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District of Columbia Appropriations Act for FY2002: Comparison of General Provisions of P.L. 106-522 and House, Senate, and Conference Versions of H.R. 2944

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District of Columbia Appropriations Act for FY2002: Comparison of General Provisions of P.L. 106-522 and House, Senate, and Conference Versions of H.R. 2944

Summary

On December 21, 2001, President Bush signed into law the District of Columbia Appropriations Act for FY2002, P.L. 107-96 (formerly H.R. 2944). The House on December 6, 2001 and the Senate on December 7, 2001 approved the conference report accompanying H.R. 2944, after resolving significant differences in the general provisions of their respective versions of the act. P.L. 107-96 reduces the number of general provisions from 67 to 42. It eliminates a number of provisions that some observers consider obsolete, redundant, or intrusive. Among the more controversial issues addressed by Congress was a general provision that prohibited the use of federal and District funds to implement a 1992 District law that allow unmarried heterosexual or homosexual couples to register as domestic partners. Under P.L. 107-96, District employees who register as domestic partners will be allowed to include their domestic partners under their health insurance policies. The act lifts the ban on the use of District, but not federal, funds to implement the 1992 Health Care Benefits Expansion Act.

The District's elected leadership has voiced concerns about the inclusion of social riders in past appropriations bills and had hoped to negotiate with the House and Senate leadership on the contents of the general provisions to be included in the FY2002 appropriations bill for the District of Columbia. In previous years city officials had complained to past Administrations and the leadership of Congress about the inclusion of a number of social riders dealing with such issues as abortion, medical marijuana, domestic partners health insurance expansion, and needle and syringe exchange programs.

The District of Columbia Appropriations Act for FY2002, P.L. 107-96, continues existing prohibitions and restrictions on the use of federal and District funds for abortions and medical marijuana. Congress rejected Senate provisions that would have lifted the restrictions on the use of District funds for needle exchange programs, statehood lobbying, and court challenges aimed at providing city residents with voting representation in Congress. The act removes the restriction on the siting of needle exchange programs near public school facilities and requires the GAO to conduct a study of the payment of fees to attorneys representing students suing the school system under the Individuals with Disabilities Education Act. The GAO report is to include information on fees paid to attorneys representing the school system in such cases.

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District of Columbia Appropriations Act for FY2002: Comparison of General Provisions of P.L. 106-522 and House, Senate, and Conference Versions of H.R. 2944

Background

The chronology of District of Columbia Appropriations for FY2002 is as follows. On April 9, 2001, President Bush submitted his budget recommendations for FY2002. The Administration's proposed budget included \$342 million in federal payments and assistance to the District of Columbia. On May 25, 2001, the Mayor of the District of Columbia, Anthony Williams, transmitted to Congress a budget approved by the city council and the District of Columbia Financial Responsibility and Management Assistance Authority (control board) appointed by the President. The budget included \$5.3 billion in general fund expenditures and \$611 million in enterprise funds. The District budget, which must be approved by Congress, requested \$398 million in special federal payments for courts, corrections, and other activities. On September 25, 2001, the House approved its version of H.R. 2944, a bill appropriating funds for the District of Columbia for FY2002. The House bill would have appropriated \$398 million in special federal assistance to the District of Columbia, including \$16 million for emergency planning in response to the terrorists attacks of September 11, 2001. This was \$56 million more than requested by the Administration. On October 11, 2001, the Senate Appropriations Committee reported S. 1543, the Senate version of the District of Columbia Appropriations Act for FY2002. On November 7, 2001, the Senate approved its version of H.R. 2944 by substituting the language of S. 1543. On December 5, 2001, a House and Senate conference committee reported H.R. 2944 (H.Rept. 107-321). The House approved the conference report on December 6, 2001, and the Senate followed one day later, with a vote of 79 to 20. The president signed the act into law as P.L. 107-96 on December 21, 2001.

Differences existed between the general provisions included in the House, Senate, and conference versions of H.R. 2944 and those of the District of Columbia Appropriations Act for FY2001, P.L. 106-522. This year's appropriations act, signed by President Bush on December 21, 2001, includes 25 fewer general provisions: 42, down from 67 in the FY2001 appropriations. It allows the District to use its funds to implement the city's Health Care Benefits Expansion Act and removes the restriction on the location of needle exchange programs within 1,000 feet of public and public charter schools. The act maintains prohibitions and restrictions on the use of federal and District funds for the following:

- abortions;
- needle and syringe exchange programs;

- medical marijuana; and
- court challenges aimed at providing city residents with voting representation in Congress.

In approving the final version of the act, Congress rejected several Senate provisions that would have allowed the District to use local funds for needle exchange programs, statehood lobbying, and court challenges aimed at providing city residents with voting representation in Congress. It also rejected a Senate provision that would have waived the cap on fees for attorneys representing any student in a court action brought under the Individuals with Disabilities Education Act if the student was:

- from a family with an annual income of less than \$17,600; or
- from a family where one of the parents is a disabled veteran; or
- a child that had been found neglected or abused by the courts.

The District's elected leadership has voiced concerns about the inclusion of social riders in past appropriations bills, and negotiated with House and Senate leadership on the contents of general provisions to be included in the FY2002 appropriations bill for the District of Columbia. In previous years, city officials had complained to past Administrations and the leadership of Congress about the inclusion of a number of social riders dealing with such issues as abortion, medical marijuana, domestic partners health insurance expansion, and needle and syringe exchange programs. Proponents of social riders counter that such provisions are within the powers of Congress under Article I, Section 8, of the Constitution, which conveys to Congress exclusive legislative control over the District of Columbia. In addition, supporters of specific social riders such as the prohibition against the implementation of the District's domestic partners health care expansion program contend that they are intended to protect the institution of marriage, or, in the case of medical marijuana and needle exchange programs, prohibit government sanctioning of illegal drug use.

The following is a side-by-side comparison of the general provisions of the District of Columbia Appropriations Act for FY2001, P.L. 106-522, and the House, Senate, and final conference versions of H.R. 2944, the FY2002 act, which was signed by the President on December 21, 2001, as P.L. 107-96. This comparison follows the structure of P.L. 106-522. Any identical or equivalent House, Senate, or conference language that may not share the same section number as corresponding P.L. 106-522 provisions is identified in the same row as its P.L. 106-522 counterpart. Provisions included in P.L. 106-522, but not included in the final conference version of the act, are highlighted in gray. For additional information on P.L. 107-96, see CRS Report RL31013, *Appropriations for FY2002: District of Columbia*, by Eugene Boyd and Michael Fauntroy.

**District of Columbia General Provisions:
P.L. 106-522 and H.R. 2944**

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
Sec. 101. <i>Prohibition Against Deficit Spending.</i> The provision prohibits deficit spending by limiting spending to not more than the amount specifically appropriated.	Sec. 101. Identical to provision in P.L. 106-522.	Sec. 101. Identical to provision in P.L. 106-522.	Sec. 101. Identical to provision in P.L. 106-522.
Sec. 102. <i>Payment of Travel and Dues Related Expenses.</i> The provision allows funds appropriated under this Act to be used for travel and dues-related expenses of organizations concerned with the work of the District when approved by the mayor, and by the chair of the city council in the case of travel and dues related to the activities of the City council.	Sec. 102. Identical to provision in P.L. 106-522.	Sec. 102. Identical to provision in P.L. 106-522.	Sec. 102. Identical to provision in P.L. 106-522.
Sec. 103. <i>Payment of Judgments.</i> The provision allows District funds to be used to pay judgments against the city. The provision does not affect or modify Sec. 11(c) of Title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1812.11(c)(3), a provision governing credits and refunds for overpayments of District taxes.	Sec. 103. Identical to provision in P.L. 106-522.	Sec. 103. Identical to provision in P.L. 106-522.	Sec. 103. Identical to provision in P.L. 106-522.
Sec. 104. <i>Employment Personal Services and Consulting Contract Index.</i> The provision requires the mayor to maintain an index of all personal services and consulting contracts on behalf of the District government and to maintain records for public inspection, including information on severance clauses. The act defines the District government to include any independent agency of the District of Columbia, the City council of the District of Columbia, and the control board.	Not included in this bill.	Not included in this bill.	Not included in the final act.
Sec. 105. <i>Prohibition Against the Carryover of Appropriated Funds.</i> The provision requires the city to expend funds appropriated for FY2002 during that fiscal year, unless provided by another provision of this act.	Sec. 104 of this bill.	Sec. 104 of this bill.	Sec. 104 of the final act.
Sec. 106. <i>Use of Public Schools.</i> The act allows public schools to be used for community or partisan political activities during non-school hours.	Sec. 105 of this bill.	Sec. 105 of this bill.	Sec. 105 of the final act.

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
Sec.107. <i>Congressional Inspection of Personnel Records.</i> The personnel records of all persons employed by the District government would be made available for inspection by House and Senate authorization and appropriations subcommittees, and the District of Columbia City council.	Sec. 106 of this bill.	Not included in this bill.	Same as the House version of Sec. 106.
Sec. 108. <i>Payment for Information Leading to Revenue Recovery.</i> As authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Code, sec. 47-421), District funds may be used to make payments to any person or persons furnishing information leading to the collection of taxes, penalties, or interest owed to the District of Columbia by any person, partnership, corporation, unincorporated association, trust, or estate violating the revenue laws of the District of Columbia.	Sec. 107 of this bill.	Not included in this bill.	Not included in the final act.
Sec. 109. <i>Prohibition on the Use of Funds for Lobbying.</i> Prohibits the city from using funds to defeat any legislation pending before Congress or any state legislature.	Sec. 108 of this bill.	Sec. 106 of this bill would prohibit the use of federal funds for lobbying activities, but permit the District to use its own-source revenues for lobbying activities.	Sec. 107. Prohibits the city from using city or federal funds to defeat any legislation pending before Congress or any state legislature. Allows the use of District funds for lobbying except in instances involving the promotion or support of any boycott or activities in support of statehood for the District or voting representation in Congress.
Sec. 110. <i>Capital Borrowing Plan.</i> Requires the mayor to develop an annual capital outlays borrowing plan. The plan is to include quarterly and project information. The mayor is to report to the city council and the Congress on actual and projected spending.	Sec. 109 of this bill.	Sec. 107 of this bill.	Sec. 108 of this act.

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
<p>Sec. 111. <i>Prohibition on the Reprogramming of Funds.</i> Prohibits the District government from reprogramming federal and District funds appropriated under the Act for seven specific activities. Funds could not be reprogrammed in order to:</p> <ol style="list-style-type: none"> 1. create new programs; 2. eliminate a program or project; 3. establish or change allocations specifically denied, limited, or increased by Congress; 4. increase funds for activities or personnel in areas where funds have been denied or restricted; 5. re-establish funding for any project previously deferred through reprogramming; 6. augment existing programs or projects by reprogramming funds that exceed \$1 million or 10% of the existing program's funding; 7. prohibit a 20% or greater increase in personnel assigned to a specific project. <p>Funds may be reprogrammed after congressional review by House and Senate Appropriations Committees. Limits the transfer of reprogram funds to not more than 2% of the local funds in the appropriations.</p>	<p>Sec. 110 of this bill.</p>	<p>Sec. 108 of this bill would increase from 2% to 4% the limit on the amount of reprogrammed funds that may be transferred between local account subject to the existing reprogramming procedure.</p>	<p>Sec. 109 identical to Sec. 108 of the Senate bill.</p>
<p>Sec. 112. <i>Limitation on the Use of Appropriated Funds.</i> Limits the use of funds to the activities or objects for which the appropriations were made except as otherwise provided by law.</p>	<p>Sec. 111 of this bill.</p>	<p>Sec. 109 of this bill.</p>	<p>Sec. 110 of this act.</p>
<p>Sec. 113. <i>Merit Personnel Act Responsibility of the Mayor.</i> States that the mayor shall be responsible for the administration of personnel function of employees under the city's merit pay personnel code. In determining employee compensation, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 shall apply.</p>	<p>Sec. 112 of this bill. The bill also includes additional provisions related to certification by the District's Director of Personnel and the Chief Technology Officer (CTO) governing the assignment of employees of private sector companies to the District government. Requires CTO to <i>(continued)</i></p>	<p>Sec. 110 of this bill.</p>	<p>Sec. 111 identical to Sec. 112 of House bill.</p>

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
	<i>(continued)</i> report to city council and House and Senate Appropriations Committees on all agreements entered into no later than 45 days after the end of the fiscal year.		
Sec. 114. <i>City Council Review of Revised Revenue Estimates.</i> Requires the mayor to submit to the City council revised revenue estimates for the first quarter of FY2000 not later than 30 days after the first quarter of fiscal year 2000.	Not included in the bill.	Sec. 111 of this bill.	Sec. 112 same as Sec. 111 of Senate bill.
Sec. 115. <i>Sole Source Contracts.</i> Prohibits sole source contracts for services unless competitive bidding is not feasible and the contract has been approved by the control board as set forth by D.C. Code, sec. 1-1183.3.	Sec. 113 of this bill.	Sec. 112 of this bill. Includes a provision requiring the CFO to review and certify the decision to invoke or waive the competitive bidding process.	Sec. 113 same as Sec. 112 of Senate bill.
Sec. 116. <i>Sequestration under the Balanced Budget.</i> In order to comply with sequestration order under Balanced Budget and Emergency Deficit Control Act of 1985, federal funds appropriated under a District of Columbia appropriations act are to be sequestered from each account and not the aggregate total of those accounts.	Not included in the bill.	Sec. 113 of this bill.	Sec. 114 incorporates language of Sec. 113 and 114 of the Senate bill under one provision.
Sec. 117. <i>Sequestration Protocol.</i> Outlines the protocol to be used when there is a sequestration of federal funds appropriated to the District.	Sec. 114 of this bill.	Sec. 114 of this bill.	Sec. 114 incorporates language of Sec. 113 and 114 of the Senate bill under one provision.
Sec. 118. <i>Gifts and Donations.</i> Allows District government agencies and officials to accept gifts and donations in FY2000 only if: <ul style="list-style-type: none"> • the mayor approves, (this provision does not apply in cases of gifts or donation to the city council); • the gift or donation is used to carry out an agency function; • the government entity receiving the gift or donation keeps records of all gifts and donations available for audit and public inspection. This section does not apply to the Board of Education.	Sec. 115 of this bill.	Sec. 115 of this bill.	Sec. 115 of this act.

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
<p>Sec. 119. <i>Prohibits the Use of Funds for Statehood Lobbying.</i> Prohibits the use of federal funds for the payment of expenses related to the offices of U.S. Senate or U.S. House of Representative under the District of Columbia Statehood Constitution Initiative.</p>	Sec. 116 of this bill.	Sec. 116 of this bill.	Sec. 116 of this act.
<p>Sec. 120. <i>Public Charter School Procurement Contracts.</i> This provision requires public charter schools to publish requests for proposals in the D.C. Register at least seven days prior to the awarding of a procurement contract that exceeds \$25,000. This requirement does not apply in cases related to the lease or purchase of real property by the charter school. Public charter schools with preschool or pre-kindergarten programs are subject to the same child care licensing requirements as District public schools with the same programs. Public charter schools may also participate in GSA programs.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 121. <i>DCPS /UDC Quarterly Reports.</i> Requires the superintendent of public schools and UDC to submit quarterly reports to the mayor, control board, city council, and Congress not later than 15 days after the end of each quarter. Reports are to include:</p> <ul style="list-style-type: none"> • current quarterly expenditures; • list of frozen accounts; • all active contracts exceeding \$10,000; • reprogrammed funds; and • organizational changes <p>Requires the superintendent of public schools and the University of the District of Columbia to submit an annual report to Congress, the mayor, the city council, the control board, and the consensus commission no later than February 15th of each year. The reports are to be a compilation of the position and employees of the school system and University.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
<p>Sec. 122. <i>Disabled Students Attorney's Fees.</i> Limits the compensation for attorneys representing disabled students to no more than \$2,500. Allows the Mayor and the Superintendent of Public Schools to revise the rate and amount of compensation.</p>	<p>Not included in this bill.</p>	<p>Sec. 138. Senate passed an amendment that would increase the limit on attorney's fees to \$150 per hour and \$3,000 per case. Sec. 138 would lift the cap for attorney representing any student:</p> <ul style="list-style-type: none"> (a) from a family with an annual income of less than \$17,600; or (b) from a family where one of the parents is a disabled veteran; or (c) where the child has been adjudicated as neglected or abused. 	<p>Sec. 140 of this act. Prohibits the use funds appropriated under this and subsequent appropriation act from being used to pay attorney's fees associated with representing disabled students incurred prior to the enactment of this act. Requires the DC public school system to submit to Congress a report that lists judgements against the DC public schools under the Individuals with Disabilities Education Act . The report is to be submitted with 60 days of enactment of this act and is to include detailed information for each of the years 1999 to 2001 on the amount paid and owed plaintiffs' attorneys and attorneys representing the school board.</p>
<p>Sec. 123. <i>Abortion.</i> Prohibits the use of funds for abortion services except in cases of rape, incest, or when the mother's health is endangered.</p>	<p>Sec. 117 of this bill.</p>	<p>Sec. 117 of this bill.</p>	<p>Sec. 117 of this act.</p>
<p>Sec. 124. <i>Health Care Benefits Expansion Act.</i> Prohibits the use of District and federal funds to implement the Health Care Benefits Expansion Act of 1992, which extends medical, employment, and government benefits to unmarried couples, including homosexuals.</p>	<p>Sec. 118 of this bill would allow the District to use local (District), but not federal, funds to implement the act.</p>	<p>Sec. 118 of this bill would allow the District to use local (District), but not federal, funds to implement the act.</p>	<p>Sec. 118 identical to Sec. 118 of House and Senate bills.</p>

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
<p>Sec. 125. <i>Control Board Approval of Budget for UDC, DCPS, and DC Library.</i> Allows the control board acting on behalf of the public schools, University of the District of Columbia, Board of Library Trustees, and the District of Columbia School of Law to vote and approve the annual or revised budgets of these entities before submission to the mayor for inclusion in the mayor’s budget submission to the city council.</p>	<p>Not included in this bill.</p>	<p>Not included in this bill.</p>	<p>Not included in this act.</p>
<p>Sec. 126(a). <i>Acceptance of Grant Funds Not Included in Ceiling.</i> The mayor, after consulting with the CFO, may accept grant funds not appropriated in this Act, but only after:</p> <ul style="list-style-type: none"> • the CFO submits a detailed report on the grant to the control board; and • the control board has reviewed and approved the grant. <p>The provision:</p> <ul style="list-style-type: none"> • prohibits the city from expending city funds in anticipation of a grant award; • requires the CFO to submit to the city council and House and Senate Appropriations Committees detailed reports regarding all federal and private grants approved under this section; • requires the control board to submit to congressional appropriations and authorizing committees a quarterly report accounting for all non-appropriated funds. 	<p>Sec. 119 of this bill differs slightly from Sec. 126 of P.L. 106-522. It would require the CFO to submit a detailed report to the city council, and not the control board, for its approval within 15 days after the receipt of the report from the CFO.</p>	<p>Sec. 119 of this bill differs from Sec. 126 of P.L. 106-522 and Sec. 119 of the House bill. The bill would make acceptance of federal, private, or other grants contingent upon the absence of any written or oral notice of disapproval from the CFO filed with the city council within 14 days of receipt of the report from the CFO. If notice of disapproval is given within the 14-day time frame, city council may approve or disapprove the report by resolution within 30 calendar days of receipt of the report from the CFO. The bill enhances local control by including the city council in the process of reviewing and accepting grants.</p>	<p>Sec. 119 allows the mayor, after consulting with CFO, to accept and expend grants from private and federal sources that are not part of this appropriation. Such gifts may be accepted and expended only after the CFO has submitted to the Council a detailed report regarding such grants. The Council has 15 days after receipt of the report to review and approve its acceptance. The act prohibits the expenditure of District funds in anticipation of the Council’s approval. It requires the CFO to submit to Congress quarterly reports tracking such grants.</p>
<p>Sec. 127. <i>Court Ordered Receiverships.</i> In cases where a District agency is under the control of a court appointed receiver, requires the receiver submit to the mayor budget estimates for the agency for the upcoming fiscal year. The mayor may include his own funding recommendations, but may not revise the receiver’s budget estimates when forwarding these estimates to the city council. During its budget deliberations the city council may recommend but may not revise the receiver’s budget estimates.</p>	<p>Not included in this bill.</p>	<p>Not included in this bill.</p>	<p>Not included in this act.</p>

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
<p><i>Sec. 128. Use of City Vehicles.</i> Limits a District employee's use of official vehicles only to performance of official duties. Grants four exceptions:</p> <ul style="list-style-type: none"> • a police officer may use police vehicles to travel to and from work and home only if the officer resides in the District of Columbia, or is granted permission by the Chief of Police; • an employee of the Fire and Emergency Ambulance Department who resides in the District and is on call 24 hours a day; • the mayor; and • chair of the city council. <p>Requires the CFO to submit an inventory of all vehicles owned, leased or operated by the District government by November 15, 2000. Does not specify to whom the inventory is to be submitted.</p>	<p>Sec. 120 of this bill. The bill would require the CFO to inventory all vehicles owned, leased, or operated by the District government by November 15, 2001. The bill includes an additional provision for items in excess of \$2,500, that requires that the District conduct a cost analysis for the procurement of goods and services comparing costs under District procurement regulations and procedures with those applicable under the federal (GSA) supply schedules.</p>	<p>Sec. 120 of this bill. The Senate bill includes the requirement for an analysis comparing cost under District and federal (GSA) procurement regulations and procedures under Sec. 121.</p>	<p>Sec. 120 same as Sec. 120 of House bill.</p>
<p><i>Sec. 129. Employee Details and Reductions in Force.</i> Requires District government employees on detail from an agency be paid from funds of the agency to which they are detailed. Modifies reduction in force procedures.</p>	<p>Not included in this bill.</p>	<p>Not included in this bill.</p>	<p>Not included in this act.</p>
<p><i>Sec. 130. Special Education Evaluation Time Frame.</i> This provision requires that the school board complete an evaluation of students who may be in need of special education services within 120 days of the student's referral and to place students with special education needs, as defined by federal law (Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or the Rehabilitation Act of 1973 29 U.S.C. 706(8), in appropriate programs).</p>	<p>Sec. 121 of this bill.</p>	<p>Sec. 122 of this bill.</p>	<p>Sec. 121 of this act.</p>
<p><i>Sec. 131. Buy American Act.</i> Encourages District government to comply with the Buy American Act 41 U.S.C. 10a-10c). Includes a sense of the Congress provision encouraging the purchase of American made products.</p>	<p>Sec. 122 of this bill.</p>	<p>Sec. 123 of this bill.</p>	<p>Sec. 122 of this act.</p>
<p><i>Sec. 132. Inspector General Audits.</i> Only the District of Columbia Inspector General may conduct and certify agency audits in compliance with the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4).</p>	<p>Sec. 123 of this bill.</p>	<p>Sec. 124 requires that the audit be conducted in coordination with the CFO.</p>	<p>Sec. 123 amends Sec. 132 to include requirement that Inspector coordinate the audit with the CFO.</p>

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
Sec. 133. <i>Voting Representation Cost Prohibition.</i> Prohibits the use of federal and District funds, including funds for the corporation counsel, to cover the cost of court challenges aimed at providing city residents with voting representation in Congress.	Sec. 124 of this bill.	Sec. 125. prohibits the use of federal, but allows the use of District, funds for court challenges seeking congressional voting representation for District residents.	Sec. 124 same as Sec. 124 of House bill and Sec. 133 of existing law.
Sec. 134. <i>Prisoner Transfers Prohibition.</i> Prohibits the transfer of maximum security prisoners to the Northeast Ohio Correctional Center in Youngstown, Ohio.	Not included in this bill.	Not included in this bill.	Not included in this act.
Sec. 135. <i>Inspector General Audit.</i> Requires the IG to annually audit the District of Columbia Highway Trust Fund by February 1 of each year, and to submit the audit findings to Congress.	Not included in this bill.	Not included in this bill.	Not included in this act.
Sec. 136. <i>Revised Operating Budget Submission.</i> Requires the CFO to submit to the appropriate committees of Congress, the mayor, the city council, and the control board a revised appropriated funds operating budget not later than November 1, 2000, or within 30 days after the passage of this Act.	Sec. 135 of this bill excludes any reference to the control board and requires submission of the revised operating budget not later than November 1, 2001, or within 30 days after the passage of this Act.	Sec. 126 of this bill excludes any reference to the control board and requires submission of the revised operating budget not later than November 1, 2001, or within 30 days after the passage of this Act.	Sec. 135 of this act is same as Sec. 135 of House bill.
Sec. 137. <i>Needle Exchange Program.</i> Prohibits the creation and funding of a needle exchange program with federal or District government funds. Such programs may be funded with private funds and must be accounted for separately.	Sec. 125 of this bill.	Sec. 127 of this bill. The bill would modify the existing provision by lifting the prohibition on the use of District funds for such programs.	Sec. 125 of this act.

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
<p>Sec. 138. <i>Lease Agreements and Abstracts.</i> Sixty days after enactment of this Act, no funds appropriated under the Act may be used to pay leasing fees unless the lease and an abstract of the lease agreement are on file with the office of the District's deputy mayor for economic development. All leased properties must be occupied. None of the funds appropriated under the Act may be used to pay rental fees unless the lease is included in periodic reports submitted by the mayor and the city council to House and Senate Appropriations Committees. The report is to include information on the location of the property, the name of the lessors, the rate of payment, the extent to which the property is occupied. Where occupancy is impractical, the District must develop a plan to terminate or renegotiate the lease. The mayor must submit a quarterly report to Congress on all real property the city has leased during the prior period.</p>	Not included in bill	Not included in this bill.	Not included in this act.
<p>Sec. 139. <i>Prohibition on New Lease Agreements.</i> Prohibits the city from entering into new lease agreements unless the mayor certifies to the House and Senate Appropriations Committees that existing rental property does not meet city's needs. Within 60 days of enactment of this Act the mayor must provide a report outlining a comprehensive real property management plan to House and Senate authorization and appropriations committees. If the city enacts reform legislation governing real property leasing practices and procedures the provision prohibiting the District government from entering new leases subject to congressional review would be voided.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 140. <i>CFO Certifications.</i> Funds may not be used to pay agency CFOs 60 days after the passage of this Act if the agency CFO has not filed a statement with the mayor and CFO of the District certifying that the agency CFO understands and will abide by the duties and restrictions of his office.</p>	Sec. 126 of this bill.	Sec. 128 of this bill.	Sec. 126 of this act.
<p>Sec. 141. <i>FY2002 Budget Adjustments.</i> Budget submitted by the District for approval by Congress may specify potential adjustments that might become necessary if projected management savings are not achieved.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
Sec. 142. <i>Budget Definition of Miscellaneous and Other.</i> Requires future budget submissions to define the terms “miscellaneous” and “other.”	Sec. 127 of this bill.	Not included in this bill.	Not included in this act.
Sec. 143. <i>Medical Marijuana Initiative.</i> Prohibits the use of federal or District funds in carrying out any law or regulation that legalizes or reduces the penalty for possession of a Schedule I substance, including the medical use of marijuana. Prohibits the implementation of citizen approved medical marijuana initiative.	Sec. 128 of this bill.	Sec. 129 of this bill.	Sec. 127 of this act.
Sec. 144. <i>Zone Academy Bonds.</i> Allows the mayor to allocate zone academy bonds to qualified zone academies in the District.	Sec. 129 of this bill.	Not included in this bill.	Not included in this act.
Sec. 145. <i>Corrections Trustee and Corrections Employees Converted to Federal Employment Status.</i> Converts or treats trustee and employees for the corrections trustee as federal employees for retirement, health, and life insurance purposes. This includes employees in the Office of Adult Probation, Office of Parole, and Pretrial Service Agency.	Not included in this bill.	Not included in this bill.	Not included in this act.
Sec. 146. <i>Franklin School Disposition.</i> Sense of the Congress provision urging the expedited sale of the Franklin School property.	Not included in this bill.	Not included in this bill.	Not included in this act.
Sec. 147. <i>Conscience Clause Covering Contraceptive Coverage in Private Health Plans.</i> The provision requires the inclusion of a conscience clause allowing employers to exclude contraceptive coverage in the employer’s health insurance plan for moral or religious reasons.	Sec. 130 of this bill.	Sec. 130 of this bill.	Sec. 128 of this act.
Sec. 148. <i>Chief Medical Examiner.</i> Repeals Chapter 23, Title 11 of the DC Code governing the organization and jurisdiction of the courts. Removes the Chief Medical Examiner from court jurisdiction and places it in the executive branch of the District government.	Not included in this bill.	Not included in this bill.	Not included in this act.

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Sec. 149. <i>Prompt Payment of Appointed Counsel.</i> Requires the DC Court of Appeals to make payment to counsel representing indigent persons, and children in neglect and abuse cases within 45 days of receiving a payment voucher. Failure to make payment within the 45-day time period would require the DC Court of Appeals to pay interest to the attorneys representing indigent persons, and children in neglect and abuse cases. Requires the Court to establish standards for the submission of completed vouchers.	Sec. 131 of this bill. The provision would apply to claims made during FY2002, and unpaid claims received prior to the end of FY2001.	Sec. 131 of this bill. The provision would apply to claims made during FY2002, and unpaid claims received prior to the end of FY2001.	Sec. 129 of this act includes language of Sec. 149 of P.L. 106-522 and Sec. 131 of Senate bill.
Sec. 150. <i>Limitations on Needle Exchange Programs.</i> Prohibits the distribution of needles or syringes within 1000 feet of day care centers, public pools, schools, colleges, parks, video arcades, public housing, playgrounds, and youth centers. Requires Public Housing Authority to submit monthly reports to House and Senate Appropriations Committees on activities involving illegal drugs in, near, and around public housing projects.	Not included in this bill.	Not included in this bill.	Not included in this act.
Sec. 151. <i>Teenage Smoking.</i> Bans possession of tobacco by minors and imposes fines, community service, and revocation of driving privileges. Provides \$100,000 in federal assistance for enforcement activities.	Sec. 132 of this bill.	Not included in this bill.	Sec. 130 of this act.
Sec. 152. <i>Corporation Counsel Review of Private Lawsuits.</i> Allows the District's corporation counsel to review and comment on briefs in lawsuits filed by private citizens, and to consult government officials regarding such lawsuits. This provision would allow corporation counsel to review pending lawsuits regarding voting representation in Congress for District residents.	Sec. 133 of this bill.	Not included in this bill.	Sec. 132 of this act.
Sec. 153. <i>EPA and Federal Cooperative Agreement Act.</i> Allows EPA to enter into cooperative agreements and grants in DC if principal purpose is to provide comparable benefits to federal and non-federal properties in the District.	Not included in this bill.	Not included in this bill.	Not included in this act.

P.L. 106-522	H.R. 2944, House Version	H.R. 2944, Senate Version (formerly S. 1543)	H.R. 2944 Final
<p>Sec. 154. <i>Comprehensive Financial Management Policy.</i> Requires the District to develop a financial management policy that includes the following elements: cash management policy; debt management policy; financial asset management policy; emergency reserve management policy; contingency reserve management policy; real property tax-exemption policy. Requires the CFO to undertake an annual review of the city’s financial management policy and to submit proposed changes in policy to the mayor and the control board, in a control year by July 1. Requires the CFO, after the mayor and control board have commented, to submit its recommendation to the city council for enactment no later than August 1 of each year. The policy and any changes are to be submitted to House and Senate District oversight committees. The provision establishes a schedule for submission of the first financial management plan.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 155. <i>Appointment, Dismissal, and Duties of the CFO.</i> The provision provides for the appointment and dismissal of the CFO by the mayor with confirmation by the city council. Requires a 2/3 vote by the city council to approved the dismissal of the CFO. The provision requires a 30-day congressional review period before the appointment or dismissal of the CFO may take effect. Identifies additional duties of the CFO including administering the District’s payroll and retirement systems, cash management program, accounting policies and principles, borrowing program, preparing annual, quarterly, and monthly financial reports of accounting and financial operations, and preparing — within 120 days after the end of each fiscal year — the complete financial statement and report on the activities of the District government.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 156. <i>Overtime Pay.</i> Establishes a minimum threshold of 40 hours a week before District employees may overtime pay.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 157. <i>Drug Free Workplace.</i> Waives the requirement for Health and Human Services (HHS) review and certification of the Court Services and Offender Supervision Agency drug free workplace program. The waiver shall be terminated on July 28, 2001, or the date HHS approves the agency’s program.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.

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<p>Sec. 158. <i>Budget-linked Quality of Life Factors.</i> Identifies a number of quality-of-life indicators that characterize the city’s deficiencies in the areas of crime, education, corrections, management of public services. Directs the mayor to submit quarterly reports to House and Senate appropriation and oversight committees.</p>	<p>Not included in this bill.</p>	<p>Sec. 132 of this bill.</p>	<p>Sec. 131 of this act.</p>
<p>Sec. 159. <i>Emergency Cash Reserve and Contingency Reserve Funds.</i> The act amends the Home Rule Act establishing interest bearing reserve funds: an emergency reserve fund equal to 4% of total operating budget derived from local funds, and a contingency reserve fund equal to 3% of total operating budget derived from local funds.</p> <p><i>Emergency Cash Reserve Fund.</i> Establishes the criteria for use of the emergency cash reserve fund to include unanticipated and nonrecurring extraordinary needs such as a natural disaster or state of emergency declared by the mayor. Prohibits use of the fund for:</p> <ul style="list-style-type: none"> ● activities in agencies administered by a receiver or other court appointed official; ● shortfalls in budget reductions, and ● settlements and judgements. <p>Funds may be allocated only after:</p> <ul style="list-style-type: none"> ● an analysis by the CFO of the availability of other funding sources, and the impact of the allocation on the emergency reserve fund; and ● the CFO projects that the contingency reserve fund will or has been exhausted. <p>The Act requires the mayor and CFO, in a non-control year, to notify the House and Senate Appropriations Committees in writing within 30 days after the expenditure of emergency reserve funds. Requires the District to replenish the reserve fund each year in order to maintain an operating balance equal to 4% of local funds.</p>	<p>Not included in this bill.</p>	<p>Sec. 133 of this bill modifies Sec. 159 of P.L. 106-522. Requires budget reserve of \$120 million in FY2002, and \$70 million in FY2003. For each of fiscal years 2004 and 2005 the District must maintain a cumulative cash reserve of \$50 million. Outlines the conditions under which budget and cash reserves may be used to include:</p> <ul style="list-style-type: none"> ● CFO certification that funds are available; ● amounts are to be obligated or expended in accordance with laws enacted by city council; ● prohibition on the use of funds for agencies under court ordered receivership; and ● only after House and Senate Appropriations Committees have been notified by the mayor in writing 30 days in advance of any obligation or expenditure. 	<p>Sec. 132 of this act is same as Sec. 133 of Senate bill.</p>

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<p><i>Sec. 159. (continued) Contingency Cash Reserve Fund.</i> Requires that policies governing the fund shall be established by the CFO in consultation with the mayor. The act establishes the criteria for use of the contingency cash reserve fund to include unanticipated needs, including those associated with weather or other natural disasters, unexpected obligations created by federal law, or new public safety and health requirements, opportunities to achieve cost savings, or for three consecutive months revenue shortfalls are 5% or more below the budget forecast. Funds may be allocated only after an analysis by the CFO of the availability of other funding sources and the impact of the allocation on the contingency reserve fund. Requires the District to replenish the reserve fund each year in order to maintain an operating balance equal to 3% of local funds.</p> <p><i>Quarterly Reports.</i> The act requires the CFO to submit quarterly reports to the mayor, city council, and House and Senate Appropriations Committees on the balance and activities of the emergency and contingency reserve.</p> <p><i>Current Reserve Fund.</i> Requires the District to maintain the \$150 million current reserve fund through FY2004.</p>		<p>Requires funds take from the reserve be replenished in order to maintain required balance. Transfers all funds in the \$150 million budget reserve created under Sec. 106-113 into the Emergency and Contingency Reserve Funds established under Sec. 159 of P.L. 106-522.</p>	
<p><i>Sec. 160. Tobacco Settlement-Backed Revenue Bonds.</i> City council delegates to the Tobacco Settlement Financing Corporation the authority issue revenue bonds, notes, and other obligations to borrow funds for use in financing capital projects. The provision waives the congressional review period for the Tobacco Settlement Financing Act.</p>	<p>Not included in this bill.</p>	<p>Not included in this bill.</p>	<p>Not included in this act.</p>
<p><i>Sec. 161. Construction Funds for Charter Schools.</i> Includes charter schools as eligible entities for school construction and repair funds by amending the Student Loan Marketing Association Reorganization Act of 1996. The provision provides \$5 million in credit enhancement funds for public charter schools with 50% of such grants awarded to nonprofit corporations to assist the public charter schools obtain financing for the acquisition of real property, construction, expansion, and renovation of facilities, enhancing the availability of loans and bonds. Funds may not be used to make <i>(continued)</i></p>	<p>Not included in this bill.</p>	<p>Not included in this bill.</p>	<p>Not included in this act.</p>

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<p><i>(continued)</i> direct loans or grants to charter schools. Fifty percent of the \$5 million may be made available to public charter schools for the purpose of obtaining financing for the acquisition of real property, construction, expansion, and renovation of facilities, enhancing the availability of loans and bonds. These funds are to be administered by a committee that is to be appointed by the mayor. Not more than 10% of the funds may be used to cover administrative costs.</p>			
<p>Sec. 162. <i>Washington Marina.</i> Grants the mayor exclusive authority to negotiate, approve, and execute leases with existing tenants of the Washington Marina and Washington municipal fishing wharf.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 163. <i>Lorton Property.</i> Transfers certain property in the Lorton area to Fairfax County for use for educational purposes.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 164. <i>Inspector General Audit Subcontractors.</i> Directs the Inspector General to hire an auditor to audit the District's annual financial statement and report. Allows the primary auditor hired by the IG to subcontract the work. Allows a subcontracting auditor to serve as the primary auditor in the succeeding year if the subcontractor is not a signatory to the financial statement and report of the previous year, the subcontractor is not an employee of the primary auditor, and the primary auditor reviewed and approved the work of the subcontractor for the previous year.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 165. <i>Lorton and Meadowood Farm Land Exchange.</i> Allows for the transfer of property known as Meadowood Farm to the federal government in exchange for real property at the Lorton Correctional Complex.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 166. <i>DC Highway Funds Transfer for 14th Street Bridge Expansion.</i> Transfers up to \$5 million from the city's highway trust fund to study the feasibility of expanding the lane capacity of the 14th Street Bridge. Funds are to be used for design work and environmental review.</p>	Not included in this bill.	Not included in this bill.	Not included in this act.
<p>Sec. 167. <i>Conference Report Statement.</i></p>	Not included in this bill.	Not included in this bill.	Not included in this act.

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Not included in the Act.	Sec. 134. <i>Proceeds from Real Property Disposition.</i> Directs the GSA to sell any land at the Lorton Correctional Complex that is not transferred to the Department of Interior, Amtrak, Fairfax County, or otherwise transferred. Proceeds from the sale may be deposited into a special fund to cover real property use and disposal related expenses, including environmental remediation and compliance. Remaining funds are to be deposited in the Policy and Operations appropriation account of the GSA.	Sec. 134. <i>Integrated Product Team.</i> Prohibits the appropriation of funds for the Integrated Product Team the city council has approved a reorganization plan for the team and a Capital Construction Services Administration.	Sec. 134 same as Sec. 134 of Senate bill.
Not included in the Act.	Sec. 135. <i>Revised Operating Budget Submission.</i> See Sec. 136 of P.L. 106-522.	Sec. 135. <i>Corporation Counsel Antitrust, Anti-fraud, Consumer Protection Funds.</i> Provides access by the city's Corporation Counsel for use until September 30, 2003.	Not included in this act.
Not included in the Act.	Sec. 136. <i>City Council Chairman Compensation.</i> Eliminates the provision that provides \$10,000 in additional annual compensation to the chairman of the city council above the amount of compensation provided to other council members. Provides additional compensation to chairman of the city council equal to \$10,000 less than the compensation paid to the mayor.	Not included in this bill.	Sec. 137 of this act is identical to Sec. 136 of House bill.

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Not included in the Act.	Not included in this bill.	Sec. 136. <i>Risk Management for Settlements and Judgments.</i> Allows any District government agency to pay a settlement or judgement stemming from a claim or lawsuit that does not exceed \$10,000.	Sec. 137 of this act is identical to Sec. 136 of Senate bill.
Not included in the Act.	Sec. 137. <i>Buy America Sanctions.</i> Federal and District funds may not be used to pay or compensate any entity that violates the Buy America Act.	Not included in this bill.	Language included in Sec. 122 of this act.
Not included in the Act.	Not included in this bill.	Sec. 137. <i>Closing of Certain Streets.</i> Waives the period of congressional review for closing portions of 2 nd & N Streets NE.	Sec. 138 of this act.
Not included in the Act.	Sec. 138. <i>Boy Scouts.</i> Prohibits the use of District or federal funds for payment to plaintiffs awarded \$50,000 by the District's Commission on Human Rights related to Boy Scout's policy prohibiting homosexuals from serving as scout leaders.	Not included in this bill.	Sec. 139 of this Act identical to Sec. 138 of the House bill.
Not included in the Act.	Not included in this bill.	See Section 122 of P.L. 106-522, <i>Special Needs Students Attorneys' Fees.</i>	Sec. Section 122 of P.L. 106-522, <i>Special Needs Students Attorneys' Fees.</i>
Not included in the Act.	Not included in this bill.	Sec. 140. <i>Mandatory Advanced Electronic Information for Air Cargo and Passengers entering the United States.</i> Requires every air carrier entering the United States to obtain clearance under U.S. customs laws.	Not included in this act.

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Not included in the Act.	Not included in this bill.	Sec. 141. <i>GAO Report on Attorney's Fees for Special Needs Students.</i> Directs GAO, with the assistance of relevant agencies and House and Senate subcommittees on DC appropriations and oversight, to submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et. seq.). (See also Sec. 122 of P.L. 106-522.)	Sec. 141. <i>GAO Report on Attorney's Fees for Special Needs Students.</i> Similar to Senate version of Sec. 141 except for date of submission of the report. Directs GAO to submit a report on judgement and attorneys' fees in cases brought under the IDEA by March 31, 2002. (See also Sec. 122 of P.L. 106-522.)