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District of Columbia Appropriations Act for FY2004: Comparison of General Provisions of P.L. 108-7 and the House and Senate Versions of H.R. 2765

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District of Columbia Appropriations Act for FY2004: Comparison of General Provisions of P.L. 108-7 and the House and Senate Versions of H.R. 2765

Summary

This report summarizes the general provisions of the District of Columbia Appropriations Act for FY2003 (Sec. 2, Division C, of P.L. 108-7) and the District of Columbia Appropriations Act for FY2004 (H.R. 2765, as approved by the House, and S. 1583 (now H.R. 2765), as reported by the Senate Appropriations Committee). The report will be updated to reflect the conference version of the bill as it moves through the legislative process. This report only briefly summarizes proposed FY2004 funding recommendations for the District. For detailed information on FY2004 proposed funding levels and analysis of key policy issues included in House, Senate, and conference versions of the District of Columbia's FY2004 Appropriations Act, the reader is advised to see CRS Report RL31813, *Appropriations for FY2004: District of Columbia*, by Eugene Boyd.

On September 4, 2003, the Senate Appropriations Committee reported S. 1583, the District of Columbia Appropriations Act for FY2004 (S.Rept. 108-142). The Committee recommended approval of the city's \$5.7 billion operating budget and recommended \$545 million in special federal payments to the city. On September 9, 2003, the House of Representatives approved H.R. 2765, its version of the District of Columbia Appropriations Act for FY2004 (H.Rept. 108-214). The House bill recommended \$466 million in special federal payments for the District of Columbia and recommended approval of the District's \$5.7 billion operating budget for FY2004. Both bills include a number of general provisions. **Table 1** is a section-by-section comparison of the general provisions of P.L. 108-7 and the House and Senate versions of H.R. 2765.

These general provisions, which can be grouped into five categories, address fiscal and budgetary matters; impose administrative controls; facilitate congressional oversight and reporting; limit use of appropriated funds for advocacy of congressional voting rights for District residents; and impose limits, restrictions, and prohibitions on the use of federal or local funding to carry out specific social policies (see **Table 2**). For instance, both bills would continue to (1) allow the District to use its local, but not federal, funds to administer a domestic partners health insurance act approved by the city in 1992; (2) prohibit the use of District or federal funds to prepare and implement a medical marijuana ballot initiative; and (3) restrict the use of federal or District funds for abortion services except in instances of rape or incest or a threat to the mother's health. The House version of H.R. 2765 would continue to prohibit the use of local and federal funding for a needle exchange program, while the Senate version would prohibit the use of only federal funds for such activities. The bills also include fiscal and budgetary controls prohibiting deficit spending, limiting the reprogramming of funds, requiring the District to conduct cost analysis for the procurement of all items or services in excess of \$2,500, prohibiting the use of sole source contracts, and detailing sequestration protocols. This report will be updated as warranted to reflect additional House, Senate, and conference action.

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District of Columbia Appropriations Act for FY2004: Comparison of General Provisions of P.L. 108-7 and the House and Senate Versions of H.R. 2765

Background

This report summarizes the general provisions of the District of Columbia Appropriations Act.¹ When enacting appropriations for the District of Columbia, Congress has typically included a number of general provisions. **Table 1**, which follows, is a side-by-side comparison of the general provisions of the District of Columbia Appropriations Act for FY2003 (Sec. 2, Division C, of P.L. 108-7), the House-passed version of H.R. 2765, and the Senate version of the bill (formerly S. 1583), as approved by the Senate Appropriations Committee. Conference provisions for FY2004 will be added when the legislation is reported out of the conference committee.

This comparison follows the structure of P.L. 108-7. Identical or equivalent legislative language that does not share the same section number as the corresponding P.L.108-7 provision is identified in the same row as its P.L. 108-7 counterpart. Provisions included in P.L. 108-7, but not included in the House or Senate versions of H.R. 2765, are highlighted in gray.

Article I, Sec. 8, Clause 17 of the Constitution grants Congress exclusive legislative control over the District of Columbia. City officials have objected to inclusion of a number of general provisions as intrusive and counter to the spirit of home rule, and have sought to reduce their number and scope. In the most recent past, Congress has reduced the number of general provisions included in the District of Columbia Appropriations Acts. The House bill continues a trend established in the FY2002 District of Columbia Appropriations Act, which included 26 fewer general provisions than the 67 included in the FY2001 District of Columbia Appropriations Act. This year's House version of the bill includes 35 general provisions, 11 fewer than the 46 included in the FY2003 District of Columbia Appropriations Act. The Senate Appropriations Committee version of the bill includes 41 general provisions, only five fewer than included in the FY2003 Appropriations Act. The Senate bill also includes authorizing language (Title II of S. 1583) that would establish a school voucher program for the District of Columbia.

¹ For detailed information on proposed funding levels and summaries and analysis of key policy issues, see CRS Report RL31813, *Appropriations for FY2004: District of Columbia*, by Eugene Boyd.

The general provisions included in the House and Senate versions of H.R. 2765 can be grouped into five distinct but overlapping categories. These include

- fiscal and budgetary directives and controls;
- administrative directives and controls;
- congressional oversight and reporting;
- limitations on lobbying for statehood or congressional voting representation; and
- congressionally imposed restrictions and prohibitions related to social policy.

Table 2 groups the provisions of House and Senate versions of H.R. 2765 within these five categories. Some of the provisions may appear in more than one category.

The most controversial provisions are those related to social policy. Both bills would continue to prohibit and restrict the use of federal and District funds for abortion services and medical marijuana. The House version of H.R. 2765 would prohibit the use of federal and District funds for a needle exchange programs to aid in preventing the spread of AIDS and HIV. Its Senate counterpart would also prohibit the use federal funds, but would allow the use of District funds for such activities. In addition, the House version of H.R. 2765 includes a provision that would prohibit the District from using city or federal funds appropriated in FY2004 to appeal a court decision adversely affecting the city's gun manufacturer's liability law.² This law holds that anyone who manufactures, imports, or sells an assault weapon or high-capacity semi-automatic firearm is strictly liable for all direct and consequential damages that arise from bodily injury or death caused by the weapon in the District. The city is pursuing an appeal after the case was dismissed by the Superior Court under *District of Columbia, et al., v. Beretta U.S.A.* (Nos. 03-CV-24, 03-CV-38, District of Columbia Court of Appeals).

In previous years, city officials have objected to the inclusion of a number of social riders dealing with such issues as abortion, medical marijuana, domestic partners health insurance expansion,³ and needle exchange programs. They asserted that such riders interfered with the right of District residents to make their own policy decisions and violated the spirit of home rule. Proponents of social riders have argued 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.

² The District of Columbia Assault Weapons Manufacturing Strict Liability Act of 1990.

³ H.R. 2765 would allow the use of District funds to administer the Health Care Benefits Expansion Act of 1992. Congress first lifted the prohibition on the use of District funds to administer the program in the FY2002 District of Columbia Appropriations Act.

The Senate bill would increase local budget autonomy by allowing the city to increase a city budget account by no more than 25% as a result of unanticipated growth in revenue collections upon certification by the CFO and notification to the House and Senate Appropriations Committees. In addition, the District's appropriations may be increased by no more than \$15 million through the use of a reserve fund. The reserve fund may only be used for unanticipated one-time expenditures, for potential deficits, for debt reduction, for unanticipated program needs, or to cover revenue shortfalls. Reserve funds may not be used to fund agencies under court-ordered receivership. The mayor must notify House and Senate Appropriations Committees 30 days in advance of any obligation or expenditure of reserve funds.

The chronology of District of Columbia appropriations for FY2004 is as outlined below. On February 3, 2003, President Bush submitted his budget recommendations for FY2004, including \$420.5 million in special federal payments for selected activities in the District of Columbia. On June 3, 2003, Mayor Anthony Williams transmitted the city's FY2004 budget request to the President for review. The budget, which was forwarded by the President to Congress on July 9, 2003, must be approved by Congress before the city may expend locally raised revenues or federally appropriated funds. The city's budget request included \$5.7 billion in general operating fund expenditures funded by locally raised revenues, federal formula and competitive grants where the District meets the requirements for eligibility, and other sources including foundation funding and investments. The District also requested \$915.9 million in special federal appropriations.

On July 17, 2003, the House Appropriations Committee reported H.R. 2765, the District of Columbia Appropriations Act for FY2004. The Committee approved the city's \$5.7 billion proposed operating budget for FY2004 and recommended an appropriation of \$466 million in special federal assistance to the District of Columbia. The Committee also included 35 general provisions in H.R. 2765. On September 4, the Senate Appropriations Committee reported S. 1583, its version of the District of Columbia Appropriations Act for FY2004, and recommended an appropriation of \$545 million in special federal assistance to the District of Columbia. The Committee also included 41 general provisions in S. 1583. On September 9, 2003, the House considered and passed H.R. 2765. It passed H.Amdt. 368, which would authorize a \$10 million school choice program. The program would provide qualifying low-income parents of students in underperforming District of Columbia public schools with \$7,500 in scholarship funds to be used to cover tuition, fees, and transportation costs associated with attending private elementary and secondary schools. On September 24, 2003, the full Senate began consideration of its version of the District of Columbia Appropriations Act for FY2004 by striking all but the enacting clause of the House bill (H.R. 2765), and inserting the language of S. 1583.

Table 1. District of Columbia General Provisions: P.L. 108-7 and House and Senate Versions of H.R. 2765

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
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 Sec. 101 of P.L. 108-7.	Sec. 101. Identical to Sec. 101 of P.L. 108-7.	
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 Sec. 102 of P.L. 108-7.	Sec. 102. Identical to Sec. 102 of P.L. 108-7.	
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 Sec. 103 of P.L. 108-7.	Sec. 103. Identical to Sec. 103 of P.L. 108-7.	
Sec. 104. <i>Prohibition Against the Carryover of Appropriated Funds.</i> The provision requires the city to expend funds appropriated for FY2003 during that fiscal year, unless provided by another provision of this act.	Sec. 104. FY2004 language equivalent to Sec. 104 of P.L. 108-7.	Sec. 104. FY2004 language equivalent to Sec. 104 of P.L. 108-7.	
Sec. 105. <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. Identical to Sec.105 of P.L. 108-7.	Sec. 105. Identical to Sec.105 of P.L. 108-7.	
Sec.106. <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. Identical to Sec.106 of P.L. 108-7.	Sec. 106. Identical to Sec.106 of P.L. 108-7.	
Sec. 107. <i>Prohibition on the Use of Funds for Lobbying.</i> 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. Allows elected officials to advocate for statehood or voting representation in Congress.	Sec. 107. Identical to Sec. 107 of P.L. 108-7.	Sec. 107. Prohibits the city from using federal funds for publicity or propaganda purposes to defeat any legislation pending before Congress or any state legislature, including funds in support of boycotts.	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
S. 1583 modifies Sec. 107 of this Act.	Not included in the bill	<i>Sec. 108. Lobbying and Advocacy Activities of Elected Official.</i> Prohibits the use of federal funds for lobbying activities. Allows the District's elected officials to advocate with respect to any issue including statehood and voting representation in Congress	
Sec. 108. <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 Congress on actual and projected spending.	Not included in the bill.	Not included in the bill.	
<p>Sec. 109. <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 cannot be reprogrammed in order to:</p> <ul style="list-style-type: none"> • create new programs; • eliminate a program or project; • establish or change allocations specifically denied, limited, or increased by Congress; • increase funds for activities or personnel in areas where funds have been denied or restricted; • re-establish funding for any project previously deferred through reprogramming; • augment existing programs or projects by reprogramming funds that exceed \$1 million or 10% of the existing program's funding; • achieve 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. Committees must be notified in writing 30 days in advance of reprogramming. Limits the transfer of reprogrammed funds to not more than 4% of the local funds in the appropriations.</p>	Sec. 108. Identical to Sec. 109 of P.L. 108-7.	Sec. 109. Identical to Sec. 109 of P.L. 108-7.	
Sec. 110. <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.	Sec. 109. Identical to Sec. 110 of P.L. 108-7.	Sec. 110. Identical to Sec. 110 of P.L. 108-7.	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
Sec. 111. <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.	Sec. 110. Identical to Sec. 111 of P.L. 108-7.	Sec. 111. Identical to Sec. 111 of P.L. 108-7.	
Sec. 112. <i>City Council and Congressional Review of Revised Revenue Estimates.</i> Requires the mayor to submit to the city council revised revenue estimates for the first quarter of FY2003 not later than 30 days after the first quarter of FY2003. Estimates are to be used for budget request for FY2004.	Sec. 111. Equivalent to Sec. 112 of P.L. 108-7. Covers the FY2004 budget year. Estimates are be used for budget request for FY2005.	Sec. 112. Equivalent to Sec. 112 of P.L. 108-7. Covers the FY2004 budget year. Estimates are be used for budget request for FY2005.	
Sec. 113. <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 CFO.	Sec. 112. Identical to Sec. 113 of P.L. 108-7.	Sec. 113. Identical to Sec. 113 of P.L. 108-7.	
Sec. 114. <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.	Sec. 113. Identical to Sec. 114 of P.L. 108-7.	Sec. 114. Identical to Sec. 114 of P.L. 108-7.	
Sec. 115. <i>Gifts and Donations.</i> Allows District government agencies and officials to accept gifts and donations in FY2003 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.	Not included in the bill.	Sec. 115. Identical to Section 115 of P.L. 108-7. Applies to FY2004.	
Sec. 116. <i>Prohibits the Use of Federal Funds for Statehood Lobbying.</i> Prohibits the use of <i>federal funds</i> 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.	Sec. 114. Identical to Sec. 116 of P.L. 108-7.	Sec. 116. Identical to Sec. 116 of P.L. 108-7.	
Sec. 117 <i>Abortion Restrictions.</i> Prohibits the use of <i>federal and District funds</i> for abortion services except in cases of rape, incest, or when the mother's health is endangered.	Sec. 115. Identical to Sec. 117 of P.L. 108-7.	Sec. 117. Identical to Sec. 117 of P.L. 108-7.	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
<p>Sec. 118. <i>Health Care Benefits Expansion Act.</i> Prohibits the use of <i>federal funds</i> 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. 116. Identical to Sec. 118 of P.L. 108-7.</p>	<p>Sec. 118. Identical to Sec. 118 of P.L. 108-7.</p>	
<p>Sec. 119(a). <i>Acceptance of Grant Funds Not Included in Ceiling.</i> The mayor, after consulting with the CFO, may 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 city council a detailed report regarding such grants. The city council has 14 days after receipt of the report to review and approve its acceptance or to file a resolution of disapproval. The Council has 30 calendar days from initial receipt of the report from the CFO to act on a resolution of disapproval. 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. 	<p>Sec. 117. Identical to Sec. 119 of P.L. 108-7.</p>	<p>Sec. 119. Identical to Sec. 119 of P.L. 108-7.</p>	
<p>Sec. 120. <i>Use of City Vehicles.</i> Limits a District employee's use of city 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 March 30, 2003. Does not specify to whom the inventory is to be submitted.</p>	<p>Sec. 118. Equivalent to Sec. 120 of P.L. 108-7. (The CFO is to submit a vehicle inventory by March 1, 2004.)</p>	<p>Sec. 120. Equivalent to Sec. 120 of P.L. 108-7. (The CFO is to submit a vehicle inventory by March 1, 2004.)</p>	
<p>Sec. 121. <i>Procurement Ceiling Cost Analysis.</i> Includes a provision that requires the District to conduct a cost analysis for the procurement of all goods and services in excess of \$2,500, excluding goods and services being acquired by CIO, CFO, and Metropolitan Police. In conducting such analysis the District is to compare costs under District procurement regulations and procedures with those applicable under the federal GSA supply schedules</p>	<p>Sec. 119. Identical to Sec. 121 of P.L. 108-7.</p>	<p>Sec. 121. Identical to Sec. 121 of P.L. 108-7.</p>	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
Sec. 122. <i>Inspector General Audits.</i> Only the District of Columbia Inspector General in cooperation with the CFO 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).	Sec. 120. Identical to Sec. 122 of P.L. 108-7.	Sec. 122. Identical to Sec. 122 of P.L. 108-7.	
Sec. 123. <i>Voting Representation Cost Prohibition. and Corporation Counsel Review of Private Lawsuits.</i> Prohibits the use of <i>federal and District funds</i> , including funds for the corporation counsel, to cover the cost of court challenges aimed at providing city residents with voting representation in Congress. The provision permits 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 includes lawsuits seeking voting representation in Congress.	Sec. 121. Identical to Sec. 123 of P.L. 108-7.	Sec. 123. Identical to Sec. 123 of P.L. 108-7.	
Sec. 124. <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. 122. Identical to Sec. 124 of P.L. 108-7.	Sec. 124. Allows the use of District funds for needle exchange program, but continues to prohibit the use of federal funds for such activities. Funds used for such activities must be accounted for separately from funds contained in this act.	
Sec. 125. <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.	Sec. 123. Identical to Sec. 125 of P.L. 108-7.	Sec. 125. Identical to Sec. 125 of P.L. 108-7.	
Sec. 126. <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. 124. Identical to Sec. 126 of P.L. 108-7.	Sec. 126. Identical to Sec. 126 of P.L. 108-7.	
Sec. 127. <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. 125. Identical to Sec. 127 of P.L. 108-7.	Sec. 127. Identical to Sec. 127 of P.L. 108-7.	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
Sec. 128. <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. Covers claims received during fiscal year 2003 and any subsequent year.	Not included in this bill.	Sec. 128. Identical to Sec. 128 of P.L. 108-7.	
Sec. 129. <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.	Sec. 126. Identical to Sec. 129 of P.L. 108-7.	Sec. 129. Identical to Sec. 129 of P.L. 108-7.	
Sec. 130. <i>Revised Operating Budget Submission.</i> Requires the CFO to submit to the appropriate committees of Congress, the mayor, and the city council a revised appropriated funds operating budget budget no later than 30 days after the enactment of this act. The revised budget should reflect anticipated actual expenditures for the fiscal year.	Sec. 127. Identical to Sec. 130 of P.L. 108-7.	Sec. 130. Identical to Sec. 130 of P.L. 108-7.	
Sec. 131. <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.	Sec. 128. Identical to Sec. 131 of P.L. 108-7.	Sec. 131. Identical to Sec. 131 of P.L. 108-7.	
Sec. 132. <i>Restrictions on the Transfer of Appropriated Funds.</i> None of the funds appropriated under this act may be transferred to an agency of the United States Government except as provided in this or another appropriations act.	Sec. 129. Identical to Sec. 132 of P.L. 108-7.	Sec. 132. Identical to Sec. 132 of P.L. 108-7.	
Sec. 133. <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. 130. Identical to Sec. 133 of P.L. 108-7.	Sec. 133. Identical to Sec. 133 of P.L. 108-7.	
Sec. 134. <i>Transfer of Crime Victims Compensation Funds.</i> Transfers all outreach funds allocated to the city under the Victims of Violent Crime Compensation Act of 1996 to the Crime Victims Assistance Fund.	Not included in this bill.	Sec. 134. Identical to Sec. 134 of P.L. 108-7.	
Sec. 135. <i>Transfer of Fines Levied for Driving While Intoxicated or Impaired.</i> Directs the Court to transfer all fines levied for drunk driving to the general treasury of the city. Requires the city's corporation counsel to use such funds for prosecution and enforcement of city traffic laws.	Sec. 131. Identical to Sec. 135 of P.L. 108-7.	Sec. 135. Identical to Sec. 135 of P.L. 108-7.	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
Sec. 136. <i>Limitation on Budget Amendments in a Non-Control Year.</i> Restricts the reprogramming of budget funds after the adoption of the annual budget. In a non-control year funds may be reprogrammed if: (1) the mayor submits a request to the city council and the CFO; (2) the CFO certifies the availability of funds for reprogramming accompanied by an analysis of the effect of the reprogramming; and (3) there is a concurrent reduction in expenditures in another activity.	Not included in this bill.	Not included in this bill.	
Sec. 137. <i>OLRCB Reimbursements in Labor Dispute Cases.</i> Allows District agencies to transfer funds to the Office of Labor Relations and Collective Bargaining (OLRCB) for purposes of reimbursement to OLRCB in grievance cases where OLRCB represented the agency.	Sec. 132. Identical to Sec. 137 of P.L. 108-7.	Sec. 136. Identical to Sec. 137 of P.L. 108-7.	
Sec. 138. <i>Long Term Care Insurance for Court Employees.</i> Includes employees of the District of Columbia Courts under federal long-term care insurance program.	Not included in this bill	Not included in this bill	
Sec. 139. <i>Transfer of Court Funds for Child Abuse Services.</i> Allows \$560,000 in federal payment to the District of Columbia Courts to city's Child and Family Services Agency for child abuse services.	Not included in this bill	Not included in this bill	
Sec. 140. <i>GAO Report on Charter Schools.</i> Establishes a June 2, 2003 deadline for a GAO report on nationwide efforts to establish adequate charter school facilities including a comparison with efforts in the District of Columbia.	Not included in this bill	Not included in this bill	
Sec. 141. <i>Inventory of Surplus Space.</i> Directs the mayor, in consultation with the chair of the city council and the General Services Administration to conduct a survey of all city buildings currently held in surplus, including an assessment of appropriate uses, renovation or construction costs, and potential tenants. Requires the mayor to report to the House and Senate Appropriations Committees within 180 days of enactment of this act. Gives assignment of surplus space to charter schools.	Not included in this bill	Not included in this bill	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
<p>Sec. 142. <i>Incentives for the Adoption of Children.</i> Establishes performance standards for the mayor and CFO in undertaking adoption of foster children initiative first funded under P.L. 106-113. Within nine months of enactment of this act: CFO must certify that at least 50% of the funds for attorney fees and home visits have been expended; the mayor has established an outreached program informing potential participants of scholarship funds; establish and staff a resource center for adoptive families; identify at 25% of children in foster care with special needs and obligate at least 25% of funds for adoptive services under P.L. 106-113 for children with special needs. Requires the mayor and the city council to provide quarterly reports to House and Senate Appropriations Committees. Directs the mayor and the Child and Family Services Agency to increase the number of children on the agency's adoption photo listing by 75%.</p>	Not included in this bill	Not included in this bill. The bill would appropriate \$14 million in special federal payments for foster care improvement activities. (See CRS Report RL31813, Table 1.)	
<p>Sec. 143. <i>Creation of the Office of Public Charter School Financing and Support.</i> Establishes the Office of Public Charter School Financing and Support under the authority of the Dept. of Banking and Financial Institutions. The Office is charged with administering the credit enhancement fund, a direct loan fund for charter school improvement, and support or administer other charter school financing programs. Limits loans under the charter school loan program to \$2 million per charter school.</p>	Not included in this bill	Not included in this bill	
<p>Sec. 144. <i>Limitation on Attorney's fees in IDEA cases.</i> Places a \$4,000 ceiling on fees for attorneys representing the DCPS and plaintiffs in actions brought under the Individuals with Disability Education Act Prohibits attorneys in IDEA actions from having a personal, monetary or legal interest in firms that provide diagnostic services, schools, or other special education services.</p>	<p>Sec. 133. Identical to Sec. 144 of P.L. 108-7, but adds a new subsection which requires the DCPS to increase the amount of local funds for IDEA services during FY 2004 by the amount of savings resulting from restrictions on the payment of attorney fees. The calculation is to be based on CFO estimates. The CFO is to provide quarterly estimates of such savings during FY 2004 and publish them within 10 days after the end of each quarter.</p>	<p>Sec. 137. Identical to Sec. 144 of P.L. 108-7.</p>	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
<p>Sec. 145. <i>Attorney Certifications in IDEA Actions.</i> Requires attorneys in IDEA cases to certify that they have provided any and all services their client received under IDEA. The CFO shall require attorneys to disclose any interest or relationship with any special education diagnostic service or schools to which the attorney referred the client. Requires the CFO to prepare a quarterly report to House and Senate Appropriations Committee on attorney's fees paid in cases brought under IDEA. Directs the District's Inspector General to conduct investigations to ensure accuracy of the certifications.</p>	<p>Sec. 134. Identical to Sec. 145 of P.L. 108-7.</p>	<p>Sec. 138. Identical to Sec. 145 of P.L. 108-7.</p>	
<p>Sec. 146. <i>Charter School Fund Capitalization.</i> Amends the act creating District public charter schools to include the establishment of the New Charter School Fund. Provides for a \$5 million initial capitalization and any additional unexpended and unobligated local funds appropriated in FY2002 and FY2003. Funds may be used to compensate a charter school for enrollment that exceeds the initial enrollment which served as the bases for determining the school's annual payment.</p>	<p>Not included in this bill</p>	<p>Not included in this bill</p>	
<p>No comparable provision</p>	<p>Sec. 135. <i>Gun Manufacturers Liability Act.</i> The provision prohibits the city from using of federal and local funds appropriated in FY2004 in support of a lawsuit intended to enforce the District of Columbia Assault Weapons Manufacturing Strict Liability Act of 1990. This law holds that anyone who manufactures, imports, or sells an assault weapon or high-capacity semi-automatic firearm is strictly liable for all direct and consequential damages that arise from bodily injury or death caused by the weapon in the District. The city is pursuing an appeal after the case was dismissed by the Superior Court under District of Columbia, et al., v. Beretta U.S.A. (Nos. 03-CV-24, 03-CV-38, District of Columbia Court of Appeals).</p>	<p>No comparable provision</p>	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
No comparable provision	No comparable provision	<p><i>Sec. 139. Parental Representation in Adoption Proceedings and Guardian ad litem Appointments.</i> The provision would allow the District of Columbia to appoint and compensate an attorney to represent a parent or guardian in an adoption proceeding who is facing termination of parental rights if the parent or guardian lacks the financial means of obtaining adequate legal representation. The provision would also allow the Court to appoint and compensate an attorney as a guardian ad litem to represent the best interest of the child in the adoption proceedings.</p>	
No comparable provision	No comparable provision	<p><i>Sec. 140. Budget Increase Resulting from Unanticipated Revenue Collection.</i> The provision would allow the District to increase a budget account by no more than 25% as a result of unanticipated growth in revenue collections. The CFO must certify that anticipated revenue collections support an increase in authority in the amount requested. The provision requires a 30-day notice to Congress before such amounts may be obligated or expended.</p>	

P.L. 108-7	House Version of H.R. 2765	Senate Version of H.R. 2765 (formerly S. 1583)	Conference (Not yet reported)
No comparable provision	No comparable provision	<p>Sec. 141. <i>Reserve Fund Budget Increase.</i> The provision would allow the District's appropriation to increase to no more than \$15 million through the use of a reserve fund identified in the city's Comprehensive Annual Financial Report (CAFR) as the city's fund balance. The mayor must notify the House and Senate Appropriations Committees 30 days in advance of any obligation or expenditure of such funds. The CFO must certify that the expenditure of funds will not have a negative impact on the city's long-term financial, fiscal, and economic health. Funds may only be used for unanticipated one-time expenditures, potential deficits, debt reduction, unanticipated program needs, or revenue shortfalls. Funds may not be provided to agencies under court-ordered receivership.</p>	

Source: Congressional Research Service.

Note: Provisions included in P.L. 108-7, but not included in H.R. 2765, are highlighted in gray.

Table 2. H.R. 2765 General Provisions by Selected Classification: House and Senate Versions

Budget and Fiscal Controls		
House version	Senate version	Conference Report (Not yet reported)
Sec. 101. <i>Prohibition Against Deficit Spending.</i>	Sec. 101. <i>Prohibition Against Deficit Spending.</i>	
Sec. 104. <i>Prohibition Against the Carryover of Appropriated Funds.</i>	Sec. 104. <i>Prohibition Against the Carryover of Appropriated Funds.</i>	
Sec. 108. <i>Prohibition on the Reprogramming of Funds.</i>	Sec. 109. <i>Prohibition on the Reprogramming of Funds.</i>	
Sec. 109. <i>Limitation on the Use of Appropriated Funds</i>	Sec. 110. <i>Limitation on the Use of Appropriated Funds</i>	
Sec. 111. <i>City Council and Congressional Review of Revised Revenue Estimates.</i>	Sec. 112. <i>City Council and Congressional Review of Revised Revenue Estimates.</i>	
Sec. 112. <i>Sole Source Contracts.</i>	Sec. 113. <i>Sole Source Contracts.</i>	
Sec. 113. <i>Sequestration under the Balanced Budget.</i>	Sec. 114. <i>Sequestration under the Balanced Budget.</i>	
Sec. 117. <i>Acceptance of Grant Funds Not Included in Ceiling.</i>	Sec. 119. <i>Acceptance of Grant Funds Not Included in Ceiling.</i>	
Sec. 119. <i>Procurement Ceiling Cost Analysis</i>	Sec. 121. <i>Procurement Ceiling Cost Analysis</i>	
Sec. 120. <i>Inspector General Audits.</i>	Sec. 122. <i>Inspector General Audits.</i>	
Sec. 123. <i>CFO Certifications.</i>	Sec. 125. <i>CFO Certifications</i>	
Sec. 127. <i>Revised Operating Budget Submission.</i>	Sec. 130. <i>Revised Operating Budget Submission</i>	
Sec. 129. <i>Restrictions on the Transfer of Appropriated Funds.</i>	Sec. 132. <i>Restrictions on the Transfer of Appropriated Funds.</i>	
Sec. 133. <i>Limitation on Attorney's fees in IDEA cases.</i>	Sec. 134. <i>Transfer of Crime Victims Compensation Funds.</i>	
	Sec. 137. <i>Limitation on Attorney's fees in IDEA cases.</i>	

Budget and Fiscal Controls		
	<i>Sec. 140. Budget Increase Resulting from Unanticipated Revenue Collection</i>	
	<i>Sec. 141 Reserve Fund Budget Increase</i>	
Administrative Controls		
House version	Senate version	Conference Report (Not yet reported)
<i>Sec. 102. Payment of Travel and Dues Related Expenses.</i>	<i>Sec. 102. Payment of Travel and Dues Related Expenses.</i>	
<i>Sec. 103. Payment of Judgments.</i>	<i>Sec. 103. Payment of Judgments</i>	
<i>Sec. 105. Use of Public Schools.</i>	<i>Sec. 105. Use of Public Schools.</i>	
<i>Sec. 110. Merit Personnel Act Responsibility of the Mayor.</i>	<i>Sec. 111. Merit Personnel Act Responsibility of the Mayor.</i>	
<i>Sec. 118. Limits on the Use of City Vehicles.</i>	<i>Sec. 115. Gifts and Donations.</i>	
<i>Sec. 130. Risk Management for Settlements and Judgments.</i>	<i>Sec. 120. Limits on the Use of City Vehicles.</i>	
<i>Sec. 131. Transfer of Fines Levied for Driving While Intoxicated or Impaired.</i>	<i>Sec. 128. Prompt Payment of Appointed Counsel.</i>	
<i>Sec. 132. Reimbursements in Labor Dispute Cases.</i>	<i>Sec. 133. Risk Management for Settlements and Judgments.</i>	
<i>Sec. 134. Certifications by Attorneys in IDEA Actions.</i>	<i>Sec. 135. Transfer of Fines Levied for Driving While Intoxicated or Impaired.</i>	
	<i>Sec. 136. OLRCB Reimbursements in Labor Dispute Cases.</i>	
	<i>Sec. 138. Certifications by Attorneys in IDEA Actions.</i>	
	<i>Sec. 139. Parental Representation in Adoption Proceedings and Guardian ad litem Appointments.</i>	

Congressional Oversight and Reporting		
House version	Senate version	Conference Report (Not yet reported)
Sec.106. <i>Congressional Inspection of Personnel Records.</i>	Sec.106. <i>Congressional Inspection of Personnel Records.</i>	
Sec. 108. <i>Prohibition on the Reprogramming of Funds.</i> Funds may not be reprogrammed in order to establish or change allocations specifically denied, limited, or increased by Congress. Funds may be reprogrammed after congressional review by House and Senate Appropriations Committees. Committees must be notified in writing 30 days in advance of reprogramming.	Sec. 112. <i>City Council and Congressional Review of Revised Revenue Estimates.</i>	
Sec. 111. <i>City Council and Congressional Review of Revised Revenue Estimates.</i>	Sec. 129. <i>Budget-linked Quality of Life Factors.</i> Directs the mayor to submit quarterly reports to House and Senate appropriation and oversight committees.	
Sec. 117. <i>Acceptance of Grant Funds Not Included in Ceiling.</i> 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.	Sec. 130. <i>Revised Operating Budget Submission.</i> Requires the CFO to submit to the appropriate committees of Congress, the mayor, and the city council a revised operating budget no later than 30 days after the enactment of this act.	
Sec. 126. <i>Budget-linked Quality of Life Factors.</i> Directs the mayor to submit quarterly reports to House and Senate appropriation and oversight committees.	Sec. 140. <i>Budget Increase Resulting from Unanticipated Revenue Collection.</i> The provision would allow the District to increase a budget account by no more than 25% as a result of unanticipated growth in revenue collections. The provision requires a 30-day notice to Congress before such amounts may be obligated or expended.	

Congressional Oversight and Reporting		
House version	Senate version	Conference Report (Not yet reported)
Sec. 127. <i>Revised Operating Budget Submission.</i> Requires the CFO to submit to the appropriate committees of Congress, the mayor, and the city council a revised operating budget no later than 30 days after the enactment of this act.	Sec. 141. <i>Reserve Fund Budget Increase.</i> The provision would allow the District’s appropriation to increase to no more than \$15 million through the use of a reserve fund identified in the city’s Comprehensive Annual Financial Report (CAFR) as the city’s fund balance. The mayor must notify the House and Senate Appropriations Committees 30 days in advance of any obligation or expenditure of such funds.	
Sec. 134. <i>Attorney Certifications in IDEA Actions</i> Requires the CFO to prepare a quarterly report to House and Senate Appropriations Committees on attorney’s fees paid in cases under IDEA.		
Congressionally Imposed Restrictions (Social Riders)		
House version	Senate version	Conference Report (Not yet reported)
Sec. 115 <i>Restrictions on Funding of Abortion Services.</i>	Sec. 117. <i>Restrictions on Funding of Abortion Services.</i>	
Sec. 116. <i>Health Care Benefits Expansion Act.</i>	Sec. 118. <i>Health Care Benefits Expansion</i>	
Sec. 122. <i>Needle Exchange Program.</i>	Sec. 124. <i>Needle Exchange Program</i>	
Sec. 124. <i>Prohibition on the Implementation of Medical Marijuana Initiative.</i>	Sec. 126. <i>Prohibition on the Implementation of Medical Marijuana Initiative.</i>	
Sec. 125. <i>Conscience Clause Covering Contraceptive Coverage in Private Health Plans.</i>	Sec. 127. <i>Conscience Clause Covering Contraceptive Coverage in Private Health Plans.</i>	
Sec. 128. <i>Boys Scouts.</i> Prohibits the payment of award to plaintiffs over Boys Scout policy excluding homosexuals from serving as scout leaders.	Sec. 131. <i>Boys Scouts.</i> Prohibits the payment of award to plaintiffs over Boys Scout policy excluding homosexuals from serving as scout leaders.	

Congressionally Imposed Restrictions (Social Riders)		
House version	Senate version	Conference Report (Not yet reported)
<i>Sec. 135. Prohibition on the Use of FY2004 Appropriations to Defend the District of Columbia Gun Manufacturers Liability Act.</i>		
Limits on Advocacy of Congressional Voting Representation		
House version	Senate version	Conference Report (Not yet reported)
<i>Sec. 107. Prohibition on the Use of Funds for Lobbying.</i>	<i>Sec. 107. Prohibition on the Use of Funds for Lobbying.</i>	
<i>Sec. 114. Prohibits the Use of Federal Funds for Statehood Lobbying.</i>	<i>Sec. 108. Lobbying and Advocacy Activities of Elected Official.</i>	
<i>Sec. 121. Voting Representation Cost Prohibition. and Corporation Counsel Review of Private Lawsuits.</i>	<i>Sec. 116. Prohibits the Use of Federal Funds for Statehood Lobbying.</i>	
	<i>Sec. 123. Voting Representation Cost Prohibition. and Corporation Counsel Review of Private Lawsuits.</i>	

Source: Congressional Research Service.