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FISCAL YEAR 2009 BUDGET REQUEST ACT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE DISTRICT OF COLUMBIA'S FISCAL YEAR 2009 BUDGET REQUEST ACT, PURSUANT TO PUB. L. 93–198, SEC. 446 (87 STAT. 806)

SEPTEMBER 11, 2008.—Message and accompanying papers referred to the Committee on Appropriations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
69–012 WASHINGTON : 2008

THE WHITE HOUSE
Washington, September 2, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to my contutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2009 Budget Request Act. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed 2009 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For 2009, the District estimates total revenues and expenditures of $10.1 billion.

Sincerely,

GEORGE W. BUSH.

An Act

NOTE. - The following document reflects the "District of Columbia Appropriations Act, 2008" (FY08 Act) and the "Fiscal Year 2009 Budget Request Act" (FY09 Act). The language enclosed in [ ] indicates language that is to be deleted from the FY08 Act. The language shown in **italics** indicates new language in the FY09 Act.

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the request of the District of Columbia government for the fiscal year ending September 30, [2008] *2009*.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year [2008] *2009* Budget Request Act".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, [2008] *2009*.

DIVISION A
DISTRICT OF COLUMBIA APPROPRIATION REQUEST
TITLE I--FEDERAL FUNDS

THE DISTRICT OF COLUMBIA COURT SYSTEM

Federal Payment to the Court Services and Offender Supervision Agency for the District Of Columbia

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, [$190,343,000] *$202,490,000*, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed $400,000 for the Community Supervision Program and $160,000 for the Pretrial Services Program, both to remain available until September 30, [2009] *2010*, are for information technology infrastructure enhancement acquisitions; of which [$140,499,000] *$147,652,000* shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which [$49,894,000] *$54,838,000* shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than $1,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is

authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

Federal Payment to the District of Columbia Public Defender Service

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, [$32,710,000] *$35,659,000: Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, $223,920,000 to be allocated as follows: for the District of Columbia Court of Appeals, [$10,800,000] *$12,630,000,* of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, [$98,359,000] *$104,277,000,* of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, [$52,170,000] *$55,426,000,* of which not to exceed $1,500 is for official reception and representation expenses; and [$62,591,000] *$51,587,000,* to re- main available until September 30, [2009] *2010,* for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: [*Provided,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232–18:] *Provided* [further], That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further,* That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

Defender Services in District of Columbia Courts

For payments authorized under section 11–2604 and section 11– 2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia

Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $47,975,000, to remain available until expended: [*Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $62,591,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading:] *Provided* [further], That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the [$62,591,000] *$51,587,000* provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

DISTRICT OF COLUMBIA GENERAL AND SPECIAL PAYMENTS

Federal Payment for Resident Tuition Support

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, [$33,000,000] *$35,100,000*, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of- State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

Federal Payment for School Improvement

For a Federal payment for a school improvement program in the District of Columbia, [$40,800,000] *$54,000,000*, to be allocated as follows: for the District of Columbia Public Schools, [$13,000,000] *$18,000,000* to improve public school education in the District of Columbia; for the State Education Office, [$13,000,000] *$18,000,000* to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, [$14,800,000] *$18,000,000* to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004, *approved*

January23, 2004 (Pub.L. No. 108-199; 117 Stat. 126), of which up to [$1,800,000] *$1,000,000* may be used to administer and fund assessments.

Federal Payment to Jump Start Public School Reform

For a Federal payment to jump start public school reform in the District of Columbia, $20,000,000, of which $3,500,000 is to support the recruitment, development and training of principals and other school leaders; $7,000,000 is to develop optimal school programs and intervene in low performing schools; $7,500,000 is for a customized data reporting and accountability system on student performance as well as increased outreach and training for parents and community members; and $2,000,000 is to support data reporting requirements associated with the District of Columbia Public Schools teacher incentive program: Provided, That up to $500,000 or 10 percent, whichever is less, of the amounts above may be transferred as necessary from one activity to another activity: Provided further, That the President and the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer: Provided further, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

Federal Payment to the District of Columbia Water and Sewer Authority

For a Federal payment to the District of Columbia Water and Sewer Authority, [$8,000,000] *$14,000,000*, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a *100 percent* match [of $6,000,000 and the District of Columbia provides a match of $2,000,000 in local funds] for this payment.

Federal Payment to the Criminal Justice Coordinating Council

For a Federal payment to the Criminal Justice Coordinating Council, [$1,300,000] *$1,774,000*, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

Federal Payment for Consolidated Laboratory Facility

For a Federal payment to the District of Columbia, $5,000,000, to remain available until September 30, [2009] *2010*, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

Federal Payment for Central Library and Branch Locations

For a Federal payment to the District of Columbia, [$9,000,000] *$7,000,000*, to remain available until expended, for the Federal contribution for costs associated with the renovation and rehabilitation of District libraries.

Federal Payment to Reimburse the Federal Bureau Of Investigation

For a Federal payment to the District of Columbia, [$4,000,000] *$5,000,000*, to remain available until September 30, [2010] *2011*, for reimbursement to the Federal Bureau of Investigation for additional laboratory services.

[Federal Payment to the Office of the Chief Financial Officer of the District Of Columbia]

[For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $5,453,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2008, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2008.]

[Federal Payment to the Executive Office of the Mayor of the District of Columbia]

[For a Federal payment to the Executive Office of the Mayor of the District of Columbia, $5,000,000: *Provided*, That these funds shall be available to support the District's efforts to enhance the public education system, to improve environmental quality, to expand pediatric healthcare services and for historic preservation: *Provided further*, That no funds shall be expended until the Mayor of the District of Columbia submits a detailed expenditure plan, including performance measures, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the District submit a preliminary progress report on activities no later than June 1, 2008, and a final report including a detailed description of outcomes achieved no later than November 1, 2009.]

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

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, [$3,352,000] *$15,000,000*, to remain available until expended[; of which $3,000,000 is], to [reimburse] *finance* the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions[; and $352,000 is for the District of Columbia National Guard retention and college access program: *Provided*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code].

TITLE II--DISTRICT OF COLUMBIA FUNDS--SUMMARY OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia *("General Fund")*, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, *approved November 2, 2000 (114 Stat. 2440;* D.C. Official Code, section 1-204.50a) and provisions of this Act, *the* total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year [2008] *2009* under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or [$9,773,775,000] *$10,011,231,000* (of which [$6,111,623,000] *$6,203,795,000* shall be from local funds, (including [$441,319,000] *$441,319,000* from dedicated taxes) [$2,015,854,000] *$2,177,373,000* shall be from Federal grant funds, [$1,637,736,000] *$1,623,754,000* shall be from other funds, and [$8,562,000] *$6,310,000* shall be from private funds), in addition, [$117,200,000] *$156,874,000* from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, [$339,989,000] *such amounts as may be necessary may* [shall] be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be [$648,290,000] *$725,461,000*: in addition For capital construction projects, an increase of [$1,607,703,000] *$1,482,977,000*, of which [$1,042,712,000] *$1,121,794,000* shall be from local funds, [$38,523,000] *$60,708,000* from the District of Columbia Highway Trust fund, [$73,260,000] *$107,794,000* from the

Local Street Maintenance fund, [$75,000,000 from revenue bonds, $150,00,000 from financing for construction of a consolidated laboratory facility, $42,200,000 for construction of a baseball stadium,] [$186,008,000] *$192,741,000* from Federal grant funds, and a rescission of [$212,696,000] *$353,447,000* from local funds *and a rescission of $37,500,000 from Local Street Maintenance funds* appropriated under this heading in prior fiscal years for a net amount of [$1,395,007,000] *$1,092,030,000*, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be *available*, allocated and expended as proposed under Title III of this Act, at the rate set forth under 'District of Columbia Funds Division of Expenses' as included in the Fiscal Year [2008] *2009* Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia *in June 2008* [on June 7, 2007 as amended on June 29, 2007]. *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act *approved December 24, 1973 (87 Stat. 777; D.C. Official Code §1-201.01 et seq.)*, as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year [2008] *2009*, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

TITLE III–DISTRICT OF COLUMBIA FUNDS - - DIVISION OF EXPENSES

OPERATING EXPENSES

Governmental Direction and Support

Governmental direction and support, [$411,886,000] *$438,701,000* (including [$337,173,000] *$361,097,000* from local funds, [$24,244,000] *$25,196,000* from Federal grant funds, and [$50,469,000] *$52,408,000* from other funds): Provided, That [not to exceed $10,100 for the Mayor, $10,100 for the Chairman of the Council of the District of Columbia, $10,100 for the City Administrator, and $10,100 for the Office of the Chief Financial Officer shall be available from this appropriation for official reception and representation expenses: Provided further, That] *beginning in fiscal year 2009 and thereafter, there are appropriated such amounts as may be necessary to account for vendor fees that are paid as a fixed percentage of revenue recovered from third parties on behalf of the District under contracts that provide for payments of fees based upon such revenue as may be collected by the vendor: provided further, that* any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia.[: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: Provided further, That amounts appropriated by this act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia: Provided further, That of the funds appropriated to the District of Columbia by the Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No. 110-5), under the Heading "Governmental Direction and Support," $75,000 shall remain available until expended for the Office of Human Rights Language Access program: Provided further, That not less than $2,950,000 shall be available from this appropriation for the Office of the Attorney General for the District of Columbia to award a grant to the District of Columbia Bar Foundation for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents pursuant to the Civil Legal Services Amendment Act of 2007, passed on 1st reading on May 15, 2007 (Engrossed version of Bill 17-148): Provided further, That not less than $250,000 of this appropriation shall be available to fund the District of Columbia Poverty Lawyer Loan

Assistance Program established by the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, effective March 2, 2007 (D.C. Law 16-203;53 DCR 9055)]. *Funds to be allocated as follows:*

(1) Council of the District of Columbia. – $21,027,000 from local funds, Provided, That not to exceed [$10,100] $10,600 shall be available for the Chairman of the Council of the District of Columbia from this appropriation for official reception and representation expenses;

(2) Office of the District of Columbia Auditor. – $4,165,000 from local funds;

(3) Advisory Neighborhood Commission. – $1,092,000 from local funds;

(4) Office of the Mayor. – $6,289,000 from local fund, Provided, That not to exceed [$10,100] $10,600 shall be available for the Mayor from this appropriation for official reception and representation expenses;

(5) Office of Community Affairs. – $3,345,000 from local funds;

(6) Serve DC. – $3,734,000 (including $410,000 from local funds and $3,323,000 from Federal grant funds);

(7) Office of the Secretary. – $4,593,000 (including $4,031,000 from local funds and $562,000 from other funds);

(8) City Administrator. - $5,974,000 from local funds, Provided, That not to exceed [$10,100] $10,600 shall be available for the City Administrator from this appropriation for official reception and representation expenses;

(9) Office of Risk Management. – $1,480,000 from local funds;

(10) Department of Human Resources. – $10,523,000 (including $10,117,000 from local funds and $406,000 from other funds);

(11) Office of Disability Rights. – $1,568,000 from local funds;

(12) Office of Finance and Resource Management. – $4,875,000 from local funds:

(13) Office of Partnership and Grants Services. – $1,038,000 from local funds;

(14) Office of Contracting and Procurement. – $6,744,000 (including $5,718,000 from local funds and $1,026,000 from other funds);

(15) Office of Chief Technology Officer. – $58,714,000 (including $58,614,000 from local funds and $100,000 from other funds);

(16) Office of Property Management. – $27,529,000 (including $19,208,000 from local funds and $8,321,000 from other funds); Provided, That beginning in fiscal year 2009 amounts on deposit within and any such future deposits into the Commodities Cost Reserve Fund established under DC Official Code 47-368.04 shall be available upon deposit and shall remain available until expended consistent with the purposes established under DC Official Code 47-368.04(b);

(17) Contract Appeals Board. – $1,038,000 from local funds;

(18) Board of Elections and Ethics. – $5,496,000 from local funds;

(19) Office of Campaign Finance. – $1,721,000 from local funds;

(20) Public Employee Relations Board. – $1,011,000 from local funds;

(21) Office of Employee Appeals. – $1,863,000 from local funds;

(22) Metropolitan Washington Council of Governments. – $396,000 from local funds;

(23) Office of the Attorney General. – $88,669,000 (including $65,216,000 from local funds, $19,001,000 from Federal grant funds and $4,452,000 from other funds); provided, that not less than $3285,000 shall be available from this appropriation for the Office of the Attorney General to awarded a grant to the District of Columbia Bar Foundation for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents pursuant to the Civil Legal Services Amendment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code §1-301.114); provided further, that not less than $315,000 of this appropriation shall be available to fund the District of Columbia Poverty Lawyer Loan Assistance Program, established by the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, effective March 2, 2007 (D.C. Law 16-203; D.C. Official Code §1-308.21 et seq.);

(24) Office of the Inspector General. – $17,312,000 (including $15,317,000 from local funds and $1,995,000 from federal grant funds);

(25) Office of the Chief Financial Officer. – $158,503,000 (including $120,085,000 from local funds, $878,000 from Federal grant funds and $37,541,000 from other funds), Provided, That not to exceed [$10,100] $10,600 shall be available for the Chief Financial Officer of the District from this appropriation for official reception and representation expense: Provided further, That amounts appropriated by this act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia.

Economic Development and Regulation

Economic development and regulation, [$590,475,000] *$ 509,238,000* (including [$241,755,000] *$269,075,000* from local funds (including [$49,773,000] *$49,773,000 from* dedicated taxes), [$140,005,000] *$99,849,000* from Federal grant funds, [$208,635,000] *$140,234,000* from other funds, and $80,000 from private funds) of which $25,000,000 collected by the District of Columbia in the form of *Business Improvement District (*BID*)* tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.): Provided, That such funds are available for acquiring services provided by the [General Services Administration] *GSA*: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: [Provided further, That the District is authorized to transfer, either through a grant or as a direct payment, $1,200,000 in local funds to the Excel Institute: Provided further, That up to one percent of the local funds appropriated for the Department of Employment Services may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families, established by Title V of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C.L16-192, § 5203;53 DCR 6899; D.C. Official Code 4-1323.02) passed on 1st reading on May 9, 2006 (Engrossed version of Bill 16-679), and used for the purposes set forth in Title V: Provided further, That amounts appropriated under this heading may be increased by an amount necessary to execute a transfer of applicable residual amounts from the District's general funds that to the special revenue Housing Production Trust fund in accordance with the Housing Production Trust Fund and New Communities Financing Clarification Act of 2006 (D.C. Law 16-192) enacted March 02, 2007: Provided further, That $57,065,000 from dedicated taxes shall be to execute a transfer from the District's general funds to the special revenue Housing Production Trust fund.] *Funds to be allocated as follows:*

(1)Deputy Mayor for Economic Development. – $85,259,000 (including $52,499,000 from local funds(including $16,998,000 from dedicated taxes)and $32,760,000 from other funds): Provided, That $4,000,000 from local funds shall remain available until expended for New Communities Human Capital.

(2) Office of Planning. – $10,093,000 (including $9,628,000 from local funds, $450,000 from Federal grant funds and $15,000 from other funds): Provided, That of the local funds provided to the Office of Planning in fiscal year 2008 for Historic Preservation, $1,000,000 shall remain available until expended

(3) Department of Small and Local Business Development. – $3,472,000 from local funds; provided that amounts appropriated herein may be increased by the balance of amounts on deposit as of October 01, 2008 in the Small Business Micro Loan Fund established under the Small Business Micro Loan Fund Amendment Act of 2008;

(4) Office of Motion Pictures and Television. – $684,000 from local funds: Provided, That of the local funds provided to the Office of Motion Pictures and Television in fiscal year 2008 for DC Film grant initiative, up to $1,600,000 shall remain available until expended.

(5) Office of Zoning. – $3,139,000 from local funds

(6) Department of Housing and Community Development. – $101,401,000 (including $32,859,000 from local funds, $63,877,000 from Federal grant funds and $4,666,000 from other funds)

(7) Department of Employment Services. –$132,259,000 (including $62,315,000 from local funds, $34,739,000 from Federal grant funds, $35,124,000 from other funds and $80,000 from private funds) ,

Provided That of the local funds appropriated up to one percent may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families and used for the purposes set forth in D.C. Official Code §4-1345.03: Provided further, That funds deposited into the Integrated Services Fund shall remain available until expended. Provided further, That the District is authorized to transfer, either through a grant or as a direct payment, $1,200,000 in local funds to the Excel Institute from this appropriation..

(8)Board of Real Property Assessment and Appeals. – $727,000 from local funds

(9) Department of Consumer and Regulatory Affairs. – $39,157,000 (including $19,868,000 from local funds and $19,288,000 from other funds)

(10) Office of the Tenant Advocate. – $2,652,000 (including $964,000 from local funds and $1,688,000 from other funds)

(11) Commission on Arts and Humanities. – $14,518,000 (including $13,517,000 from local funds, $601,000 from Federal grant funds and $400,000 from other funds)

(12) Alcoholic Beverage Regulation Administration. – $7,389,000 (including $1,144,000 from local funds and $6,245,000 from other funds)

(13) Public Services Commission. – $9,972,000 (including $182,000 from Federal grant funds and $9,790,000 from other funds)

(14) Office of the People's Counsel. – $5,025,000 from other funds

(15) Department of Insurance, Securities and Banking. – $18,143,000 from other funds: Provided, That of the local funds provided the Department of Insurance, Securities and Banking in fiscal year 2008 for Captive Insurance, $8,700,000 shall remain available until expended.

(16) Office of Cable Television. – $7,089,000 from other funds

(17) Housing Authority Subsidy Payment. – $32,983,000 from local funds

(18) Housing Production Trust Fund Subsidy Payment. – $32,775,000 from local funds (including $32,775,000 from dedicated taxes); and

(19) Sports Commission Subsidy Payment. – $2,500,000 from local funds

Public Safety and Justice

Public safety and justice, [$1,142,625,000] *$1,287,835,000* (including [$963,108,000] *$956,087,000* from local funds, [$105,760,000] *$260,786,000* from Federal grant funds, [$73,557,000] *$70,877,000* from other funds, and [$200,000] *$85,000* from private funds) in addition, [$1,300,000] *$1,774,000* from funds previously appropriated in this Act under the heading ``Federal Payment to the Criminal Justice Coordinating Council'' and [$4,000,000] *$5,000,000 to remain available until September 30, 2011* from funds previously appropriated in this Act under the heading ``Federal Payment to Reimburse the Federal Bureau of Investigation'': [Provided, That not to exceed $750,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That not to exceed $3,700,000 of this appropriation shall be transferred from the Crime Victims Assistance Fund, established by section 16a of the Victims of Violent Crime Compensation Act of 1996, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code §4-515.01), to the Shelter and Transitional Housing for Victims of Domestic Violence Fund Amendment Act of 2007, passed on 1st reading on May 15, 2007 (Engrossed version of Bill 17-148), and shall remain available until expended.] *To be allocated as follows:*

(1) Metropolitan Police Department. – $485,413,000 (including $469,565,000 from local funds, $3,067,000 from Federal grant funds, $12,695,000 from other funds and $85,000 from private funds) and [$4,000,000] $5,000,000 to remain available until September 30, 2011 from funds previously appropriated in this Act under the heading ``Federal Payment to Reimburse the Federal Bureau of Investigation:" Provided, That not to exceed $750,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime

(2) Fire and Emergency Medical Services. – $185,995,000 (including $185,171,000 from local funds and $824,000 from other funds)

(3) Police Officers and Firefighters Retirement System. – $110,900,000 from local funds

(4) Department of Corrections. – $149,774,000 (including $116,086,000 from local funds and $33,688,000 from other funds)

(5) District of Columbia National Guard. – $8,358,000 (including $3,371,000 from local funds and $4,987,000 from Federal grant funds) Provided, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this Act, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved

(6) Homeland Security and Emergency Management. – $249,628,000 (including $4,700,000 from local funds and $244,927,000 from Federal grant funds)

(7)Commission on Judicial Disabilities and Tenure. – $271,000 from local fund

(8) Judicial Nomination Commission. – $152,000 from local funds

(9) Office of Police Complaints. – $2,628,000 from local funds

(10) District of Columbia Sentencing and Criminal Code Review Commission. – $779,000 from local funds

(11) Office of the Chief Medical Examiner. – $10,473,000 (including $10,199,000 from local funds and $274,000 from other funds)

(12) Officer of Administrative Hearings. – $7,795,000 (including $7,762,000 from local funds and $32,000 from other funds)

(13) Corrections Information Council. – $115,000 from local funds

(14) Criminal Justice Coordinating Council. – $404,000 from local funds in addition, [$1,300,000] $1,774,000 from funds previously appropriated in this Act under the heading ``Federal Payment to the Criminal Justice Coordinating Council"

(15) Forensic Laboratory Technician Training Program. – $1,656,000 from local funds

(16) Office of Unified Communications. – $49,585,000 (including $36,396,000 from local funds and $13,189,000 from other funds)

(17) Office of Victims Services. – $15,952,000 (including $4,013,000 from local funds, $2,040,000 from Federal grant funds and $9,899,000 from other funds)

(18) Office of Justice Grants Administration. – $7,209,000 including ($1,444,000 from local funds and $5,765,000 from Federal grant funds) and

(19) Motor Vehicle Theft Prevention Commission -- $750,000 (including $475,000 from local funds and $275,000 from other funds.

Public Education System

Public Education System, including the development of national defense education programs, [$1,498,369,000] *$1,608,797,000* (including [$1,261,690,000] *$1,401,649,000* from local funds, [$208,314,000] *$170,889,000* from Federal grant funds, [$22,313,000] *$32,420,000* from other funds, *and* , [$6,053,000] *$3,839,000* from private funds), in addition, $35,100,000 from funds previously

appropriated in this Act under the heading ``Federal Payment for Resident Tuition Support'', [and] [$26,000,000] *$36,000,000* from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement in the District of Columbia,'' *and $20,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to Jump Start Public School Reform,"* [Provided, That, notwithstanding any other provision of law controlling the reprogramming, reallocation and or transfer funds, no later than 60 calendar days after the date of the enactment of this Act or the availability of the funds identified herein, the District may realign the appropriation authority requested under this Act as necessary and consistent with the enactment of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-0009)] to be allocated as follows:

(1) District of Columbia Public Schools.— [$987,144,000] *$ 579,078,000* (including [$796,247,000] *$562,109,000* from local funds, [$174,930,000] *$9,514,000* from Federal grant funds, [$10,004,000] *$3,671,000* from other funds, [$5,962,000] *and $3,784,000* from private funds), in addition, [$13,000,000] *$18,000,000* from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement'' *and $20,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to Jump Start Public School Reform,"* shall be available for District of Columbia Public Schools: Provided, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year [2008] *2009* unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the [Superintendent] *Chancellor* of the District of Columbia Public Schools): Provided further, That not to exceed [$10,100] *$10,600* for the [Superintendent of Schools] *Chancellor* shall be available from this appropriation for official reception and representation expenses: [Provided further, that no less than $12,516,000 shall be available from this appropriation for the Metropolitan Police Departments' provision of security for the District of Columbia Public Schools:] Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, [2008] *2009*, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year [2009] *2010* (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, [2009] *2010: [P*rovided further, that of the local funds appropriated to the District of Columbia by the Continuing Appropriations Resolution, 2007 approved February 15, 2007 (Pub.L. No. 110-5), under this heading, $5,000,000 in local funds shall remain available until expended to cover expenditures associated with the Blackman v. District of Columbia and Jones v. District of Columbia consent decree ("Blackman-Jones"): Provided further, That $5,000,000 in local funds for fiscal year 2008 funds shall remain available until expended for Blackman-Jones].

[(2) Teachers' Retirement Fund.— $6,000,000 from local funds shall be available for the Teacher's Retirement Fund.]

(2) [(3) State Education Office] *Office of the State Superintendent of Education.*— [$62,994,000] *$290,996,000* (including [$20,131,000] *$119,894,000* from local funds, [$32,541,000] *$160,535,000* from Federal grant funds, and [$10,322,000] *$10,567,000* from other funds), in addition, $35,100,000 from funds previously appropriated in this Act under the heading ``Federal Payment for Resident Tuition Support'' shall be available for the *Office of the* State *Superintendent of* Education [Office] and [$13,000,000] *$18,000,000* from funds previously appropriated in this Act under the heading ``Federal Payment for School Improvement in the District of Columbia'' shall be available for the *Office of the* State Superintendent of Education [Office]: Provided, That of the amounts provided to the State Education Office, $1,000,000 from local funds shall remain available until June 30, [2009] *2010* for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school: [Provided further, That amounts appropriated under this heading may be increased by an amount not to exceed $9,600,000 to remain available until expended from the District of

Columbia fund balance as necessary for direct loan and credit enhancement programs: Provided further, That to the extent that the District expends local funds for this purpose, the District may reimburse those local funds from Federal funds previously appropriated but made unavailable for the direct loan and credit enhancement programs if the Federal funds become available.] *Provided further, That $5,000,000 in local funds shall remain available until expended for the Blackman and Jones v. District of Columbia consent decree: provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Office of the State Superintendent of Education on July 1, 2009, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the Office of the State Superintendent of Education in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for Office of the State Superintendent of Education under the District of Columbia Appropriations Act, 2010; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Special Education Transportation agency under the direction of the Office of the State Superintendent of Education, on July 1, 2009, an amount equal to ten percent of the total amount of the local funds appropriations request provided for the Special Education Transportation agency in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for Special Education Transportation agency under the District of Columbia Appropriations Act, 2010; provided further, that any unspent funds from the $960,000 available for pre-kindergarten from a prior fiscal year shall remain available until expended;*

(3) [(4)] District of Columbia Public Charter Schools.— [$320,366,000] *$366,053,000* from local funds shall be available for District of Columbia public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available until expended for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code, sec. 38-1804.03(b)(2)): Provided further, That of the amounts made available to District of Columbia public charter schools, $100,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code, sec. 38-1804.03(b)(5)): [Provided further, That $320,366,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs]: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, [2008] *2009*, an amount equal to 25 percent of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year [2009] *2010* (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, [2008] *2010*: Provided further, That the annual financial audit for the performance of an individual District of Columbia public charter school shall be funded by the charter school.

(4) [(5)] University of the District of Columbia Subsidy.— [$63,977,000] *$62,070,000* from local funds shall be available for the University of the District of Columbia subsidy: Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, [2008] *2009*, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, [2008] *2009*, an

amount equal to 10 percent of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year [2009] *2010* (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, [2008] *2010*: Provided further, That not to exceed [$10,100] $10,600 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses.

(5) [(6)] District of Columbia Public Libraries.— [$46,809,000] *$46,595,000* (including [$45,239,000] *$45,255,000* from local funds, [$842,000] *$840,000* from Federal grant funds, [$637,000] *$444,000* from other funds, and [$91,000] *$55,000* from private funds) shall be available for the District of Columbia Public Libraries: Provided, That not to exceed [$8,100] *$8,500* for the Public Librarian shall be available from this appropriation for official reception and representation expenses.

(6) [(7)] *Public* Charter School Board. – [$2,638,000] *$3,460,000* (including [$1,288,000] *$1,660,000* from local funds and [$1,350,000] *$1,800,000* from other funds).

(7) [Department of Education] *Office of the Deputy Mayor for Education.* – [$2,442,000] *$4,917,000* from local funds: *Provided further, That amounts appropriated herein shall be increased by $4,000,000, the amount currently on deposit in the Integrated Services Fund September 30, 2008, to remain available until expended and increased by funds appropriated elsewhere in this Act for transfer to the Integrated Service Fund for the purposes set forth in D.C. Official Code §4-1345.03.*

(8) Office of Public Education Facilities Modernization – *$38,369,000 (including* [$6,000,000] *$22,431,000* from local funds *and $15,938,000 from other funds)*

(9) Non-Public Tuition $141,700,000 from local funds

(10) Special Education Transportation - $75,558,000 from local funds

Human Support Services

Human support services, [$3,074,024,000] *$3,211,223,000* (including [$1,541,417,000] *$1,598,864,000* from local funds (including $24,949,000 *from* [in] dedicated taxes), [$1,499,176,000] *$1,579,242,000* from Federal grant funds, [$32,388,000] *$32,002,000* from other funds, [$1,042,000] *$1,114,000* from private funds): [Provided, That $30,280,000of this appropriation, to remain available until expended, shall be available solely for expenses associated with the District of Columbia employees' disability compensation program:]Provided further, That up to one percent of the local funds appropriated for the Child Family and Services Agency, the Department of Health, the Department of Human Services, the Department of Mental Health, and the Department of Youth Rehabilitation Services *may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families and used for the purposes set forth in D.C. Official Code § 4-1345.03, Provided further, That funds deposited into the Integrated Services Fund shall remain available until expended:* [may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families, established by Title V of the Fiscal Year 2007 Budget Support Act of 2006, approved March 2, 2007 (D.C. Law 16-192, § 5203 ; 53 DCR 6899; D.C. Official Code 4-1323.02): Provided further, That of the local funds appropriated to the District of Columbia by the Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No 110-5) under the Heading "Governmental Direction and Support" for activities authorized through the Community Health Care Financing Fund, the Mayor is authorized to transfer amounts that remain available to this heading for use by the Department of Health, and such funds shall remain available until expended.] to be allocated as follows:

(1) Department of Human Service. – $338,771,000 (including $179,322,000 from local funds, $156,558,000 from Federal grant funds, $2,800,000 from other funds and $91,000 from private funds)

(2) Child and Family Services. – $230,067,000 (including $198,295,000 from local funds, $30,998,000 from Federal grant funds, $750,000 from other funds and $23,000 from private funds)

(3) Department of Mental Health. – $222,555,000 (including $213,181,000 from local funds, $5,566,000 from Federal grant funds and $3,808,000 from other funds)

(4) Department of Health. – $253,077,000 (including $101,606,000 from local funds, $137,096,000 from Federal grant funds and $14,375,000 from other funds) provided, that any funds deposited into the Effi Slaughter Barry Initiative Fund shall remain available until expended; provided further, that any funds deposited into the Health Professional Recruitment Fund, including unspent funds from prior fiscal years, shall remain available until expended;

(5) Department of Parks and Recreation. – $50,242,000 (including $46,750,000 from local funds, $2,492,000 from other funds and $1,000,000 from private funds)

(6) Office on Aging. – $24,186,000 (including $17,584,000 from local funds and $6,601,000 from Federal grant funds)

(7) District of Columbia Unemployment Compensation Fund. – $5,500,000 from local funds

(8) Disability Compensation Fund. – [$30,280,000] $15,030,000 from local funds to remain available until expended

(9) Office of Human Rights. – $3,218,000 (including $2,763,000 from local funds and $455,000 from Federal grant funds)

(10) Office of Latino Affairs. – $4,727,000 from local funds

(11) Children Investment Trust Fund. – $18,460,000 from local funds

(12) Office on Asian and Pacific Islander Affairs. – $1,021,000 from local funds

(13) Office of Veterans Affairs. – $462,000 from local funds

(14) Department of Youth Rehabilitation Service. – $81,820,000 from local funds: Provided that amounts appropriated herein may be expended to implement the provisions of the "On-site Meal Expenses Amendment Act of 2008" passed on 1st reading on May 13, 2008. (Engrossed version of Bill 17-768.)

(15) Department on Disability Services. – $122,359,000 (including $90,475,000 from local funds, $26,083,000 from Federal grant funds, and $5,800,000 from other funds; and

(16) Department of Healthcare Finance. – $1,839,729,000 (including $621,867,000 from local funds (including $24,949,000 from dedicated taxes), $1,215,885,000 from Federal grant funds and $1,977,000 from other funds; provided that any funds deposited into the Healthy DC Fund, including unspent funds from prior fiscal years, shall remain available until expended; provided further, that any funds deposited into the Nursing Home Quality of Care Fund, including unspent funds from prior fiscal years shall remain available until expended.

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, [$593,711,000] *$645,839,000* (including [$409,248,000] *$451,135,000* from local funds, [$20,142,000] *including $24,120,000 from dedicated taxes) $22,932,000* from Federal grant funds, [$500,000] *$300,000* from private funds, and [$163,822,000] *$171,472,000* from other funds: [Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business] *to be allocated as follows:*

(1) Department of Public Works. – $138,333,000 (including $124,939,000 from local funds and $13,395,000 from other funds)

(2) Department of Transportation. – $142,555,000 (including $30,094,000 from local funds (including $24,120,000 from dedicated taxes), $3,200,000 from Federal grant funds and $109,261,000 from other funds)

(3) Department of Motor Vehicles. – $44,539,000 (including $31,216,000 from local funds and $13,324,000 from other funds)

(4) Department of the Environment. – $79,941,000 (including $25,039,000 from local funds, $19,732,000 from Federal grant funds, $34,869,000 from other funds and $300,000 from private funds

(5) Taxi Cab Commission. – $1,991,000 (including $1,368,000 from local funds and $623,000 from other funds)

(6) Washington Metropolitan Area Transit Commission. – $113,000 from local funds

(7) Washington Metropolitan Area Transit Authority. – $230,499,000 from local funds; and

(8) School Transit Subsidies. – $7,866,000 from local funds

Financing and Other

Financing and Other, [$1,027,330,000] *$959,821,000* (including [$1,013,451,000] *$925,884,000* from local funds (including [$46,397,000] *$167,924,000* from dedicated taxes) and [$13,880,000] *$33,938,000* from other funds) to be allocated as follows:

(1) Repayment of Loans and Interest - for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, *approved December 24, 1973 (87 Stat. 777;* D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), *$459,727,000 (including* [$440,707,000] *$456,630,000* from local funds *(including $3,580,000 from dedicated taxes) and $3,097,000 from other funds).*

(2) Short-Term Borrowing –[,$13,334,000] *$9,000,000 from local funds for payment of interest on short-term borrowing.*

(3) Certificates of Participation - for principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, [$32,288,000] *$32,791,000* from local funds.

(4) [(14)] Debt Issuance Costs - for the payment of debt service issuance costs, [$60,000,000] *$15,000,000* from local funds

(5) [(15)] School Modernization Fund - for a School Modernization Fund, [$6,435,000] *$8,613,000* from local funds

(6) [(18)] Revenue Bonds - for the repayment of revenue bonds [$12,000,000] *$6,000,000* from local funds *(including $6,000,000 from dedicated taxes);*.

(7) [(4)] Settlements and Judgments - for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, [$21,015,000] *$21,477,000* from local funds: Provided, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

(8) [(5)] Wilson Building - for expenses associated with the John A. Wilson building, [$4,190,000] *$4,058,000* from local funds.

(9) [(6)] Workforce Investments - for workforce investments, [$21,044,000] *$36,691,000* from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable: *Provided, That of this amount $4,952,000 shall remain available until expended to meet the requirements of the Compensation Agreement Between the District of Columbia Government Units 1 and 2 Emergency Approval Resolution of 2006, effective September 19, 2006 (Res. 16-794; 53 DCR 7742).*

(10) [(7)]Non-Departmental - to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, *$39,279,000* [$57,107,000] (including [$43,227,000] *$10,438,000* from local funds *that shall remain available to cover any lease costs that may remain from the District's lease at 225 Virginia Avenue* and [$13,880,000] *$28,841,000* from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act.

(11) [(8)]For Emergency Planning and Security Fund, [$3,000,000] *$15,000,000* from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia": Provided, That notwithstanding any other law, the District of Columbia may charge obligations and expenditures that are pending reimbursement under the heading

"Federal Payment for Emergency Planning and Security Costs in the District of Columbia" to this local appropriations heading.

[*(9)* Cash Reserve - for the cumulative cash reserve to be made available for expenditure consistent with the requirements established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; Pub. L. No. 107-96; D.C. Official Code, sec. 47-392.02(j)(2)) for such reserve $50,000,000 from local funds.]

(12) [(11)]Equipment Lease Operating - [$43,755,000] *$51,405,000* from local funds.

(13) Pay-As-You-Go Capital funds – in lieu of capital financing, [$108,152,000] *$144,637,000 (including $142,637,000 from local funds (including $108,300,000 from dedicated taxes) and $2,000,000 from other funds* to be transferred to the Capital Fund.

(14) [(16)] District Retiree Health Contribution - for a District Retiree Health Contribution, [$110,907,000] *$81,100,000* from local funds.

(15) [(17)] Baseball Revenue- [$46,397,000] *$50,044,000 from local funds (including $50,044,000 from dedicated taxes) derived* from *a* dedicated tax to account for the inflows and outflows of both operating and capital dollars in addition, the amounts appropriated herein may be increased by such amounts as may be necessary and as are consistent with the Ballpark Omnibus Financing And Revenue Act of 2004, effective April 08, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.01 et seq.) to pay debt service, and to maintain and replenish required reserves for baseball revenue bonds

(16) [(10)] Tax Increment Financing - the amounts appropriated herein may be increased by an amount not to exceed [$16,200,000] *$9,712,000* from the District's General Fund balance for a Tax Increment Financing program as may be necessary to meet the Tax Increment Financing requirements; *and*

(17) [(12)] Emergency and Contingency Funds - For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code, sec. 1-204.50a), the amounts appropriated herein may be increased by such additional amounts from the funds of the District government as are necessary to meet the balance requirements for such funds under section 450A

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority

Pursuant to section 445a of the District of Columbia Home Rule Act, approved August 6, 1996 (110 Stat. 1698; D.C. Official Code §1-204.45a), which provides that the Council shall have no authority to revise the budget for the District of Columbia Water and Sewer Authority, of which 60% represents rate-payer revenue, the Council forwards this non-appropriated budget request: For operation of the Water and Sewer Authority, [$341,186,000] *$363,234,000* from other funds, of which [$5,355,000] *$3,989,000* shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, [$466,584,000] *$585,902,000,* to be distributed as follows: [$13,781,000] *$486,141,000* for the Blue Plains Wastewater Treatment Plant, [$110,503,000 for the sewer program, $98,675,000 for the combined sewer program,] [$193,782,000] *$88,769,000* for the water program, [$19,175,000] *$2,249,000* for the Washington Aqueduct capital program and, [$30,668,000] *$8,743,000* for the capital equipment program; in addition, [$12,000,000] *$14,000,000* from funds previously appropriated in this Act under the heading ``Federal Payment to the District of Columbia Water and Sewer Authority": Provided, That the requirements and restrictions that are applicable to General Fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

Washington Aqueduct

For operation of the Washington Aqueduct, [$49,815,000] *$56,491,000* from other funds.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (Pub. L. No. 97-91; 95 Stat. 1174), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, *effective March 10, 1981* (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), [$266,700,000] *$265,000,000* from other funds: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board: Provided further, That, *after notification to the Mayor*, amounts appropriated herein may be increased by an amount necessary for the Lottery and Charitable Games Enterprise Fund to make transfers to the General Fund of the District of Columbia *and to cover prizes, agent commissions, and gaming related fees directly associated with unanticipated excess lottery revenues*, not included in this appropriation[, if such funds are available for transfer].

Sports and Entertainment Commission

For the Sports and Entertainment Commission, [$58,529,000] *$7,603,000* from other funds to remain available until expended, *of which $2,500,000 is from local funds to be received as a subsidy payment.*

District of Columbia Retirement Board

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979, *approved November 17, 1979 (93 Stat 866;* D.C. Official Code, sec. 1-711), [$33,249,000] *$32,624,000* from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, [$88,742,000] *$96,696,000* from other funds.

Housing Finance Agency

For the Housing Finance Agency, $7,919,000 from other funds.

University of the District of Columbia

For the University of the District of Columbia, [$112,613,000] *$118,268,000* (including, [$63,977,000] *$62,070,000* from local funds, [$18,214,000] *$18,487,000* from Federal grant funds, [$29,734,000] *$36,819,000* from other funds, and [$687,000] *$891,000* from private funds): Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, [2008] *2009*, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

[District of Columbia of Personnel Agency] *Department of Human Resources* Trust Fund

For the District of Columbia [of Personnel Agency] *Department of Human Resources* Trust Fund, [$1,500,000] *$2,400,000* from other funds.

District of Columbia Public Library Trust Fund

For the District of Columbia Public Library Trust Fund, $17,000 from other funds.

Unemployment Insurance Trust Fund

For the Unemployment Insurance Trust Fund, $180,000,000 from other funds.

Housing Production Trust Fund

For the Housing Production Trust Fund, [$122,703,000] *$108,680,000* in local funds ([of which $122,703,000 is] *including $108,680,000* from dedicated taxes) to remain available until expended for purposes identified by the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 et seq.).

Tax Increment Financing

[$16,200,000 from local funds] For Tax Increment Financing *$24,330,000 from other funds.*

Baseball Fund

For the Baseball Fund, [$164,101,000] *$76,755,000* [of which] (*including* [$157,101,000] *$69,255,000* from local funds (including $65,873,000 from dedicated taxes)] and [$7,000,000] *$7,500,000* from other funds) [for the Baseball Fund].

Repayment of Payment in Lieu of Taxes Financing

For Repayment of Payment in Lieu of Taxes Financing $9,770,000 from other funds.

CAPITAL OUTLAY

For capital construction projects, an increase of [$1,607,703,000] *$1,482,977,000*, of which [$1,042,712,000] *$1,121,734,000* shall be from local funds, [$73,260,000] *$107,794,000* from the Local Street Maintenance fund, [$38,523,000] *$60,708,000* from the District of Columbia Highway Trust fund,

[$186,008,000] *$192,741,000* from Federal grant funds, [$75,000,000 from revenue bonds, $150,00,000 from financing for construction of a consolidated laboratory facility, $42,200,000 for construction of a baseball stadium, ,] and a rescission of [$212,696,000] *$353,447,000* from local funds *and a rescission of $37,500,000 from Local Street Maintenance funds* appropriated under this heading in prior fiscal years for a net amount of [$1,395,007,000] *$1,092,030,000*, to remain available until expended: in addition, *$7,000,000 to remain available until expended* from funds previously appropriated in this Act under the heading "Federal Payment for Central Library and Branch Location" *and* [$10,000,000] *$5,000,000* to remain available until September 30, [2009] *2010* from funds previously appropriated in this Act under the heading "Federal Payment for Consolidated Laboratory Facility": Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That amounts appropriated under this heading may be increased by the amount transferred from funds appropriated in this act as Pay-As-You-Go Capital funds[: Provided further, That the Office of the Chief Technology Officer of the District of Columbia shall continue to implement the following information technology projects through completion of each such project on behalf of the District of Columbia Public Schools: Student Information System (project number T2240), Student Information System PCS (project number T2241), Enterprise Resource Planning (project number T2242), E-Rate (project number T2243), and SETS Expansion PCS (project number T2244): Provided further, That renovation of the office space of the Office of Attorney General at One Judiciary Square is authorized, subject to approval of financing for that purpose in accordance with laws enacted by the Council].

TITLE IV--GENERAL PROVISIONS

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

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

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

SEC. 104. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

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

SEC. 105. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which--

(1) creates new programs;

(2) eliminates a program, project, *activity,* or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, *activity,* or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, *activity,* or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project, *activity* or responsibility center,

unless in the case of Federal funds, the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, [2008] 2009 and October 1, [2008] 2009, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, [2008] 2009 and October 1, [2008] 2009, setting forth detailed information regarding each reprogramming conducted subject to this subsection, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations; *provided, that this subsection shall not apply to any reprogramming submitted to the Council within 30 calendar days of the date of the enactment of this Act.*

(c) The District of Columbia Government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through [December 1, 2008] *November 1, 2009; provided, that any reprogramming submitted pursuant to this subsection in excess of $1 million shall be submitted to the Council prior to the close of business on September 30, 2009.*

SEC. 106. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

[SEC. 107. Notwithstanding section 8344(a) of title 5, United States Code, the amendment made by section 2 of the District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004 (D.C. Law 15-207) shall apply with respect to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.]

[SEC. 108. No later than 30 days after the end of the first quarter of fiscal year 2008, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2008 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2009. The officially revised estimates at midyear shall be used for the midyear report.]

[SEC. 109. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).]

[SEC. 110. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32-

701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.]

SEC. *107* [111]. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) *of this section* until--

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

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B) *of this subsection*, the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if--

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A) *of this subsection*; or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A) *of this subsection*.

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

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) *of this section* to reflect a change in the actual amount of the grant.

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

SEC. *108* [112. (a)] Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For *the* purposes of this [paragraph] *section*, the term `official duties' does not include travel between the officer's or employee's residence and workplace, except in the case of--

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of *Police* [the Department];

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

[(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2008, an inventory, as of September 30, 2007, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.]

[SEC. 113. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.]

[SEC. 114. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.]

[SEC. 115. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: *Provided,* That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2008 and October 1, 2008, a summary list showing each report, the due date, and the date submitted to the Committees.]

SEC. *109* [116]. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a 'conscience clause' which provides exceptions for religious beliefs and moral convictions.

[SEC. 117. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate annual reports addressing--

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.]

[SEC. 118. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2008 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

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

SEC. *110* [119]. [(a) None of the funds contained in this Act may be made available to pay--

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

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

(b) In this section, the term `action' includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.]

(a) Notwithstanding 20 U.S.C. 1415, 21 USC 1988, and 29 U.S.C. 794a, or any other law, none of the funds appropriated under this Act, or in appropriations Acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceed a cap imposed on attorneys' fees by prior appropriations Acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, or interest on those awards, in an action or proceeding brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C.1400 et seq.).

(b) In addition, none of the funds contained in this Act may be made available to pay fees associated with such an action or proceeding to an attorney or firm who the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. *111* [120]. *Beginning in fiscal year 2009 and each fiscal year thereafter, the* [The] amount appropriated *to the District of Columbia* [by this title] may be increased by no more than $100,000,000 from funds identified in the *annual* comprehensive annual financial report as the District's *immediately preceding fiscal year's* [fiscal year 2007] unexpended General Fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

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

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

(A) One-time expenditures;

(B) Expenditures to avoid deficit spending;

(C) Debt Reduction;

(D) Program needs; *or*

(E) Expenditures to avoid revenue shortfalls.

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

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

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than [30] *15* days in advance of the obligation or expenditure.

SEC. *112* [121]. (a) *Beginning in fiscal year 2009 and each fiscal year thereafter, consistent with revenue collections* [To account for an unanticipated growth of revenue collections], the amount appropriated as District of Columbia Funds [pursuant to this Act] may be increased--

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as 'Other-Type Funds' in the [Fiscal Year 2008] *annual* Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify--

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than [30] *15* days in advance of the obligation or expenditure.

SEC. *113* [122]. *Beginning in fiscal year 2009 and each fiscal year thereafter, the* [The] Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act, *approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a)* [(Public Law 98-198)]: *Provided,* That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further,* That the borrowing shall not deplete either fund by more than 50 percent: *Provided further,* That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further,* That in the event that short-term borrowing has been conducted and the emergency or the contingency *reserve* funds are later depleted below 50 percent as a

result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 114. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), the Income Tax Secured Bond Authorization Act of 2008, as introduced on May 6, 2008 (D.C. Bill 17-741), shall take effect on the date of its enactment by the District of Columbia.

[SEC. 123. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.]

[SEC. 124. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.]

[SEC. 125. (a) DIRECT APPROPRIATION- Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607(a), D.C. Official Code) is amended by striking the first 2 sentences and inserting the following: 'There are authorized to be appropriated to the Service in each fiscal year such funds as may be necessary to carry out this chapter.'.

(b) CONFORMING AMENDMENT- Section 11233 of the Balanced Budget Act of 1997 (sec. 24-133, D.C. Official Code) is amended by striking subsection (f).

(e) EFFECTIVE DATE- The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.]

SEC. *115* [126]. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred shall retain appropriation authority consistent with the provisions of this Act.

[SEC. 127. In fiscal year 2008 and thereafter, amounts deposited in the Student Enrollment Fund shall be available for expenditure upon deposit and shall remain available until expended consistent with the terms detailed in 'The Student Funding Formula Assessment, Educational Data Warehouse, and Enrollment Fund Establishment Amendment Act of 2007' (title IV-D of D.C. Law L17-0020) and the entire provisions of that Act are incorporated herein by reference.]

SEC. *116* [118]SEC. 118. Except as expressly provided otherwise, any reference to 'this Act' contained in this division shall be treated as referring only to the provisions of this division.

This *division* may be cited as the "District of Columbia Appropriations Act, [2008] *2009*".

DIVISION – B[1]

DISTRICT OF COLUMBIA AUTHORIZATION REQUEST

SEC. 201. The following proviso under the heading "Lottery and Charitable Games Enterprise Fund" in the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (Public Law 97-91; 95 Stat. 1174;), is repealed:

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

SEC. 202. Section 11201 of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 734; D.C. Official Code § 24-101), is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Reimbursement to District of Columbia Department of Corrections.– The United States Government shall reimburse the District of Columbia Department of Corrections its costs of providing custody and care for:

"(1) Felons committed by the Superior Court of the District of Columbia from the date of sentencing until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons;

"(2) Previously sentenced felons committed to the Department of Corrections as violators of parole, supervised release, or probation from the date of commitment until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons; and

"(3) Previously sentenced felons held by or committed to the Department of Corrections on writs from the date of commitment until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons.".

SEC. 203. Notwithstanding any other law, all entities within the District of Columbia shall be subject to the general sales tax of the District of Columbia for sales to the public in gift shops, restaurants, and similar facilities.

[SEC. *204.* Notwithstanding any other law (or 5 USC §8344(a)), the District Government Reemployed Annuitant Offset Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-207; 51 DCR 8799), shall apply to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.]

SEC. 204 [205]. The 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Public Law 109–356; 120 Stat. 2019) is amended as follows:

(a) Section 101(c) is amended to read as follows:

"(c) EFFECTIVE DATE – This section shall apply fiscal year 2006 and each succeeding fiscal year.".

(b) Section 102(a)(4) is amended to read as follows:

"(4) EFFECTIVE DATE – This section shall apply fiscal year 2006 and each succeeding fiscal year.".

(c) Section 202(a) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Sec. 424. (a) IN GENERAL." and inserting the phrase "Sec. 425. (a) IN GENERAL." in its place.

[1] Provisions included under Division B shall be transmitted by the Mayor to the House Committee on Government Reform and the Senate Committee on Homeland Security and Governmental Affairs for enactment.

(2) Paragraph (2) is amended by striking the phrase "Sec. 424a. Authority" and inserting the phrase " Sec. 425. Authority" in its place.

(d) Section 203(a) is amended as follows:

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

(A) Strike the phrase "Sec. 424b. The Chief" and insert the phrase "Sec. 426. The Chief" in its place.

(B) Strike the date "1986" and insert the date "1985" in its place.

(2) Paragraph (2) is amended by striking the phrase "Sec. 424b. Procurement" and inserting the phrase "Sec. 426. Procurement" in its place.

(e) Section 305(f) is amended to read as follows:

"(f) EFFECTIVE DATE – This section shall apply fiscal year 2006 and each succeeding fiscal year.".

SEC. 205 [206]SEC. The federal government shall compensate the District for use and occupancy of public space closed for the security of federal buildings within the District of Columbia and such compensation shall be deemed to be included in and available from the annual appropriations for each agency of the federal government.

Sec. 206. Section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 136; D.C. Official Code § 47-392.09), is repealed.

Sec. 207. Section 424a of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2037; D.C. Official Code § 1-204.25), is amended by adding a new subsection (e) to read as follows::

"(e) Delegation of Oversight Responsibility for Independent Agencies. --

"(1) The Chief Financial Officer may delegate his or her oversight responsibilities under subsection (b)(3) of this section for any independent agency to the director of the respective agency or its governing board through a memorandum of understanding approved by the Council.

"(2) Any proposed memorandum of understanding shall be submitted, along with a proposed resolution, by the Mayor to the Council for a 30-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 30-day period of review, the proposed resolution and the memorandum of understanding shall be deemed approved.".

This Act may be cited as the "District of Columbia Omnibus Authorization Act, 2009".

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