

Calendar No. 170109TH CONGRESS
1ST SESSION**S. 1446****[Report No. 109-106]**

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2005

Mr. BROWNBACK, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 District of Columbia and related agencies for the fiscal

1 year ending September 30, 2006, and for other purposes,
2 namely:

3 DISTRICT OF COLUMBIA

4 FEDERAL FUNDS

5 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

6 For a Federal payment to the District of Columbia,
7 to be deposited into a dedicated account, for a nationwide
8 program to be administered by the Mayor, for District of
9 Columbia resident tuition support, \$33,200,000, to remain
10 available until expended: *Provided*, That such funds, in-
11 cluding any interest accrued thereon, may be used on be-
12 half of eligible District of Columbia residents to pay an
13 amount based upon the difference between in-State and
14 out-of-State tuition at public institutions of higher edu-
15 cation, or to pay up to \$2,500 each year at eligible private
16 institutions of higher education: *Provided further*, That the
17 awarding of such funds may be prioritized on the basis
18 of a resident's academic merit, the income and need of
19 eligible students and such other factors as may be author-
20 ized: *Provided further*, That the District of Columbia gov-
21 ernment shall maintain a dedicated account for the Resi-
22 dent Tuition Support Program that shall consist of the
23 Federal funds appropriated to the Program in this Act
24 and any subsequent appropriations, any unobligated bal-
25 ances from prior fiscal years, and any interest earned in

1 this or any fiscal year: *Provided further*, That the account
 2 shall be under the control of the District of Columbia
 3 Chief Financial Officer, who shall use those funds solely
 4 for the purposes of carrying out the Resident Tuition Sup-
 5 port Program: *Provided further*, That the Office of the
 6 Chief Financial Officer shall provide a quarterly financial
 7 report to the Committees on Appropriations of the House
 8 of Representatives and Senate for these funds showing,
 9 by object class, the expenditures made and the purpose
 10 therefor: *Provided further*, That not more than \$1,200,000
 11 of the total amount appropriated for this program may
 12 be used for administrative expenses.

13 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
 14 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

15 For necessary expenses, as determined by the Mayor
 16 of the District of Columbia in written consultation with
 17 the elected county or city officials of surrounding jurisdic-
 18 tions, \$12,000,000, to remain available until expended, to
 19 reimburse the District of Columbia for the costs of pro-
 20 viding public safety at events related to the presence of
 21 the national capital in the District of Columbia and for
 22 the costs of providing support to respond to immediate
 23 and specific terrorist threats or attacks in the District of
 24 Columbia or surrounding jurisdictions: *Provided*, That any
 25 amount provided under this heading shall be available only
 26 after notice of its proposed use has been transmitted by

1 the President to Congress and such amount has been ap-
2 portioned pursuant to chapter 15 of title 31, United
3 States Code.

4 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
5 COURTS

6 For salaries and expenses for the District of Colum-
7 bia Courts, \$218,912,000, to be allocated as follows: for
8 the District of Columbia Court of Appeals, \$9,198,000,
9 of which not to exceed \$1,500 is for official reception and
10 representation expenses; for the District of Columbia Su-
11 perior Court, \$87,342,000, of which not to exceed \$1,500
12 is for official reception and representation expenses; for
13 the District of Columbia Court System, \$41,643,000, of
14 which not to exceed \$1,500 is for official reception and
15 representation expenses; and \$80,729,000, to remain
16 available until September 30, 2007, for capital improve-
17 ments for District of Columbia courthouse facilities: *Pro-*
18 *vided*, That notwithstanding any other provision of law,
19 a single contract or related contracts for development and
20 construction of facilities may be employed which collec-
21 tively include the full scope of the project: *Provided fur-*
22 *ther*, That the solicitation and contract shall contain the
23 clause “availability of Funds” found at 48 CFR 52.232-
24 18: *Provided further*, That funds made available for capital
25 improvements shall be expended consistent with the Gen-
26 eral Services Administration master plan study and build-

1 ing evaluation report: *Provided further*, That notwith-
2 standing any other provision of law, all amounts under
3 this heading shall be apportioned quarterly by the Office
4 of Management and Budget and obligated and expended
5 in the same manner as funds appropriated for salaries and
6 expenses of other Federal agencies, with payroll and finan-
7 cial services to be provided on a contractual basis with
8 the General Services Administration (GSA), and such
9 services shall include the preparation of monthly financial
10 reports, copies of which shall be submitted directly by GSA
11 to the President and to the Committees on Appropriations
12 of the House of Representatives and Senate, the Com-
13 mittee on Government Reform of the House of Represent-
14 atives, and the Committee on Governmental Affairs of the
15 Senate: *Provided further*, That 30 days after providing
16 written notice to the Committees on Appropriations of the
17 House of Representatives and Senate, the District of Co-
18 lumbia Courts may reallocate not more than \$1,000,000
19 of the funds provided under this heading among the items
20 and entities funded under this heading for operations, and
21 not more than 4 percent of the funds provided under this
22 heading for facilities.

23 DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

24 For payments authorized under section 11–2604 and
25 section 11–2605, D.C. Official Code (relating to represen-
26 tation provided under the District of Columbia Criminal

1 Justice Act), payments for counsel appointed in pro-
2 ceedings in the Family Court of the Superior Court of the
3 District of Columbia under chapter 23 of title 16, D.C.
4 Official Code, or pursuant to contractual agreements to
5 provide guardian ad litem representation, training, tech-
6 nical assistance and such other services as are necessary
7 to improve the quality of guardian ad litem representation,
8 payments for counsel appointed in adoption proceedings
9 under chapter 3 of title 16, D.C. Code, and payments for
10 counsel authorized under section 21–2060, D.C. Official
11 Code (relating to representation provided under the Dis-
12 trict of Columbia Guardianship, Protective Proceedings,
13 and Durable Power of Attorney Act of 1986),
14 \$45,000,000, to remain available until expended: *Pro-*
15 *vided*, That the funds provided in this Act under the head-
16 ing “Federal Payment to the District of Columbia Courts”
17 (other than the \$80,729,000 provided under such heading
18 for capital improvements for District of Columbia court-
19 house facilities) may also be used for payments under this
20 heading: *Provided further*, That in addition to the funds
21 provided under this heading, the Joint Committee on Ju-
22 dicial Administration in the District of Columbia may use
23 funds provided in this Act under the heading “Federal
24 Payment to the District of Columbia Courts” (other than
25 the \$80,729,000 provided under such heading for capital

1 improvements for District of Columbia courthouse facili-
 2 ties), to make payments described under this heading for
 3 obligations incurred during any fiscal year: *Provided fur-*
 4 *ther*, That funds provided under this heading shall be ad-
 5 ministered by the Joint Committee on Judicial Adminis-
 6 tration in the District of Columbia: *Provided futher*, That
 7 notwithstanding any other provision of law, this appro-
 8 priation shall be apportioned quarterly by the Office of
 9 Management and Budget and obligated and expended in
 10 the same manner as funds appropriated for expenses of
 11 other Federal agencies, with payroll and financial services
 12 to be provided on a contractual basis with the General
 13 Services Administration (GSA), and such services shall in-
 14 clude the preparation of monthly financial reports, copies
 15 of which shall be submitted directly by GSA to the Presi-
 16 dent and to the Committees on Appropriations of the
 17 House of Representatives and Senate, the Committee on
 18 Government Reform of the House of Representatives, and
 19 the Committee on Governmental Affairs of the Senate.

20 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
 21 FENDER SUPERVISION AGENCY FOR THE DISTRICT
 22 OF COLUMBIA

23 (INCLUDING TRANSFER OF FUNDS)

24 For salaries and expenses, including the transfer and
 25 hire of motor vehicles, of the Court Services and Offender
 26 Supervision Agency for the District of Columbia and the

1 Public Defender Service for the District of Columbia, as
2 authorized by the National Capital Revitalization and Self-
3 Government Improvement Act of 1997, \$201,388,000, of
4 which not to exceed \$2,000 is for official receptions and
5 representation expenses related to Community Supervision
6 and Pretrial Services Agency programs; of which not to
7 exceed \$25,000 is for dues and assessments relating to
8 the implementation of the Court Services and Offender
9 Supervision Agency Interstate Supervision Act of 2002;
10 of which \$129,360,000 shall be for necessary expenses of
11 Community Supervision and Sex Offender Registration, to
12 include expenses relating to the supervision of adults sub-
13 ject to protection orders or the provision of services for
14 or related to such persons; of which \$42,195,000 shall be
15 available to the Pretrial Services Agency; and of which
16 \$29,833,000 shall be transferred to the Public Defender
17 Service for the District of Columbia: *Provided*, That not-
18 withstanding any other provision of law, all amounts
19 under this heading shall be apportioned quarterly by the
20 Office of Management and Budget and obligated and ex-
21 pended in the same manner as funds appropriated for sal-
22 aries and expenses of other Federal agencies: *Provided fur-*
23 *ther*, That the Director is authorized to accept and use
24 gifts in the form of in-kind contributions of space and hos-
25 pitality to support offender and defendant programs, and

1 equipment and vocational training services to educate and
2 train offenders and defendants: *Provided further*, That the
3 Director shall keep accurate and detailed records of the
4 acceptance and use of any gift or donation under the pre-
5 vious proviso, and shall make such records available for
6 audit and public inspection: *Provided further*, That the
7 Court Services and Offender Supervision Agency Director
8 is authorized to accept and use reimbursement from the
9 D.C. Government for space and services provided on a cost
10 reimbursable basis: *Provided further*, That *for this fiscal*
11 *year and subsequent fiscal years*, the Public Defender Serv-
12 ice is authorized to charge fees to cover costs of materials
13 distributed *and training provided* to attendees of edu-
14 cational events, including conferences, sponsored by the
15 Public Defender Service, and notwithstanding section
16 3302 of title 31, United States Code, said fees shall be
17 credited to the Public Defender Service account to be
18 available for use without further appropriation.

19 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

20 WATER AND SEWER AUTHORITY

21 For a Federal payment to the District of Columbia
22 Water and Sewer Authority, \$5,000,000, to remain avail-
23 able until expended, to continue implementation of the
24 Combined Sewer Overflow Long-Term Plan: *Provided*,
25 That the District of Columbia Water and Sewer Authority
26 provides a 100 percent match for this payment.

1 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT
2 INITIATIVE

3 For a Federal payment to the District of Columbia
4 Department of Transportation, \$3,000,000, to remain
5 available until September 30, 2007, for design and con-
6 struction of a continuous pedestrian and bicycle trail sys-
7 tem from the Potomac River to the District's border with
8 Maryland.

9 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
10 COORDINATING COUNCIL

11 For a Federal payment to the Criminal Justice Co-
12 ordinating Council, \$1,300,000, to remain available until
13 expended, to support initiatives related to the coordination
14 of Federal and local criminal justice resources in the Dis-
15 trict of Columbia.

16 FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

17 For a Federal payment to the District of Columbia
18 Department of Transportation, \$1,000,000, to implement
19 a downtown circulator transit system.

20 FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS
21 IN THE DISTRICT OF COLUMBIA

22 For the Federal payment to the District of Columbia
23 for foster care improvements, \$2,000,000 to remain avail-
24 able until expended: *Provided*, That \$1,750,000 shall be
25 for the Child and Family Services Agency, of which
26 \$1,000,000 shall be for a loan repayment program for so-

1 cial workers; of which \$750,000 shall be for post-adoption
 2 services: *Provided further*, That \$250,000 shall be for the
 3 Washington Metropolitan Council of Governments, to con-
 4 tinue a program in conjunction with the Foster and Adop-
 5 tive Parents Advocacy Center, to provide respite care for
 6 and recruitment of foster parents: *Provided further*, That
 7 these Federal funds shall supplement and not supplant
 8 local funds for the purposes described under this heading.

9 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF
 10 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

11 For a Federal payment to the Office of the Chief Fi-
 12 nancial Officer of the District of Columbia, \$16,500,000:
 13 *Provided*, That these funds shall be available for the
 14 projects and in the amounts specified in the Statement
 15 of the Managers on the conference report accompanying
 16 this Act: *Provided further*, That each entity that receives
 17 funding under this heading shall submit to the Office of
 18 the Chief Financial Officer of the District of Columbia and
 19 the Committees on Appropriations of the House of Rep-
 20 resentatives and Senate a report on the activities to be
 21 carried out with such funds no later than March 15, 2006.

22 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

23 For a Federal payment for a school improvement pro-
 24 gram in the District of Columbia, \$40,000,000, to be allo-
 25 cated as follows: for the District of Columbia Public
 26 Schools, \$13,000,000 to improve public school education

1 in the District of Columbia; for the State Education Of-
2 fice, \$13,000,000 to expand quality public charter schools
3 in the District of Columbia, to remain available until Sep-
4 tember 30, 2007; for the Secretary of the Department of
5 Education, \$14,000,000 to provide opportunity scholar-
6 ships for students in the District of Columbia in accord-
7 ance with division C, title III of the District of Columbia
8 Appropriations Act, 2004 (Public Law 108–199; 118 Stat.
9 126), of which up to \$1,000,000 may be used to admin-
10 ister and fund assessments: *Provided*, That of the
11 \$13,000,000 provided for public charter schools in the
12 District of Columbia; \$4,000,000, to remain available
13 until expended, shall be for the Direct Loan Fund for
14 Charter Schools; \$2,000,000, to remain available until ex-
15 pended, shall be for Credit Enhancement; \$2,000,000
16 shall be for continuation of the City Build Charter School
17 Program; \$1,500,000 shall be for flexible grants;
18 \$2,000,000 shall be used only for grants to public charter
19 schools for improvement of public school facilities;
20 \$400,000 shall be for college access programming;
21 \$300,000 shall be to create a truancy center; \$250,000
22 shall be for administration of Federal entitlement funding;
23 \$300,000 shall be for data collection and analysis; and
24 \$250,000 shall be for administration within the State
25 Education Office.

1 FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS
2 LABORATORY

3 For a Federal payment to the District of Columbia,
4 \$5,200,000, to remain available until September 30, 2007,
5 for costs associated with the construction of a bioterrorism
6 and forensics laboratory: *Provided*, That the District of
7 Columbia shall provide an additional \$1,500,000 with
8 local funds as a condition of receiving this payment.

9 FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH
10 CHALLENGE PROGRAM

11 For a Federal payment to the District of Columbia
12 National Guard for the Youth Challenge program,
13 \$500,000.

14 FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND
15 IMPROVEMENT

16 For a Federal payment for marriage development and
17 improvement in the District of Columbia, \$3,000,000, to
18 remain available until expended: *Provided*, That
19 \$1,500,000 shall be for the Capital Area Asset Building
20 Corporation for the establishment of marriage develop-
21 ment accounts in accordance with the requirements in the
22 accompanying report, of which \$400,000 shall be for pro-
23 gram planning, marketing, evaluation, and account admin-
24 istration: *Provided further*, That \$1,500,000 shall be for
25 mentoring, counseling, community outreach, and training
26 and technical assistance, of which \$850,000 shall be for

1 the National Center for Fathering and \$650,000 shall be
2 for the East Capitol Center for Change to carry out these
3 activities: *Provided further*, That within 30 days of enact-
4 ment of this Act, the entities receiving funds under this
5 title shall submit to the Committees on Appropriations of
6 the House and Senate, a detailed expenditure plan and
7 program requirements that comport with the guidance in
8 the accompanying report.

9 FEDERAL PAYMENT FOR A LATINO YOUTH INITIATIVE

10 For a Federal payment to improve health and edu-
11 cational outcomes of Latino youth in the District of Co-
12 lumbia, \$2,000,000, to remain available until expended:
13 *Provided*, That \$1,100,000 shall be for The National
14 Council of La Raza to provide mentoring, training, inter-
15 vention services and policy research: *Provided further*,
16 That \$400,000 shall be for the MidAtlantic Equity Center
17 to develop a comprehensive Latino youth literacy plan:
18 *Provided further*, That \$500,000 shall be for the Latin
19 American Youth Center for direct services to Latino
20 youth: *Provided further*, That within 15 days of enactment
21 of this Act, the entities receiving funds under this title
22 shall submit to the Committees on Appropriations of the
23 House and Senate, a detailed expenditure plan that com-
24 ports with the requirements in the accompanying report.

1 FEDERAL PAYMENT FOR PRISONER REENTRANT HOUSING

2 For a Federal payment to the District of Columbia
3 to increase the capacity of available housing for ex-offend-
4 ers returning to the community, \$3,000,000, to remain
5 available until expended: *Provided*, That the District will
6 use a portion of these funds to provide housing to on-site
7 mentors as a condition of receiving this payment: *Provided*
8 *further*, That within 15 days of enactment of this Act, the
9 Mayor shall submit to the Committees on Appropriations
10 of the House and Senate, a detailed expenditure plan that
11 comports with the requirements in the accompanying re-
12 port.

13 DISTRICT OF COLUMBIA FUNDS

14 The following amounts are appropriated for the Dis-
15 trict of Columbia for the current fiscal year out of the
16 general fund of the District of Columbia, except as other-
17 wise specifically provided: *Provided*, That notwithstanding
18 any other provision of law, except as provided in section
19 450A of the District of Columbia Home Rule Act (D.C.
20 Official Code, sec. 1-204.50a) and provisions of this Act,
21 the total amount appropriated in this Act for operating
22 expenses for the District of Columbia for fiscal year 2006
23 under this heading shall not exceed the lesser of the sum
24 of the total revenues of the District of Columbia for such
25 fiscal year or \$8,700,158,000 (of which \$5,007,344,000

1 shall be from local funds, \$1,921,287,000 shall be from
2 Federal grant funds, \$1,754,399,000 shall be from other
3 funds, and \$17,129,000 shall be from private funds), in
4 addition, \$163,116,000 from funds previously appro-
5 priated in this Act as Federal payments: *Provided further,*
6 That of the local funds, \$466,894,000 shall be derived
7 from the District's general fund balance: *Provided further,*
8 That of these funds the District's intradistrict authority
9 shall be \$468,486,000: in addition for capital construction
10 projects there is appropriated an increase of
11 \$2,820,637,000, of which \$1,072,671,000 shall be from
12 local funds, \$49,551,000 from Highway Trust funds,
13 \$172,183,000 from the Local Street Maintenance fund,
14 \$378,000,000 from securitization of future revenue
15 streams, \$400,000,000 from Certificates of Participation
16 financing, \$534,800,000 from financing for construction
17 of a baseball stadium, \$213,432,000 from Federal grant
18 funds, and a rescission of \$295,032,000 from local funds
19 appropriated under this heading in prior fiscal years, for
20 a net amount of \$2,525,605,000, to remain available until
21 expended: *Provided further,* That the amounts provided
22 under this heading are to be allocated and expended as
23 proposed under "Title II—District of Columbia Funds"
24 of the Fiscal Year 2006 Proposed Budget and Financial
25 Plan submitted to the Congress of the United States by

1 SEC. 102. Appropriations in this Act shall be avail-
2 able for expenses of travel and for the payment of dues
3 of organizations concerned with the work of the District
4 of Columbia government, when authorized by the Mayor,
5 or, in the case of the Council of the District of Columbia,
6 funds may be expended with the authorization of the
7 Chairman of the Council.

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

13 SEC. 104. None of the Federal funds provided in this
14 Act may be used for publicity or propaganda purposes or
15 implementation of any policy including boycott designed
16 to support or defeat legislation pending before Congress
17 or any State legislature.

18 SEC. 105. (a) None of the Federal funds provided in
19 this Act may be used to carry out lobbying activities on
20 any matter. The District may use local funds to carry out
21 lobbying activities not inconsistent with this Act.

22 (b) Nothing in this section may be construed to pro-
23 hibit any elected official from advocating with respect to
24 any issue.

1 SEC. 106. (a) None of the funds provided under this
2 title to the agencies funded by this title, both Federal and
3 District government agencies, that remain available for
4 obligation or expenditure in fiscal year 2006, or provided
5 from any accounts in the Treasury of the United States
6 derived by the collection of fees available to the agencies
7 funded by this title, shall be available for obligation or ex-
8 penditures for an agency through a reprogramming of
9 funds which—

10 (1) creates new programs;

11 (2) eliminates a program, project, or responsi-
12 bility center;

13 (3) establishes or changes allocations specifi-
14 cally denied, limited or increased under this Act;

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

18 (5) reestablishes any program or project pre-
19 viously deferred through reprogramming;

20 (6) augments any existing program, project, or
21 responsibility center through a reprogramming of
22 funds in excess of \$3,000,000 or 10 percent, which-
23 ever is less; or

1 (7) increases by 20 percent or more personnel
2 assigned to a specific program, project or responsi-
3 bility center,
4 unless the Committees on Appropriations of the House of
5 Representatives and Senate are notified in writing 15 days
6 in advance of the reprogramming.

7 (b) None the local funds contained in this Act may
8 be available for obligation or expenditure for an agency
9 through a transfer of any local funds in excess of
10 \$3,000,000 from one appropriation heading to another un-
11 less the Committees on Appropriations of the House of
12 Representatives and Senate are notified in writing 15 days
13 in advance of the transfer, except that in no event may
14 the amount of any funds transferred exceed 4 percent of
15 the local funds in the appropriations.

16 SEC. 107. Consistent with the provisions of section
17 1301(a) of title 31, United States Code, appropriations
18 under this Act shall be applied only to the objects for
19 which the appropriations were made except as otherwise
20 provided by law.

21 SEC. 108. Notwithstanding any other provisions of
22 law, the provisions of the District of Columbia Govern-
23 ment Comprehensive Merit Personnel Act of 1978 (D.C.
24 Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.),
25 enacted pursuant to section 422(3) of the District of Co-

1 lumbia Home Rule Act (D.C. Official Code, sec. 1–
2 2041.22(3)), shall apply with respect to the compensation
3 of District of Columbia employees. For pay purposes, em-
4 ployees of the District of Columbia government shall not
5 be subject to the provisions of title 5, United States Code.

6 SEC. 109. No later than 30 days after the end of the
7 first quarter of fiscal year 2006, the Mayor of the District
8 of Columbia shall submit to the Council of the District
9 of Columbia and the Committees on Appropriations of the
10 House of Representatives and Senate the new fiscal year
11 2006 revenue estimates as of the end of such quarter.
12 These estimates shall be used in the budget request for
13 fiscal year 2007. The officially revised estimates at mid-
14 year shall be used for the midyear report.

15 SEC. 110. No sole source contract with the District
16 of Columbia government or any agency thereof may be re-
17 newed or extended without opening that contract to the
18 competitive bidding process as set forth in section 303 of
19 the District of Columbia Procurement Practices Act of
20 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03),
21 except that the District of Columbia government or any
22 agency thereof may renew or extend sole source contracts
23 for which competition is not feasible or practical, but only
24 if the determination as to whether to invoke the competi-
25 tive bidding process has been made in accordance with

1 duly promulgated rules and procedures and has been re-
2 viewed and certified by the Chief Financial Officer of the
3 District of Columbia.

4 SEC. 111. None of the Federal funds provided in this
5 Act may be used by the District of Columbia to provide
6 for salaries, expenses, or other costs associated with the
7 offices of United States Senator or United States Rep-
8 resentative under section 4(d) of the District of Columbia
9 Statehood Constitutional Convention Initiatives of 1979
10 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

11 SEC. 112. None of the Federal funds made available
12 in this Act may be used to implement or enforce the
13 Health Care Benefits Expansion Act of 1992 (D.C. Law
14 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
15 erwise implement or enforce any system of registration of
16 unmarried, cohabiting couples, including but not limited
17 to registration for the purpose of extending employment,
18 health, or governmental benefits to such couples on the
19 same basis that such benefits are extended to legally mar-
20 ried couples.

21 SEC. 113. (a) Notwithstanding any other provision
22 of this Act, the Mayor, in consultation with the Chief Fi-
23 nancial Officer of the District of Columbia may accept,
24 obligate, and expend Federal, private, and other grants

1 received by the District government that are not reflected
2 in the amounts appropriated in this Act.

3 (b)(1) No such Federal, private, or other grant may
4 be obligated, or expended pursuant to subsection (a)
5 until—

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

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

11 (2) For purposes of paragraph (1)(B), the Council
12 shall be deemed to have reviewed and approved the obliga-
13 tion, and expenditure of a grant if—

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

18 (B) if such a notice of disapproval is filed with-
19 in such deadline, the Council does not by resolution
20 disapprove the obligation, or expenditure of the
21 grant within 30 calendar days of the initial receipt
22 of the report from the Chief Financial Officer under
23 paragraph (1)(A).

24 (c) No amount may be obligated or expended from
25 the general fund or other funds of the District of Colum-

1 bia government in anticipation of the approval or receipt
2 of a grant under subsection (b)(2) or in anticipation of
3 the approval or receipt of a Federal, private, or other
4 grant not subject to such subsection.

5 (d) The Chief Financial Officer of the District of Co-
6 lumbia may adjust the budget for Federal, private, and
7 other grants received by the District government reflected
8 in the amounts appropriated in this title, or approved and
9 received under subsection (b)(2) to reflect a change in the
10 actual amount of the grant.

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

19 SEC. 114. (a) Except as otherwise provided in this
20 section, none of the funds made available by this Act or
21 by any other Act may be used to provide any officer or
22 employee of the District of Columbia with an official vehi-
23 cle unless the officer or employee uses the vehicle only in
24 the performance of the officer's or employee's official du-
25 ties. For purposes of this paragraph, the term "official

1 duties” does not include travel between the officer’s or em-
2 ployee’s residence and workplace, except in the case of—

3 (1) an officer or employee of the Metropolitan
4 Police Department who resides in the District of Co-
5 lumbia or is otherwise designated by the Chief of the
6 Department;

7 (2) at the discretion of the Fire Chief, an offi-
8 cer or employee of the District of Columbia Fire and
9 Emergency Medical Services Department who re-
10 sides in the District of Columbia and is on call 24
11 hours a day or is otherwise designated by the Fire
12 Chief;

13 (3) the Mayor of the District of Columbia; and

14 (4) the Chairman of the Council of the District
15 of Columbia.

16 (b) The Chief Financial Officer of the District of Co-
17 lumbia shall submit by March 1, 2006, an inventory, as
18 of September 30, 2005, of all vehicles owned, leased or
19 operated by the District of Columbia government. The in-
20 ventory shall include, but not be limited to, the depart-
21 ment to which the vehicle is assigned; the year and make
22 of the vehicle; the acquisition date and cost; the general
23 condition of the vehicle; annual operating and mainte-
24 nance costs; current mileage; and whether the vehicle is
25 allowed to be taken home by a District officer or employee

1 and if so, the officer or employee's title and resident loca-
2 tion.

3 SEC. 115. None of the funds contained in this Act
4 may be used for purposes of the annual independent audit
5 of the District of Columbia government for fiscal year
6 2006 unless—

7 (1) the audit is conducted by the Inspector
8 General of the District of Columbia, in coordination
9 with the Chief Financial Officer of the District of
10 Columbia, pursuant to section 208(a)(4) of the Dis-
11 trict of Columbia Procurement Practices Act of
12 1985 (D.C. Official Code, sec. 2-302.8); and

13 (2) the audit includes as a basic financial state-
14 ment a comparison of audited actual year-end re-
15 sults with the revenues submitted in the budget doc-
16 ument for such year and the appropriations enacted
17 into law for such year using the format, terminology,
18 and classifications contained in the law making the
19 appropriations for the year and its legislative his-
20 tory.

21 SEC. 116. (a) None of the funds contained in this
22 Act may be used by the District of Columbia Corporation
23 Counsel or any other officer or entity of the District gov-
24 ernment to provide assistance for any petition drive or civil
25 action which seeks to require Congress to provide for vot-

1 ing representation in Congress for the District of Colum-
2 bia.

3 (b) Nothing in this section bars the District of Co-
4 lumbia Corporation Counsel from reviewing or com-
5 menting on briefs in private lawsuits, or from consulting
6 with officials of the District government regarding such
7 lawsuits.

8 SEC. 117. (a) None of the Federal funds contained
9 in this Act may be used for any program of distributing
10 sterile needles or syringes for the hypodermic injection of
11 any illegal drug.

12 (b) Any individual or entity who receives any funds
13 contained in this Act and who carries out any program
14 described in subsection (a) shall account for all funds used
15 for such program separately from any funds contained in
16 this Act.

17 SEC. 118. None of the funds contained in this Act
18 may be used after the expiration of the 60-day period that
19 begins on the date of the enactment of this Act to pay
20 the salary of any chief financial officer of any office of
21 the District of Columbia government (including any inde-
22 pendent agency of the District of Columbia) who has not
23 filed a certification with the Mayor and the Chief Finan-
24 cial Officer of the District of Columbia that the officer
25 understands the duties and restrictions applicable to the

1 officer and the officer's agency as a result of this Act (and
2 the amendments made by this Act), including any duty
3 to prepare a report requested either in the Act or in any
4 of the reports accompanying the Act and the deadline by
5 which each report must be submitted: *Provided*, That the
6 Chief Financial Officer of the District of Columbia shall
7 provide to the Committees on Appropriations of the House
8 of Representatives and Senate by April 1, 2006 and Octo-
9 ber 1, 2006, a summary list showing each report, the due
10 date, and the date submitted to the Committees.

11 SEC. 119. Nothing in this Act may be construed to
12 prevent the Council or Mayor of the District of Columbia
13 from addressing the issue of the provision of contraceptive
14 coverage by health insurance plans, but it is the intent
15 of Congress that any legislation enacted on such issue
16 should include a "conscience clause" which provides excep-
17 tions for religious beliefs and moral convictions.

18 SEC. 120. The Mayor of the District of Columbia
19 shall submit to the Committees on Appropriations of the
20 House of Representatives and Senate, the Committee on
21 Government Reform of the House of Representatives, and
22 the Committee on Governmental Affairs of the Senate
23 quarterly reports addressing—

24 (1) crime, including the homicide rate, imple-
25 mentation of community policing, the number of po-

1 lice officers on local beats, and the closing down of
2 open-air drug markets;

3 (2) access to substance and alcohol abuse treat-
4 ment, including the number of treatment slots, the
5 number of people served, the number of people on
6 waiting lists, and the effectiveness of treatment pro-
7 grams;

8 (3) management of parolees and pre-trial vio-
9 lent offenders, including the number of halfway
10 houses escapes and steps taken to improve moni-
11 toring and supervision of halfway house residents to
12 reduce the number of escapes to be provided in con-
13 sultation with the Court Services and Offender Su-
14 pervision Agency for the District of Columbia;

15 (4) education, including access to special edu-
16 cation services and student achievement to be pro-
17 vided in consultation with the District of Columbia
18 Public Schools and the District of Columbia public
19 charter schools;

20 (5) improvement in basic District services, in-
21 cluding rat control and abatement;

22 (6) application for and management of Federal
23 grants, including the number and type of grants for
24 which the District was eligible but failed to apply
25 and the number and type of grants awarded to the

1 District but for which the District failed to spend
2 the amounts received; and

3 (7) indicators of child well-being.

4 SEC. 121. (a) No later than 30 calendar days after
5 the date of the enactment of this Act, the Chief Financial
6 Officer of the District of Columbia shall submit to the ap-
7 propriate committees of Congress, the Mayor, and the
8 Council of the District of Columbia a revised appropriated
9 funds operating budget in the format of the budget that
10 the District of Columbia government submitted pursuant
11 to section 442 of the District of Columbia Home Rule Act
12 (D.C. Official Code, sec. 1-204.42), for all agencies of the
13 District of Columbia government for fiscal year 2006 that
14 is in the total amount of the approved appropriation and
15 that realigns all budgeted data for personal services and
16 other-than-personal-services, respectively, with anticipated
17 actual expenditures.

18 (b) This section shall apply only to an agency where
19 the Chief Financial Officer of the District of Columbia
20 certifies that a reallocation is required to address unantici-
21 pated changes in program requirements.

22 SEC. 122. Notwithstanding any other law, in fiscal
23 year 2006 and in each subsequent fiscal year, the District
24 of Columbia Courts shall transfer to the general treasury
25 of the District of Columbia all fines levied and collected

1 by the Courts under section 10(b)(1) and (2) of the Dis-
2 trict of Columbia Traffic Act (D.C. Official Code, sec. 50-
3 2201.05(b)(1) and (2)): *Provided*, that the transferred
4 funds are hereby made available and shall remain available
5 until expended and shall be used by the Office of the At-
6 torney General of the District of Columbia for enforce-
7 ment and prosecution of District traffic alcohol laws in
8 accordance with section 10(b)(3) of the District of Colum-
9 bia Traffic Act (D.C. Official Code, sec. 50-
10 2201.05(b)(3)).

11 SEC. 123. (a) None of the funds contained in this
12 Act may be made available to pay—

13 (1) the fees of an attorney who represents a
14 party in an action or an attorney who defends an ac-
15 tion brought against the District of Columbia Public
16 Schools under the Individuals with Disabilities Edu-
17 cation Act (20 U.S.C. 1400 et seq.) in excess of
18 \$4,000 for that action; or

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

1 (b) In this section, the term “action” includes an ad-
2 ministrative proceeding and any ensuing or related pro-
3 ceedings before a court of competent jurisdiction.

4 SEC. 124. The Chief Financial Officer of the District
5 of Columbia shall require attorneys in special education
6 cases brought under the Individuals with Disabilities Edu-
7 cation Act (IDEA) in the District of Columbia to certify
8 in writing that the attorney or representative rendered any
9 and all services for which they receive awards, including
10 those received under a settlement agreement or as part
11 of an administrative proceeding, under the IDEA from the
12 District of Columbia. As part of the certification, the Chief
13 Financial Officer of the District of Columbia shall require
14 all attorneys in IDEA cases to disclose any financial, cor-
15 porate, legal, memberships on boards of directors, or other
16 relationships with any special education diagnostic serv-
17 ices, schools, or other special education service providers
18 to which the attorneys have referred any clients as part
19 of this certification. The Chief Financial Officer shall pre-
20 pare and submit quarterly reports to the Committees on
21 Appropriations of the House of Representatives and Sen-
22 ate on the certification of and the amount paid by the gov-
23 ernment of the District of Columbia, including the District
24 of Columbia Public Schools, to attorneys in cases brought
25 under IDEA. The Inspector General of the District of Co-

1 lumbia may conduct investigations to determine the accu-
2 racy of the certifications.

3 SEC. 125. The amount appropriated by this title may
4 be increased by no more than \$42,000,000 from funds
5 identified in the comprehensive annual financial report as
6 the District's fiscal year 2005 unexpended general fund
7 surplus. The District may obligate and expend these
8 amounts only in accordance with the following conditions:

9 (1) The Chief Financial Officer of the District
10 of Columbia shall certify that the use of any such
11 amounts is not anticipated to have a negative impact
12 on the District's long-term financial, fiscal, and eco-
13 nomic vitality.

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

16 (A) One-time expenditures.

17 (B) Expenditures to avoid deficit spending.

18 (C) Debt Reduction.

19 (D) Program needs.

20 (E) Expenditures to avoid revenue short-
21 falls.

22 (3) The amounts shall be obligated and ex-
23 pended in accordance with laws enacted by the
24 Council in support of each such obligation or ex-
25 penditure.

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

4 (5) The amounts may not be obligated or ex-
5 pended unless the Mayor notifies the Committees on
6 Appropriations of the House of Representatives and
7 Senate not fewer than 30 days in advance of the ob-
8 ligation or expenditure.

9 SEC. 126. (a) The fourth proviso in the item relating
10 to “Federal Payment for School Improvement” in the Dis-
11 trict of Columbia Appropriations Act, 2005 (Public Law
12 108–335; 118 Stat. 1327) is amended—

13 (1) by striking “\$4,000,000” and inserting
14 “\$4,000,000, to remain available until expended,”;
15 and

16 (2) by striking “\$2,000,000 shall be for a new
17 incentive fund” and inserting “\$2,000,000, to re-
18 main available until expended, shall be for a new in-
19 centive fund”.

20 (b) The amendments made by subsection (a) shall
21 take effect as if included in the enactment of the District
22 of Columbia Appropriations Act, 2005.

23 SEC. 127. (a) To account for an unanticipated growth
24 of revenue collections, the amount appropriated as District

1 of Columbia Funds pursuant to this Act may be in-
2 creased—

3 (1) by an aggregate amount of not more than
4 25 percent, in the case of amounts proposed to be
5 allocated as “Other-Type Funds” in the Fiscal Year
6 2006 Proposed Budget and Financial Plan sub-
7 mitted to Congress by the District of Columbia on
8 June 6, 2005; and

9 (2) by an aggregate amount of not more than
10 6 percent, in the case of any other amounts pro-
11 posed to be allocated in such Proposed Budget and
12 Financial Plan.

13 (b) The District of Columbia may obligate and ex-
14 pend any increase in the amount of funds authorized
15 under this section only in accordance with the following
16 conditions:

17 (1) The Chief Financial Officer of the District
18 of Columbia shall certify—

19 (A) the increase in revenue; and

20 (B) that the use of the amounts is not an-
21 ticipated to have a negative impact on the long-
22 term financial, fiscal, or economic health of the
23 District.

24 (2) The amounts shall be obligated and ex-
25 pended in accordance with laws enacted by the

1 Council of the District of Columbia in support of
2 each such obligation and expenditure, consistent
3 with the requirements of this Act.

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

7 (4) The amounts may not be obligated or ex-
8 pended unless the Mayor has notified the Commit-
9 tees on Appropriations of the House of Representa-
10 tives and Senate not fewer than 30 days in advance
11 of the obligation or expenditure.

12 SEC. 128. Beginning in fiscal year 2006 and for each
13 fiscal year thereafter, the Chief Financial Officer for the
14 District of Columbia may, for the purpose of cash flow
15 management, conduct short-term borrowing from the
16 emergency reserve fund and from the contingency reserve
17 fund established under section 450A of the District of Co-
18 lumbia Home Rule Act (Public Law 98–198): *Provided*,
19 That the amount borrowed shall not exceed 50 percent
20 of the total amount of funds contained in both the emer-
21 gency and contingency reserve funds at the time of bor-
22 rowing: *Provided further*, That the borrowing shall not de-
23 plete either fund by more than 50 percent: *Provided fur-*
24 *ther*, That 100 percent of the funds borrowed shall be re-
25 plenished within 9 months of the time of the borrowing

1 or by the end of the fiscal year, whichever occurs earlier:
2 *Provided further*, That in the event that short-term bor-
3 rowing has been conducted and the emergency or the con-
4 tingency funds are later depleted below 50 percent as a
5 result of an emergency or contingency, an amount equal
6 to the amount necessary to restore reserve levels to 50
7 percent of the total amount of funds contained in both
8 the emergency and contingency reserve fund must be re-
9 plenished from the amount borrowed within 60 days.

10 SEC. 129. (a) None of the funds contained in this
11 Act may be used to enact or carry out any law, rule, or
12 regulation to legalize or otherwise reduce penalties associ-
13 ated with the possession, use, or distribution of any sched-
14 ule I substance under the Controlled Substances Act (21
15 U.S.C. 802) or any tetrahydrocannabinols derivative.

16 (b) The Legalization of Marijuana for Medical Treat-
17 ment Initiative of 1998, also known as Initiative 59, ap-
18 proved by the electors of the District of Columbia on No-
19 vember 3, 1998, shall not take effect.

20 SEC. 130. None of the funds appropriated under this
21 Act shall be expended for any abortion except where the
22 life of the mother would be endangered if the fetus were
23 carried to term or where the pregnancy is the result of
24 an act of rape or incest.

1 SEC. 131. CONVEYANCE OF TITLE FOR EDU-
2 CATIONAL PURPOSES.—Section 7 of the District of Co-
3 lumbia Stadium Act of 1957 (Public Law 85–300, 71
4 Stat. 619), as amended, is further amended by inserting
5 after paragraph (d)(4) the following:

6 “(e)(1) Upon receipt of a written description from the
7 District of Columbia of not more than 15 contiguous acres
8 (hereinafter referred to as ‘the 15 acres’), with the longest
9 side of the 15 acres abutting one of the roads bounding
10 the property, within the area designated ‘D’ on the revised
11 map entitled ‘Map to Designate Transfer of Stadium and
12 Lease of Parking Lots to the District’ and bound by Okla-
13 homa Avenue, NE, Benning Road, NE, the Metro line,
14 and C Street, NE, and execution of a long-term lease that
15 is contingent up the Secretary’s conveyance of the 15
16 acres and for the purpose consistent with this paragraph,
17 the Secretary shall convey the 15 acres described land to
18 the District of Columbia for the purpose of siting, devel-
19 oping, and operating an educational institution for the
20 public welfare, with first preference given to a pre-colle-
21 giate public boarding school.

22 “(2) Upon conveyance, the portion of the stadium
23 lease that affects the 15 acres on the property and all the
24 conditions associated therewith shall terminate, and the
25 15 acres property shall be removed from the ‘Map to Des-

1 ignate Transfer of Stadium and Lease of Parking Lots
2 to the District’, and the long-term lease described in para-
3 graph (1) shall take effect immediately.”.

4 SEC. 132. CONTINUATION OF CERTAIN AUTHORITIES
5 OF CHIEF FINANCIAL OFFICER. The authority that the
6 Chief Financial Officer of the District of Columbia exer-
7 cised with respect to personnel and the preparation of fis-
8 cal impact statements during a control period (as defined
9 in Public Law 104–8) shall remain in effect until Sep-
10 tember 30, 2006.

11 SEC. 133. CLARIFICATION OF CERTAIN AUTHORI-
12 TIES OF THE CHIEF FINANCIAL OFFICER. The entire
13 process used by the Chief Financial Officer to acquire any
14 and all kinds of goods, works and services by any contrac-
15 tual means, including but not limited to purchase, lease
16 or rental, shall be exempt from all of the provisions of
17 the District of Columbia’s Procurement Practices Act:
18 *Provided*, That provisions made by this subsection shall
19 take effect as if enacted in D.C. Law 11–259 and shall
20 remain in effect until September 30, 2006.

21 SEC. 134. The District of Columbia Code, Title 5,
22 Chapter 7, Subchapter III, Section 5–745, is amended to
23 add subsection (f) as follows:

24 “(f) This section shall not apply with respect to any
25 annuitant retired from the United States Secret Service

1 Division, other than an annuitant retired from the United
2 States Secret Service Uniformed Division.”.

3 SEC. 135. The District of Columbia Code, Title 5,
4 Chapter 7, Subchapter III, is amended to add the fol-
5 lowing new section after Section 5–745:

6 “§ 5–745A. **Annuity Increase for United States Secret Service Di-**
7 **vision.**

8 “(a) Each annuitant retired from the United States
9 Secret Service Division, other than an annuitant retired
10 from the United States Secret Service Uniformed Divi-
11 sion, shall be entitled to receive an increase annually equal
12 to the General Schedule overall average pay increase that
13 is effective in accordance with title 5 of the United States
14 Code, section 5303.

15 “(b) In the event that an annuity increase cannot be
16 determined under subsection (a) because title 5 of the
17 United States Code, section 5303, is superseded or nul-
18 lified, then each annuitant retired from the United States
19 Secret Service Division, other than an annuitant retired
20 from the United States Secret Service Uniformed Divi-
21 sion, shall be entitled to receive an increase annually under
22 the provisions of title 5 of the District of Columbia Code,
23 section 5–718 (c–1) and (c–2).”.

24 SEC. 136. Section 4013 of the Uniform Per Student
25 Funding Formula for Public Schools and Public Charter

1 Schools Amendment Act of 2005, passed on first reading
2 on May 10, 2005 (engrossed version of Bill 16–200), is
3 hereby enacted into law.

4 SEC. 137. The Chief Financial Officer of the District
5 is hereby authorized to transfer \$5,000,000 from the local
6 funds appropriated for the Deputy Mayor for Economic
7 Development to the Anacostia Waterfront Corporation
8 and to reallocate the appropriation authority for such
9 funds to a heading to be entitled “Anacostia Waterfront
10 Corporation”.

11 This Act may be cited as the “District of Columbia
12 Appropriations Act, 2006”.

Calendar No. 170

109TH CONGRESS
1ST Session

S. 1446

[Report No. 109-106]

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006, and for other purposes.

JULY 21, 2005

Read twice and placed on the calendar