

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-119

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 18, 2009

To approve the request of the District of Columbia government for the fiscal year ending September 30, 2010.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2010 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, 2010.

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

**THE DISTRICT OF COLUMBIA COURT SYSTEM**

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

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,408,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$153,856,000 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 \$58,552,000 shall be available to the Pretrial Services Agency; provided, that, notwithstanding any other provision of law, all amounts under

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this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies; provided further, that not less than \$2,000,000 shall be available for re-entrant housing in the District of Columbia; provided further, that the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants; provided further, that the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection; provided further, that the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost-reimbursable basis.

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

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,316,000; provided, that, notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

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

For salaries and expenses for the District of Columbia Courts, \$248,952,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$12,014,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$108,491,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$58,447,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$70,000,000, to remain available until September 30, 2011, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse; provided, that funds made available for capital improvements shall be expended consistent with the General Services Administration ("GSA") master plan study and building evaluation report; provided further, that, notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on

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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 the 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), \$52,475,000, to remain available until expended; provided, that funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia; provided further, that notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

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

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$35,100,000, to remain available until expended; provided, that such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education; provided further, that the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students, and such other factors as may be authorized; provided further, that the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that

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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 the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

**Federal Payment for School Improvement**

For a Federal payment for a school improvement program in the District of Columbia, \$74,400,000, to be allocated as follows: for the District of Columbia Public Schools, \$42,200,000 to improve public school education in the District of Columbia; for the Office of the State Superintendent of Education, \$20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, \$12,200,000 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 \$1,000,000 may be used to administer and fund assessments; provided, that, notwithstanding the second proviso under this heading in Pub. L. No. 111-8, funds provided herein may be used to provide opportunity scholarships to students who received scholarships in the 2009-2010 school year; provided further, that funds available under this heading for opportunity scholarships, including from prior-year appropriations acts, may be made available for scholarships to students who received scholarships in the 2009-2010 school year; provided further, that none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the D.C. School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees.

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

For a Federal payment to the District of Columbia Water and Sewer Authority, \$20,000,000, to remain available until expended; provided, that the District of Columbia Water and Sewer Authority provides a 100% match for this payment.

**Federal Payment to the Criminal Justice Coordinating Council**

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

**ENROLLED ORIGINAL****Federal Payment for Judicial Commissions**

For a Federal payment to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000, to remain available until September 30, 2011.

**Federal Payment for Consolidated Laboratory Facility**

For a Federal payment to the District of Columbia, \$15,000,000, to remain available until September 30, 2011, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory; provided, that the District of Columbia provides a 100% match for this payment.

**Federal Payment for the D.C. National Guard**

For a Federal payment to the District of Columbia, \$2,000,000, to remain available until September 30, 2011, to support costs associated with the D.C. National Guard.

**Federal Payment for Permanent Supportive Housing**

For a Federal payment to the District of Columbia, \$19,200,000, to remain available until September 30, 2011, to support permanent supportive housing programs in the District.

**Federal Payment for Reconnecting Disconnected Youth**

For a Federal payment to the District of Columbia, \$5,000,000, to remain available until September 30, 2011, to support programs aimed at reconnecting disconnected youth.

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

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, 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.

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

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided; provided, that notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2,

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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 2010 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 \$8,858,278,000 (of which \$5,721,742,000 shall be from local funds, (including \$313,789,000 from dedicated taxes) \$2,575,447,000 shall be from Federal grant funds, \$556,429,000 shall be from other funds, and \$4,660,000 shall be from private funds); in addition, \$125,274,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note); provided further, that of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance; provided further, that of these funds the District's intradistrict authority shall be \$712,697,000; in addition, for capital construction projects, an increase of \$2,963,810,000, of which \$2,373,879,000 shall be from local funds, \$54,893,000 from the District of Columbia Highway Trust fund, \$212,854,000 from the Local Street Maintenance fund, \$322,184,000 from Federal grant funds, and a rescission of \$1,833,594,000 from local funds and a rescission of \$91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,038,889,000 to remain available until expended; provided further, that the amounts provided under this heading are to be available, allocated, and expended as proposed under Title III of this Act, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the Fiscal Year 2010 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia; 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 2010; 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, \$425,410,000 (including \$334,938,000 from local funds, \$28,272,000 from Federal grant funds, \$62,191,000 from other funds, and \$8,000 from private funds); provided, that there are appropriated such amounts as may be necessary to account for vendor fees that are paid as a fixed percentage of revenue recovered from third

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parties on behalf of the District under contracts that provide for payments of fees based upon such revenue as may be collected by the vendor; provided further, that any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia, to be allocated as follows:

- (1) Council of the District of Columbia. – \$21,166,000 from local funds; provided, that not to exceed \$10,600 shall be available for the Chairman of the Council of the District of Columbia from this appropriation for official reception and representation expenses;
- (2) Office of the District of Columbia Auditor. – \$4,396,000 from local funds;
- (3) Advisory Neighborhood Commission. – \$1,081,000 from local funds;
- (4) Office of the Mayor. – \$5,589,000 from local funds; provided, that not to exceed \$10,600 shall be available for the Mayor from this appropriation for official reception and representation expenses;
- (5) Office of Community Affairs. – \$2,976,000 from local funds;
- (6) Serve DC. – \$3,761,000 (including \$438,000 from local funds and \$3,323,000 from Federal grant funds);
- (7) Office of the Secretary. – \$3,731,000 (including \$3,183,000 from local funds and \$540,000 from other funds and \$8,000 from private funds); provided, that, beginning in fiscal year 2010, such amounts on deposit and any such future deposits into the Emancipation Day Fund, established by section 4 of the District of Columbia Emancipation Parade and Fund Act of 2004, effective March 17, 2005 (D.C. Law 15-240; D.C. Official Code § 1-183), shall be available upon deposit and shall remain available until expended, consistent with the purposes set forth in that section;
- (8) City Administrator. - \$5,547,000 from local funds; provided, that not to exceed \$10,600 shall be available for the City Administrator from this appropriation for official reception and representation expenses;
- (9) Office of Risk Management. – \$1,182,000 from local funds;
- (10) Department of Human Resources. – \$7,510,000 (including \$7,232,000 from local funds and \$277,000 from other funds);
- (11) Office of Disability Rights. – \$1,289,000 from local funds;
- (12) Medical Liability Captive Insurance Agency. - \$1,000,000 from other funds;
- (13) Office of Finance and Resource Management. – \$4,423,000 from local funds;
- (14) Office of Partnership and Grants Services. – \$713,000 from local funds;
- (15) Office of Contracting and Procurement. – \$4,167,000 (including \$3,291,000 from local funds and \$876,000 from other funds);
- (16) Office of Chief Technology Officer. – \$49,078,000 (including \$47,053,000 from local funds and \$2,025,000 from other funds);
- (17) Office of Property Management. – \$37,664,000 (including \$24,257,000 from local funds and \$13,407,000 from other funds); provided, that amounts on deposit in, and any such future deposits to, the Commodities Cost Reserve Fund established under D.C. Official

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Code § 47-368.04 shall be available upon deposit and shall remain available until expended consistent with the purposes established under D.C. Official Code § 47-368.04(b);

- (18) Contract Appeals Board. – \$1,100,000 from local funds;
- (19) Board of Elections and Ethics. – \$5,495,000 (including \$5,306,000 from local funds, and \$189,000 from federal funds);
- (20) Office of Campaign Finance. – \$1,690,000 from local funds;
- (21) Public Employee Relations Board. – \$1,034,000 from local funds;
- (22) Office of Employee Appeals. – \$1,918,000 from local funds;
- (23) Metropolitan Washington Council of Governments. – \$396,000 from local funds;

(24) Office of the Attorney General. – \$90,669,000 (including \$61,159,000 from local funds, \$22,676,000 from Federal grant funds, and \$6,834,000 from other funds); provided, that not less than \$3,285,000 shall be available from this appropriation for the Office of the Attorney General 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, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-301.114); provided further, that not less than \$275,000 of this appropriation shall be available to fund the District of Columbia Poverty Lawyer Loan Assistance Program, established by the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, effective March 2, 2007 (D.C. Law 16-203; D.C. Official Code § 1-308.21 *et seq.*);

(25) Office of the Inspector General. – \$17,541,000 (including \$15,457,000 from local funds and \$2,084,000 from Federal grant funds); and

(26) Office of the Chief Financial Officer. – \$150,293,000 (including \$113,061,000 from local funds, and \$37,232,000 from other funds); provided, that not to exceed \$10,600 shall be available for the Chief Financial Officer of the District from this appropriation for official reception and representation expenses; provided further, that amounts appropriated by this Act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia.

### **Economic Development and Regulation**

Economic development and regulation, \$459,628,000 (including \$189,050,000 from local funds (including \$40,084,000 from dedicated taxes), \$115,376,000 from Federal grant funds, \$155,122,000 from other funds, and \$80,000 from private funds), to be allocated as follows:

(1) Deputy Mayor for Economic Development. – \$56,154,000 (including \$39,147,000 from local funds (including \$28,184,000 from dedicated taxes), \$9,008,000 from other funds, and \$8,000,000 from Federal grant funds);

(2) Office of Planning. – \$9,167,000 (including \$8,657,000 from local funds, \$450,000 from Federal grant funds, and \$60,000 from other funds); provided, that the local funds

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provided to the Office of Planning in previous fiscal years for Neighborhood Historic Preservation, including the Targeted Homeowner Grant funds authorized by section 11b(k) of the Historic Landmark and Historic District Protection Act of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02(k)), shall remain available until expended; provided further, that any funds deposited into the Historic Landmark-District Protection Fund, established by section 11a of the Historic Landmark and Historic District Protection Act of 1978, effective November 16, 2006 (D.C. Law 16-185; D.C. Official Code § 6-1110.01), and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available until expended;

(3) Department of Small and Local Business Development. – \$2,653,000 from local funds; provided, that any funds deposited into the Small Business Micro Loan Fund, established by section 2375 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 2-218.75), and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available until expended;

(4) Office of Motion Pictures and Television. – \$636,000, including \$584,000 from local funds and \$52,000 from other funds; provided, that any funds deposited into the Film DC Economic Incentive Fund, established by section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501), and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available until expended;

(5) Office of Zoning. – \$3,136,000 from local funds;

(6) Department of Housing and Community Development. – \$84,585,000 (including \$10,020,000 from local funds, \$63,962,000 from Federal grant funds, and \$10,603,000 from other funds);

(7) Department of Employment Services. – \$142,835,000 (including \$59,902,000 from local funds, \$42,081,000 from Federal grant funds, \$40,771,000 from other funds, and \$80,000 from private funds); provided, that of the local funds appropriated up to 1% may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families, established by section 5203 of the Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.02), and used for the purposes set forth in section 5204 (D.C. Official Code § 4-1345.03) of that act; provided further, that funds deposited into the Integrated Services Fund shall remain available until expended; provided further, that the District is authorized to transfer, either through a grant or as a direct payment, \$1,200,000 in local funds to an educational institution with an automotive workforce development training program, which provides vocational training in the field of automotive technology for at-risk youth and adults;

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- (8) Board of Real Property Assessment and Appeals. – \$698,000 from local funds;
- (9) Department of Consumer and Regulatory Affairs. – \$36,729,000 (including \$14,854,000 from local funds and \$21,875,000 from other funds);
- (10) Office of the Tenant Advocate. – \$3,629,000 (including \$622,000 from local funds and \$3,007,000 from other funds);
- (11) Commission on Arts and Humanities. – \$10,503,000 (including \$9,373,000 from local funds, \$729,000 from Federal grant funds, and \$400,000 from other funds);
- (12) Alcoholic Beverage Regulation Administration. – \$5,906,000 (including \$400,000 from local funds and \$5,506,000 from other funds);
- (13) Public Services Commission. – \$10,111,000 (including \$154,000 from Federal grant funds and \$9,958,000 from other funds);
- (14) Office of the People’s Counsel. – \$5,136,000 from other funds;
- (15) Department of Insurance, Securities, and Banking. – \$16,327,000 from other funds;
- (16) Office of Cable Television. – \$9,419,000 from other funds;
- (17) Housing Authority Subsidy Payment. – \$27,103,000 from local funds;
- (18) Housing Production Trust Fund Subsidy Payment. – \$11,900,000 from dedicated taxes; and
- (19) Business Improvement District Transfer. - \$23,000,000 from other funds.

### Public Safety and Justice

Public safety and justice, \$1,310,264,000 (including \$952,106,000 from local funds, \$262,613,000 from Federal grant funds, \$95,345,000 from other funds, and \$200,000 from private funds); in addition, \$2,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for the D.C. National Guard” and \$1,774,000 from funds previously appropriated in this Act under the heading “Federal Payment to the Criminal Justice Coordinating Council”; to be allocated as follows:

- (1) Metropolitan Police Department. – \$497,908,000 (including \$456,904,000 from local funds, \$8,623,000 from Federal grant funds, \$32,181,000 from other funds, and \$200,000 from private funds); provided, that not to exceed \$750,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime;
- (2) Fire and Emergency Medical Services Department. – \$190,979,000 (including \$189,459,000 from local funds and \$1,520,000 from other funds); provided, that not less than \$1,375,000 shall be available for the cadet program for young adult District residents, established pursuant to section 2 of the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 8, 1983 (D.C. Law 4-172; D.C. Official Code § 5-418);
- (3) Police Officers and Firefighters Retirement System. – \$132,975,000 from local funds;

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(4) Department of Corrections. – \$142,152,000 (including \$107,328,000 from local funds and \$34,824,000 from other funds);

(5) District of Columbia National Guard. – \$7,481,000 (including \$3,365,000 from local funds and \$4,116,000 from Federal grant funds); provided, that the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard; provided further, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this Act, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved; in addition, \$2,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for the D.C. National Guard”;

(6) Homeland Security and Emergency Management Agency. – \$239,593,000 (including \$3,826,000 from local funds and \$235,767,000 from Federal grant funds);

(7) Commission on Judicial Disabilities and Tenure. – \$257,000 from local funds;

(8) Judicial Nomination Commission. – \$184,000 from local funds;

(9) Office of Police Complaints. – \$2,657,000 from local funds;

(10) District of Columbia Sentencing and Criminal Code Review Commission. – \$816,000 from local funds;

(11) Office of the Chief Medical Examiner. – \$9,345,000 (including \$9,071,000 from local funds and \$274,000 from other funds);

(12) Office of Administrative Hearings. – \$7,095,000 (including \$7,087,000 from local funds and \$8,000 from other funds);

(13) Corrections Information Council. - \$25,000 from local funds;

(14) Criminal Justice Coordinating Council. – \$298,000 from local funds; in addition, \$1,774,000 from funds previously appropriated in this Act under the heading “Federal Payment to the Criminal Justice Coordinating Council”;

(15) Forensic Laboratory Technician Training Program. – \$1,249,000 from local funds;

(16) Office of Unified Communications. – \$49,311,000 (including \$31,323,000 from local funds and \$17,988,000 from other funds);

(17) Office of Victims Services. – \$15,041,000 (including \$3,405,000 from local funds, \$3,610,000 from Federal grant funds, and \$8,025,000 from other funds);

(18) Office of Justice Grants Administration. – \$11,372,000 (including \$875,000 from local funds and \$10,497,000 from Federal grant funds); and

(19) Motor Vehicle Theft Prevention Commission. - \$1,525,000 (including \$1,000,000 local funds and \$525,000 from other funds).

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**Public Education System**

Public Education System, including the development of national defense education programs, \$1,628,084,000 (including \$1,419,122,000 from local funds, \$184,343,000 from Federal grant funds, \$20,835,000 from other funds, and, \$3,784,000 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 \$74,400,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia"; to be allocated as follows:

(1) District of Columbia Public Schools.— \$532,480,000 (including \$514,737,000 from local funds, \$9,955,000 from Federal grant funds, \$4,005,000 from other funds, and \$3,784,000 from private funds); in addition, \$42,200,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement" and \$12,200,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement" to provide opportunity scholarships for students in the District of Columbia; 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 2010 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 Chancellor of the District of Columbia Public Schools); provided further, that not to exceed \$10,600 for the Chancellor shall be available from this appropriation for official reception and representation expenses; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2010, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2011 (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, 2011;

(2) Teachers Retirement System. - \$3,000,000 from local funds;

(3) Office of the State Superintendent of Education.— \$307,416,000 (including \$123,094,000 from local funds, \$173,594,000 from Federal grant funds, and \$10,728,000 from other funds); in addition, \$35,100,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support," and \$20,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement" to expand quality public charter schools in the District of Columbia, shall be available for the Office of the State Superintendent of Education; provided, that of the amounts provided to the Office of the State Superintendent of Education, \$1,000,000 from local funds shall remain available until June 30, 2011, for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school; provided

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further, that \$5,000,000 in local funds shall remain available until expended for the *Blackman and Jones v. District of Columbia* consent decree;

(4) District of Columbia Public Charter Schools.— \$410,413,000 from local funds shall be available for District of Columbia public charter schools; provided, that there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year; provided further, that if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available until expended for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(2)); provided further, that of the amounts made available to District of Columbia public charter schools, \$100,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(5)); provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2010, 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 2011 (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, 2011; 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.— \$62,070,000 from local funds shall be available for the University of the District of Columbia subsidy; provided, that this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2010, 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, 2010, 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 2011 (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, 2011; provided further, that not to exceed \$10,600 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses;

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(6) District of Columbia Public Libraries.— \$48,077,000 (including \$46,443,000 from local funds, \$794,000 from Federal grant funds, and \$840,000 from other funds shall be available for the District of Columbia Public Libraries; provided, that not to exceed \$8,500 for the Public Librarian shall be available from this appropriation for official reception and representation expenses;

(7) Public Charter School Board. – \$3,637,000 (including \$1,660,000 from local funds and \$1,976,000 from other funds);

(8) Office of the Deputy Mayor for Education. – \$778,000 from local funds; provided, that amounts on deposit as of September 30, 2008, within the Integrated Services Fund for At-Risk Children, Youth, and Families, established by section 5203 of the Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.02), shall be available and shall remain available until expended;

(9) Office of Public Education Facilities Modernization – \$32,172,000 (including \$28,886,000 from local funds and \$3,286,000 from other funds);

(10) Non-Public Tuition. - \$149,100,000 from local funds;

(11) Special Education Transportation – \$77,431,000 from local funds; provided, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Special Education Transportation agency under the direction of the Office of the State Superintendent of Education, on July 1, 2010, an amount equal to 10% of the total amount of the local funds appropriations request provided for the Special Education Transportation agency in the proposed budget of the District of Columbia for fiscal year 2011 ( as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the Special Education Transportation agency under the District of Columbia Appropriations Act, 2011; provided further, that amounts appropriated under this heading may be used to offer financial incentives as necessary to reduce the number of routes serving 2 or fewer students; and

(12) State Board of Education. - \$1,510,000 from local funds.

#### **Human Support Services**

Human support services, \$3,406,093,000 (\$1,444,794,000 from local funds (including \$28,764,000 from dedicated taxes), \$1,929,123,000 from Federal grant funds, \$31,718,000 from other funds, and \$458,000 from private funds); in addition, \$19,200,000 from funds previously appropriated in this Act under the heading “Federal Payment for Permanent Supportive Housing” and \$5,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Reconnecting Disconnected Youth”; 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 section 5203 of the Integrated Funding and

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Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.02) ("Integrated Services Fund"), and used for the purposes set forth in section 5204 (D.C. Official Code § 4-1345.03) of that act; provided further, that funds deposited into the Integrated Services Fund shall remain available until expended. Funds to be allocated as follows:

(1) Department of Human Services. – \$315,899,000 (including \$156,377,000 from local funds, \$156,797,000 from Federal grant funds, and \$2,725,000 from other funds); in addition, \$19,200,000 from funds previously appropriated in this Act under the heading "Federal Payment for Permanent Supportive Housing";

(2) Child and Family Services Agency. – \$272,832,000 (including \$213,857,000 from local funds, \$58,203,000 from Federal grant funds, \$750,000 from other funds, and \$22,000 from private funds);

(3) Department of Mental Health. – \$211,774,000 (including \$200,797,000 from local funds, \$6,435,000 from Federal grant funds, \$4,424,000 from other funds, and \$117,000 from private funds);

(4) Department of Health. – \$232,644,000 (including \$83,083,000 from local funds, \$135,460,000 from Federal grant funds, \$13,782,000 from other funds, and \$319,000 from private funds); provided further, that any funds deposited into the Health Professional Recruitment Fund, established by section 16a of the District of Columbia Health Professionals Recruitment Program Act of 2005, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 7-751.15a), including unspent funds from prior fiscal years, shall remain available until expended;

(5) Department of Parks and Recreation. – \$45,652,000 (including \$43,638,000 from local funds, and \$2,014,000 from other funds);

(6) Office on Aging. – \$23,777,000 (including \$16,992,000 from local funds and \$6,786,000 from Federal grant funds);

(7) District of Columbia Unemployment Compensation Fund. – \$11,136,000 from local funds;

(8) Disability Compensation Fund. – \$25,163,000 from local funds to remain available until expended;

(9) Office of Human Rights. – \$2,935,000 (including \$2,617,000 from local funds and \$318,000 from Federal grant funds);

(10) Office of Latino Affairs. – \$4,485,000 from local funds;

(11) Children Investment Trust Fund Subsidy Payment. – \$13,615,000 from local funds;

(12) Office of Asian and Pacific Islander Affairs. - \$1,065,000 from local funds;

(13) Office on Veterans Affairs. - \$463,000 from local funds;

(14) Department of Youth Rehabilitation Services. – \$88,377,000 from local funds; provided, that amounts appropriated herein may be expended to implement the provisions of section 105(k) of the Department of Youth Rehabilitation Services Establishment Act of

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2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.05(k)); in addition, \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Reconnecting Disconnected Youth";

(15) Department on Disability Services. – \$99,763,000 (including \$66,640,000 from local funds, \$26,923,000 from Federal grant funds, and \$6,200,000 from other funds; and

(16) Department of Healthcare Finance. – \$2,056,514,000 (including \$516,491,000 from local funds (including \$28,764,000 from dedicated taxes), \$1,538,200,000 from Federal grant funds, and \$1,823,000 from other funds); provided, that any funds deposited into the Healthy DC Fund, established by section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02), including unspent funds from prior fiscal years, shall remain available until expended; provided further, that any funds deposited into the Nursing Facility Quality of Care Fund, established by D.C. Official Code § 47-1262, including unspent funds from prior fiscal years, shall remain available until expended.

**Public Works**

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and 3 passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$663,474,000 (including \$422,854,000 from local funds, (including \$13,000,000 from dedicated taxes) \$55,721,000 from Federal grant funds, \$130,000 from private funds, and \$184,769,000 from other funds), to be allocated as follows:

(1) Department of Public Works. – \$129,478,000 (including \$120,378,000 from local funds and \$9,101,000 from other funds);

(2) Department of Transportation. – \$127,655,000 (including \$13,043,000 from local funds (including \$13,000,000 from dedicated taxes), \$4,200,000 from Federal grant funds, and \$110,412,000 from other funds);

(3) Department of Motor Vehicles. – \$41,674,000 (including \$28,342,000 from local funds and \$13,332,000 from other funds);

(4) Department of the Environment. – \$110,189,000 (including \$19,270,000 from local funds, \$51,521,000 from Federal grant funds, \$39,268,000 from other funds, and \$130,000 from private funds);

(5) Taxi Cab Commission. – \$2,009,000 (including \$1,353,000 from local funds and \$656,000 from other funds);

(6) Washington Metropolitan Area Transit Commission. – \$123,000 from local funds;

(7) Washington Metropolitan Area Transit Authority. – \$244,503,000 (including \$232,503,000 from local funds, and \$12,000,000 from other funds); and

(8) School Transit Subsidies. – \$7,843,000 from local funds.

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**Financing and Other**

Financing and Other, \$965,326,000 (including \$958,877,000 from local funds (including \$231,941,000 from dedicated taxes) and \$6,449,000 from other funds), to be allocated as follows:

(1) Repayment of Loans and Interest - for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code §§ 1-204.62, 1-204.75, and 1-204.90), and \$470,148,000 (including \$466,683,000 from local funds (including \$4,800,000 from dedicated taxes, and \$3,465,000 from other funds));

(2) Short-Term Borrowing - \$9,000,000 from local funds for payment of interest on short-term borrowing;

(3) Certificates of Participation - for lease payments representing principal and interest on the District's Certificates of Participation, issued to finance land and buildings located at One Judiciary Square, and for the Unified Communications Center and Office of Unified Communications, located on the St. Elizabeth's Campus, \$32,285,000 from local funds;

(4) Debt Issuance Costs - for the payment of debt service issuance costs, \$15,000,000 from local funds;

(5) Schools Modernization Fund - for the Schools Modernization Fund, established by section 4042 of the Schools Modernization Amendment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 1-325.41), \$8,612,000 from local funds;

(6) Revenue Bonds - for the repayment of revenue bonds, \$6,000,000 from local funds (including \$6,000,000 from dedicated taxes);

(7) 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, \$21,477,000 from local funds; provided, that this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act;

(8) Wilson Building - for expenses associated with the John A. Wilson building, \$3,625,000 from local funds;

(9) Non-Departmental - to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$40,197,000 (including \$12,697,000 from local funds that shall remain available to cover any lease costs that may remain from the District's lease at 225 Virginia Avenue) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act subject to any limitation or requirement set forth in the Fiscal Year 2010 Budget Support Act of 2009 (Bill 18-203);

(10) Emergency Planning and Security Costs - \$15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia"; provided, that, notwithstanding any other law,

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the District of Columbia may charge obligations and expenditures that are pending reimbursement under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia" to this local appropriations heading;

(11) Equipment Lease Operating - \$46,157,000 from local funds;

(12) Pay-As-You-Go Capital funds – in lieu of capital financing, \$2,984,000 from other funds to be transferred to the Capital Fund; provided, that the Office of the Chief Financial Officer reconcile the capital budgets recorded in the District's Financial Accounting System of Record ("SOAR"), with budgets approved by Council annually and provide the Mayor with a report on the reconciliation at the project level by February 1, following the end of every fiscal year;

(13) District Retiree Health Contribution - for a District Retiree Health Contribution, \$88,700,000 from local funds;

(14) Baseball Revenue- \$42,007,000 from local funds derived from a dedicated tax to account for the inflows and outflows of both operating and capital dollars; in addition, the amounts appropriated herein may be increased by such amounts as may be necessary and as are consistent with the Ballpark Omnibus Financing And Revenue Act of 2004, effective April 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;

(15) Convention Center Transfer. - \$99,149,000 from local funds (including \$99,149,000 from dedicated taxes);

(16) Highway Trust Fund Transfer. - \$29,762,000 from local funds (including \$29,762,000 from dedicated taxes);

(17) Tax Increment Financing - the amounts appropriated herein may be increased by an amount not to exceed \$50,223,000 from dedicated taxes for a Tax Increment Financing program as may be necessary to meet the Tax Increment Financing requirements; and

(18) 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 additional amounts from the funds of the District government as are necessary to meet the balance requirements for such funds under section 450A.

#### ENTERPRISE AND OTHER FUNDS

Amounts shall be provided to enterprise funds as follows; provided, that in the event that certain dedicated revenues exceed budgeted amounts, the District may increase its General Fund budget authority as needed to transfer all such revenues, pursuant to local law, to the Highway Trust Fund, the Washington Convention Center, the TIF and PILOT debt service agencies, the Ballpark Fund, and the Housing Production Trust Fund.

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**Business Improvement District Revenue**

For Business Improvement Districts - \$23,000,000 collected by the District of Columbia in the form of Business Improvement District ("BID") tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*); provided, that such funds are available for acquiring services provided by the Government Services Administration; provided further, that BIDs shall be exempt from taxes levied by the District of Columbia.

**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 may comment or make recommendations concerning such annual estimates but 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, \$393,653,000 from other funds, of which \$1,332,000 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, \$773,327,000 to be distributed as follows: \$511,855,000 for the Blue Plains Wastewater Treatment Plant, \$230,118,000 for the Combined Sewer Overflow Program, \$13,667,000 for the Washington Aqueduct, and \$17,687,000 for the capital equipment program; in addition, \$20,000,000 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.

The Council also forwards this recommendation: the District of Columbia Water and Sewer Authority ("DC WASA") has been unable to justify incremental operating budget and rate increases for District ratepayers, in light of recent operating surpluses, cost savings, and increased federal assistance. Therefore, the Council recommends that the Congress not approve DC WASA's recommended rate increases until it is able to provide evidence of the need for those increases. DC WASA should provide clear evidence of measures it has taken, short of increasing ratepayer contribution, to avoid or minimize any increases.

**Washington Aqueduct**

For operation of the Washington Aqueduct, \$54,356,000 from other funds.

**Lottery and Charitable Games Enterprise Fund**

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (Pub. L. No. 97-91; 95 Stat. 1174), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games,

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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.*), \$250,000,000 from other funds; provided, that the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues; provided further, that no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board; provided further, that, after notification to the Mayor, amounts appropriated herein may be increased by an amount necessary for the Lottery and Charitable Games Enterprise Fund to make transfers to the General Fund of the District of Columbia and to cover prizes, agent commissions, and gaming related fees directly associated with unanticipated excess lottery revenues, not included in this appropriation.

**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), \$30,622,000 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 to 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, including for functions previously performed by the District of Columbia Sports and Entertainment Commission, \$91,974,000 from other funds.

**Housing Finance Agency**

For the Housing Finance Agency, \$8,894,000 from other funds.

**University of the District of Columbia**

For the University of the District of Columbia, \$129,855,000 (including, \$62,070,000 from local funds, \$19,839,000 from Federal grant funds, \$47,419,000 from other funds, and \$527,000 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

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the fiscal year ending September 30, 2010, 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 the Board of Trustees of the University of the District of Columbia is hereby authorized to use the Municipal University Fund, established for depositing all revenues and receipts derived from tuition and fees, for such University purposes as the Board of Trustees may approve, in compliance with all applicable regulations.

**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, \$251,000,000 from other funds.

**Housing Production Trust Fund**

For the Housing Production Trust Fund, \$51,329,000 from dedicated taxes; to remain available until expended for purposes identified by the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*).

**Tax Increment Financing**

For Tax Increment Financing, \$38,887,000 from other funds.

**Baseball Fund**

For the Baseball Fund, \$77,498,000 (including \$69,498,000 from dedicated taxes and \$8,000,000 from other funds).

**Repayment of Payment in Lieu of Taxes Financing**

For Repayment of Payment in Lieu of Taxes Financing, \$11,336,000 from other funds.

**Capital Outlay**

For capital construction projects, an increase of \$2,963,810,000, of which \$2,373,879,000 shall be from local funds, \$212,854,000 from the Local Street Maintenance fund, \$54,893,000 from the District of Columbia Highway Trust fund, \$322,184,000 from Federal grant funds, and a rescission of \$1,833,594,000 from local funds and a rescission of \$91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,038,889,000, to remain available until expended; in addition, \$15,000,000 to remain available until September 30, 2011 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

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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.

**TITLE IV--GENERAL PROVISIONS**

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

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

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

SEC. 104. The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 105. The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2010.

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. 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 a District of Columbia government employee as may otherwise be designated by the Chief of Police;

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

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

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

SEC. 108. 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. 109. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), for all agencies of the District of Columbia government for fiscal year 2010 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

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

SEC. 110. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be 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, effective December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42).

SEC. 111. 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.

SEC. 112. This division may be cited as the "District of Columbia Appropriations Act, 2010".

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**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.".

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. Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*), is amended as follows:

(a) The table of contents of part B is amended as follows:

(1) Strike the phrase "Sec. 424a. Authority" and insert the phrase " Sec. 425. Authority" in its place.

(2) Strike the phrase "Sec. 424b. Procurement" and insert the phrase "Sec. 426. Procurement" in its place.

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(b) Section 424a (D.C. Official Code § 1-204.25) is amended by striking the phrase “Sec. 424. (a) IN GENERAL.” and inserting the phrase “Sec. 425. (a) IN GENERAL.” in its place.

(c) Section 424b (D.C. Official Code § 1-204.26) is amended as follows:

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

(2) Strike the date “1986” and insert the date “1985” in its place.

(d) Section 446A(c) (D.C. Official Code § 1-204.46a(c)) is amended to read as follows:

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

(e) Section 446B(f) (D.C. Official Code § 1-204.46b(f)) is amended to read as follows:

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

(f) Section 450A(c)(4) (D.C. Official Code § 1-204.50a(c)(4)) is amended to read as follows:

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

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

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

SEC. 207. An Act to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District, approved September 8, 1960 (74 Stat. 871; D.C. Official Code § 6-321.01 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 6-321.04) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “to lease to a redevelopment company or other lessee” and insert the phrase “to lease or sell to a redevelopment company or other lessee or purchaser” in its place.

(B) Strike the phrase “this Act but may not otherwise dispose of such property except to the United States or any department or agency thereof, or to the District of Columbia, in accordance with section 5 of this Act.” and insert the phrase “this Act.” in its place.

(2) Subsections (b) and (c) are repealed.

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(b) Section 5 (D.C. Official Code § 6-321.05) is repealed.

SEC. 208. (a) The National Children's Island Act of 1995, approved July 19, 1996 (110 Stat. 1416; D.C. Official Code § 10-1401 *et seq.*) ("National Children's Island Act"), is amended as follows:

(1) The long title is amended by striking the phrase "family-oriented park" and inserting the phrase "recreational-use facility" in its place.

(2) Section 2 (D.C. Official Code § 10-1401) is amended as follows:

(A) Paragraph (4) is amended by striking the phrase "cultural, education, and family-oriented recreation park, together with a children's playground, to be developed and operated in accordance with the Children's Island Development Plan Act of 1993, D.C. Act 10-110" and inserting the phrase "cultural, educational, and recreational-use facility, not inconsistent with the Comprehensive Plan of the District of Columbia" in its place.

(B) Paragraphs (5) and (6) are repealed.

(3) Section 3 (D.C. Official Code § 10-1402) is amended as follows:

(A) Subsection (c) is repealed.

(B) Subsection (d) is amended to read as follows:

"(d) REVERSION. — The transfer under subsection (a) of this section and the grant of easements under subsection (b) of this section shall be subject to a limited right of reversion by the Secretary of the Interior. The limited right of reversion may be exercised only if:

"(1) Within 5 years after the revised transfer under subsection (a) of this section occurs or the revised grant of easements under subsection (b) of this section occurs, whichever is later, the District has not commenced activity to improve Kingman Island, or a portion thereof, for cultural, educational, or recreational uses; or

"(2) After 5 years after the revised transfer under subsection (a) of this section occurs or the revised grant of easements under subsection (b) of this section occurs, whichever is later, the District has ceased for at least 5 years to use Kingman Island for cultural, educational, or recreational uses; and

"(3) The Secretary provides to the District written notice of his or her preliminary determination that the condition described in paragraph (1) or (2) of this subsection has occurred and the District has not, within 90 days after the notice was delivered to the District, addressed the Secretary's preliminary determination to the Secretary's reasonable satisfaction; and

"(4) After the 90-day period, the Secretary has determined, in accordance with chapter 5 of title 5, United States Code, relating to administrative procedure, that the condition described in paragraph (1) or (2) of this subsection has occurred."

(4) Section 4 (D.C. Official Code § 10-1403) is amended as follows:

(A) Subsection (a) is repealed.

(B) Subsection (c) is repealed.

## ENROLLED ORIGINAL

(5) Section 5(a)(1) (D.C. Official Code § 10-1404(a)(1)) is amended by striking the phrase “and effect, except for the references in this Act to paragraphs 3 and 11 of the legend of the plat.” and inserting the phrase “and effect.” in its place.

(b) Within 60 days after the effective date of this section, the Secretary of the Interior shall issue to the District of Columbia, without consideration, a revised, unrestricted, and unqualified deed to Kingman and Heritage Islands and revised, unrestricted, and permanent easements for the areas set forth in section 3(b)(1) of the National Children’s Island Act, for the purposes set forth in section 3(b)(2) of the National Children’s Island Act, and with the same right of assignability as set forth in section 3(b)(3) of the National Children’s Island Act.

SEC. 209. An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes, approved August 24, 1912 (37 Stat. 444; 40 U.S.C. § 8601), is amended by adding a new section 12 to read as follows:

“Sec. 12. This Act shall not apply to the portions of Fort Dupont Park (United States Reservation 405), the areas known as the Benning Recreation Center and Benning Stoddert Park (United States Reservation 706), or the area currently known as the Walter Reed Army Medical Center (Parcel 319) in the District of Columbia that are, or hereafter may be, under the jurisdiction of the government of the District of Columbia.”

SEC. 210. An Act Authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 30, 1935 (Pub. L. No. 74-409; 49 Stat. 1028), is amended by adding a new section 15 to read as follows:

“Sec. 15. The Secretary of Army, acting through the Chief of Engineers, shall modify the Washington Channel portion of the Washington Harbor project for navigation, District of Columbia, authorized by this act as follows:

“The following portion of the existing Washington Channel is hereby deauthorized: beginning at Washington Harbor Channel Geometry Centerline of the 400 foot wide main navigational ship channel, Centerline Station No. 103+73.12, coordinates North 441948.20, East 1303969.30, as stated and depicted on the Condition Survey Anacostia, Virginia, Washington and Magazine Bar Shoal Channels, Washington, D.C., Sheet 6 of 6, prepared by the U.S. Army Corps of Engineers, Baltimore district, July 2007; thence departing the aforementioned centerline traveling the following courses and distances: N. 40° 10’ 45” E., 200.00 feet to a point, on the outline of said 400’ wide channel thence binding on said outline the following three (3) courses and distances: S. 49° 49’ 15” E., 1,507.86 feet to a point, thence; S. 29° 44’ 42” E., 2,083.17 feet to a point, thence; S. 11° 27’ 04” E., 363.00 feet to a point, thence; S. 78° 32’ 56” W., 200.00 feet to a point binding on the centerline of the 400 foot wide main navigational channel at Centerline Station No. 65+54.31, thence; continuing with the aforementioned centerline the following courses and distances: N. 11° 27’ 04” W., 330.80 feet to a point, Centerline Station No. 68+85.10, thence; N. 29° 44’ 42” W., 2,015.56 feet to a point, Centerline

## ENROLLED ORIGINAL

Station No. 89+00.67, thence; N. 49° 49' 15" W., 1,472.45 feet to the point of beginning, such area in total containing a computed area of 777,284 square feet or 17.84399 acres of riparian water way."

SEC. 211. Section 101(a) of the Federal and District of Columbia Government Real Property Act of 2006, approved December 15, 2006 (Pub. L. No. 109-396; 120 Stat. 2711), is amended to read as follows:

"(a) Conveyance of Properties.--

(1) In general.--

"(A) On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c) of this section, the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in U.S. Reservation 13, subject to the conditions described in subsection (b) of this section; and

"(B) Within 60 days of the enactment of this amendment, the Administrator shall convey to the District of Columbia all right, title, and interest in the Old Naval Hospital."

SEC. 212. Transfer of Properties.

(a) Within 90 days after the effective date of this section, the director of each federal agency with jurisdiction over the following properties in the District of Columbia shall transfer all right, title, and interest of the United States in each property to the government of the District of Columbia. If jurisdiction over a property is held by the District of Columbia, the District of Columbia may execute a quitclaim deed on behalf of the United States to transfer all right, title, and interest of the United States in the property to the government of the District of Columbia. Any change in the permitted uses for a transferred property listed in this subsection different from those permitted prior to transfer shall be authorized by the Council pursuant to local law:

- (1) Parcel 255, Lots 13, 15, and 24 (Southwest Waterfront), "including the riparian area designated as Pier 5" at "24", to make clear that the pier is included with the land;
- (2) Square 473, Lots 819, 846, 847, 848, 849, 850, 884 (Southwest Waterfront);
- (3) Square 503, Lot 884 (Southwest Waterfront);
- (4) Reservation 277A (North Capitol Street and Florida Avenue, N.W.);
- (5) Reservation 277 (Florida Avenue and Q Street, N.W.);
- (6) Square 2558, Lot 0810 (a portion of the Marie H. Reed Community Learning Center, a District of Columbia Public School);
- (7) Square 2901, Lot 0816 (Raymond Recreation Center, a portion of the Raymond Elementary School campus);
- (8) Square 2901, Lot 0815 (a portion of the Raymond Elementary School campus);
- (9) Square 0364, Lot 0837 (a portion of the Shaw Junior High School campus);

## ENROLLED ORIGINAL

- (10) Parcel 246, Lot 0051 (P.R. Harris School);  
(11) Square 2864, Lot 0830 (Meyer Elementary School, closed);  
(12) Square 3327, Lot 0800 (Rudolph Elementary, closed);  
(13) Square 0511, Lot 0822 (fields and parking of Bundy School, closed);  
(14) Square 0767, Lot 0829 (Canal Park, north parcel);  
(15) Square 0769, Lot 0821 (Canal Park, south parcel);  
(16) Square 0768, Lot 0810 (Canal Park, center parcel);  
(17) Square 2882, Lot 0936 (Banneker Senior High School campus, western portion);  
(18) Square 2880, Lot 0859 (Banneker Senior High School, eastern portion);  
(19) Square 0336, Lot 0828 (Shaw Jr. High School recreation fields);  
(20) Square 0593, Lot 0823 (portion of Bowen Elementary School campus);  
(21) Square 0593, Lot 0822 (portion of Bowen Elementary School campus);  
(22) Square 0595, Lot 0810 (portion of Bowen Elementary School campus);  
(23) Square 0593, Lot 0826 (portion of Bowen Elementary School campus);  
(24) Square 0595, Lot 0807 (portion of Bowen Elementary School campus);  
(25) Square 0647, Lot 0802 (portion of Bowen Elementary School campus);  
(26) Square 0595, Lot 0809 (portion of Bowen Elementary School campus);  
(27) Square 0645, Lot 0816 (portion of Bowen Elementary School campus);  
(28) Square 0650N, Lot 0808 (portion of Bowen Elementary School campus);  
(29) Square 0647, Lot 0803 (portion of Bowen Elementary School campus);  
(30) Square 0645W, Lot 0808 (portion of Bowen Elementary School campus);  
(31) Square 0593, Lot 0050 (portion of Bowen Elementary School campus);  
(32) Square 0593, Lot 0051 (portion of Bowen Elementary School campus);  
(33) Square 0542, Lot 0085 (Southwest Library site);  
(34) All of Reservation 542 between Albermale Street, N.W., and Chesapeake Street, N.W., including Lots 800 and 801 in Square 1772 and Lot 0807 in Square 1768, and Fort Drive, N.W. in Reservation 542 (Wilson Senior High School and Wilson Aquatic Center);  
(35) The northern corner portion of Reservation 470 containing approximately 31,000 square feet, abutting both the east property line of Lot 0811 in Square 1759 and Fessenden Street, N.W. (Deal Middle School);  
(36) Howard Street, N.W. in Reservation 470 (Deal Middle School);  
(37) Fort Drive, N.W. in Reservation 515 (Deal Middle School);  
(38) All of Reservation 519 in Square 5876 and Square 5884, including Lot 940 in Square 5876 (Johnson Middle School); and  
(39) The play field portion of Reservation 360 in Square 23 (Francis Middle School).

(b)(1) Within 90 days of the effective date of this section, the Secretary of the Interior shall transfer administrative jurisdiction, for recreational purposes, of approximately 15 acres of land located in the northern portion of Fort Dupont Park, U.S. Reservation 405, from the United

## ENROLLED ORIGINAL

States, by the Department of the Interior, National Park Service, to the government of the District of Columbia

(2) The land to be transferred under paragraph (1) of this subsection is described in the October 2008 Environmental Assessment prepared by the National Park Service, entitled "Transfer of Jurisdiction of Certain National Park Service Properties to the District of Columbia Government (National Capital Parks - East: Fort Dupont Park)".

(3) The transfer under paragraph (1) of this subsection shall be subject to a limited right of reversion by the Secretary of the Interior. The limited right of reversion may be exercised only if:

(A)(i) Within 5 years after the transfer under paragraph (1) of this subsection occurs, the District has not commenced activity to improve the transferred portion of Fort Dupont Park for recreational uses or facilities; or

(ii) After 5 years after the transfer under paragraph (1) of this subsection occurs, the District has ceased for at least 5 years to use the transferred portion of Fort Dupont Park for a recreational use or facility;

(B) The Secretary of the Interior provides to the District written notice of his or preliminary determination that the condition described in subparagraph (A)(i) or (ii) of this paragraph has occurred and the District has not, within 90 days after the notice was delivered to the District, addressed the Secretary's preliminary determination to the Secretary's reasonable satisfaction; and

(C) After such 90-day period, the Secretary has determined, in accordance with chapter 5 of title 5, United States Code (relating to administrative procedure) that the condition described in subparagraph (A)(i) or (ii) of this paragraph has occurred.

SEC. 213. Section 485 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.85), is amended to read as follows:

"SEC. 485. Except for estate, inheritance, and gift taxes, Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all District, State, and Federal taxation, including from taxation by any county, municipality, or other political subdivision of a State and any Territory or possession of the United States."

SEC. 214. Section 424(b)(2)(E) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24b(b)(5)), is amended by striking the period at the end of the sentence and inserting the phrase "times 1.50." in its place.

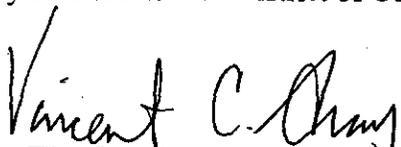
SEC. 215. Sections 2, 3, and 4 of the Domestic Partnership Police and Fire Amendment Act of 2008, effective January 16, 2008 (D.C. Law 17-358; 56 DCR 1188), are hereby enacted into law.

ENROLLED ORIGINAL

SEC. 216. The Contingency Cash Reserve Transparency Amendment Act of 2008, returned unsigned on January 29, 2008 (D.C. Act 17-278; 55 DCR 1530), is hereby enacted into law.

SEC. 217. Section 2 of the Special Election Amendment Act of 2008, effective March 19, 2008 (D.C. Law 17-156; 55 DCR 3694), is hereby enacted into law.

This division may be cited as the "District of Columbia Omnibus Authorization Act, 2010".

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

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED WITH DISAPPROVAL  
AS TO THE ITEMS OR PROVISIONS  
DESCRIBED IN THE ATTACHED STATEMENT: June 18, 2009



2009 JUN 19 PM 5:15  
OFFICE OF THE  
SECRETARY

**ADRIAN M. FENTY**  
MAYOR

June 18, 2009

The Honorable Vincent C. Gray  
Chairman, Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, DC 20004

RE: Enrolled Bill 18-202, Fiscal Year 2010 Budget Request Act

Dear Chairman Gray:

I have received Enrolled Bill 18-202, the Fiscal Year 2010 Budget Request Act. After careful consideration, and pursuant to D.C. Official Code §1-204.04(f), I hereby approve all portions of the Budget Request Act, with the exception of a veto of the line item appropriating \$1,510,000 for a new stand-alone State Board of Education (Division A, Title III, Public Education System heading, paragraph (12) on page 14).

Council's passage of the landmark District of Columbia Public Education Reform Amendment Act of 2007 signified our unified effort to reform the District's public education system. The Education Reform Act ended a confused governance model that had rendered accountability impossible and failed generations of students. The Act empowered the Chancellor to bring long overdue change to the District of Columbia Public Schools (DCPS), consolidated state responsibilities under the Office of the State Superintendent of Education (OSSE), repurposed the State Board of Education, created an Ombudsman to help parents navigate LEAs and resolve complaints, and formally established a Deputy Mayor for Education to foster collaboration between the education system and other District agencies. These organizational reforms constitute a complete package. At the time, we stood together and agreed to give this critical reform five years to work before revisiting.

With this commitment in mind, I reject the Council's proposal to blur the scope of the State Board, increase its budget nearly threefold, and confuse its responsibilities with those of the Ombudsman. Too often in the past, the old D.C. Board of Education meddled in the day-to-day operations of the public schools. This interference substantially undermined the management authority of past superintendents and

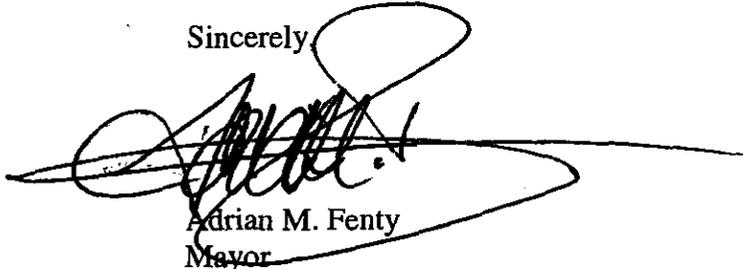
principals, while politicizing even the most basic operations. By no mere coincidence, student performance suffered terribly.

The Education Reform Act, in elevating the State Board's focus to citywide educational standards and policy, positioned the Board to play a more constructive role. A clear division between state and local education entities is vital for functioning systems of accountability, and it affords local education agencies the flexibility needed to achieve educational standards. The Education Reform Act was carefully crafted to ensure that the Board remains firmly part of the state, where it appropriately belongs. This line item veto is necessary to maintain an essential separation.

Because the line item veto addresses legal, not budgetary matters, it is also imperative that we work separately to restore funding to the Ombudsman for Public Education at a later time.

I trust that today's line-item veto of Enrolled Bill 18-202, the Fiscal Year 2010 Budget Request Act, will be viewed in the light in which it is made. Not as a confrontational move against the Council, but rather as affirmation of our joint decision through the passage of the District of Columbia Public Education Reform Amendment Act of 2007, that we would, going forward, only make changes that were in the best interest of our public school children.

Sincerely,



Adrian M. Fenty  
Mayor

cc: Neil O. Albert, City Administrator  
The Honorable Jack Evans  
The Honorable David C. Catania  
The Honorable Phil Mendelson  
The Honorable Jim Graham  
The Honorable Marion Barry  
The Honorable Kwame R. Brown  
The Honorable Muriel Bowser  
The Honorable Yvette Alexander  
The Honorable Michael Brown  
The Honorable Harry Thomas, Jr.  
The Honorable Tommy Wells  
The Honorable Mary Cheh

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 18-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 13, 2009

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2009 Fall  
Supp.

West Group  
Publisher

To authorize, on a temporary basis, the Mayor to enter into an agreement with the Boys and Girls Club of Greater Washington to acquire certain properties owned and operated by the Boys and Girls Club of Greater Washington, and to authorize an incentive payment for its headquarters relocation to the District; and to amend section 320 of the District of Columbia Procurement Practices Act of 1985 to exempt the agreement to operate the Boys and Girls Clubs for the remainder of the calendar year from competitive bidding requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009".

Sec. 2. (a) The Mayor is authorized to enter into an agreement with the Boys and Girls Club of Greater Washington ("BGCGW") ("agreement"), for the acquisition of the following real property:

- (1) Frank R. Jelleff Branch property;
- (2) Mary & Daniel Loughran Clubhouse # 10; and
- (3) Eastern Branch.

(b) The agreement shall provide that:

- (1) BGCGW and the District's obligations are contingent upon a payment to

BGCGW:

- (A) In the amount of \$7.5 million at settlement;
- (B) In the amount of \$3.125 million by October 1, 2010;
- (C) In the amount of \$3.125 million by October 1, 2011;
- (D) In the amount of \$3.125 million by October 1, 2012; and
- (E) In the amount of \$3.125 million by October 1, 2013;

(2) All income from leases and other revenue attributable to the properties after the date of closing shall accrue to the District; and

## ENROLLED ORIGINAL

(3) The properties shall be accepted in "as is" condition at closing.

(c) The agreement shall contain such other terms and conditions as the Mayor determines to be in the best interest of the District of Columbia.

Sec. 3. (a) The Mayor is authorized to contract with BGCGW for the operation of a summer camp during the summer of 2009 and for continued after-school programming through the closing on the sale of the Frank R. Jelleff Branch property, but no later than December 31, 2009, for which the District shall pay BGCGW \$60,000 before July 1, 2009, and \$20,000 before the end of 2009.

(b) The Mayor is authorized to contract with BGCGW to open and operate the Mary & Daniel Loughran Clubhouse #10 from 4 p.m., to 10 p.m., through the summer of 2009, to provide teen recreation opportunities and a summer day camp for children from 6 through 12 years of age, for which BGCGW will receive \$33,000 before July 1, 2009. The Mayor shall negotiate with BGCGW to continue providing its customary and usual program operations through closing, but no later than December 31, 2009.

(c)(1) The Mayor is authorized to contract with BGCGW to provide transportation for up to 26 youths currently served at Hopkins Branch and Hopkins Branch's current Branch Director to BGCGW summer camp at the Richard England Clubhouse #14. BGCGW shall use its best efforts to identify adequate space at Hopkins Branch to provide programming in its 5 core programming areas, to serve at least 45 youths on a daily basis.

(2) For fiscal year 2010, the District shall pay up to 50% of the budget for programming at Hopkins Branch, if the District of Columbia Housing Authority identifies adequate space in reasonably close proximity to the existing facility, in an amount not to exceed \$121,000 for the operations during fiscal year 2010.

(d)(1) Within 60 days after execution of the agreement, the Mayor shall enter into discussions with BGCGW as to the terms and conditions for BGCGW to continue to provide programs and services at Frank R. Jelleff Branch, the Mary & Daniel Loughran Clubhouse #10, and Eastern Branch prior to completion of the sale. BGCGW shall competitively bid for the operation of programs as soon as practicable following the sale.

(2) The Mayor shall encourage BGCGW to explore options to re-establish programs at the Eastern Branch prior to the transfer of ownership to the District of Columbia, contingent upon obtaining a valid certificate of occupancy for the Eastern Branch building.

(e) In addition to the operating funds described in subsections (a), (b), and (c) of this section, the District shall:

(1) Contract with BGCGW for the services identified in the fiscal year 2010 budget, approved on May 12, 2009, totaling \$450,000;

(2) Pay \$200,000 from funds identified in the fiscal year 2010 budget to BGCGW to assist BGCGW in making payments required under its lease at THEARC, located at 1901 Mississippi Avenue, S.E.; and

(3) Subject to the availability of funds, reimburse BGCGW up to \$150,000 for

ENROLLED ORIGINAL

the expenses associated with office renovations and other costs related to BGCW's planned relocation of its headquarters operations and 25 employees from the current location in Silver Spring, Maryland to the Richard England Clubhouse #14, located at 4103 Benning Road, N.E., in the District.

Sec. 4. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 9, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (u) to read as follows:

Note, § 2-303.20

"(u) Nothing in this act shall affect the authority of the Mayor to enter into an agreement with the Boys and Girls Club of Greater Washington to provide the services described in section 3 of the Boys and Girls Club of Greater Washington Property Acquisition Emergency Act of 2009, passed on emergency basis on June 16, 2009 (Enrolled version of Bill 18-338) and of the Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009, passed on 2<sup>nd</sup> reading on June 30, 2009 (Enrolled version of Bill 18-339)."

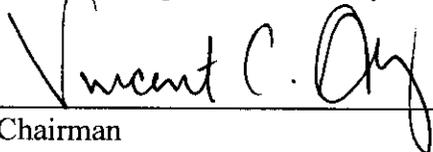
Sec. 5. Fiscal impact statement.

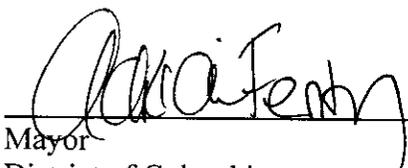
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

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

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED

July 13, 2009

Codification District of Columbia Official Code, 2001 Edition

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 13, 2009*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2009 Fall  
Supp.West Group  
Publisher

To authorize, on a temporary basis, the Chairman of the Council, the Chief Judge of the Superior Court of the District of Columbia, and the Mayor to appoint representatives to the National Conference of Commissioners on Uniform State Laws to advise the Mayor and the Council concerning proposals for uniform and model state laws, and to provide that a person who has been elected a life member of the National Conference of Commissioners on Uniform State Laws and the General Counsel to the Council shall also be members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on Uniform State Laws Appointment Authorization Temporary Act of 2009".

Sec. 2. Appointments to National Conference of Commissioners on Uniform State Laws.

(a) The official commissioners of the District of Columbia to the National Conference of Commissioners on Uniform State Laws ("NCCUSL") shall be members of the District of Columbia Bar, and shall be appointed as follows:

- (1) Three commissioners shall be appointed by the Mayor;
- (2) One commissioner shall be appointed by the Chairman of the Council; and
- (3) One commissioner shall be appointed by the Chief Judge of the Superior

Court of the District of Columbia.

(b) Each commissioner appointed pursuant to subsection (a) of this section shall serve a term of 3 years, beginning on July 1 of the year of appointment, and shall serve until his or her successor is appointed.

(c) In addition to the 5 members appointed under this section, the following persons shall be members of the Commission:

- (1) Any resident of the District of Columbia who, because of long service in the cause of the uniformity of state legislation, shall have been elected a life member of the NCCUSL; and
- (2) The General Counsel to the Council of the District of Columbia, or his or her

ENROLLED ORIGINAL

designee.

(d) A person serving as a NCCUSL commissioner as of the effective date of this act may continue to serve until the expiration of his or her term, or until a successor has been appointed, whichever occurs later.

Sec. 3. Duties of commissioners.

(a) The commissioners shall advise the Mayor and the Council, and Council committees, concerning:

- (1) Proposals for uniform and model state laws;
- (2) The effect that the proposals would have on the laws of the District of Columbia; and

(3) Other matters pertinent to desirable uniformity in legislation between the District and other jurisdictions.

(b) Each commissioner shall attend the meetings of the NCCUSL and, both within and out of the NCCUSL, do all in his or her power to promote uniformity in state laws in all subjects in which uniformity is desirable and practicable.

(c) The commissioners shall report to the Council after each annual meeting, and from time to time thereafter as the commissioners consider proper.

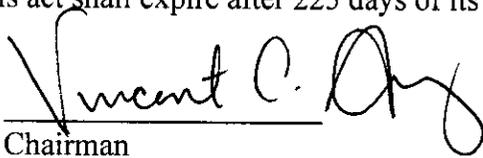
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

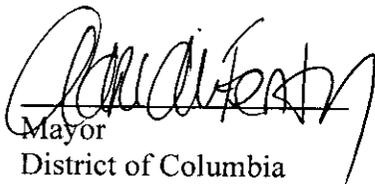
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED

July 13, 2009  
Codification District of Columbia Official Code, 2001 Edition

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 13, 2009

To order the closing of an unimproved public alley in Square 5401, bounded by D Street, S.E., Burns Street, S.E., C Street, S.E., and Ridge Road, S.E., in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Paper Alley in Square 5401, S.O. 07-121, Act of 2009".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), and notwithstanding section 206 of the Act (D.C. Official Code § 9-202.06), the Council finds that the alley in Square 5401, as shown on the Surveyor's plat filed under S.O. 07-121, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file of S.O. 07-121.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 4. Fiscal impact statement.

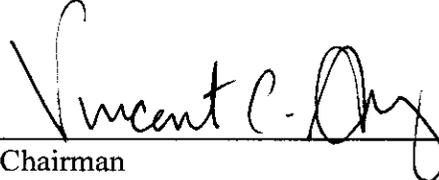
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

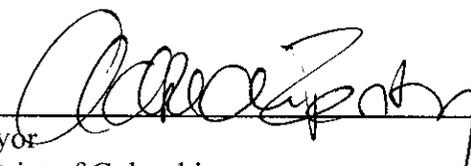
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
July 13, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2009

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2009 Fall  
Supp.

West Group  
Publisher

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, to require that specific findings are included in the proposed resolution for land disposition, and to require that specific documents accompany the proposed resolution when transmitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Land Disposition Emergency Amendment Act of 2009".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat.1211; D.C. Official Code § 10-801), is amended as follows:

Note,  
§ 10-801

(a) Subsection (b) is amended to read as follows:

"(b) The Mayor, to carry out the provisions of this act, shall transmit to the Council a proposed resolution that contains the following:

"(1) A finding that the real property is no longer required for public purposes;

"(2) The name and business address of the developer, and, if the developer is a joint venture or partnership, the name and business address of each person that constitutes the partnership;

"(3) A description of the real property to be disposed of;

"(4) A description of the intended use for the property ("Project");

"(5) A description of any affordable housing to be provided as part of the Project;

"(6) A finding that the Developer will enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises;

"(7) A finding that the developer will enter into a First Source Agreement with the District that shall govern certain obligations of Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code §2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment

## ENROLLED ORIGINAL

generated as a result of the construction on the Property;

"(8) The proposed method of disposition, which may be one of the following:

"(A) A public or private sale to the highest bidder;

"(B) A negotiated sale to a for-profit or nonprofit entity for specifically designated purposes;

"(C) A lease for a period of greater than 20 years;

"(D) A combination sale/leaseback for specifically designated purposes;

"(E) An exchange of interests in real property; or

"(F) A public or private sale to the bidder providing the most benefit to the District; and

"(9) The following statement:

"All documents that are submitted with this resolution pursuant to subsection (b-1) of this section shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to subsection (b-1)(2) of this section."

(b) Subsection (b-1) is amended to read as follows:

"(b-1) A proposed resolution to provide for the disposition of real property transmitted to the Council pursuant to subsection (b) of this section shall be accompanied by the following:

"(1) An analysis prepared by the Mayor of the economic factors that were considered in proposing the disposition of the real property, including:

"(A) The chosen method of disposition, and how competition was maximized;

"(B) The manner in which economic factors were weighted and evaluated, including estimates of the monetary benefits and costs to the District that will result from the disposition. The benefits shall include revenues, fees, and other payments to the District, as well as the creation of jobs; and

"(C) A description of all disposition methods considered and an accompanying narrative for the proposed disposition method that contains comparisons to the other methods and shows why the proposed method was more beneficial for the District than the others in the areas of return on investment, subsidies required, revenues paid to the District, and any other relevant category, or why it is being proposed despite it being less beneficial to the District in any of the measured categories.

"(2) An executed term sheet or Memorandum of Understanding between the District and the selected developer that shall include the following:

"(A) A description of the major business terms of the transaction;

"(B) A description of the method of disposition;

"(C) A description of the Certified Business Enterprise requirements;

"(D) A description of the green building requirements;

"(E) A description of the schedule of performance; and

"(F) Any other terms that the Mayor finds to be in the best interest of the District.

## ENROLLED ORIGINAL

"(3) A document reporting the value of the property prepared by an independent appraiser or assessor performed within 12 months of transmission of the proposed resolution.

"(4) For any development project where the total value of the government assistance is greater than \$10 million, a description of the project funding and financing plan.

"(5)(A) For all District land being disposed for purposes of development and requiring government assistance the following additional documents shall be transmitted to the Council concurrent with the proposed resolution and analysis:

"(i) A Land Disposition Agreement between the District and the selected developer;

"(ii) Any community benefits agreement between the developer and the relevant community, if any; and

"(iii) A Certified Business Enterprise ("CBE") Agreement pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

"(B) Documents in this paragraph shall be transmitted in the most current form available at the time the resolution is transmitted.

"(C) All documents referenced in this paragraph shall be consistent with the proposed resolution for land disposition and language to that effect shall be included in those agreements prior to execution.

"(6)(A) If a substantive change is made to the term sheet or Memorandum of Understanding referenced in subsection ((b-1)(2) of this section, after the resolution was transmitted to and approved by the Council pursuant to this subsection, a resolution describing the change accompanied by an amended term sheet or Memorandum of Understanding in redline format shall be transmitted to Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed amendments to the term sheet, in whole or in part, by resolution within the 30-day review period, the proposed amendments shall be deemed approved.

"(B) For the purposes of this paragraph, the term:

"(i) "Redline format" means the changes that are deletions have a line through them and the changes that are additions are underlined.

"(ii) "Substantive change" means a change that makes the agreement inconsistent with the executed Memorandum of Understanding or term sheet transmitted with the proposed resolution."

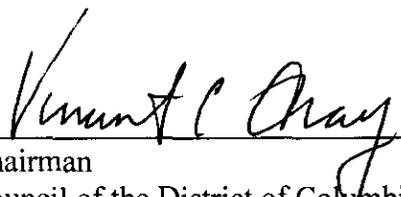
### Sec. 3. Fiscal impact statement.

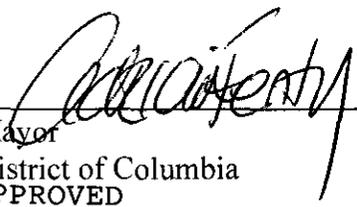
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
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Chairman  
Council of the District of Columbia

  
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Mayor  
District of Columbia  
APPROVED  
July 16, 2009

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 18-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 13, 2009

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2009 Fall  
Supp.

West Group  
Publisher

To amend, on an emergency basis, section 47-2005 of the District of Columbia Official Code to clarify the applicability date for repeal of the sales tax holiday.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sales Tax Applicability Date Clarification Emergency Act of 2009".

Sec. 2. Section 47-2005 of the District of Columbia Official Code is amended by repealing paragraph (32A).

Note,  
§ 47-2005

Sec. 3. Applicability.  
Section 2 shall apply as of July 1, 2009.

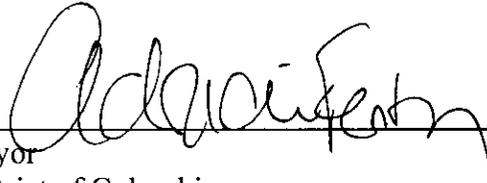
Sec. 4. Fiscal impact statement.  
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.  
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
July 13, 2009

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 18-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 18, 2009

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2009 Fall  
Supp.

West Group  
Publisher

To amend, on an emergency basis, section 803 of the Cable Television Reform Act of 2002 to provide that the public access channels allocated to the Council shall be under the exclusive control of the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Council Cable Autonomy and Control Emergency Amendment Act of 2009".

Sec. 2. Section 803 of the Cable Television Reform Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1258.03), is amended by adding a new subsection (b-1), to read as follows:

Note,  
§ 34-1258.03

"(b-1)(1) Notwithstanding any other provision of law, the PEG channels allocated to the Council under subsection (a)(4) of this section shall be under the exclusive control of the Council; provided, that, subject to subsection (b)(3) of this section, the Office shall manage the channels, pursuant to section 202(8), as the agent of the Council; provided further, that any video recordings or other documents, media, or intangible rights created in connection with the operation of the PEG channels shall be held by the Office as a custodian on behalf of the Council.

"(2) The control of the Council shall include the right to direct which proceedings of the Council, including any event conducted by or on behalf of the Council, its committees, members, or staff, whether on the PEG channel allocated to the Council or an auxiliary website from which the proceedings may be downloaded, streamed, or otherwise viewed, may be:

- "(A) Recorded;
- "(B) Broadcast; or
- "(C) Re-broadcast.

"(3) The Secretary to the Council shall determine the programming for the Council's PEG channels in accordance with this subsection.

## ENROLLED ORIGINAL

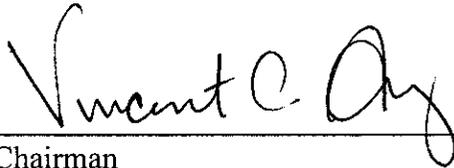
“(4) The Secretary to the Council may enter into a memorandum of understanding with the Office to implement this subsection.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia

\_\_\_\_\_  
UNSIGNED

Mayor  
District of Columbia  
July 16, 2009

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 13, 2009*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2009 Fall  
Supp.West Group  
Publisher

To require, on an emergency basis, that all jobs created by the American Recovery and Reinvestment Act of 2009 be listed on the Department of Employment Services website, to require the Mayor, through the Department of Employment Services, to maintain a list of all jobs created and filled by District residents as a result of the American Recovery and Reinvestment Act of 2009, and to require the Mayor to report the list of District residents hired.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Stimulus Accountability Emergency Act of 2009".

Sec. 2. Reporting requirements.

(a) All nonprofit organizations, companies, associations, contractors, and subcontractors who receive a grant or funding under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 98 Stat. 1861) ("ARRA"), shall, as a condition of the grant, list all jobs that shall be created as a result of the grant on the Department of Employment Services website.

(b) All nonprofit organizations, companies, associations, contractors, and subcontractors who receive a grant or funding under the ARRA shall be required to provide the list of jobs to the Department of Employment Services.

(c) Once the positions created as a result of funds from the ARRA are filled, all nonprofit organizations, companies, associations, contractors, and subcontractors who receive a grant or funding under the ARRA are directed to inform the Department of Employment Services of the number of District residents hired for ARRA-funded positions.

Sec. 3. Requirements of the Mayor.

(a) The Mayor, through the Department of Employment Services, shall create a listing of all jobs that have become available through grants from the ARRA.

(b) The Mayor, through the Department of Employment Services, shall maintain a list of ARRA-funded positions that have been given to District residents. The list of District

ENROLLED ORIGINAL

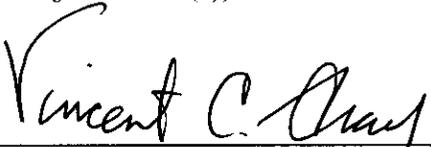
residents hired as a result of ARRA funds and grants shall be reported to the Council.

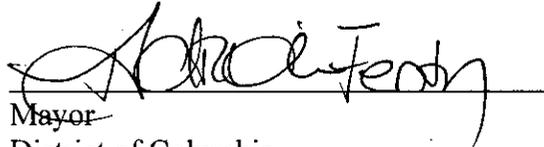
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
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 Chairman  
 Council of the District of Columbia

  
 \_\_\_\_\_  
 Mayor  
 District of Columbia

APPROVED  
 July 13, 2009

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 18, 2009

To provide, on an emergency basis, that the University of the District of Columbia shall have exclusive use of the Bertie Backus Middle School building and site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia Expansion Emergency Act of 2009".

Sec. 2. The University of the District of Columbia shall have exclusive use of the Bertie Backus Middle School building and site in Lot 802, Square 3757, located at 5171 South Dakota Avenue, N.E., in Ward 5, to expand upon its collegiate mission.

Sec. 3. Fiscal impact statement.

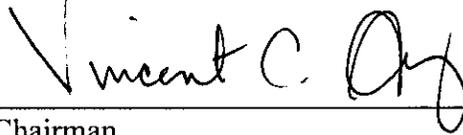
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).



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Chairman  
Council of the District of Columbia

UNSIGNED

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Mayor  
District of Columbia  
July 16, 2009