

Calendar No. 517109TH CONGRESS
2^D SESSION**S. 3660****[Report No. 109-281]**

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, 2007, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2006

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, 2007, 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, 2007, 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, \$8,533,000, 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, \$206,629,000 to be allocated as follows: for
8 the District of Columbia Court of Appeals, \$9,401,000 of
9 which not to exceed \$1,500 is for official reception and
10 representation expenses; for the District of Columbia Su-
11 perior Court, \$89,646,000 of which not to exceed \$1,500
12 is for official reception and representation expenses; for
13 the District of Columbia Court System, \$46,653,000 of
14 which not to exceed \$1,500 is for official reception and
15 representation expenses; and \$60,929,000, 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 \$43,475,000, 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 \$60,929,000 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 \$60,929,000 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 further*, 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, \$183,653,000 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 not to exceed \$400,000 for the Community Su-
11 pervision Program and \$160,000 for the Pretrial Services
12 Program, both to remain available until September 30,
13 2008, are for information technology infrastructure en-
14 hancement acquisitions; of which \$135,457,000 shall be
15 for necessary expenses of Community Supervision and Sex
16 Offender Registration, to include expenses relating to the
17 supervision of adults subject to protection orders or the
18 provision of services for or related to such persons; of
19 which \$46,196,000 shall be available to the Pretrial Serv-
20 ices Agency: *Provided*, That notwithstanding any other
21 provision of law, all amounts under this heading shall be
22 apportioned quarterly by the Office of Management and
23 Budget and obligated and expended in the same manner
24 as funds appropriated for salaries and expenses of other
25 Federal agencies: *Provided further*, That the Director is

1 authorized to accept and use gifts in the form of in-kind
2 contributions of space and hospitality to support offender
3 and defendant programs, and equipment and vocational
4 training services to educate and train offenders and de-
5 fendants: *Provided further*, That the Director shall keep
6 accurate and detailed records of the acceptance and use
7 of any gift or donation under the previous proviso, and
8 shall make such records available for audit and public in-
9 spection: *Provided further*, That the Court Services and
10 Offender Supervision Agency Director is authorized to ac-
11 cept and use reimbursement from the D.C. Government
12 for space and services provided on a cost reimbursable
13 basis.

14 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

15 PUBLIC DEFENDER SERVICE

16 For salaries and expenses of the District of Columbia
17 Public Defender Service, \$32,710,000: *Provided*, That
18 notwithstanding 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.

23 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

24 WATER AND SEWER AUTHORITY

25 For a Federal payment to the District of Columbia
26 Water and Sewer Authority, \$7,000,000, to remain avail-

1 able until expended, to continue implementation of the
2 Combined Sewer Overflow Long-Term Plan: *Provided*,
3 That the District of Columbia Water and Sewer Authority
4 provides a 100 percent match for this payment.

5 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT
6 INITIATIVE

7 For a Federal payment to the District of Columbia
8 Department of Transportation, \$5,000,000, to remain
9 available until September 30, 2007, of which \$3,000,000
10 shall be for design and construction of a continuous pedes-
11 trian and bicycle trail system from the Potomac River to
12 the District's border with Maryland and of which
13 \$2,000,000 shall be for infrastructure upgrades to im-
14 prove access to the waterfront.

15 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
16 COORDINATING COUNCIL

17 For a Federal payment to the Criminal Justice Co-
18 ordinating Council, \$1,300,000, to remain available until
19 expended, to support initiatives related to the coordination
20 of Federal and local criminal justice resources in the Dis-
21 trict of Columbia.

22 FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

23 For a Federal payment to the District of Columbia
24 Department of Transportation, \$1,000,000 to operate a
25 downtown circulator transit system.

1 FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS
2 IN THE DISTRICT OF COLUMBIA

3 For the Federal payment to the District of Columbia
4 for foster care improvements, \$2,000,000, to remain avail-
5 able until expended: *Provided*, That \$1,750,000 shall be
6 for the Child and Family Services Agency, of which
7 \$1,000,000 shall be for a loan repayment program for so-
8 cial workers; and \$750,000 shall be for post-adoption serv-
9 ices: *Provided further*, That \$250,000 shall be for the
10 Washington Metropolitan Council of Governments, to con-
11 tinue a program in conjunction with the Foster and Adop-
12 tive Parents Advocacy Center, to provide respite care for
13 and recruitment of foster parents: *Provided further*, That
14 these Federal funds shall supplement and not supplant
15 local funds for the purposes described under this heading.

16 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF
17 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

18 For a Federal payment to the Office of the Chief Fi-
19 nancial Officer of the District of Columbia, \$5,000,000:
20 *Provided*, That these funds shall be available for the
21 projects and in the amounts specified in the accompanying
22 Committee report: *Provided further*, That each entity that
23 receives funding under this heading shall submit to the
24 Office of the Chief Financial Officer of the District of Co-
25 lumbia and the Committees on Appropriations of the
26 House of Representatives and Senate a report on the ac-

1 tivities to be carried out with such funds no later than
2 June 1, 2007.

3 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

4 For a Federal payment for a school improvement pro-
5 gram in the District of Columbia, \$40,000,000 to be allo-
6 cated as follows: \$13,000,000 for the State Education Of-
7 fice to improve traditional public schools in the District
8 of Columbia; \$13,000,000 for the State Education Office
9 to expand quality public charter schools in the District of
10 Columbia; \$14,000,000 for the Secretary of the Depart-
11 ment of Education to provide opportunity scholarships for
12 students in the District of Columbia in accordance with
13 division C, title III of the District of Columbia Appropria-
14 tions Act, 2004 (Public Law 108–199; 118 Stat. 126),
15 of which up to \$1,000,000 may be used to administer and
16 fund assessments: *Provided*, That of the \$13,000,000 pro-
17 vided for public charter schools in the District of Colum-
18 bia, \$6,000,000, to remain available until expended, shall
19 be for the Direct Loan Fund for Charter Schools;
20 \$3,500,000, to remain available until expended, shall be
21 for continuation of the City Build Charter School Pro-
22 gram; \$1,000,000 shall be for the Public Education Im-
23 provement Incentive Award program; \$1,050,000 shall be
24 for grants to public charter schools for co-location with
25 D.C. Public School buildings; \$1,000,000 shall be for a
26 quality initiative; and \$450,000 shall be for administration

1 within the State Education Office: *Provided further*, That
 2 of the \$13,000,000 provided to improve traditional public
 3 schools in the District of Columbia, that \$5,000,000 shall
 4 be to hire, place and train highly qualified teachers and
 5 principals in District of Columbia public schools;
 6 \$5,500,000 shall be used for teacher training and mate-
 7 rials to expand the availability of advanced placement
 8 courses and for subsequent testing, and to expand voca-
 9 tional and technical education programs which enhance
 10 postsecondary opportunities for students; \$500,000 to
 11 support the Superintendent's Master Education Plan; and
 12 \$2,000,000 shall be for the High Performing Incentive
 13 Award program.

14 FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS
 15 LABORATORY

16 For a Federal payment to the District of Columbia,
 17 \$4,500,000, to remain available until September 30, 2007,
 18 for costs associated with the construction of a bioterrorism
 19 and forensics laboratory: *Provided*, That the District of
 20 Columbia shall provide an additional \$5,000,000 with
 21 local funds as a condition of receiving this payment.

22 FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT,
 23 IMPROVEMENT, AND PROMOTION

24 For a Federal payment for marriage development and
 25 improvement in the District of Columbia, \$4,000,000, to
 26 remain available until expended: *Provided*, That

1 \$1,500,000 shall be for the Capital Area Asset Building
2 Corporation for the establishment of marriage develop-
3 ment accounts in accordance with the requirements in the
4 accompanying report, of which \$400,000 shall be for pro-
5 gram planning, marketing, evaluation, and account admin-
6 istration: *Provided further*, That \$1,500,000 shall be for
7 mentoring, counseling, community outreach, and training
8 and technical assistance, of which \$750,000 shall be for
9 the National Center for Fathering and \$750,000 shall be
10 for the East Capitol Center for Change to carry out these
11 activities: *Provided further*, That \$1,000,000 shall be for
12 the District Department of Human Services to begin occu-
13 pational training for low-income, unemployed married par-
14 ents to assist them in gaining employment: *Provided fur-*
15 *ther*, That as a condition of receiving these funds, the
16 Mayor of the District of Columbia shall promote marriage
17 and family formation according to the guidance set forth
18 in the accompanying report: *Provided further*, That within
19 30 days of enactment of this Act, the entities receiving
20 funds under this title shall submit to the Committees on
21 Appropriations of the House and Senate, a detailed ex-
22 penditure plan and program requirements that comport
23 with the guidance in the accompanying report.

24 FEDERAL PAYMENT FOR NAVY YARD METRO

25 For a Federal payment to the District of Columbia
26 Department of Transportation, \$4,000,000, to remain

1 available until expended, for costs associated with upgrad-
 2 ing and expanding the capacity of the Navy Yard Metro
 3 Station.

4 FEDERAL PAYMENT FOR CENTRAL LIBRARY

5 For a Federal payment to the District of Columbia,
 6 \$15,000,000, to remain available until expended, for the
 7 Federal contribution for costs associated with the con-
 8 struction of a new, state-of-the-art central library.

9 DISTRICT OF COLUMBIA FUNDS

10 The following amounts are appropriated for the Dis-
 11 trict of Columbia for the current fiscal year out of the
 12 general fund of the District of Columbia, except as other-
 13 wise specifically provided: *Provided*, That notwithstanding
 14 any other provision of law, except as provided in section
 15 450A of the District of Columbia Home Rule Act (D.C.
 16 Official Code, section 1-204.50a) and provisions of this
 17 Act, the total amount appropriated in this Act for oper-
 18 ating expenses for the District of Columbia for fiscal year
 19 2006 under this heading shall not exceed the lesser of the
 20 sum of the total revenues of the District of Columbia for
 21 such fiscal year or \$9,057,361,000 (of which
 22 \$5,271,162,000 shall be from local funds, \$2,020,101,000
 23 shall be from Federal grant funds, \$1,758,214,000 shall
 24 be from other funds, and \$7,885,000 shall be from private
 25 funds), in addition, \$170,052,000 from funds previously
 26 appropriated in this Act as Federal payments: *Provided*

1 *further*, That of the local funds, \$284,287,000 shall be de-
2 rived from the District's general fund balance: *Provided*
3 *further*, That of these funds the District's intradistrict au-
4 thority shall be \$539,745,000: in addition for capital con-
5 struction projects there is appropriated an increase of
6 \$2,459,570,000, of which \$1,809,754,000 shall be from
7 local funds, \$49,867,000 from Highway Trust funds,
8 \$52,000,000 from the Local Street Maintenance fund,
9 \$15,000,000 from revenue bonds, \$18,200,000 from Cer-
10 tificates of Participation financing, \$63,000,000 from fi-
11 nancing for construction of a baseball stadium,
12 \$212,000,000 from financing for construction of a new
13 hospital or other health facility, \$239,749,000 from Fed-
14 eral grant funds, and a rescission of \$118,395,000 from
15 local funds appropriated under this heading in prior fiscal
16 years, for a net amount of \$2,341,175,000, to remain
17 available until expended: *Provided further*, That the
18 amounts provided under this heading are to be subject to
19 the provisions of and allocated and expended as proposed
20 under "Title II—District of Columbia Funds" of the Fis-
21 cal Year 2006 Proposed Budget and Financial Plan sub-
22 mitted to the Congress of the United States by the Dis-
23 trict of Columbia on June 6, 2005: *Provided further*, That
24 this amount may be increased by proceeds of one-time
25 transactions, which are expended for emergency or unan-

1 anticipated operating or capital needs: *Provided further,*
2 That such increases shall be approved by enactment of
3 local District law and shall comply with all reserve require-
4 ments contained in the District of Columbia Home Rule
5 Act as amended by this Act: *Provided further,* That the
6 Chief Financial Officer of the District of Columbia shall
7 take such steps as are necessary to assure that the Dis-
8 trict of Columbia meets these requirements, including the
9 apportioning by the Chief Financial Officer of the appro-
10 priations and funds made available to the District during
11 fiscal year 2006, except that the Chief Financial Officer
12 may not reprogram for operating expenses any funds de-
13 rived from bonds, notes, or other obligations issued for
14 capital projects.

15 GENERAL PROVISIONS

16 SEC. 101. Whenever in this Act, an amount is speci-
17 fied within an appropriation for particular purposes or ob-
18 jects of expenditure, such amount, unless otherwise speci-
19 fied, shall be considered as the maximum amount that
20 may be expended for said purpose or object rather than
21 an amount set apart exclusively therefor.

22 SEC. 102. Appropriations in this Act shall be avail-
23 able for expenses of travel and for the payment of dues
24 of organizations concerned with the work of the District
25 of Columbia government, when authorized by the Mayor,

1 or, in the case of the Council of the District of Columbia,
2 funds may be expended with the authorization of the
3 Chairman of the Council.

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

9 SEC. 104. (a) Except as provided in subsection (b),
10 no part of this appropriation shall be used for publicity
11 or propaganda purposes or implementation of any policy
12 including boycott designed to support or defeat legislation
13 pending before Congress or any State legislature.

14 (b) The District of Columbia may use local funds pro-
15 vided in this title to carry out lobbying activities on any
16 matter other than—

17 (1) the promotion or support of any boycott; or

18 (2) statehood for the District of Columbia or
19 voting representation in Congress for the District of
20 Columbia.

21 (c) Nothing in this section may be construed to pro-
22 hibit any elected official from advocating with respect to
23 any of the issues referred to in subsection (b).

24 SEC. 105. (a) None of the funds provided under this
25 title to the agencies funded by this title, both Federal and

1 District government agencies, that remain available for
2 obligation or expenditure in fiscal year 2007, or provided
3 from any accounts in the Treasury of the United States
4 derived by the collection of fees available to the agencies
5 funded by this title, shall be available for obligation or ex-
6 penditures for an agency through a reprogramming of
7 funds which—

8 (1) creates new programs;

9 (2) eliminates a program, project, or responsi-
10 bility center;

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

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

16 (5) reestablishes any program or project pre-
17 viously deferred through reprogramming;

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

22 (7) increases by 20 percent or more personnel
23 assigned to a specific program, project or responsi-
24 bility center,

1 unless in the case of Federal funds, the Committees on
2 Appropriations of the House of Representatives and Sen-
3 ate are notified in writing 15 days in advance of the re-
4 programming and in the case of local funds, the Commit-
5 tees on Appropriations of the House of Representatives
6 and Senate are provided summary reports on April 1,
7 2007 and October 1, 2007, setting forth detailed informa-
8 tion regarding each such local funds reprogramming con-
9 ducted subject to this subsection.

10 (b) None the local funds contained in this Act may
11 be available for obligation or expenditure for an agency
12 through a transfer of any local funds in excess of
13 \$3,000,000 from one appropriation heading to another un-
14 less the Committees on Appropriations of the House of
15 Representatives and Senate are provided summary reports
16 on April 1, 2007 and October 1, 2007, setting forth de-
17 tailed information regarding each reprogramming con-
18 ducted subject to this subsection, except that in no event
19 may the amount of any funds transferred exceed 4 percent
20 of the local funds in the appropriations.

21 (c) The District of Columbia Government is author-
22 ized to approve and execute reprogramming and transfer
23 requests of local funds under this title through September
24 30, 2007.

1 SEC. 106. Consistent with the provisions of section
2 1301(a) of title 31, United States Code, appropriations
3 under this Act shall be applied only to the objects for
4 which the appropriations were made except as otherwise
5 provided by law.

6 SEC. 107. Notwithstanding any other provisions of
7 law, the provisions of the District of Columbia Govern-
8 ment Comprehensive Merit Personnel Act of 1978 (D.C.
9 Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.),
10 enacted pursuant to section 422(3) of the District of Co-
11 lumbia Home Rule Act (D.C. Official Code, sec. 1-
12 2041.22(3)), shall apply with respect to the compensation
13 of District of Columbia employees. For pay purposes, em-
14 ployees of the District of Columbia government shall not
15 be subject to the provisions of title 5, United States Code:
16 *Provided*, That notwithstanding any other law (or 5
17 U.S.C. § 8344(a)), the District Government Reemployed
18 Annuitant Offset Amendment Act of 2004, effective De-
19 cember 7, 2004 (D.C. Law 15-207; 51 DCR 8799), shall
20 apply to any individual employed in an appointive or elec-
21 tive position with the District of Columbia government
22 after December 7, 2004.

23 SEC. 108. No later than 30 days after the end of the
24 first quarter of fiscal year 2007, the Mayor of the District
25 of Columbia shall submit to the Council of the District

1 of Columbia and the Committees on Appropriations of the
2 House of Representatives and Senate the new fiscal year
3 2007 revenue estimates as of the end of such quarter.
4 These estimates shall be used in the budget request for
5 fiscal year 2008. The officially revised estimates at mid-
6 year shall be used for the midyear report.

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

14 SEC. 110. None of the Federal funds made available
15 in this Act may be used to implement or enforce the
16 Health Care Benefits Expansion Act of 1992 (D.C. Law
17 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
18 erwise implement or enforce any system of registration of
19 unmarried, cohabiting couples, including but not limited
20 to registration for the purpose of extending employment,
21 health, or governmental benefits to such couples on the
22 same basis that such benefits are extended to legally mar-
23 ried couples.

24 SEC. 111. (a) Notwithstanding any other provision
25 of this Act, the Mayor, in consultation with the Chief Fi-

1 nancial Officer of the District of Columbia may accept,
2 obligate, and expend Federal, private, and other grants
3 received by the District government that are not reflected
4 in the amounts appropriated in this Act.

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

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

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

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

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

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

1 (c) No amount may be obligated or expended from
2 the general fund or other funds of the District of Colum-
3 bia government in anticipation of the approval or receipt
4 of a grant under subsection (b)(2) or in anticipation of
5 the approval or receipt of a Federal, private, or other
6 grant not subject to such subsection.

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

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

21 SEC. 112. (a) Except as otherwise provided in this
22 section, none of the funds made available by this Act or
23 by any other Act may be used to provide any officer or
24 employee of the District of Columbia with an official vehi-
25 cle unless the officer or employee uses the vehicle only in

1 the performance of the officer's or employee's official du-
2 ties. For purposes of this paragraph, the term "official
3 duties" does not include travel between the officer's or em-
4 ployee's residence and workplace, except in the case of—

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

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

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

16 (4) the Chairman of the Council of the District
17 of Columbia.

18 (b) The Chief Financial Officer of the District of Co-
19 lumbia shall submit by March 1, 2007, an inventory, as
20 of September 30, 2006, of all vehicles owned, leased or
21 operated by the District of Columbia government. The in-
22 ventory shall include, but not be limited to, the depart-
23 ment to which the vehicle is assigned; the year and make
24 of the vehicle; the acquisition date and cost; the general
25 condition of the vehicle; annual operating and mainte-

1 nance costs; current mileage; and whether the vehicle is
2 allowed to be taken home by a District officer or employee
3 and if so, the officer or employee's title and resident loca-
4 tion.

5 SEC. 113. None of the funds contained in this Act
6 may be used for purposes of the annual independent audit
7 of the District of Columbia government for fiscal year
8 2007 unless—

9 (1) the audit is conducted by the Inspector
10 General of the District of Columbia, in coordination
11 with the Chief Financial Officer of the District of
12 Columbia, pursuant to section 208(a)(4) of the Dis-
13 trict of Columbia Procurement Practices Act of
14 1985 (D.C. Official Code, sec. 2-302.8); and

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

23 SEC. 114. (a) None of the Federal funds contained
24 in this Act may be used by the District of Columbia Cor-
25 poration Counsel or any other officer or entity of the Dis-

1 trict government to provide assistance for any petition
2 drive or civil action which seeks to require Congress to
3 provide for voting representation in Congress for the Dis-
4 trict of Columbia.

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

10 SEC. 115. (a) None of the Federal funds contained
11 in this Act may be used for any program of distributing
12 sterile needles or syringes for the hypodermic injection of
13 any illegal drug.

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

19 SEC. 116. None of the funds contained in this Act
20 may be used after the expiration of the 60-day period that
21 begins on the date of the enactment of this Act to pay
22 the salary of any chief financial officer of any office of
23 the District of Columbia government (including any inde-
24 pendent agency of the District of Columbia) who has not
25 filed a certification with the Mayor and the Chief Finan-

1 cial Officer of the District of Columbia that the officer
2 understands the duties and restrictions applicable to the
3 officer and the officer's agency as a result of this Act (and
4 the amendments made by this Act), including any duty
5 to prepare a report requested either in the Act or in any
6 of the reports accompanying the Act and the deadline by
7 which each report must be submitted: *Provided*, That the
8 Chief Financial Officer of the District of Columbia shall
9 provide to the Committees on Appropriations of the House
10 of Representatives and Senate by April 1, 2007 and Octo-
11 ber 1, 2007, a summary list showing each report, the due
12 date, and the date submitted to the Committees.

13 SEC. 117. Nothing in this Act may be construed to
14 prevent the Council or Mayor of the District of Columbia
15 from addressing the issue of the provision of contraceptive
16 coverage by health insurance plans, but it is the intent
17 of Congress that any legislation enacted on such issue
18 should include a "conscience clause" which provides excep-
19 tions for religious beliefs and moral convictions.

20 SEC. 118. The Mayor of the District of Columbia
21 shall submit to the Committees on Appropriations of the
22 House of Representatives and Senate, the Committee on
23 Government Reform of the House of Representatives, and
24 the Committee on Governmental Affairs of the Senate
25 quarterly reports addressing—

1 (1) crime, including the homicide rate, imple-
2 mentation of community policing, the number of po-
3 lice officers on local beats, and the closing down of
4 open-air drug markets;

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

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

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

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

24 (6) application for and management of Federal
25 grants, including the number and type of grants for

1 which the District was eligible but failed to apply
2 and the number and type of grants awarded to the
3 District but for which the District failed to spend
4 the amounts received; and

5 (7) indicators of child well-being.

6 SEC. 119. (a) No later than 30 calendar days after
7 the date of the enactment of this Act, the Chief Financial
8 Officer of the District of Columbia shall submit to the ap-
9 propriate committees of Congress, the Mayor, and the
10 Council of the District of Columbia a revised appropriated
11 funds operating budget in the format of the budget that
12 the District of Columbia government submitted pursuant
13 to section 442 of the District of Columbia Home Rule Act
14 (D.C. Official Code, sec. 1-204.42), for all agencies of the
15 District of Columbia government for fiscal year 2007 that
16 is in the total amount of the approved appropriation and
17 that realigns all budgeted data for personal services and
18 other-than-personal-services, respectively, with anticipated
19 actual expenditures.

20 (b) This section and its reporting requirement shall
21 apply only to an agency where the Chief Financial Officer
22 of the District of Columbia certifies that a reallocation is
23 required to address unanticipated changes in program re-
24 quirements.

1 SEC. 120. (a) None of the funds contained in this
2 Act may be made available to pay—

3 (1) the fees of an attorney who represents a
4 party in an action or an attorney who defends an ac-
5 tion brought against the District of Columbia Public
6 Schools under the Individuals with Disabilities Edu-
7 cation Act (20 U.S.C. 1400 et seq.) in excess of
8 \$4,000 for that action; or

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

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

18 SEC. 121. The Chief Financial Officer of the District
19 of Columbia shall require attorneys in special education
20 cases brought under the Individuals with Disabilities Edu-
21 cation Act (IDEA) in the District of Columbia to certify
22 in writing that the attorney or representative rendered any
23 and all services for which they receive awards, including
24 those received under a settlement agreement or as part
25 of an administrative proceeding, under the IDEA from the

1 District of Columbia. As part of the certification, the Chief
2 Financial Officer of the District of Columbia shall require
3 all attorneys in IDEA cases to disclose any financial, cor-
4 porate, legal, memberships on boards of directors, or other
5 relationships with any special education diagnostic serv-
6 ices, schools, or other special education service providers
7 to which the attorneys have referred any clients as part
8 of this certification. The Chief Financial Officer shall pre-
9 pare and submit quarterly reports to the Committees on
10 Appropriations of the House of Representatives and Sen-
11 ate on the certification of and the amount paid by the gov-
12 ernment of the District of Columbia, including the District
13 of Columbia Public Schools, to attorneys in cases brought
14 under IDEA. The Inspector General of the District of Co-
15 lumbia may conduct investigations to determine the accu-
16 racy of the certifications.

17 SEC. 122. The amount appropriated by this title may
18 be increased by no more than \$42,000,000 from funds
19 identified in the comprehensive annual financial report as
20 the District's fiscal year 2006 unexpended general fund
21 surplus. The District may obligate and expend these
22 amounts only in accordance with the following conditions:

23 (1) The Chief Financial Officer of the District
24 of Columbia shall certify that the use of any such
25 amounts is not anticipated to have a negative impact

1 on the District's long-term financial, fiscal, and eco-
2 nomic vitality.

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

5 (A) One-time expenditures.

6 (B) Expenditures to avoid deficit spending.

7 (C) Debt Reduction.

8 (D) Program needs.

9 (E) Expenditures to avoid revenue short-
10 falls.

11 (3) The amounts shall be obligated and ex-
12 pended in accordance with laws enacted by the
13 Council in support of each such obligation or ex-
14 penditure.

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

18 (5) The amounts may not be obligated or ex-
19 pended unless the Mayor notifies the Committees on
20 Appropriations of the House of Representatives and
21 Senate not fewer than 30 days in advance of the ob-
22 ligation or expenditure.

23 SEC. 123. The Chief Financial Officer for the District
24 of Columbia may, for the purpose of cash flow manage-
25 ment, conduct short-term borrowing from the emergency

1 reserve fund and from the contingency reserve fund estab-
2 lished under section 450A of the District of Columbia
3 Home Rule Act (Public Law 93–198): *Provided*, That the
4 amount borrowed shall not exceed 50 percent of the total
5 amount of funds contained in both the emergency and con-
6 tingency reserve funds at the time of borrowing: *Provided*
7 *further*, That the borrowing shall not deplete either fund
8 by more than 50 percent: *Provided further*, That 100 per-
9 cent of the funds borrowed shall be replenished within 9
10 months of the time of the borrowing or by the end of the
11 fiscal year, whichever occurs earlier: *Provided further*,
12 That in the event that short-term borrowing has been con-
13 ducted and the emergency or the contingency funds are
14 later depleted below 50 percent as a result of an emer-
15 gency or contingency, an amount equal to the amount nec-
16 essary to restore reserve levels to 50 percent of the total
17 amount of funds contained in both the emergency and con-
18 tingency reserve fund must be replenished from the
19 amount borrowed within 60 days.

20 SEC. 124. (a) To account for an unanticipated growth
21 of revenue collections, the amount appropriated as District
22 of Columbia Funds pursuant to this Act may be in-
23 creased—

24 (1) by an aggregate amount of not more than
25 25 percent, in the case of amounts proposed to be

1 allocated as “Other-Type Funds” in the Fiscal Year
2 2007 Proposed Budget and Financial Plan sub-
3 mitted to Congress by the District of Columbia; and

4 (2) by an aggregate amount of not more than
5 6 percent, in the case of any other amounts pro-
6 posed to be allocated in such Proposed Budget and
7 Financial Plan.

8 (b) The District of Columbia may obligate and ex-
9 pend any increase in the amount of funds authorized
10 under this section only in accordance with the following
11 conditions:

12 (1) The Chief Financial Officer of the District
13 of Columbia shall certify—

14 (A) the increase in revenue; and

15 (B) that the use of the amounts is not an-
16 ticipated to have a negative impact on the long-
17 term financial, fiscal, or economic health of the
18 District.

19 (2) The amounts shall be obligated and ex-
20 pended in accordance with laws enacted by the
21 Council of the District of Columbia in support of
22 each such obligation and expenditure, consistent
23 with the requirements of this Act.

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

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

9 SEC. 125. (a) None of the funds contained in this
10 Act may be used to enact or carry out any law, rule, or
11 regulation to legalize or otherwise reduce penalties associ-
12 ated with the possession, use, or distribution of any sched-
13 ule I substance under the Controlled Substances Act (21
14 U.S.C. 802) or any tetrahydrocannabinols derivative.

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

19 SEC. 126. None of the funds appropriated under this
20 Act shall be expended for any abortion except where the
21 life of the mother would be endangered if the fetus were
22 carried to term or where the pregnancy is the result of
23 an act of rape or incest.

24 SEC. 127. The entire process used by the Chief Fi-
25 nancial Officer to acquire any and all kinds of goods,

1 works and services by any contractual means, including
2 but not limited to purchase, lease or rental, shall be ex-
3 empt from all of the provisions of the District of Colum-
4 bia's Procurement Practices Act: *Provided*, That provi-
5 sions made by this subsection shall take effect as if en-
6 acted in D.C. Law 11-259 and shall remain in effect until
7 September 30, 2007.

8 SEC. 128. There is hereby appropriated such addi-
9 tional other type funds as may be necessary to conduct
10 expenditures authorized to be made from the District of
11 Columbia Commodities Cost Reserve Fund, established by
12 section 47-368.04 of the District of Columbia Official
13 Code and the Leasing Fees Working Fund, established by
14 section 5 of the District of Columbia Appropriations Act,
15 1955, approved July 1, 1956 (68 Stat. 393; D.C. Official
16 Code 10-701).

17 SEC. 129. Amounts appropriated in this Act as oper-
18 ating funds may be transferred to the District of Colum-
19 bia's enterprise and capital funds and such amounts, once
20 transferred shall retain appropriation authority consistent
21 with the provisions of this Act.

22 SEC. 130. Of the funds appropriated in this Act and
23 subsequent appropriations Acts for the direct loan fund
24 established pursuant to section 143 of the District of Co-
25 lumbia Appropriations Act for Fiscal Year 2003 (Public

1 Law 108–7; 117 Stat. 112 (2003), as amended), and the
2 credit enhancement fund established pursuant to section
3 603(e) of the Student Loan Marketing Association Reor-
4 ganization Act of 1996 (Public Law 104–208; 110 Stat.
5 3009; 20 U.S.C. 1155(e), as amended), shall not be sub-
6 ject to the requirements set forth in section 451 of the
7 Self-Government and Governmental Reorganization Act
8 (Home Rule Act, Public Law 93–198, 87 Stat. 777, § 451
9 (1973); D.C. Official Code § 1–204.51 (2001), as amend-
10 ed).

11 SEC. 131. Notwithstanding any other provision of
12 law, an eligible student who received a scholarship for the
13 2004–2005 school year or the 2005–2006 school year
14 under the D.C. School Choice Incentive Act of 2003 (title
15 III of division C of the Consolidated Appropriations Act,
16 2004, Public Law 108–199), shall be eligible to receive
17 a scholarship for the second or any succeeding year of his
18 or her participation in the program, provided the student
19 comes from a household whose income does not exceed 300
20 percent of the poverty line.

21 SEC. 132. The Chief Financial Officer shall prepare
22 and annually submit to the Mayor of the District of Co-
23 lumbia, for inclusion in the annual budget of the District
24 of Columbia government for a fiscal year, annual esti-
25 mates of the expenditures and appropriations necessary

1 for the year for the operation of the Office and all other
2 District of Columbia accounting, budget, and financial
3 management personnel (including personnel of executive
4 branch independent agencies) that report to the Office. All
5 such estimates shall be forwarded by the Mayor to the
6 Council of the District of Columbia for its action pursuant
7 to sections 446 and 603(c) of the District of Columbia
8 Home Rule Act, approved December 24, 1973 (D.C. Offi-
9 cial Code §§ 1–204.46 and 1–206.03(c)), without revision
10 but subject to recommendations. Notwithstanding any
11 other provision of such Act, the Council may comment or
12 make recommendations concerning such estimates, but
13 shall have no authority to revise such estimates.

14 SEC. 133. The authority that the Chief Financial Of-
15 ficer (CFO) of the District of Columbia exercised with re-
16 spect to personnel and the preparation of fiscal impact
17 statements during a control period (as defined in Public
18 Law 104–8) shall remain in effect until September 30,
19 2007: *Provided*, That, unless otherwise expressly exempted
20 from CFO oversight within the District of Columbia Home
21 Rule Act, approved December 24, 1973, the personnel au-
22 thority exercised by the OCFO extends to all agencies and
23 staff identified in section 142(a) of the District of Colum-
24 bia Appropriations Act, 1997 (Public Law 104–194; 110
25 Stat. 2375) without exception.

1 SEC. 134. Section 424(b)(3) of the District of Colum-
2 bia Home Rule Act (sec. 1-204.24b(c), D.C. Official
3 Code) is amended by striking the period at the end of the
4 sentence and inserting “times 1.50.”.

5 SEC. 135. The term of office of the individual serving
6 as the District of Columbia Chief Financial Officer as of
7 the date of enactment of this Act shall not end prior to
8 June 30, 2008.

9 This Act may be cited as the “District of Columbia
10 Appropriations Act, 2007”.

Calendar No. 517

109TH CONGRESS
2^D SESSION

S. 3660

[Report No. 109-281]

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, 2007, and for other purposes.

JULY 13, 2006

Read twice and placed on the calendar