT AND MANAGEMENT  
REFORMS IN THE DISTRICT**

**Federal Payment to the District of Columbia for Anacostia River Walk and Trail  
Construction**

For a Federal Payment to the District of Columbia, Department of Transportation, \$10,000,000, to remain available until September 30, 2005, for the design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland: *Provided*, That the District of Columbia shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives and the President, to be submitted no later than August 15, 2004, on the design plans, specifications, and estimates for the construction of the entire trail.

**Federal Payment District of Columbia Water and Sewer Authority**

For a Federal Payment to the District of Columbia, Water and Sewer Authority, \$50,000,000, to remain available until expended, for priority Anacostia projects within the Combined Sewer Overflow and Long-Term Control Plan.

**Federal Payment to the Criminal Justice Coordinating Council**

For a Federal Payment to the Criminal Justice Coordinating Council, \$1,300,000, to hire necessary staff and support initiatives related to coordination of local and federal criminal justice resources in the District of Columbia, as authorized in the Criminal Justice Coordinating Council Restructuring Act of 2002, approved May 20, 2002 (Public Law 107-180; 116 Stat. 581).

**Federal Payment for Emergency Planning and Security  
Costs in the District of Columbia**

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to Chapter 15 of title 31, United States Code and the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Public Law 108-7; 117 Stat. 11).

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**Federal Payment for Emergency Preparedness**

For a Federal payment to the District of Columbia for emergency preparedness, \$158,940,000, to remain available until expended, of which \$28,000,000 shall be for Secure Date for Mission Critical Agencies, \$8,000,000 shall be for Cyberterrorism Containment and Social Support, \$18,500,000 shall be for Information Security Enhancements, \$46,000,000 shall be for Unified Communications Center, \$15,000,000 shall be for Safe Routes Infrastructure, \$41,000,000 shall be for Traffic Signal Controllers, and \$2,440,000 shall be for Remote Live Television.

**Federal Payment for District Infrastructure**

For a Federal Payment to the District of Columbia, \$50,000,000, to remain available until expended, for an infrastructure fund to be administered by the District of Columbia.

**Federal Payment for Public Safety**

For a Federal payment to the District of Columbia for Public Safety, \$75,000,000, to remain available until expended, for a Forensic Health and Science Laboratory.

**Federal Payment for Human Support Services**

For a Federal payment to the District of Columbia for Human Support Services, \$18,230,000, to remain available until expended, of which \$8,000,000 shall be for upgrades at the St. Elizabeths campus, \$230,000 shall be for the Family Court liaison, and \$10,000,000 shall be for substance abuse residential treatment facilities.

**Federal Payment for Education**

For a Federal payment to the District of Columbia for Education, \$42,700,000 to remain available until expended, of which \$4,000,000 shall be for a literacy program, \$6,000,000 shall be for Special Education satellite facilities, \$5,000,000 shall be for Special Education transportation, \$7,000,000 shall be for the McKinley Technology High School, \$2,000,000 shall be to develop and implement an early childhood education program within the District of Columbia Public Schools for three and four year old children, \$2,000,000 shall be for the Y Care Program, \$1,250,000 shall be for the Excel Institute, \$200,000 shall be for the Children's Youth Orchestra, and \$250,000 shall be for the Saturday Academy at the University of the District of Columbia, \$9,000,000 to cover the cost for level 4 and level 5 special education students based upon uniform per student funding formula calculations pursuant to the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 (D.C. Official Code, sec. 38-2901 *et seq.*), and \$6,000,000 for the District of Columbia Public Charter Schools.

**Federal Payment for Anacostia Waterfront Initiatives**

For a Federal payment to the District of Columbia for Anacostia Waterfront Initiatives, \$31,500,000, to remain available until expended, of which \$5,000,000 shall be for a Light Rail

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Anacostia Starter Line, \$2,000,000 shall be for the Anacostia River Crossing and Freeway Study, \$1,500,000 shall be for the SW Waterfront Transportation Center, \$20,000,000 shall be for the Heritage-Kingman Island Development Project, and \$3,000,000 shall be for the Anacostia River Watershed Restoration.

**Federal Payment for Transportation**

For a Federal payment to the District of Columbia to support Transportation initiatives, \$78,000,000 to remain available until expended, of which \$25,000,000 shall be for the Transit Oriented Enticement Fund, \$50,000,000 shall be for a Washington Metropolitan Area Transit Authority Capital Fund, and \$3,000,000 shall be for a Bus Rapid Transit Study.

**DISTRICT OF COLUMBIA FUNDS  
OPERATING EXPENSES****Division of Expenses**

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D. C. Official Code, sec. 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2004 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,359,661,000 (of which \$3,823,831,000 shall be from local funds (of which \$96,248,000 shall be funds derived from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's fund balance), \$1,602,034,000 shall be from Federal funds, and \$911,030,000 shall be from other funds): *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2004, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

**Governmental Direction and Support**

Governmental direction and support, \$284,853,000 (including \$207,263,000 from local funds, \$57,440,000 from Federal funds, and \$20,150,000 from other funds): *Provided further*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District

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of Columbia, \$2,500 for the City Administrator, and \$2,500 for the Office of the Chief Financial Officer shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That an amount not to exceed \$25,000 of the funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code, sec. 2-308.20), is hereby made available, to remain available until expended, for the use of the Office of the Corporation Counsel of the District of Columbia in accordance with the laws establishing this fund.

**Economic Development and Regulation**

Economic development and regulation, \$283,917,000 (including \$53,667,000 from local funds, \$91,077,000 from Federal funds, and \$139,048,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 *et seq.*), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 *et seq.*): *Provided*, That such funds are available for acquiring services provided by the GSA: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That \$725,400, of which no amount may be expended for administrative expenses, shall be available to the Department of Employment Services when the Council Committee on Public Services approves a spending plan prepared and submitted, by the agency, to the Committee on Public Services for its approval.

**Public Safety and Justice**

Public safety and justice, \$745,737,000 (including \$715,194,000 from local funds, \$11,590,000 from Federal funds, and \$18,944,000 from other funds): *Provided*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are

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performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

**Public Education System  
(INCLUDING TRANSFERS OF FUNDS)**

Public education system, including the development of national defense education programs, \$1,163,998,000 (including \$958,914,000 from local funds, \$173,709,000 from Federal funds, \$27,074,000 from other funds), to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS-- \$863,318,000 (including \$738,443,000 from local funds, \$114,749,000 from Federal funds, \$6,527,000 from other funds) shall be available for District of Columbia Public Schools: *Provided*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2004, unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident as established by the Superintendent of the District of Columbia Public Schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2004, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2005: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia Public Schools shall submit to the Board of Education by January 1st and July 1st of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered: *Provided further*, That the Board of Education shall approve or disapprove each Schedule A within 30 days of its submission and provide the Council of the District of Columbia a copy of the Schedule A upon its approval.

(2) THE STATE EDUCATION OFFICE -- *Provided further*, That \$55,756,000 (including \$9,963,000 from local funds, \$45,617,000 from Federal funds, and \$176,000 from

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other funds) shall be available for the State Education Office: *Provided further*, That of the amounts provided to the State Education Office, \$500,000 from local funds shall remain available until June 30, 2005, for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(3) THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS --

*Provided further*, That \$137,531,000 from local funds shall be available for District of Columbia public charter schools: *Provided further*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available as follows: (1) the first \$3,000,000 shall be deposited in the Credit Enhancement Revolving Fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996, approved September 20, 1996 (Public Law 104-208; 110 Stat. 3009; 20 U.S.C. 1155(e)); and (2) the balance shall be for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved November 19, 1997 (Public Law 105-100, sec. 172; D.C. Official Code, sec. 38-1804.03(b)(2)): *Provided further*, That of the amounts made available to District of Columbia public charter schools, \$25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995 (Public Law 105-100, sec. 172; D.C. Official Code, sec. 38-1804.03(b)(6)): *Provided further*, That \$660,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2004, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2005.

(4) THE UNIVERSITY OF THE DISTRICT OF COLUMBIA-- *Provided further*, That \$80,660,000 (including \$48,656,000 from local funds, \$11,867,000 from Federal funds, and \$19,434,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2004, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2004, an amount equal to 10 percent of the total amount provided for the University of the District of

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Columbia in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2005: *Provided further*, That not to exceed \$2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) THE DISTRICT OF COLUMBIA PUBLIC LIBRARIES-- *Provided further*, That \$28,287,000 (including \$26,750,000 from local funds, \$1,000,000 from Federal funds, and \$537,000 from other funds) shall be available for the District of Columbia Public Libraries: *Provided further*, That not to exceed \$2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) THE COMMISSION ON THE ARTS AND HUMANITIES-- *Provided further*, That \$2,476,000 (including \$1,601,000 from local funds, \$475,000 from Federal funds, and \$400,000 from other funds) shall be available for the Commission on the Arts and Humanities.

**Human Support Services  
(INCLUDING TRANSFER OF FUNDS)**

Human support services, \$2,364,614,000 (including \$1,083,009,000 from local funds, \$1,247,945,000 from Federal funds, \$24,330,000 from other funds) of which \$55,055,000, to remain available until expended, shall be available for deposit in the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 *et seq.*): *Provided*, That the funds deposited in the Medicaid and Special Education Reform Fund are allocated as follows: no more than, \$6,816,000 for District of Columbia Public Schools, no more than \$18,744,000 for Child and Family Services Agency, no more than \$7,795,000 for the Department of Human Services, no more than \$21,700,000 for the Department of Mental Health: *Provided further*, That \$27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That \$7,500,000, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004), and used exclusively for the purpose of the Drug Treatment Choice Program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3003): *Provided further*, That no less than \$2,000,000 shall be available exclusively for the purpose of funding the pilot substance abuse program for youths 14 through 21 years of age established by section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code, sec. 7-3101): *Provided further*, That \$4,500,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund to be used exclusively for the Interim

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Disability Assistance program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code, sec. 4-202.01), and the purposes for that program as set forth in section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13-252; D.C. Official Code, sec. 4-204.07): *Provided* further, That no less than \$640,531 of this appropriation shall be available exclusively for the purpose of funding the Burial Assistance Program established by section 1802 of the Burial Assistance Program Reestablishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code, sec. 4-1001).

**Public Works**

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and the leasing of passenger-carrying vehicles, \$329,103,000 (including \$310,085,000 from local funds, \$5,274,000 from Federal funds, and \$13,744,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

**Emergency and Contingency Reserve Funds**

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a), such amounts from local funds to meet the fiscal year 2004 minimum balance requirements for such funds under such section.

**Repayment of Loans and Interest**

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

**Payment of Interest on Short-Term Borrowing**

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

**Certificates of Participation**

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

**Settlements and Judgments**

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For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$22,522,000: *Provided*, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

**Wilson Building**

For expenses associated with the John A. Wilson Building, \$3,703,000 from local funds.

**Workforce Investments**

For workforce investments, \$22,407,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

**Non-Departmental Agency**

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$16,455,000 from local funds, of which \$5,000,000 shall be available to be transferred by the Mayor to within various appropriation headings of this Act to meet contractual obligations, and \$11,455,000 shall be for anticipated costs associated with the No Child Left Behind Act.

**Tax Increment Financing Program**

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

**Cash Reserve**

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Public Law 107-96; D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000 from local funds.

**Grant Disallowance**

For making refunds associated with disallowed grant funding an amount not to exceed \$57,000,000 in local funds to remain available until expended, *Provided*, That funds are derived from a transfer from the funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's Grants Disallowance balance.

**Pay-As-You-Go Capital**

For Pay-As-You-Go Capital funds in lieu of capital financing, \$11,257,000, to be transferred to the Capital Fund, subject to the Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2003, approved by the Council of the District of Columbia on 1st reading, May 6, 2003 (Title 25 of Bill 15-218). Pursuant to this Act, there are authorized to be transferred

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from Pay-As-You-Go Capital funds to other headings of this Act, as necessary to carry out the purposes of this Act.

**ENTERPRISE AND OTHER FUNDS****Water and Sewer Authority**

For operation of the Water and Sewer Authority, \$259,095,000 from other funds, of which \$18,692,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, \$199,807,000, to be distributed as follows: \$99,449,000 for the Blue Plains Wastewater Treatment Plant, \$16,739,000 for the sewer program, \$42,047,000 for the combined sewer program, \$5,993,000 for the stormwater program, \$24,431,000 for the water program, and \$11,148,000 for the capital equipment program.

**Washington Aqueduct**

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

**Stormwater Permit Compliance Enterprise Fund**

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

**Lottery and Charitable Games Enterprise Fund**

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, approved December 4, 1981 (Public Law 97-91; 95 Stat. 1174), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 *et seq.*, and sec. 22-1716 *et seq.*), \$242,755,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

**Sports and Entertainment Commission**

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

**District of Columbia Retirement Board**

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Official Code, sec. 1-711), \$13,895,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement

## ENROLLED ORIGINAL

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

**Washington Convention Center Enterprise Fund**

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

**National Capital Revitalization Corporation**

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

**Capital Outlay  
(INCLUDING RESCISSIONS)**

For construction projects, an increase of \$647,314,000 from local funds, and a rescission of \$109,760,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$527,700,000, to remain available until expended: *Provided*, That the funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended.

**GENERAL PROVISIONS**

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

## ENROLLED ORIGINAL

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

SEC. 105. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which:

- (1) Creates new programs;
- (2) Eliminates a program, project, or responsibility center;
- (3) Establishes or changes allocations specifically denied, limited, or increased under this Act;
- (4) Increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;
- (5) Reestablishes any program or project previously deferred through reprogramming;
- (6) Augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or
- (7) Increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center, unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 8 percent of the local funds in the appropriation.

SEC. 106. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 *et seq.*), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (Public Law 93-198; 87 Stat. 790; D.C. Official Code, sec. 1-204.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 107. No later than 30 days after the end of the first quarter of fiscal year 2004, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2004 revenue estimates as of the end of such quarter. These estimates shall be used in the budget

## ENROLLED ORIGINAL

request for fiscal year 2005. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 108. (a)(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2004 and any subsequent fiscal year if:

(A) The Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2) of this subsection); and

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

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

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

SEC. 109. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) of this section until:

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

(2) The Council has reviewed and approved the acceptance, obligation, and expenditure of such grant. Within 14 calendar days of receipt of the report submitted under paragraph (1) of this subsection, the Council shall be deemed to have provided such approval if no written notice of disapproval is filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period. If notice of disapproval is given during such initial 14-calendar day period, the Council may approve or disapprove the acceptance, obligation, or expenditure of the grant or other fund by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such certification shall be deemed to be approved.

## ENROLLED ORIGINAL

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) of this section or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

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

SEC. 110. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2004 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 111. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than \$10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code, sec. 2-402).

SEC. 112. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Control Act, approved March 3, 1925, (43 Stat. 1124; D.C. Official Code, sec. 50-2201.05(b)(1) and (2)). The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code, sec. 50-2201.05(b)(3)).

SEC. 113. From the local funds appropriated under this Act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These

## ENROLLED ORIGINAL

amounts shall be available for use by OLR CB to reimburse the cost of providing the representation.

SEC. 114. None of the funds contained in this Act may be made available to pay:

(1) The fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act, approved February 14, 2003 (Public Law 108-6; 20 U.S.C. 1400 *et seq.*) in excess of \$4,000 for that action; or

(2) The fees of an attorney or firm that the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic service, school, or other special education service provider.

SEC. 115. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: *Provided*, That as part of the certification, the Chief Financial Officer of the District of Columbia requires all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic service, school, or other special education service provider to which the attorneys have referred any clients as part of this certification: *Provided further*, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: *Provided further*, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 116. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may expend funds that are not reflected in the amounts appropriated in this Act to implement activities designed to improve the collection of taxes and revenue within the District: *Provided*, That such increase in collections are estimated to be at least twice the increase in expenditure necessary to implement the activity: *Provided further*, That such activity shall be approved by the Council, contingent upon the following:

(1) No written notice of disapproval being filed with the Secretary to the Council within 14-calendar days of the delivery of a request to Council by the Secretary of the Council from the Mayor, and no oral notice of disapproval being given during a meeting of the Council

## ENROLLED ORIGINAL

during such 14-calendar day period; absent such disapproval, the request shall be deemed to be approved; and

(2) Should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the request by resolution within 30 calendar days of the initial receipt of the request from the Mayor, or such request shall be deemed to be approved: *Provided further*, That such increases shall comply with all reserve requirements contained in the District of Columbia Home Rule Act.

SEC. 117. Wherever within this Act Federal funds are appropriated to or through the District for the express purpose of transmission to a non-District Government entity as, or similar to, a pass-through payment, the District shall have executed its fiduciary duties and responsibilities upon the transmission of such funds to the non-District government entity.

SEC. 118. (a) The amount appropriated by this Act as Other Type Funds may be increased by no more 25 percent to account for an unanticipated growth in revenue collections.

(b) Conditions on Use - The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) Certification by the Chief Financial Officer - The Chief Financial Officer of the District of Columbia shall certify that anticipated revenue collections support an increase in Other Type authority in the amount requested.

(2) Notice Requirement - The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

SEC. 119. (a) The amount appropriated by this Act may be increased by no more than \$15,000,000 from funds identified in the comprehensive annual financial report as the District of Columbia's fund balance.

(b) Conditions on Use - The District of Columbia may obligate or expend these amounts only in accordance with the following conditions:

(1) Certification by the Chief Financial Officer - The Chief Financial Officer of the District of Columbia shall certify that the use of the any such amounts is not anticipated to have a negative impact on the District of Columbia's long-term financial, fiscal, and economic vitality.

(2) Purpose - The District of Columbia may only use these funds for the following expenditures:

- (A) Unanticipated one-time expenditures;
- (B) To address potential deficits;
- (C) Debt Reduction;
- (D) Unanticipated Program needs; or
- (E) To cover revenue shortfalls.

## ENROLLED ORIGINAL

(3) Local Law - The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) Receivership - The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) Notice Requirement - The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

(6) Availability of Funds - Funds made available pursuant to this section shall remain available until expended.

## DIVISION B

SEC. 120. Section 446 of Part D of Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code, sec. 1-204.46), is amended by striking the phrase "within 50 calendar days" and inserting the phrase "within 50 calendar days, excluding days of Council recess," in its place.

SEC. 121. Section 362 of the District of Columbia Fiscal Year 2004 Budget Support Act of 2003, passed by the Council on first reading May 6, 2003 (Enrolled Bill 15-218) is hereby enacted into law.

SEC. 122. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (Public Law 104-134; 110 Stat. 1321; D.C. Official Code, sec. 38-1902.01 *et seq.*), is amended as follows:

(a) Section 2204(c)(11) (D. C. Official Code, sec 38-1802.04(c)(11)) is amended as follows:

(1) Subparagraph (B)(ix) is amended to read as follows:

“(ix) A financial statement audited by an independent certified public accountant selected by each public charter school;”

(2) A new subparagraph (B-1) is added to read as follows:

“(B-1) *Audit.* -- For purposes of subparagraph (B)(ix) of this paragraph, all public charter schools shall be audited pursuant to a uniform auditing standard established by the Chief Financial Officer for the District of Columbia which shall be in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States. The Chief Financial Officer shall establish the policies and procedures for performing uniform audits for public charter schools no later than September 30, 2003, and all audits of public charter schools thereafter shall conform with such auditing procedures and policies.”

(b) Section 2211 (110 Stat. 1321; D. C. Official Code, sec. 38-1802.11) is amended by adding a new subsection (e) to read as follows:

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“(e) Audits. – An eligible chartering authority shall provide for an audit of its financial statements by an independent certified public accountant selected by the eligible chartering authority. The audit shall be conducted in accordance with the auditing standards established by the Chief Financial Officer for the District of Columbia pursuant to section 2204(c)(11)(B-1). Each eligible chartering authority shall submit its audited financial statement to the Office of the Mayor and to the Chief Financial Officer no later than January 15 of each year.”

(c) Section 2214(f) (110 Stat. 1321; D.C. Official Code, sec. 38-1802.14(f)) is repealed.

SEC. 123. Notwithstanding any other law, section 110(d)(1)(B)(i) of the Technical Amendments Act of 1999, effective April 12, 2000 (D.C. Law 13-91; (D.C. Official Code § 1-608.56, note), is enacted into law.

SEC. 124. The District of Columbia government is exempt from the overtime provisions in section 7 of the Fair Labor Standards Act, approved February 14, 2003 (Public Law 108-6; 29 U.S.C. § 207), when employees are on a compressed work schedule up to 80 hours per pay period.

SEC. 125. The following proviso under the heading “Lottery and Charitable Games Enterprise Fund” in the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (95 Stat. 1174; Public Law 97-91), is repealed:

*“Provided further,* That the advertising, sale, operation, or playing of the lotteries, raffles, bingos, or other games authorized by D.C. Law 3-172 is prohibited on the Federal enclave, and in adjacent public buildings and land controlled by the Shipstead-Luce Act as amended by 53 Stat. 1144, as well as in the Old Georgetown Historic District:”

SEC. 126. (a) The Federal Deposit Insurance Act, approved September 21, 1950 (Public Law 81-797; 64 Stat. 873; 12 U.S.C. 1811 *et seq.*), is amended as follows:

(1) Section 3 (12 U.S.C. 1813) is amended as follows:

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

(i) Paragraph (1)(A) is amended by striking the phrase “and District bank,”.

(ii) Paragraph (4) is repealed.

(B) Subsection (q) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “any District bank,”.

(ii) Paragraph (2)(A) is amended by striking the phrase “(except a District bank)”.

(iii) Paragraph (3) is amended by striking the phrase “(except a District bank)”.

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(2) Section 7(a)(1) (12 U.S.C. 1817(a)(1)) is amended by striking the phrase “(except a District bank)”.

(3) Section 10(b)(2)(A) (12 U.S.C. 1820(b)(2)(A)) is amended by striking the phrase “(except a District bank)”.

(4) Section 11(12 U.S.C. 1821) is amended as follows:

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

(i) Paragraph (2)(A) is amended as follows:

(I) Subparagraph (i) is amended by striking the phrase “or District bank”.

(II) Subparagraph (ii) is amended by striking the phrase “or District bank”.

(ii) Paragraph (3)(A) is amended by striking the phrase “(other than a District depository institution)”.

(5) Section 18 (12 U.S.C. 1828) is amended as follows:

(A) Subsection (c)(2) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “or a District bank”.

(ii) Subparagraph (B) is amended by striking the phrase “(except a District bank)”.

(iii) Subparagraph (C) is amended by striking the phrase “a District Bank or”.

(B) Subsection (d)(1) is amended by striking the phrase “(except a District bank)” both times it occurs.

(C) Subsection (f) is amended by striking the phrase “(except a District bank)”.

(D) Subsection (i)(2) is amended as follows:

(i) Subparagraph (A) is repealed.

(ii) Subparagraph (B) is amended by striking the phrase “(except a District bank)”.

(iii) Subparagraph (C) is amended by striking the phrase “(except a District bank)”.

(iv) Subparagraphs (B) and (C) are redesignated as subparagraphs (A) and (B), respectively.

(b) Section 203(s)(5) of the National Housing Act, approved June 27, 1934 (Public Law 73-479; 48 Stat. 1246; 12 U.S.C. 1709(s)(5)), is amended by striking the phrase “or District bank”.

(c) Section 2(c)(3) of the Bank Enterprise Act of 1991, approved December 19, 1991 (Public Law 102-242; 105 Stat. 2308; 12 U.S.C. 1841(c)(3)), is repealed.

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(d) Section 3(b)(1) of the Bank Holding Company Act of 1956, approved May 9, 1956 (Public Law 84-511; 70 Stat. 133; 12 U.S.C. 1842(b)(1)), is amended by striking the phrase "or a District bank".

(e) Section 2(1) of the Bank Protection Act of 1968, approved July 7, 1968 (Public Law 90-389; 82 Stat. 1294; 12 U.S.C. 1881(1)) is amended by striking the phrase "and district banks".

(f) Section 207 of the Depository Institution Management Interlocks Act, approved November 10, 1978 (Public Law 95-630; 92 Stat. 3674; 12 U.S.C. 3206), is amended as follows:

(1) Paragraph (1) is repealed.

(2) Paragraphs (2), (3), (4), (5) and (6) are redesignated as paragraphs (1), (2), (3), (4) and (5), respectively.

(g) The Securities Exchange Act of 1934, approved June 6, 1934 (Public Law 86-70; 48 Stat. 881; 15 U.S.C. 78a *et seq.*), is amended as follows:

(1) Section 3(a)(34) (15 U.S.C. 78c(a)(34)), is amended as follows:

(A) Subparagraph (A)(i) is amended by striking the phrase "or a bank operating under the Code of Law for the District of Columbia".

(B) Subparagraph (B)(i) is amended by striking the phrase "or a bank operating under the Code of Law for the District of Columbia".

(C) Subparagraph (C)(i) is amended by striking the phrase "or a bank operating under the Code of Law for the District of Columbia".

(D) Subparagraph (D)(i) is amended by striking the phrase "or a bank operating under the Code of Law for the District of Columbia".

(E) Subparagraph (F)(i) is amended by striking the phrase "or a bank operating under the Code of Law for the District of Columbia".

(F) Subparagraph (G)(i) is amended by striking the phrase "a bank in the District of Columbia examined by the Comptroller of the Currency,".

(G) Subparagraph (H)(i) is amended by striking the phrase "or a bank in the District of Columbia examined by the Comptroller of the Currency".

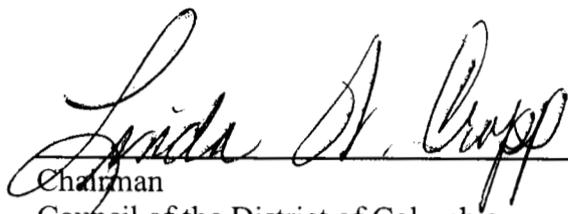
(2) Section 12(i) (15 U.S.C. 781(i)) is amended by striking the phrase "and banks operating under the Code of Law for the District of Columbia".

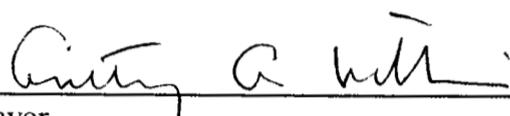
SEC. 127. The third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.41), is amended to read as follows:

"However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2004, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year."

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Sec. 4. This act shall take effect as provided in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code, sec. 1-204.46).

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
June 2, 2003

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 15-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JUNE 3, 2003

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2003 Fall  
 Supp.

West Group  
 Publisher

To amend the District of Columbia Procurement Practices Act of 1985 to provide minimum qualifications for the position of Inspector General, to provide that the Inspector General shall not serve in a hold-over capacity upon the expiration of his or her term, to provide a procedure for the filling of vacancies, to provide that the appointee for an unexpired term shall serve only for the remainder of the term, and to clarify who may fill a vacancy on a temporary basis.

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

Sec. 2. Section 208(a)(1) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.08(a)(1)), is amended as follows:

*Note,  
 § 2-302.08*

(a) Subparagraph (A) is amended by adding a new third sentence to read as follows: "The Inspector General shall not serve in a hold-over capacity upon the expiration of his or her term."

(b) A new subparagraph (A-i) is added to read as follows:

"(A-i)(i) If a vacancy in the position of Inspector General occurs as a consequence of resignation, disability, death, or a reason other than the expiration of the term of the Inspector General, the Mayor shall appoint a replacement to fill the unexpired term in the same manner provided in subparagraph (C) of this paragraph; provided, that the Mayor shall submit the nomination to the Council within 30 days after the occurrence of the vacancy. A person appointed to fill the unexpired term shall serve only for the remainder of the term.

"(ii) If a vacancy occurs, no person shall serve on an acting basis as the Inspector General unless the person meets the requirements of subparagraph (D-i) of this paragraph."

(c) Subparagraph (D) is amended to read as follows:

ENROLLED ORIGINAL

“(D) The Inspector General shall be appointed:

“(i) Without regard to party affiliation;

“(ii) On the basis of integrity;

“(iii) With a minimum of 7 years of supervisory and management experience; and

“(iv) With a minimum of 7 years demonstrated experience and ability, in the aggregate, in law, accounting, auditing, financial management analysis, public administration, or investigations.”.

(d) A new subparagraph (D-i) is added to read as follows:

“(D-i)(i) The Inspector General shall be:

“(I) A graduate of an accredited law school and a member in good standing of the bar of the District of Columbia for at least 7 years immediately preceding his or her appointment, and shall have 7 years experience in the practice of law;

“(II) Licensed as a certified public accountant in the District of Columbia under Chapter I-B of Title 47 of the District of Columbia Official Code for at least 7 years immediately preceding his or her appointment and shall have 7 years experience, in the aggregate, in the practice of accounting, tax consulting, or financial consulting; or

“(III) The holder of a certified public accountant certificate from the District of Columbia Board of Accountancy and a member of the Greater Washington Society of Certified Public Accountants, and shall have 7 years experience in the practice of public accounting.

“(ii) Sub-subparagraph (i) of this subparagraph shall apply as of June 1, 2003 and, notwithstanding any other provision of this section or other law, a person who holds the position of Inspector General and who does not meet the requirements of sub-subparagraph (i) of this subparagraph on June 1, 2003 shall not continue to hold the position and the position shall be vacant.”.

#### Sec. 3. Fiscal impact statement.

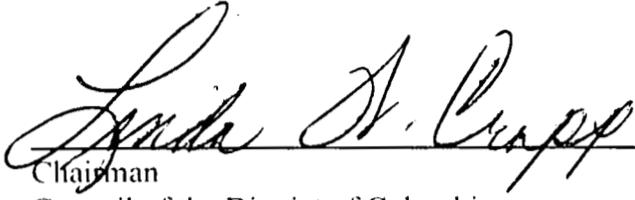
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official § 1-206.2(c)(3)).

#### 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

VETOED

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

May 16, 2003

COUNCIL OVERRIDE: JUNE 3, 2003