

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 25, 2007

To approve the request of the District of Columbia government for appropriation and authorization for the fiscal year ending September 30, 2008.

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

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

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

**Federal Payment to the District of Columbia Courts**

For salaries and expenses for the District of Columbia Courts, \$213,861,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$10,800,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$98,359,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$52,170,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$52,532,000 to remain available until September 30, 2009, 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 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

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Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *provided further*, that 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4% of the funds provided under this heading for facilities.

**Defender Services in District of Columbia Courts**

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$43,475,000, 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 \$52,532,000 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 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 Homeland Security and Governmental Affairs of the Senate.

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**Federal Payment to the Court Services and Offender Supervision Agency  
for the District of Columbia (Including Transfer of Funds)**

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$190,343,000; of which not to exceed \$2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed \$400,000 for the Community Supervision program and \$160,000 for the Pretrial Services program, both to remain available until September 30, 2009, are for Information Technology infrastructure enhancement acquisitions; of which \$140,449,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$49,894,000 shall be available to the Pretrial Services Agency: *provided*, that notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *provided further*, that the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *provided further*, that the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *provided further*, that the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia government for space and services provided on a cost reimbursable basis.

**Federal Payment for the Public Defender Service for the District of Columbia**

For salaries and expenses, including the transfer and hire of motor vehicles of the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$32,710,000: *provided*, that all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies: *provided further*, that beginning in fiscal year 2008 and thereafter, 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 31 U.S.C. § 3302, such fees shall be credited to this account, to be available until expended without further appropriation.

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**DISTRICT OF COLUMBIA GENERAL AND SPECIAL PAYMENTS****Federal Payment for Resident Tuition Support**

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$35,100,000 to remain available until expended: *provided*, that such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *provided further*, that the awarding of such funds may be prioritized on the basis of a resident's academic merit, 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 in accordance with section 6(b)(1) of the District of Columbia College Access Act of 1999, approved November 12, 1999 (113 Stat. 1329; D.C. Official Code § 38-2705(b)(1)), not more than 7% 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, \$3,000,000 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 for School Improvement**

For a Federal payment for a school improvement program in the District of Columbia, \$40,800,000, to be allocated as follows: for the District of Columbia Public Schools, \$13,000,000 to improve public school education in the District of Columbia; for the State Education Office, \$13,000,000 to expand quality public charter schools in the District of

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Columbia, to remain available until September 30, 2009, unless such funds are to be used for the credit enhancement or revolving loan program and then such funds shall remain available until expended; for the Secretary of the Department of Education, \$14,800,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004, approved January 23, 2004 (Pub. L. No.108-199; 118 Stat. 126), of which up to \$1,800,000 may be used to administer and fund assessments.

**FEDERAL SUPPORT FOR ECONOMIC DEVELOPMENT AND MANAGEMENT  
REFORMS IN THE DISTRICT**

**Federal Payment for Central Library and Branch Locations**

For a Federal payment to the District of Columbia, \$10,000,000, to remain available until expended, for the Federal contribution toward costs associated with the renovation and rehabilitation of District libraries.

**Federal Payment to the District of Columbia Water and Sewer Authority**

For a Federal payment to the District of Columbia Water and Sewer Authority, \$12,000,000, 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 match of \$7,000,000 and the District of Columbia provides a match of \$5,000,000 in local funds for this payment: *provided further*, that of these funds, \$5,000,000 in Federal and the matching \$5,000,000 in local shall be expended for water and sewer infrastructure improvements to support new development in the area surrounding the South East Federal Center in the District of Columbia.

**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 Consolidated Laboratory Facility**

For a Federal payment to the District of Columbia, \$10,000,000, to remain available until September 30, 2009, for costs associated with the construction of a consolidated laboratory facility: *provided*, that the District of Columbia provides a 100% match for this payment.

**Federal Payment to Reimburse the Federal Bureau of Investigation**

For a Federal payment to the District of Columbia, \$5,000,000, to remain available until September 30, 2010, for reimbursement to the Federal Bureau of Investigation for laboratory services for District of Columbia cases: *provided*, that such funds shall be used for: (1) Evidence examination and subsequent DNA analysis for the District of Columbia cold case DNA

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backlog; and (2) Expansion of resources dedicated to the processing of District of Columbia cases, including an increase in personnel after September 1, 2007; and may be used for data entry and analysis for District of Columbia cold cases.

**ADMINISTRATIVE PROVISIONS****Crime Victims Compensation Fund**

TREATMENT OF UNOBLIGATED BALANCES.— Section 16(d) of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D. C. Official Code § 4-515(d)), is amended to read as follows —

“(d) Any unobligated balance existing in the Fund as of the end of each fiscal year (beginning with fiscal year 2007) shall be transferred from the Fund to the Crime Victims Assistance Fund established by section 16a (D.C. Official Code § 4-515.01) and shall be available for obligation and expenditures without fiscal year limitation. All such expenditures shall be in accordance with a plan developed by the District of Columbia that is submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.”.

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

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *provided*, that notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2008 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$9,777,362,000 (of which \$6,022,444,000 (including \$272,759,000 from dedicated taxes) shall be from local funds, \$2,015,853,000 shall be from Federal grant funds, \$1,730,503,000 shall be from other funds, and \$8,562,000 shall be from private funds), in addition, \$117,200,000 from funds previously appropriated in this Act as Federal payments: *provided further*, that of the local funds, \$153,900,000 shall be derived from the District's general fund balance: *provided further*, that of these funds the District's intradistrict authority shall be \$648,289,000: in addition, for capital construction projects, there is appropriated an increase of \$1,595,503,000, of which \$1,042,712,000 shall be from local funds, \$38,523,000 from the District of Columbia Highway Trust Fund, \$73,260,000 from the Local Street Maintenance Fund, \$75,000,000 from revenue bonds, \$150,000,000 from financing for construction of a consolidated laboratory facility, \$30,000,000 for construction of a baseball stadium, \$186,008,000 from Federal grant funds, and a rescission of \$212,696,000 from local funds appropriated under this heading in prior fiscal years for a net amount of \$1,382,807,000, to

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remain available until expended: *provided further*, that the amounts provided under this heading are to be allocated and expended as proposed under Title III of this Act, at the rate set forth under "District of Columbia Funds Summary of Expenses," as included in the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 4, 2007: *provided further*, that this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *provided further*, that such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*), as amended by this Act: *provided further*, that the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2008; except, that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

**TITLE III--DISTRICT OF COLUMBIA FUNDS--DIVISION OF EXPENSES  
OPERATING EXPENSES**

**Governmental Direction and Support**

Governmental direction and support, \$411,866,000 (including \$337,174,000 from local funds, \$24,243,000 from Federal grant funds, and \$50,469,000 from other funds): *provided*, that not to exceed \$10,100 for the Mayor, \$10,100 for the Chairman of the Council of the District of Columbia, \$10,100 for the City Administrator, and \$10,100 for the Office of the Chief Financial Officer shall be available from this appropriation for official reception and representation expenses: *provided further*, that 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 amounts appropriated by this Act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia: *provided further*, that of the local funds appropriated to the District of Columbia by the Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No. 110-5), under the Heading "Governmental Direction and Support," \$75,000 shall remain available until expended for the Office of Human Rights Language Access program: *provided further*, that not less than \$2,950,000 shall be available from this appropriation for the Office of the Attorney General for the District of Columbia to award a grant to the District of Columbia Bar Foundation for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents pursuant to the Civil Legal Services Amendment Act of 2007, passed on 1st reading on May 15, 2007 (Engrossed version of Bill 17-148): *provided further*, that not less than \$250,000 of this appropriation shall be available to fund the District of Columbia Poverty Lawyer Loan Assistance Program, established by the District of

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Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, effective March 2, 2007 (D.C. Law 16-203; 53 DCR 9055).

**Economic Development and Regulation**

Economic development and regulation, \$534,830,000 (including \$241,756,000 (including \$89,496,000 from dedicated taxes) from local funds, \$140,005,000 from Federal grant funds, \$152,989,000 from other funds, and \$80,000 from private funds), of which \$25,000,000 collected by the District of Columbia in the form of 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 § 2-1215.01 *et seq.*): *provided*, that such funds are available for acquiring services provided by GSA: *provided further*, that Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *provided further*, that the District is authorized to transfer, either through a grant or as a direct payment, \$1,200,000 in local funds to the Excel Institute: *provided further*, that up to 1% of the local funds appropriated for the Department of Employment Services may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families, established by Title V of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D. C. Law 16-192; 53 DCR 6899), and used for the purposes set forth in Title V: *provided further*, that amounts appropriated under this heading may be increased by an amount necessary to execute a transfer of applicable residual amounts from the District's general funds to the special revenue Housing Production Trust fund in accordance with the Housing Production Trust Fund and New Communities Financing Clarification Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899): *provided further*, that \$57,065,000 from dedicated taxes shall be to execute a transfer from the District's general funds to the special revenue Housing Production Trust fund.

**Public Safety and Justice**

Public safety and justice, \$1,142,625,000 (including \$963,108,000 from local funds, \$105,760,000 from Federal grant funds, \$73,557,000 from other funds, and \$200,000 from private funds), in addition, \$1,300,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council" and \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to Reimburse the Federal Bureau of Investigation": *provided*, that not to exceed \$750,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *provided further*, that the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *provided further*, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation and the availability of the sums shall be deemed as constituting

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payment in advance for emergency services involved: *provided further*, that not to exceed \$3,700,000 of this appropriation shall be transferred from the Crime Victims Assistance Fund, established by section 16a of the Victims of Violent Crime Compensation Act of 1996, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 4-515.01), to the Shelter and Transitional Housing for Victims of Domestic Violence Fund, established by the Crime Victims Assistance Fund and Shelter and Transitional Housing for Victims of Domestic Violence Fund Amendment Act of 2007, passed on 1st reading on May 15, 2007 (Engrossed version of Bill 17-148), and shall remain available until expended.

**Public Education System**

Public Education System, including the development of national defense education programs, \$1,498,368,000 (including \$1,261,689,000 from local funds, \$208,313,000 from Federal grant funds, \$22,313,000 from other funds, and \$6,053,000 from private funds), in addition, \$35,100,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support," and \$26,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement": *provided*, that, notwithstanding any other provisions of this Act, no later than 60 calendar days after the date of the enactment of this Act, the District may realign the appropriation authority provided under this Act as necessary and consistent with the enactment of the Public Education Reform Amendment Act of 2007, signed by the Mayor on April 23, 2007 (D.C. Act 17-38; 54 DCR 4099), to be allocated as follows:

(1) District of Columbia Public Schools.— \$1,000,143,000 (including \$796,247,000 from local funds, \$174,930,000 from Federal grant funds, \$10,004,000 from other funds, and \$5,962,000 from private funds), in addition, \$13,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement" shall be available for District of Columbia Public Schools: *provided*, that this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2008 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 \$10,100 for the Superintendent of Schools shall be available from this appropriation for official reception and representation expenses: *provided further*, that no less than \$12,516,000 shall be available from this appropriation for the Metropolitan Police Department's provision of security for the District of Columbia Public Schools: *provided further*, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools, on July 1, 2008, an amount equal to 10% of the total amount of the local funds appropriations request provided for

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the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2009 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2009: *provided further*, that of the local funds appropriated to the District of Columbia by the Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No. 110-5), under this heading, \$5,000,000 in local funds shall remain available until expended to cover expenditures associated with the *Blackman v. District of Columbia* and *Jones v. District of Columbia* consent decree ("Blackman-Jones"): *provided further*, that \$5,000,000 in local funds for fiscal year 2008 funds shall remain available until expended for Blackman-Jones.

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

(3) State Education Office.— \$53,185,000 (including \$10,322,000 from local funds, \$32,541,000 from Federal grant funds, and \$10,322,000 from other funds, in addition, \$35,100,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" shall be available for the State Education Office and \$13,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement" 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, 2009, for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school: *provided further*, that amounts appropriated under this heading may be increased by an amount not to exceed \$9,600,000 to remain available until expended from the District of Columbia fund balance as necessary for direct loan and credit enhancement programs: *provided further*, that to the extent that the District expends local funds for this purpose, the District may reimburse those local funds from Federal funds previously appropriated but made unavailable for the direct loan and credit enhancement programs if the Federal funds become available.

(4) District of Columbia Public Charter Schools.— \$320,366,000 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) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)): *provided further*, that of the amounts made available to District of Columbia public charter schools, \$100,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(5)):

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*provided further*, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to District of Columbia public charter schools, on July 1, 2008, 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 2009 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2008: *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.

(5) University of the District of Columbia Subsidy.— \$63,977,000 from local funds shall be available for the University of the District of Columbia subsidy: *provided*, that this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2008, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *provided further*, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia, on July 1, 2008, 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 2009 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2008: *provided further*, that not to exceed \$10,100 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses.

(6) District of Columbia Public Libraries.— \$46,809,000 (including \$45,239,000 from local funds, \$842,000 from Federal grant funds, \$637,000 from other funds, and \$91,000 from private funds) shall be available for the District of Columbia Public Libraries: *provided*, that not to exceed \$8,100 for the Public Librarian shall be available from this appropriation for official reception and representation expenses.

(7) Charter School Board. - \$2,638,000 (including \$1,288,000 from local funds and \$1,350,000 from other funds).

(8) Department of Education. - \$2,367,000 from local funds.

(9) Office of Public Education Facilities Modernization. - \$6,000,000 from local funds.

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**Human Support Services**

Human support services, \$3,074,023,000 (including \$1,541,417,000 (including \$10,000,000 from dedicated taxes) from local funds, \$1,499,176,000 from Federal grant funds, \$32,388,000 from other funds, and \$1,042,000 from private funds): *provided*, that \$30,280,000 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 up to 1% of the local funds appropriated for the Child Family and Services Agency, the Department of Health, the Department of Human Services, the Department of Mental Health, and the Department of Youth Rehabilitation Services may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families, established by Title V of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899): *provided further*, that of the local funds appropriated to the District of Columbia by the Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No. 110-5) under the Heading "Governmental Direction and Support" for activities authorized through the Community Health Care Financing Fund, the Mayor is authorized to transfer amounts that remain available to this heading for use by the Department of Health, and such funds shall remain available until expended.

**Public Works**

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and 3 passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$593,711,000 (including \$407,310,000 from local funds, \$20,142,000 from Federal grant funds, \$165,760,000 from other funds, and \$500,000 from private funds): *provided*, that this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

**Financing and Other**

Financing and Other, \$1,100,304,000 (including \$1,014,578,000 (including \$58,597,000 from dedicated taxes) from local funds and \$85,726,000 from other funds) to be allocated as follows:

(1) Repayment of Loans and Interest - for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code §§ 1-204.62, 1-204.75, and 1-204.90), \$440,707,000 from local funds;

(2) Short-Term Borrowing - for payment of interest on short-term borrowing, \$13,334,000 from local funds;

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

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

(5) Wilson Building - for expenses associated with the John A. Wilson building, \$4,190,000 from local funds;

(6) Workforce Investments - for workforce investments, \$21,044,000 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;

(7) Non-Departmental - to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$101,680,000 (including \$32,154,000 from local funds and \$69,526,000 from other funds), to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act;

(8) Emergency Planning and Security Fund - \$3,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia": *provided*, that notwithstanding any other law, the District of Columbia may charge obligations and expenditures that are pending reimbursement under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia" to this local appropriation heading;

(9) Cash Reserve - for the cumulative cash reserve to be made available for expenditure consistent with the requirements established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(2)), for such reserve, \$50,000,000 from local funds;

(10) Tax Increment Financing - the amounts appropriated herein may be increased by an amount not to exceed \$16,200,000 from the District's general fund balance for a Tax Increment Financing program as may be necessary to meet the Tax Increment Financing requirements;

(11) Equipment Lease Operating - \$43,755,000 from local funds;

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

(13) Pay-As-You-Go Capital funds - in lieu of capital financing, \$108,152,000 from local funds to be transferred to the Capital Fund;

(14) Debt Issuance Costs - for the payment of debt service issuance costs, \$60,000,000 from local funds;

(15) School Modernization Fund - for a School Modernization Fund, \$6,435,000

## ENROLLED ORIGINAL

from local funds;

(16) District Retiree Health Contribution - for a District Retiree Health Contribution, \$110,907,000 from local funds to be derived from the District's general fund balance;

(17) Baseball Revenue- \$58,597,000 from dedicated tax to account for the inflows and outflows of both operating and capital dollars; in addition, the amounts appropriated herein may be increased by such amounts as may be necessary and as are consistent with the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.01 *et seq.*), to pay debt service, and to maintain and replenish required reserves for baseball revenue bonds; and

(18) Revenue Bonds - for the repayment of revenue bonds, \$12,000,000 from local funds.

**ENTERPRISE AND OTHER FUNDS****Water and Sewer Authority**

Pursuant to section 445a of the District of Columbia Home Rule Act, approved August 6, 1996 (110 Stat. 1698; D.C. Official Code § 1-204.45a), which provides that the Council shall have no authority to revise the budget for the District of Columbia Water and Sewer Authority, of which 60% represents rate-payer revenue, the Council forwards this non-appropriated budget request:

For operation of the Water and Sewer Authority, \$341,186,000 from other funds, of which \$5,355,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, \$466,584,000, to be distributed as follows: \$13,781,000 for the Blue Plains Wastewater Treatment Plant, \$110,503,000 for the sewer program, \$98,675,000 for the combined sewer program, \$193,782,000 for the water program, \$19,175,000 for the Washington Aqueduct capital program, and \$30,668,000 for the capital equipment program; in addition, \$12,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority": *provided*, that the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

**Washington Aqueduct**

For operation of the Washington Aqueduct, \$49,815,000 from other funds.

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**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, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 *et seq.* and § 22-1716 *et seq.*), \$266,700,000 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 amounts appropriated herein may be increased by an amount necessary for the Lottery and Charitable Games Enterprise Fund to make transfers to the general fund of the District of Columbia, in excess of this appropriation, if such funds are available for transfer.

**Sports and Entertainment Commission**

For the Sports and Entertainment Commission, \$58,529,000 from other funds to 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 § 1-711), \$33,249,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *provided*, that the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *provided further*, that the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

**Washington Convention Center Enterprise Fund**

For the Washington Convention Center Enterprise Fund, \$88,742,000 from other funds.

**National Capital Revitalization Corporation**

For the National Capital Revitalization Corporation, or its successor, \$39,606,000 from other funds.

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**University of the District of Columbia**

For the University of the District of Columbia, \$112,612,000 (including \$63,977,000 from local funds, \$18,214,000 from Federal funds, \$29,734,000 from other funds, and \$687,000 from private funds): *provided*, that this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2008, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

**District of Columbia of Personnel Agency Trust Fund**

For the District of Columbia of Personnel Agency Trust Fund, \$1,500,000 from other funds.

**District of Columbia Public Library Trust Fund**

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

**Unemployment Insurance Trust Fund**

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

**Anacostia Waterfront Corporation**

For the Anacostia Waterfront Corporation, or its successor, \$16,040,000 from local funds: *provided*, that of the amount made available for capital expenditures under this heading in fiscal year 2007, \$15,000,000 is rescinded.

**Housing Production Trust Fund**

For the Housing Production Trust Fund, \$129,539,000 in local funds, to remain available until expended for purposes identified by the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*).

**Tax Increment Financing**

For Tax Increment Financing, \$16,200,000 from local funds.

**Baseball Fund**

For the Baseball Fund, \$164,101,000, of which \$157,101,000 from local funds (including \$80,333,000 from dedicated taxes) and \$7,000,000 from other funds.

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## CAPITAL OUTLAY

For capital construction projects, an increase of \$1,595,503,000, of which \$1,042,712,000 shall be from local funds, \$38,523,000 from the District of Columbia Highway Trust Fund, \$73,260,000 from the Local Street Maintenance Fund, \$75,000,000 from revenue bonds, \$150,000,000 from financing for construction of a consolidated laboratory facility, \$30,000,000 for construction of a baseball stadium, \$186,008,000 from Federal grant funds, and a rescission of \$212,696,000 from local funds appropriated under this heading in prior fiscal years for a net amount of \$1,382,807,000, to remain available until expended; in addition, \$10,000,000, to remain available until expended, from funds previously appropriated in this Act under the heading "Federal Payment for Central Library and Branch Location": in addition, \$10,000,000 to remain available until September 30, 2009, from funds previously appropriated in this Act under the heading "Federal Payment for Consolidated Laboratory Facility": *provided*, that funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *provided further*, that all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *provided further*, that amounts appropriated under this heading may be increased by the amount transferred from funds appropriated in this Act as Pay-As-You-Go Capital funds: *provided further*, that the Office of the Chief Technology Officer of the District of Columbia shall continue to implement the following information technology projects through completion of each such project on behalf of the District of Columbia Public Schools: Student Information System (project number T2240), Student Information System PCS (project number T2241), Enterprise Resource Planning (project number T2242), E-Rate (project number T2243), and SETS Expansion PCS (project number T2244): *provided further*, that renovation of the office space of the Office of Attorney General for the District of Columbia at One Judiciary Square is authorized, subject to approval of financing for that purpose in accordance with laws enacted by the Council.

## TITLE IV--GENERAL PROVISIONS

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

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

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

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

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

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b) of this section.

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

- (1) Creates new programs;
- (2) Eliminates a program, project, or responsibility center;
- (3) Establishes or changes allocations specifically denied, limited, or increased

under this Act;

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

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

(6) Augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10%, whichever is less; or

(7) Increases by 20% or more personnel assigned to a specific program, project, or responsibility center, unless, in the case of Federal funds, the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008, and October 1, 2008, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) Except as otherwise provided in this Act, none of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of \$3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on

## ENROLLED ORIGINAL

April 1, 2008, and October 1, 2008, setting forth detailed information regarding each reprogramming conducted subject to this subsection; except, that in no event may the amount of any funds transferred exceed 4% of the local funds in the appropriations.

(c) The District of Columbia government is hereby authorized to approve and execute reprogramming and transfer requests of local funds under this title to meet existing obligations through December 1, 2008.

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

SEC. 107. Notwithstanding any other provisions of law (or 5 USC § 8344(a)), the District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-207; 51 DCR 8779), shall apply to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.

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

SEC. 109. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code § 1-123).

SEC. 110. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

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

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

(B) The Council has reviewed and approved the obligation and

## ENROLLED ORIGINAL

expenditure of such grant.

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

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

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

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) of this section 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 title or approved and received under subsection (b)(2) of this section to reflect a change in the actual amount of the grant.

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

SEC. 111. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For the purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of:

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

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

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

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

## ENROLLED ORIGINAL

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

SEC. 112. (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 President and 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, approved December 23, 1974 (87 Stat. 798; D.C. Official Code § 1-204.42), for all agencies of the District of Columbia government for fiscal year 2008 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

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

SEC. 113. The amount appropriated by this Act may be increased by no more than \$50,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2006 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

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

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

- (A) One-time expenditures;
- (B) Expenditures to avoid deficit spending;
- (C) Debt Reduction;
- (D) Program needs; or
- (E) Expenditures to avoid revenue shortfalls.

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

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

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

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SEC. 114. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased:

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

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

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

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

(A) The increase in revenue; and

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

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

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

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

SEC. 115. The Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a): *provided*, that the amount borrowed shall not exceed 50% of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *provided further*, that the borrowing shall not deplete either fund by more than 50%: *provided further*, that 100% of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *provided further*, that in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50% as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50% of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

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SEC. 116. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds, and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 117. The Student Funding Formula Assessment, Educational Data Warehouse, and Enrollment Fund Establishment Amendment Act of 2007, passed on 1<sup>st</sup> reading on May 15, 2007 (Engrossed version of Bill 17-148), is enacted into law.

SEC. 118. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division. This Division may be cited as the "District of Columbia Appropriations Act, 2008".

## DIVISION – B

## DISTRICT OF COLUMBIA AUTHORIZATION REQUEST

SEC. 201. The following proviso under the heading "Lottery and Charitable Games Enterprise Fund" in the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (Pub. L. No. 97-91; 95 Stat. 1174), is repealed:

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

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

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

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

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

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

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

SEC. 204. Section 424a [as amended, 425] of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2037; D.C. Official Code § 1-204.25), is amended as follows:

(a) Subsection (b)(3) is amended by striking the phrase "subordinate and independent agencies" and inserting the phrase "subordinate and independent agencies, including independent authorities" in its place.

(b) Subsection (c)(1) is amended by striking the phrase "subordinate and independent agencies" and inserting the phrase "subordinate and independent agencies, including independent authorities" in its place.

SEC. 205. Notwithstanding any other law (or 5 USC § 8344(a)), the District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-207; 51 DCR 8779), shall apply to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.

SEC. 206. The 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356; 120 Stat. 2019), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

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

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

SEC. 207. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.01 *et seq.*), is amended as follows:

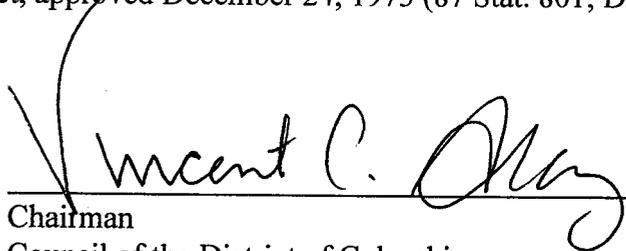
(a) Section 2203(j)(1) (D.C. Official Code § 38-1802.03(j)(1)) is repealed.

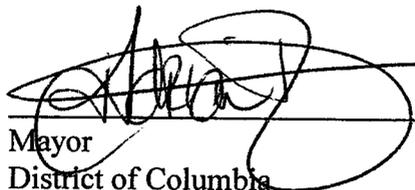
(b) Section 2210(d) (D.C. Official Code § 38-1802.10(d)) is repealed.

SEC. 208. The Federal government shall compensate the District of Columbia for use and occupancy of public space closed for the security of Federal buildings within the District of Columbia and such compensation shall be deemed to be included in and available from the annual appropriations for each agency of the Federal government.

This Division may be cited as the “District of Columbia Omnibus Authorization Act, 2008”.

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
May 25, 2007