109th Congress, 1st Session – – – – – – – – – – – – House Document 109–47

FISCAL YEAR 2006 BUDGET REQUEST ACT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE DISTRICT OF COLUMBIA'S FISCAL YEAR 2006 BUDGET REQUEST ACT, PURSUANT TO PUB. L. 93–198, SEC. 446 (87 STAT. 806)

JULY 20, 2005.—Message and accompanying papers referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

39–012 WASHINGTON : 2005

To the Congress of the United States:

Pursuant to my constitutional authority and consistent with section 446 of The District of Columbia Self-Governmental Reorganizational Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2006 Budget Request Act.

The proposed FY 2006 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For FY 2006, the District estimates total revenues and expenditures of $7.35 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 18, 2005.*

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the request of the District of Columbia government for appropriation and authorization for the fiscal year ending September 30, 2006

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2006 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, 2006.

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

Federal Payment for Resident Tuition Support

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, 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 therefore: *provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

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

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of 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: *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.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, $221,693,000, to be allocated as follows: for the District of Columbia Court of Appeals, $9,198,000, of which not to exceed $1,500 is for official reception and representation expenses: for the District of Columbia Superior Court, $87,342,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $83,510,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: *provided*, 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 Government Reform of the House of Representatives, and the Committee on 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% 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 of the D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16 of the D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, or 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 of the D.C. Official Code, and payments for counsel authorized under section 21-2060, of the D.C. Official

Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $45,000,000, to remain available until expended: *provided,* 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 $83,510,000 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 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 Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

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 and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (Public Law 105-33; 111 Stat.712), $203,388,000, of which not to exceed $2,000 is for official reception 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, approved November 26, 2002 (Public Law 107-302; 116 Stat. 2353); of which $131,360,000 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 $42,195,000 shall be available to the Pretrial Services Agency, and of which $29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: *provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *provided further,* That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *provided further,* That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation 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: *provided further,* That for this fiscal year and subsequent fiscal years the Public Defender Service is authorized to charge fees to cover costs of materials

distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 31 U.S.C. 3302, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

Federal Payment to the District of Columbia Water and Sewer Authority

For a Federal payment to the District of Columbia Water and Sewer Authority, $30,000,000, 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% match for this payment.

Federal Payment for the Anacostia Waterfront Initiative

For a Federal payment to the District of Columbia Department of Transportation, $5,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

Federal Payment to the Criminal Justice Coordinating Council

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, 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 Transportation Assistance

For a Federal payment to the District of Columbia Department of Transportation, $2,000,000 to implement a downtown circulator transit system.

Federal Payment for the Family Literacy Program

For a Federal payment to the District of Columbia, $2,000,000, for a family literacy program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties: *provided,* That the District of Columbia shall provide a 100% match with local funds as a condition of receiving this payment.

Federal Payment for School Improvement

For a Federal payment for a school improvement program in the District of Columbia, $41,616,000, to be allocated as follows: for the District of Columbia Public Schools, $13,525,000 to improve public school education in the District of Columbia; for the State Education Office, $13,525,000 to expand quality public charter schools in the District of Columbia; for the Secretary of the Department of Education, $14,566,000 to provide opportunity scholarships for students in the District of Columbia in accordance with the DC School Choice Incentive Act of 2003, approved January 23, 2004 (Pub. L. No. 108-199; 118 Stat. 3), of which

up to $1,000,000 may be used to administer and fund assessments.

Administrative Provision

The paragraph under the heading "Federal Payment for School Improvement " in Public Law 108-355 (118 Stat. 1327) is amended as follows:

(1) Strike the phrase "$4,000,000 shall be for the development of an incubator facility for public charter schools;" and insert the phrase "$4,000,000, to remain available until expended, shall be for the development of an incubator facility for public charter schools;" in its place.

(2) Strike the phrase "and $2,000,000 shall be for a new incentive fund to reward high performing or significantly improved public charter schools" and insert the phrase "and $2,000,000, to remain available until expended, shall be for a new incentive fund to reward high performing or significantly improved public charter schools" in its place.

Federal Payment for Bioterrorism and Forensics Laboratory

For a Federal payment to the District of Columbia, $25,000,000, to remain available until expended, for costs associated with the construction of a bioterrorism and forensics laboratory *provided*, That the District of Columbia shall provide an additional $1,500,000 from local funds as a condition of receiving this payment.

Federal Payment for Fire and Emergency Medical Services and Special Operations Facility

For a Federal payment to the District of Columbia, $10,000,000, to remain available until expended, for capital projects to repair, renovate, and rehabilitate an existing Fire and Emergency Medical Services facility and to consolidate existing Special Operations Facilities.

TITLE II--DISTRICT OF COLUMBIA FUNDS
OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 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 2006 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 $7,351,122,000 (of which $4,949,473,000 shall be from local funds, $1,939,039,000 shall be from Federal grant funds, $446,398,000 shall be from other funds, and $16,213,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: *provided further*, That of the local funds, $466,894,000 shall be derived from the District's general fund balance: *provided further*, That of these funds the District's intra-District authority shall be $457,422,000: *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 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 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Governmental Direction and Support

Governmental direction and support, $512,833,000(including $296,633,000 from local funds, $171,947,000 from Federal grant funds, and $44,227,000 from other funds): *provided*, That of the local funds, $2,663,400 shall be derived from the District's general fund balance: *provided further*, That not to exceed $9,300 for the Mayor, $9,300 for the Chairman of the Council of the District of Columbia, $9,300 for the City Administrator, and $9,300 for the Office of the Chief Financial Officer shall be available from this appropriation for official reception and representation expenses: *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.

Economic Development and Regulation

Economic development and regulation, $445,831,000 (including $101,629,000 from local funds, $118,187,000 from Federal grant funds, $225,890,000 from other funds, and $125,000 from private funds), of which $13,350,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 *et seq.*), and the Business Improvement Districts Amendment Act of 1997, effective October 8, 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 *et seq.*): *provided*, That of the local funds, $12,275,000 shall be derived from the District's general fund balance: *provided further*, That such funds are available for acquiring services provided by the GSA: *provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *provided further*, That 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 $2,000,000 in local funds shall go to the Washington Performing Arts: *provided further*, That $1,000,000 in local funds shall go to the Washington Ballet.

Public Safety and Justice

Public safety and justice, $837,617,000 (including $769,786,000 from local funds, $10,569,000 from Federal grant funds, $57,254,000 from other funds, and $9,000 from private funds): *provided*, That of the local funds, $300,000 shall be derived from the District's general

fund balance: *provided further*, That not to exceed $750,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime, in addition, $1,300,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council:" *provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

Public Education System, including the development of national defense education programs, $1,429,498,000 (including $1,177,600,000 from local funds, $235,418,000 from Federal grant funds, $11,704,000 from other funds, $4,776,000 from private funds): *provided*. That of the local funds, $33,200,000 shall be derived from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support," $27,050,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" to be allocated as follows:

(1) District of Columbia Public Schools.— $979,038,000 (including $794,245,000 from local funds, $173,347,000 from Federal grant funds, $6,780,000 from other funds, $4,666,000 from private funds), in addition, $13,525,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for District of Columbia Public Schools: *provided*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2006 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100% of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *provided further*, That not to exceed $9,300 for the Superintendent of Schools shall be available from this appropriation for official reception and representation expenses: *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, 2006, an amount equal to 10% 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 2007 (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, 2007.

(2) Public Schools Initiatives.— $21,000,000 from local funds shall be available for the Superintendent of District of Columbia Public Schools initiatives.

(3) Teachers' Retirement Fund.— $15,500,000 from local funds shall be available

for the Teacher's Retirement Fund.

(4) State Education Office.— $78,450,000 (including $13,086,000 from local funds, $61,071,000 from Federal grant funds, and $4,293,000 from other funds), in addition, $33,200,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" shall be available for the State Education Office and $13,525,000 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 State 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, 2007, for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(5) District of Columbia Public Charter Schools.— $239,285,000 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 November 19, 1997 (Pub. L. No. 105-100, 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 (D.C. Official Code, sec. 38-1804.03(b)(5)): *provided further*, That $975,000 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, 2006, an amount equal to 25% 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 2007 (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, 2007: *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.

(6) Charter Schools Initiatives.— $24,200,000 from local funds shall be available for the Charter Schools initiatives.

(7) University of the District of Columbia Subsidy.— $57,864,000 from local funds shall be available for the University of the District of Columbia subsidy: *provided*, That of the local funds, $964,000 shall be derived from the District's general fund balance: *provided further*, that this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2006, 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, 2006, an amount equal to 10% 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 2007 (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, 2007: *provided further*, That not to exceed $9,300 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses

(8) District of Columbia Public Libraries.— $34,903,000 (including $32,162,000 from local funds, $1,000,000 from Federal grant funds, $631,000 from other funds, and $110,000 from private funds) shall be available for the District of Columbia Public Libraries: *provided*, That of the local funds, $532,000 shall be derived from the District's general fund balance: *provided further*, That not to exceed $7,500 for the Public Librarian shall be available from this appropriation for official reception and representation expenses.

Human Support Services

Human support services, $2,820,657,000 (including $1,273,675,000 from local funds, $1,394,516,000 from Federal grant funds, $33,854,000 from other funds, $11,303,000 from private funds): *provided*, That of the local funds, $6,296,000 shall be derived from the District's general fund balance: *provided further*, That $30,281,000 of 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 no less than $9,400,000 of local funds, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established by section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C Law 13-146; D.C. Official Code § 7-3004) ("Act"), to be used exclusively for the Drug Treatment Choice Program established by section 4 of the Act; *provided further*, That no less than $150,000 of local funds, to remain available until expended, shall be made available for substance abuse and prevention and outreach to the Wards on a priority need basis: *provided further*, That no less than $500,000 of local funds, to remain available until expended, shall be deposited in the HIV/AIDS Crisis Area Capacity Building Fund established by the HIV/AIDs Crisis Area Capacity Building Fund Act of 2005, passed on 1st reading on May 10, 2005 (Engrossed version of Bill 16-200), to be use exclusively for the purpose of the HIV/AIDs Crisis Area Capacity Building Act of 2005; *provided further*, That of the amount appropriated for services to the homeless no less than $250,000 shall be directed to Access Housing for services to homeless veterans.

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, $374,476,000 (including $316,374,000 from local funds, $8,375,000 from Federal funds, and $49,727,000 from other funds), in addition, $2,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Transportation Assistance:" *provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Cash Reserve

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Pub. L. No. 107-96; D.C. Official Code, sec. 47-392.02(j)(2)), $50,000,000 from local funds.

Repayment of Loans and Interest

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), $370,428,000 from local funds.

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $5,500,000 from local funds.

Certificates of Participation

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, $11,000,000 from local funds.

Settlements and Judgments

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, $20,655,000 from local funds: *provided,* That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

Wilson Building

For expenses associated with the John A. Wilson building, $3,740,000 from local funds.

Workforce Investments

For workforce investments, $61,110,000 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 the local funds, $2,000,000 shall be derived from the District's general fund balance.

Non-Departmental Agency

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, $36,205,000 (including $12,462,000 from local funds and $23,743,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act: *provided.* That of the local funds, $2,000,000 shall be derived from the District's general fund balance.

Emergency Planning and Security Fund

For Emergency Planning and Security Fund, $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."

Equipment Lease Operating

For Equipment Lease Operating, $27,441,000 from local funds: *provided.* That for equipment leases, the Mayor may finance $19,453,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years.

Emergency and Contingency Reserve Funds

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (Public Law 98-198; D.C. Official Code, sec. 1-204.50a), such additional amounts from the District's general fund balance as are necessary to meet the balance requirements for such funds under section 450A.

Family Literacy

From funds previously appropriated in this Act under the heading "Federal Payment for the Family Literacy Program," $2,000,000.

Pay-As-You-Go Capital

For Pay-As-You-Go Capital funds in lieu of capital financing, $252,700,000 from local funds to be derived from the District's general fund balance to be transferred to the Capital Fund.

Debt Service Issuance Costs

For the payment of debt service issuance costs, $40,000,000 from local funds.

District Retiree Health Contribution

For a District Retiree Health Contribution, $138,000,000 from local funds to be derived from the District's general fund balance.

Pay-As-You-Go Contingency

For Pay-As-You-Go Contingency Fund, $12,461,994, subject to the Criteria for Spending Pay-As-You-Go Contingency Funding Act of 2005, passed on 1st reading, May 10, 2005 (Engrossed version of Bill 16-200), there are authorized to be transferred from the contingency fund to certain other headings of this Act as necessary to carry out the purposes of this Act. Expenditures from the Pay-as-you-Go contingency fund shall be subject to the approval of the Council by resolution

Revised Revenue Estimate Contingency Priority

If the Chief Financial Officer of the District of Columbia certifies through a revised revenue estimate that funds are available from local funds, the funds shall be allocated in the following priority: (1) $300,000 for completion of the Comprehensive Plan Revision project in fiscal year 2006, (2) $1,000,000 for Non-Departmental associated with the Department of Corrections, (3) $300,000 for the Lamond Riggs Environmental Remediation, (4) $500,000 for Lincoln Theatre for capital improvements, (5) $2,400,000 for the Addiction Prevention and Recovery Administration, and (6) $340,000 for the Department of Mental Health for the conversion of hospitals to acute care facilities for the treatment of persons with mental illness.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority

For operation of the Water and Sewer Authority, $295,710,000 from other funds, of which $8,600,272 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, $529,994,000, to be distributed as follows: $120,130,000 for the Blue Plains Wastewater Treatment Plant, $21,485,000 for the sewer program, $107,146,000 for the combined sewer program, $224,634,000 for the water program, $34,463,000 for the Washington Aqueduct capital program and, $22,136,000 for the capital equipment program, in addition, $30,000,000 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, $50,512,000 from other funds.

Stormwater Permit Compliance Enterprise Fund

For operation of the Stormwater Permit Compliance Enterprise Fund, $6,673,000 from other funds.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, approved December 4, 1981 (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 (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 *et seq.* and sec. 22-1716 *et seq.*), $251,000,000 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 the Lottery and Charitable Games Enterprise Fund is hereby authorized to make transfers to the general fund of the District of Columbia, in excess of this appropriation, if such funds are available for transfer.

Sports and Entertainment Commission

For the Sports and Entertainment Commission, $339,630,000 from other funds: *provided,* That $317,200,000 shall remain available until expended.

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), $30,078,000 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, $78,900,000 from other funds.

National Capital Revitalization Corporation

For the National Capital Revitalization Corporation, $52,731,000 from other funds.

University of the District of Columbia

For the University of the District of Columbia, $95,971,000 (including, $57,873,000 from local funds, $16,248,000 from Federal funds, $20,934,000 from other funds, and $916,000 from private funds): *provided,* That of the local funds, $964,000 shall be derived from the District's

general fund balance: *provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2006, 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.

Unemployment Insurance Trust Fund

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

District of Columbia of Personnel Agency Trust Fund

For the District of Columbia of Personnel Agency Trust Fund, $1,100,000 from other funds.

District of Columbia Public Library Trust Fund

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

Capital Outlay
(INCLUDING RESCISSIONS)

For construction projects, an increase of $2,236,496,000 of which $837,530,000 shall be from local funds, $49,551,000 from Highway Trust funds, $23,183,000 from the Local Street Maintenance fund, $213,432,000 from Federal grant funds, $378,000,000 from securitization of future revenue streams, $200,000,000 from Certificates of Participation financing, $534,800,000 from financing for construction of a baseball stadium, and a rescission of $59,891,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $2,176,605,000, to remain available until expended, in addition, $5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Anacostia Waterfront Initiative," $10,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Fire and Emergency Medical Services and Special Operations Facility," and $25,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Bioterrorism and Forensics Laboratory:" *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 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 III--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. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly provided herein.

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 2006, 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 augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $5,000,000 or 10%, whichever is less, unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(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 $5,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4% of the local funds in the appropriations.

SEC. 106. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C Official Code, sec. 1-601.01 *et seq.*), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204 22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 107. (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 accepted, obligated, or expended pursuant to subsection (a) 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 acceptance, obligation, and expenditure of such grant.

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

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

(B) If such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, 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).

(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) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such 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 Act, or approved and received under subsection (b)(2) 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. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless:

(1) The audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code, sec. 2-302.08(a)(a)); and

(2) The audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 109. (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 2006 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. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code, sec. 50-2201.05(b)(1) and (2)). The transferred funds are hereby made available and shall remain available until expended and shall be used by the Office for the Attorney General for the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-2201.05(b)(3)).

SEC. 111. None of the funds contained in this Act, or in appropriations acts for subsequent fiscal years, may be made available to pay:

(1) The fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act, approved February 14, 2003 (Pub. L. No. 108-6; 20 U.S.C. 1400 *et seq.*)("IDEA") in excess of $4,000 for that action; which for the purposes of this paragraph, the term "action" means both an administrative proceeding under IDEA and any ensuing or related proceedings before a court of competent jurisdiction; 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.

SEC. 112. Notwithstanding 20 U.S.C. 1415, 42 U.S.C. 1983, and 1988, 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 exceeds 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 in an action or proceeding brought against the District of Columbia Public Schools under IDEA.

SEC. 113. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under IDEA in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC 114. The amount appropriated by this Act may be increased by no more than $15,000,000 from funds identified in the Comprehensive Annual Financial Report as the District's fiscal year 2005 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, and economic vitality.

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

(A) One-time expenditures;
(B) To avoid deficit spending;
(C) Debt Reduction;
(D) Program needs; or
(E) 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 be obligated and expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

SEC. 115. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia, may expend funds that are not reflected in the amounts appropriated in this Act to implement activities designed to improve the collection of taxes and revenue within the District: *provided*, That such increase in collections are estimated to be at least twice the increase in expenditure necessary to implement the activity: *provided further*, That such activity shall be approved by the Council, contingent upon the following:

(1) No written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the delivery of a request to the Council by the Secretary to the Council from the Mayor, and no oral notice of disapproval being given during a meeting of the Council

during such 14-calendar day period; absent such disapproval, the request shall be deemed to be approved; and

(2) Should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the request by resolution within 30 calendar days of the initial receipt of the request from the Mayor, or such request shall be deemed to be approved: provided *further*, That such increases shall comply with all reserve requirements contained in the District of Columbia Home Rule Act.

SEC. 116. (a) The amount appropriated by this Act as Other Type Funds may be increased by no more 25% to account for an unanticipated growth in revenue collections.

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

(1) Certification by the Chief Financial Officer - The Chief Financial Officer of the District of Columbia shall certify that anticipated revenue collections support an increase in the Other Type authority in the amount requested.

(2) No amount may be obligated or expended pursuant to subsection (a) until:

(A) The Chief Financial Officer submits to the Council a report setting forth detailed information regarding the unanticipated revenue; and

(B) The Council has reviewed and approved the obligation and expenditure of the unanticipated revenue.

(3) The Council shall be deemed to have reviewed and approved the obligation and expenditure of the unexpected revenue if:

(A) No written notice of disapproval is filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under subparagraph (2)(A); or

(B) If a notice of disapproval is filed pursuant to subparagraph 3(A), the Council does not by resolution disapprove the obligation or expenditure of the unexpected revenue within 30 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (2)(A).

(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 unexpected revenue.

(d) The Chief Financial Officer may adjust the budget to reflect Other type funds approved under subsection (b)(2).

(e) Notice Requirement - The unexpected revenue may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

(f) The Chief Financial Officer shall prepare a quarterly report setting forth detailed information regarding all unexpected revenue subject to this section. Each such report shall be submitted to the Council 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. 117. The amount appropriated by this Act as local funds may be increased by no more than 6% to account for an unanticipated growth in revenue collections. 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 the

increased revenue and shall also certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

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

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

(4) The amounts may be obligated and expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

SEC.118. Beginning in Fiscal Year 2006 and for each fiscal year thereafter, the District may, rather than issue short-term borrowing notes, conduct short-term borrowing from the emergency reserve fund and the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98-198; D.C. Official Code. sec. 1-204.50a); *provided,* that the amount borrowed shall not exceed 50% of the amount in the emergency and contingency reserve funds; *provided further,* that 100 % of funds borrowed be replenished by February 15th of the fiscal year immediately following the fiscal year in which funds were borrowed.

SEC. 119. Subtitle N of Title V of the Fiscal Year 2006 Budget Support Act of 2005, passed on 1st reading on May 10, 2005 (Engrossed version of Bill 16-200), is hereby enacted into law.

SEC 120. Section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005, passed on 1st reading on May 10, 2005 (Engrossed version of Bill 16-200), is hereby enacted into law.

This division may be cited as the "District of Columbia Appropriations Act, 2006 ".

DISTRICT OF COLUMBIA AUTHORIZATION REQUEST
DIVISION – B

SEC. 201. The Preservation of School-Based Staff Positions Act of 2005, passed on 1st reading on May 10, 2005 (Engrossed version of Bill 16-200), is hereby enacted into law.

SEC. 202. The following proviso under the heading "Lottery and Charitable Games Enterprise Fund" in the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (95 Stat. 1174; Public Law 97-91), 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. 203. Section 115(a)(2) of Title III of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), is amended to read as follows:

"(2) EXCEPTION FOR COUNCIL, PUBLIC LIBRARY, AND COURTS.– The Council of the District of Columbia, the District of Columbia Public Library, and the District of Columbia Courts may accept and use gifts without prior approval by the Mayor.".

SEC. 204. 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. 205. Notwithstanding any other law, the Smithsonian Institution 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.

This Division may be cited as the "District of Columbia Omnibus Authorization Act, 2006".

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
June 2, 2005

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