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FISCAL YEAR 2003 BUDGET REQUEST ACT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE DISTRICT OF COLUMBIA'S FISCAL YEAR 2003 BUDGET REQUEST ACT, PURSUANT TO PUB. L. 93–198, SEC. 446 (87 STAT. 806)



JULY 15, 2002.—Message and accompanying papers referred to the Committee on Appropriations and ordered to be printed

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To the Congress of the United States:

Pursuant to my constitutional authority and consistent with sections 202(c) and (e) of The District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of The District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2003 Budget Request Act.

The proposed FY 2003 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2003, the District estimates total revenues and expenditures of $5.7 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 11, 2002.*

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the request of the District of Columbia government for the fiscal year ending September 30, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Fiscal Year 2003 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, 2003.

FEDERAL FUNDS
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 a resident's academic merit, the income and need of eligible students, 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*, That not more than seven 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 Department of Public Works Division of Transportation

For a Federal Payment to the Department of Public Works Division of Transportation, $1,000,000: *Provided*, That such funds will be used to implement Transportation Systems Management (TSM) initiatives and strategies recommended in the October 2001 report by the Interagency Task Force of the National Capital Planning Commission in coordination with the National Capital Planning Commission.

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 the 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 National Special Security Events 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, 2002, approved December 21, 2001 (Public Law 107-96; 115 Stat. 935).

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, to begin urgently needed system upgrades and design work on major elements of the new Combined Sewer Overflow control project: *Provided*, That the Water and Sewer Authority provide a 100 percent match in fiscal year 2003 to complete this multi-year project.

Federal Payment to the District of Columbia Public Education System

For a Federal Payment to the District of Columbia Public Education System, $23,200,000 to remain available until expended: *Provided*, That of this amount, $5,000,000 shall be for special education transportation services to facilitate the initial lease or purchase of a single

centralized bus lot for the 2002-2003 school year: *Provided further*, That, $9,000,000 shall be for special education satellite facilities to facilitate the creation of three quality and cost-effective non-public satellite facilities for special education students in school year 2002-2003: *Provided further*, That $2,000,000 shall be for the establishment of an Office of Early Childhood Education: *Provided further*, That $200,000 shall be for the Children's Youth Orchestra: *Provided further*, That $2,000,000 shall be for the Y Care Program: *Provided further*, That $5,000,000 shall be deposited in, and administered through, the credit enhancement revolving fund established under section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293), as amended by Public Law 107-96, FY 2002 DC Appropriations Act.

Federal Payment to the District of Columbia for Capital Development

For a Federal Payment to the District of Columbia to fund Infrastructure Development, $96,250,000 to remain available until expended: *Provided*, That of this amount, $150,000 shall be for the Eastern Market for renovations: *Provided further*, That $15,000,000 shall be for the Downtown Circulator, a new surface transportation service that will connect the east and west sides of downtown, the White House, the National Mall and monuments areas, the Capitol Complex, Union Station, and Georgetown: *Provided further* That $7,000,000 shall be for the Waterside Mall S.W. 4th Street Extension Project to finance the construction of a road re-extending S.W. 4th Street, one of the only streets in the District to connect downtown Washington to its S.W. riverfront: *Provided further*, That, $7,000,000 shall be for the McKinley Technology Center to furnish the school and to begin to purchase computers and other technological equipment: *Provided further*, That $15,000,000 shall be to develop the Kenilworth-Parkside athletic complex: *Provided further*, That, $30,000,000 shall be to design and construct a forensic lab to be a full service crime lab, medical examiner and morgue facility, and public health lab that meets all applicable national standards to improve the quality of service in the District by consolidating criminal investigation functions and assessments of public health and safety threats: *Provided*, That $22,100,000 shall be for the Unified Communications Center to begin construction and installation of a unified voice and data communications center that incorporates a 911 emergency services system and a 311 and 727-1000 non-emergency services citizen assistance call centers.

Federal Payment to the District of Columbia for Technological Development

For a Federal Payment to the District of Columbia for Technological Development, $6,700,000 to remain available until expended, *Provided further*, That $3,200,000 shall be for implementation of a cross-platform, inter-agency system to serve as a clearinghouse of information regarding compliance with different regulatory, statutory, and tax issues District-wide: *Provided further*, That $3,500,000 shall be for an E-Filing and Payment System to enhance

the Office of Tax and Revenue electronic payment capacity, mandate electronic payments for business returns, improve the timeliness of cash collections, cut down on errors caused by manual processes, and improve the accuracy of information coming from the District's lockbox contractor.

Federal Payment to the District of Columbia Washington Metropolitan Area Transit Authority

For a Federal Payment to the District of Columbia Washington Metropolitan Area Transit Authority, $21,600,000, to remain available until expended, to continue rehabilitation of the Metrorail to include: rail car and subsystems replacement and rehabilitation, track replacement, station facilities retrofit, escalator and elevator replacement and enhancement, ventilation retrofit, and farecard vendor replacement and rehabilitation.

Federal Payment to the District of Columbia Child and Family Services

For a Federal Payment to the District of Columbia Child and Family Services, $10,000,000, to remain available until expended: *Provided*, That $5,000,000 shall be for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties: *Provided further*, That $5,000,000 shall be used to create incentives to promote the adoption of children in the District of Columbia foster care system.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, $159,045,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,352,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $80,140,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $38,902,000, of which not to exceed $1,500 is for official reception and representation expenses; and $31,651,000 for capital improvements for District of Columbia courthouse facilities: *Provided*, That these funds become available following transmittal of a General Services Administration ("GSA") master plan study and building evaluation report to the Committees on Appropriations and the President: *Provided further*, 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 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 funds made available for capital improvements may remain available until September 30, 2004: *Provided further*, That of the funds made available for Family Court, $1,100,000 shall be for the District of Columbia Child and Family Services Agency.

ADMINISTRATIVE PROVISIONS

The paragraph under the heading "Federal Payment for Family Court Act" in Public Law 107-96 (115 Stat. 929) is amended by adding a new sentence at the end to read as follows: "*Provided further*, That the funds provided to the Mayor under this heading shall remain available until expended.".

All funds from the Crime Victims Compensation Fund, established by section 16 of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code, sec. 4-514) ("Compensation Act"), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established by section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended. Not less than $240,000 shall be for the Corrections Information Council, established by section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 736; D.C. Official Code, sec. 24-101(h)), to support its operations and perform its duties; not less than $169,000 shall be for the Criminal Justice Coordinating Council, established by the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code, sec. 22-4231 et seq.), to support its operations and perform its duties.

Notwithstanding any other law, the District of Columbia Courts shall transfer to the D.C. Treasury all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The Treasurer of the United States shall transfer to the D.C. Treasury the amount of such fines levied and collected by the District of Columbia Courts during calendar years 2001 and 2002 and deposited in the United States Treasury, to the extent still available for obligation and expenditure. 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)).

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 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 that 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 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 (Public Law 105-33; 111 Stat. 712), $161,925,000, of which not to exceed $2,000 is for official receptions related to offender and defendant support programs; of which $100,612,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $23,956,000 shall be transferred to the Public Defender Service; and

$37,357,000 shall be available to the Pretrial 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, and shall make such records available for audit and public inspection.

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 section 116 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2003 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 $6,564,905,000 (of which $155,876,000 shall be from intra-District funds and $3,783,949,000 shall be from local funds): Provided further, That this amount may be increased by:

(1) proceeds of one-time transactions that are expended for emergency or unanticipated operating or capital needs; or

(2) additional expenditures that the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which certification shall be approved by the Council, contingent upon the following:

(A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the certification from the Mayor, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the request shall be deemed to be approved; and

(B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the certification by resolution within 30 calendar days of the initial receipt of the certification from the Mayor, or such certification shall be deemed to be approved: *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 as amended by this 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 2003, 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, $280,138,000 (including $225,036,000 from local funds, $36,554,000 from Federal funds, and $18,348,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District 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 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 of all funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980, effective March 5, 1981 (D.C. Law 3-169; D.C. Official Code, sec. 28-4516), an amount not to exceed $500,000, of all 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), an amount not to exceed $100,000, and of all funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code, sec. 28-3911), an amount not to exceed $910,000, are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2004, in accordance with the statutes that established these funds.

Economic Development and Regulation

Economic development and regulation, $267,532,000 (including $64,553,000 from local funds, $97,797,000 from Federal funds, and $96,190,000 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 DOES 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, $639,895,000 (including $620,042,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 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 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 TRANSFER OF FUNDS)

Public education system, including the development of national defense education programs, $1,200,200,000 including $980,205,000 from local funds, $188,470,000 from Federal funds, $31,525,000 from other funds, and established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Official Code, sec. 7-1811.01), to be allocated as follows:

(1) PUBLIC SCHOOLS FOR THE DISTRICT OF COLUMBIA -- $903,156,000 including $743,714,000 from local funds, $147,800,000 from Federal funds, $11,642,000 from other funds, for the public schools of the District of Columbia, in addition to the $903,156,000, an additional amount, not to exceed $27,000,000, which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14-609): *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 2003, 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, 2003, 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 2004 (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, 2004: *Provided further*, That the District of Columbia public schools shall not spend less than $496, 000,000 in the "Schools" responsibility centers, including 5100 (Elementary Schools), 6300 (Middle/Junior High Schools), 7100 (Senior High Schools), and 7700 (Charter and Private Schools): *Provided further*, That $16,800,000 shall be for negotiated teacher wage increases.

(2) THE STATE EDUCATION OFFICE -- *Provided further*, That $49,687,000 (including $22,594,000 from local funds, $26,917,000 from Federal funds, $176,000 from 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 to remain available until June 30, 2004, for an audit of the student enrollment of each District of Columbia Public School and of each public charter school:

(3) THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS -- *Provided further*, That $132,865,000 from local funds shall be available for 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 each 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 in accordance with the School Reform Act of 1995 (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 public charter schools, $25,000 shall be made available to the Office of the Chief Financial Officer as authorized by D.C. Official Code, sec. 38-1804.03(b)(6): *Provided further*, That $589,000 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, 2003, 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 2004 (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, 2004.

(4) THE UNIVERSITY OF THE DISTRICT OF COLUMBIA -- *Provided further*, That $83,990,000 (including $52,272,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 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, 2003, 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, 2003, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2004 (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, 2004: *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 LIBRARY -- *Provided further*, That $28,150,000 (including $27,003,000 from local funds, $610,000 from Federal funds and $537,000,000 other funds) shall be available for the Public Library: *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 $2,352,000 (including $1,757,000 from local funds, $475,000 from Federal funds and $120,000 from other funds) shall be available for the Commission on the Arts and Humanities.

ADMINISTRATIVE PROVISION
CHARTER SCHOOL FUND

The School Reform Act of 1995, approved November 19, 1997 (Public Law 105-100, sec. 172; 111 Stat. 2191; D.C. Official Code, sec. 38-1804.03(b)), is amended to read as follows:

"(b) Payments to Charter Schools.

"(1) establishment of fund. - The fund previously established in the general fund of the District of Columbia known as the "New Charter School Fund" shall now be known as the "Charter School Fund".

"(2) contents of fund. - The Charter School Fund shall consist of:

"(A) unexpended and unobligated amounts appropriated from local funds for

public charter schools for each fiscal year that reverted to the general fund of the District of Columbia; *Provided*, That the amount of funds deposited shall not be an amount greater than is necessary to reach a balance of $10,000,000 from the fiscal year 2002 appropriation, and $5,000,000 from fiscal year 2003 and succeeding years appropriation; and

"(B) any interest earned on such amounts, to carry out the purposes described in paragraph (3) of this subsection.

"(3) Purposes of fund. - The Charter School Fund shall be used to carry out the activities to assist public charter schools in the District of Columbia in providing funding in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

"(4) Expenditures from fund.-

"(A) Expenditures from the fund for enrollment in excess of annual public charter school projections. - funds shall be available from the Charter School Fund for any public charter school operating in that fiscal year, in such cases where the total audited enrollment, including enrollment in special needs categories, exceeds that of the student enrollment on which the annual appropriation is based in that fiscal year.

"(B) Form of payment. - Payments under this subsection shall be made by electronic funds transfer from the Charter School Fund to a bank designated by a public charter school.

"(5) Authorization of appropriations. -- There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out the purposes of this subsection for each fiscal year.".

Human Support Services
(INCLUDING TRANSFER OF FUNDS)

Human support services, $2,527,766,000 including $1,069,626 from local funds, and an additional amount of $13,867,000 from funds appropriated in this Act under the heading Tobacco Settlement Trust Fund Transfer Payment", which may be transferred from the Medicaid and Special Education Reform Fund, established by the Medicaid and Special Education Reform Fund Establishment Act of 2002, approved by the Council of the District of Columbia on 1st reading on May 7, 2002 (Bill 14-609), of which, not to exceed, $7,072,000 for Child and Family Services, $5,795,000 for the Department of Human Services, and $1,000,000 for the Department of Health, $1,373,680,000 from Federal funds, $52,958,000 from other funds: *Provided,* That $49,867,000, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund for the purpose of ensuring there are adequate resources available to support Medicaid costs and revenue shortfalls: *Provided further*, That $27,959,000, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation:

Provided further, That $7,000,000, 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 16 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 $7,309,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund to be used exclusively for the Interim 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 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 $500,000 shall be available exclusively for the Mobile Crisis Intervention Program for Kids: *Provided further*, That the paragraph under the heading "Human Support Services" in Public Law 107-96, approved December 21, 2001, is amended to add the following:

"Provided further, That $2,468,000 shall remain available until expended for Interim Disability Assistance.".

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, $324,828,000 (including $309,834,000 from local funds, $4,669,000 from Federal funds, and $10,325,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Reserve

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, $70,000,000 from local funds.

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 (Public Law 93-198; D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), $267,451,000 from local funds: *Provided further*, That for equipment leases, the Mayor may finance $14,300,000 of equipment costs, plus the 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.

Repayment of General Fund Recovery Debt

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

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $1,000,000 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, $7,950,000 from local funds.

Settlements and Judgments

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, $22,822,000: *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, $4,194,000 from local funds.

Workforce Investments

For workforce investments, $54,186,000 from local funds, to be transferred by the Mayor of the District of Columbia to the various appropriation headings in this Act for which employees are properly payable.

Tobacco Settlement Trust Fund Transfer Payment

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Amendment Act of 2000, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code sec. 7-1811.01 et. seq), there is transferred the amount available pursuant thereto, but not to exceed $50,867,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7-1811.01) and the Tobacco Settlement Financing Act of 2000, effective October 19, 2000 (D. C. Law 13-172; D.C. Official Code, sec. 7-1831.03 et seq.): *Provided*, That no more than $27,000,000 is authorized to be transferred to the Public Education System: *Provided further*, That no more than $23,867,000 is authorized to be transferred to Human Support Services: *Provided further*, that $50,867,000 shall remain available until expended: *Provided further*, That such transfers are subject to local law.

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

Emergency Preparedness

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, from funds previously appropriated in this Act as a Federal Payment, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to National Special Security Events 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,

2002 (Public Law 107-96; 115 Stat. 935).

Emergency and Contingency Reserve Funds

For the Emergency and Contingency Reserve Funds established under section 450A(b) of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(b)), the Mayor may deposit from local funds the proceeds required to maintain balance requirements pursuant to section 159(a) of Public Law 106-522 and section 404(c) of Public Law 106-554.

Pay-As-You-Go Capital

For Pay-As-You-Go Capital funds in lieu of capital financing, $16,750,000, to be transferred to the Capital Fund, subject to the "Criteria for Spending Pay-as-You- Go Funding Amendment Act of 2002, approved by the Council of the District of Columbia on 1st reading, May 7, 2002 (Title 34 of Bill 14-609). Pursuant to this Act, there are authorized to be transferred 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, $253,743,000 from other funds, of which $43,800,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($18,094,000 payable to the District's debt service fund and $25,706,000 payable for other debt service), $292,458,000, in the following capital programs: $43,669,000 shall be used for the Blue Plains Wastewater Treatment Plant, $24,539,000 for the sewer program, $6,561,000 for the combined sewer program, $5,635,000 for the stormwater program, $34,054,000 for the water program, $8,000,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

Washington Aqueduct

For operation of the Washington Aqueduct, $57,847,000 from other funds.

Stormwater Permit Compliance Enterprise Fund

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 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 (95 Stat. 1174, 1175; Public Law 97-91), 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.), $232,881,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation heading 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, $15,510,000 from other funds.

District of Columbia Retirement Board

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1-711), $13,388,000 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 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 to 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 of 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, $78,700,000 from other funds.

National Capital Revitalization Corporation

For the National Capital Revitalization Corporation, $4,908,000 from other funds.

CAPITAL OUTLAY
(INCLUDING RESCISSIONS)

For construction projects, an increase of $504,046,997, of which $245,741,128 shall be from a rescission from local funds appropriated under this heading in prior fiscal years, for a net amount of $258,305,869 to remain available until expended: *Provided*, That 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 the District of Columbia Public Libraries shall allocate capital funds, from existing resources, in Fiscal Year 2003 for the planning and design of a new Francis Gregory Public Library.

CONFORMING BUDGET SUPPORT 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: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

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) No Federal Funds provided by this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b) of this section.

SEC. 106. (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 2003, 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 by Congress in 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 through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers 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 both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(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 Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred to an appropriation heading exceed four percent of the local funds in the appropriation heading.

SEC. 107. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (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 (87 Stat. 790; Public Law 93-198; 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. 108. Revenue Estimates - No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2003, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2003 revenue estimates as of the end of the first quarter of fiscal year 2003. These estimates shall be used in the budget request for the fiscal year ending September 30, 2004. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 109. ACCEPTANCE AND USE OF GIFTS.

(a) APPROVAL BY MAYOR-

(1) IN GENERAL - An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2003 if:

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

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

(2) EXCEPTION FOR COUNCIL AND COURTS - 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) RECORDS AND PUBLIC INSPECTION - 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) INDEPENDENT AGENCIES INCLUDED - 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) EXCEPTION FOR BOARD OF EDUCATION - 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. 110. ACCEPTANCE AND USE OF GRANTS AND OTHER FUNDS NOT INCLUDED IN CEILING.

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

(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL - No such Federal, private grant or other fund may be accepted, obligated, or expended pursuant to subsection (a) until:

(1) the Chief Financial Officer of the District of Columbia submits to the

Council a report setting forth detailed information regarding such grant or other fund; and

(2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant or other fund. Within 14 calendar days of receipt of the report submitted under paragraph (1) 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.

(c) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT. No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or other fund under subsection (b)(2) of this section or in anticipation of the approval or receipt of a Federal, private grant or other fund not subject to these provisions.

(d) QUARTERLY REPORTS. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private grants or other funds subject to these provisions. 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 the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 111. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits or from consulting with officials of the District government regarding such lawsuits.

RESERVE FUNDS

SEC. 112. (a) IN GENERAL - Section 202(j) of Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

"(j) RESERVE FUNDS-

"(1) BUDGET RESERVE-

"(A) IN GENERAL - For each of the fiscal years 2003 and 2004, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

"(i) $70,000,000, in the case of fiscal year 2003.

"(ii) $0 in the case of fiscal year 2004 and future years.

"(B) AVAILABILITY OF FUNDS - Any amount made available from

the budget reserve described in subparagraph (A) shall remain available until expended.

"(C) AVAILABILITY OF BUDGET RESERVE FUNDS - For fiscal year 2001, any amount in the budget reserve shall remain available until expended.

"(2) CUMULATIVE CASH RESERVE - In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of $50,000,000.

"(3) CONDITIONS ON USE - The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

"(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

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

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

"(D) 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.

"(4) REPLENISHMENT- Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.".

(b) CONTINGENCY RESERVE FUND - Section 450A(b) of the Home Rule Act (Public Law 93-198) is amended by striking the phrase "October 1" and inserting the phrase "February 15" in its place.

SEC. 113. (a) 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 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 agencies of the District of Columbia government that meet the requirements of section (b) for such fiscal year 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.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 114. RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. 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. 115. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

SEC. 116. INCREASE IN APPROPRIATION.

(a) The amount appropriated by this Act may be increased by the following:

(1) funds as identified in the comprehensive annual financial report for fiscal year 2003 as the District of Columbia's unrestricted fund balance;

(2) additional revenue, if any, identified by the officially revised estimates conducted pursuant to section 108 of this Act.

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

(1) 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; and

(D) Unanticipated Program needs.

(2) Certification by the Chief Financial Officer - The Chief Financial Officer of the District of Columbia shall certify that:

(A) The use of the amounts is not anticipated to have a negative impact on the District of Columbia's long-term financial, fiscal, and economic vitality.

(B) That the amounts are available and that use of the funds is not anticipated to cause the need for short-term borrowing within the current fiscal year.

(C) Such funds are either being used to address potential deficits or are not required to address potential deficits.

(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 shall remain available until expended.

(c) Preparation of Future Year Budgets - Section 103 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-201.03), is amended as follows:

(1) Paragraph (14) is amended to read as follows:

"(14) The term "resources" means revenues, balances, fund balance, enterprise or other revolving funds, and funds realized from borrowing.".

(2) A new paragraph (16) is added to read as follows:

"(16) The term "fund balance" means an amount from the funds identified in the comprehensive annual financial report as the District of Columbia's unrestricted fund balance, such amount to be no greater than the amount the Chief Financial Officer of the District of Columbia certifies as not anticipated to have a negative impact on the District of Columbia's long-term financial, fiscal, and economic vitality, and that the use of the funds is not anticipated to cause the need for short-term borrowing within the fiscal year.".

FIFTY MODIFIED CALENDAR DAY BUDGET REVIEW PERIOD

SEC. 117. 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.

CHARTER SCHOOL FUND

SEC. 118. FUND TRANSFER - Notwithstanding any other provision of law, $5,000,000 from the New Charter School Fund (renamed by this Act, "Charter School Fund"), established pursuant to the School Reform Act of 1995 (Public Law 105-100, sec. 172; 111 Stat. 2191, 2192, 2193; D.C. Official Code, sec. 38-1804.03(b)), shall be deposited, not later than January 1, 2003, into the credit enhancement revolving fund, established pursuant to the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293, as amended by Public Law 107-96, FY 2002 DC Appropriations Act).

OFFICE OF INSPECTOR GENERAL BUDGET AND RESIDENCY

SEC. 119. (a) Section 208(a)(2)(A) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code, sec. 2-302.08(a)(2)(A)), is amended to read as follows:

"(A) The Inspector General shall prepare and submit to the Council, for inclusion in the annual budget of the District of Columbia under part D of title IV of the

District of Columbia Home Rule Act for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Office for the year. The Council may amend the annual estimates of expenditures and appropriations submitted pursuant to this subparagraph in its adoption of the annual budget pursuant to section 446 of the District of Columbia Home Rule Act.".

(b) Section 906 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. 1-609.06), is amended by adding a new subsection (i) to read as follows:

"(i)(1) The Office of Personnel shall have the authority to grant to employees of the Office of the Inspector General waivers of the requirements of subsections (a) and (b) of this section for positions and new hires in the Office of the Inspector General when those positions or hires present exceptional circumstances for appointees or hires in hard to fill positions.

"(2) In order to receive a waiver of subsections (a) and (b) of this section for new hires, the Office of the Inspector General shall demonstrate that the position to be filled and the circumstances of the prospective new hire meet the requirements of "hard to fill position" or "exceptional circumstances" as defined by paragraph (3) of this section.

"(3) For the purposes of this subsection, the term:

"(A) "Exceptional circumstances" means conditions or facts that are uncommon, deviate from or do not conform to the norm, or are beyond the willful control of the prospective new hire, which are presented to the personnel authority by the Inspector General when seeking to hire an individual to fill a position in the Excepted or Executive Service, and which conditions or facts shall be considered by the personnel authority in determining the reasonableness of granting a waiver of the domicile requirement pursuant to §§ 906 and 1059 of the District of Columbia 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.); and

"(B) "Hard to fill position" means a position so designated by the personnel authority on the basis of demonstrated recruitment and retention problems inherent in the position due to the uniqueness of the duties and responsibilities and the unusual combination of highly specialized qualification requirements for the position.".

REPROGRAMMING DURING FISCAL YEAR THAT IS NOT A CONTROL YEAR

SEC. 120. Section 47-363(a-1) of the District of Columbia Official Code is amended by adding new paragraphs (3), (4), and (5) to read as follows:

"(3) (A) After the adoption of the annual budget for a fiscal year that is not a control year, no reprogramming of amounts in the budget may occur unless:

"(i) The Mayor submits a request for such reprogramming to the Chief Financial Officer of the District of Columbia;

"(ii) The Chief Financial Officer transmits to the Council a statement

certifying the availability of the funds for such reprogramming and containing an analysis of the effect of the proposed reprogramming on the financial plan and budget for the fiscal year; and

"(iii) The Council approves the request after receiving the statement described in sub-subparagraph (ii) of this subparagraph from the Chief Financial Officer.

"(B) If the Chief Financial Officer does not transmit to the Council the statement described in subparagraph (A)(ii) of this paragraph during the 15-day period, which begins on the date the Chief Financial Officer receives the request for reprogramming from the Mayor, the Chief Financial Officer shall be deemed to have transmitted the statement to the Council. With written notice to the Mayor and Council, the Chief Financial Officer may extend the time period to transmit the statement and analysis to the Council, not to exceed 10 additional days.

"(4) After the adoption of the annual budget for a fiscal year that is a non-control year, no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

"(5) For the purposes of this subsection, the term control year has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 152; D.C. Official Code, sec. 47-393(4)).".

Sec. 121. From the 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 amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

Sec. 122. Section 452 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1-204.52), is amended as follows:

(a) The existing language is designated as subsection (a).

(b) New subsections (b) and (c) are added to read as follows:

"(b) By March 1 of each year, or no later than the Mayor's annual submission of the budget pursuant to section 442, the Board of Education shall submit to the Council a budget detailing how the Mayor's proposed budget for the District of Columbia Public Schools shall be spent. The Board's submission shall allocate all monies by responsibility center and object class.

"(c) The submission shall also include a presentation that specifies the monies budgeted for each school. In order that the Council and the public may know the totality of

funds, goods, and services that will be provided directly to the local schools, the presentation shall specify (1) the funds available to each school, for which the decision to spend is made by the school's local school restructuring team, and (2) any other responsibility center funds, the spending of which directly benefits local schools (e.g., textbooks, substitute teachers, transportation, maintenance/engineers, nurses, teachers salaries).".

FISCAL YEAR MODIFICATION FOR THE UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 123. The third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; 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 2002, the fiscal year for 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.".

Sec. 3. 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).

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia

Approved with Disapproval
as to the Items or Provisions
described in the attached Statement: June 4, 2002