

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

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**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** May 29, 2018

**SUBJECT:** Report on Bill 22-755, the “Fiscal Year 2019 Federal Portion Budget Request Act of 2018”

The Committee of the Whole (“COW”), to which Bill 22-755 was referred, reports favorably thereon and recommends approval by the Council. This legislation establishes the proposed authority for the federal portion of the District’s budget for Fiscal Year 2019.

The federal portion of the District’s budget consists of a small number of federal payments that are appropriated directly by Congress to the District. The remainder – and vast majority – of the District’s budget is appropriated via local legislation. For Fiscal Year 2019, that legislation is Bill 22-754, the Fiscal Year 2019 Local Budget Act of 2018. Further information on the District’s Fiscal Year 2019 budget and financial plan is set forth in the COW’s report on that legislation.

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**I. BACKGROUND AND NEED**

Section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), requires the Mayor to prepare and submit to the Council an annual budget for the District. Section 446, as amended by Law 19-321, the Budget Autonomy

Act of 2012 (D.C. Official Code § 1-204.46), provides that the Council, within 70 days after receipt of the Mayor’s proposed budget, shall by act adopt the annual budget for the District government, with the federal portion of the budget being submitted thereafter by the Mayor to the President for transmission to Congress.

Bill 22-755, the Fiscal Year 2019 Federal Portion Budget Request Act of 2018, as approved by the Committee of the Whole, and subsequently approved by the Council, establishes the federal portion of the budget for Fiscal Year 2019 (“FY 2019”). The local portion of the FY 2019 budget is appropriated through Bill 22-754, the Fiscal Year 2019 Local Budget Act of 2018 and is subject to the same congressional review as other Council acts.

Since 1973, the District has had the authority to raise its own revenues. Prior to the enactment of the National Capital Revitalization and Self Government Improvement Act of 1997, however, a significant portion of the District’s budget was comprised of an annual payment from the United States government to the District. This payment was approximately \$660 million per year. This federal payment constituted approximately 16 percent of the District’s total budget.

Because of the District’s strong financial management, the federal payments to the District government have shrunk dramatically. In Fiscal Year 2018, federal payments amounted to \$0.1B or 0.6 percent of the District’s gross funds budget; the proposed FY19 budget includes just 0.3 percent from federal payments.

The District of Columbia’s Fiscal Year 2019 budget totals \$14.5 billion. Of this, the majority—\$11 billion—is locally raised through District taxes and fees or derived from other local sources.<sup>1</sup> This means local dollars account for 76.3 percent of the District’s total budget. Most of the rest—\$3.4 billion—is federal formula spending that includes Medicaid and federal grants available to all jurisdictions and for which the federal government has no unique oversight responsibility. This latter portion accounts for 23.4 percent of the District’s total budget. Overall, approximately 99.7 percent of the District’s budget is derived from local revenue and federal grants not unique to the District. The remainder, one third of 1 percent of the budget, comes from federal payments specifically requested for programs or projects unique to the District.<sup>2</sup>

However, the District still suffers from a constrained tax base, in part because a significant proportion of real property is federal or international and therefore tax exempt, and in part because the District is prohibited by the Home Rule Act from taxing income at its source. The so-called “commuter tax” prohibition not only deprives the District of the power of other municipalities and states to tax income earned within the jurisdiction by nonresidents; it also deprives the District of tax revenues that would otherwise inure to it because residents who work in other states can take a credit against the income tax they would otherwise pay to the District.

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<sup>1</sup> For fiscal year 2019, the local portion of the District’s budget consists of the following: \$7.9 billion derived primarily from income, property, and sales taxes; \$0.5 billion from Dedicated Taxes; \$4.2 million from Private Grants and Private Donations; \$0.7 billion from Special Purpose Revenue; and \$1.9 billion from Enterprise Funds.

<sup>2</sup> Federal payments are direct appropriations from the Congress to the District, usually to a particular agency for a particular purpose.

Despite constraints such as these, the District maintains a strong economic record supported by adherence to responsible financial management and fiscal discipline. This is evidenced by the shrinking reliance on a federal payment, as noted above, and the solid financial footing rooted in locally-sourced funding. The District is growing, our tax base is growing, our financial reserves are healthy, our capital spending is disciplined, and our retirement funds are among the best in the nation. The District’s decreasing reliance on federal funding is also prudent given cuts to federal spending that have impacted state and local governments in recent years.

More evidence of the strong financial position of the District, and details of the responsible policymaking that contributes to that position, is found in the Bill 22-754, the Fiscal Year 2019 Local Budget Act of 2018 and accompanying committee report.

The portion of the District’s FY 2019 budget related to the federal budget request is contained in Bill 22-755. The amounts and purposes set forth in the committee print of Bill 22-755 reflect the amounts released in the budget proposed by the President of the United States on February 12, 2018.<sup>3</sup>

## II. LEGISLATIVE CHRONOLOGY

March 2, 2018	Notice of public hearings on the proposed Fiscal year 2019 Budget and Financial Plan is published in the <i>District of Columbia Register</i> (updates to the schedule of budget oversight hearings published March 9, March 23, April 20, and April 27).
March 21, 2018	Bill 22-755, the “Fiscal Year 2019 Federal Portion Budget Request Act of 2018” is introduced by Chairman Mendelson at the request of the Mayor.
March 23, 2018	Committee of the Whole holds a public briefing on the Mayor’s Fiscal Year 2019 Proposed Budget and Financial Plan.
March 30, 2018	Notice of Intent to Act on Bill 22-755 is published in the <i>District of Columbia Register</i> .
April 10, 2018	Bill 22-755 is “read” at the April 10, 2018 Regular Legislative Meeting and referred to the Committee of the Whole.
March 26 - April 26, 2018	Committees hold public hearings on the budgets of the agencies under their purview and the subtitles of the Fiscal Year 2019 Budget Support Act of 2018 that were referred to each for comments.
April 27, 2018	Committee of the Whole holds a public hearing on Bill 22-753, Bill 22-754, and 22-755.

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<sup>3</sup> Available online at <https://www.whitehouse.gov/wp-content/uploads/2018/02/appendix-fy2019.pdf>.

- May 2 - 4, 2018                      Committees mark up and approve their budget recommendations for the Fiscal Year 2019 budget.
- May 29, 2018                        The Committee of the Whole marks up Bill 22-755.

### III. POSITION OF THE EXECUTIVE

Bill 22-755 represents the federal portion of the Mayor's Fiscal Year 2019 Proposed Budget and Financial Plan.

At the April 27, 2018 hearing on Bill 22-755, City Administrator Rashad Young presented testimony on behalf of the Mayor.

### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission on Bill 22-755.

### V. LIST OF WITNESSES

The Committee of the Whole held a public hearing on Bill 22-755 and other budget-related legislation on April 27, 2018.<sup>4</sup> The witnesses were:

- |     |                    |   |
|-----|--------------------|---|
| 1.  | Lori Kaplan        | President & CEO, Latin American Youth Center      |
| 2.  | Nechama Masliansky | Senior Advisor, SOME Inc.                         |
| 3.  | Holly Seibold      | Bring Resources to Aid Women's Shelters (BRAWS)   |
| 4.  | Charles Moreland   | Bring Resources to Aid Women's Shelters (BRAWS)   |
| 5.  | Sneha Mody         | Bring Resources to Aid Women's Shelters (BRAWS)   |
| 6.  | Christian Cooper   | Bring Resources to Aid Women's Shelters (BRAWS)   |
| 7.  | David Alpert       | Executive Director, DC Sustainable Transportation |
| 8.  | David Schwartzman  | DC Statehood Green Party                          |
| 9.  | Robert P. Bremner  | Chairman, Board of Directors, Humanities DC       |
| 10. | Joyce Wellman      | Member, Board of Directors, Humanities DC         |
| 11. | Mia Graves         | Richard Wright Public Charter School              |
| 12. | Thomas Kent        | Richard Wright Public Charter School              |
| 13. | Kendall Parks      | Richard Wright Public Charter School              |
| 14. | Ashley Gorczyca    | Advocacy Specialist, Miriam's Kitchen             |

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<sup>4</sup> All of the Council's committees held hearings between March 26 and April 26, 2018, inclusive, on the Mayor's proposed budget; in many cases, testimony at those hearings addressed various provisions of the Fiscal Year 2019 Local Budget Act.

15. Jesse Rabinowitz Advocacy Specialist, Miriam’s Kitchen
16. Andrei Greenwalt Vice President for Public Policy, Via
17. Nick Zabriskie Public Policy Manager, Uber
18. Sylvester Bush Coalition to Restore DC Pension Benefit
19. Amber Harding Attorney, Washington Legal Clinic for the Homeless
20. Laura Richards (not present) Penn Branch Citizens Civic Association (testimony read by Sylvester Bush)
21. Dawn Dalton Policy Director, DC Coalition Against Domestic Violence (on behalf of Executive Director Karma Cottman)
22. Kerry Savage Policy Analyst, Parents Amplifying Voices in Education (PAVE)
23. Damon King Senior Policy Advocate, Legal Aid Society of the District of Columbia
24. Christopher Suranna DC Association of Realtors
25. Mercedes Lemp Director, My Sister’s Place
26. Margaret HacsKaylo CEO, District Alliance for Safe Housing (DASH)
27. Funsho Owolabi Senior Public Policy Manager, Lyft
28. Anthony Thomas Public Witness
29. Djuana Turner Public Witness
30. Monica Kamen DC Fair Budget Coalition
31. Dan Mauer Jews United for Justice
32. Sequely Gray Project Coordinator, DC Jobs with Justice
33. Christie Respress Executive Director, Pathways to Housing DC
34. Matthew Fogg Blacks in Government
35. Sergei Kostin Public Witness
36. Bradford Voegeli Managing Attorney, Neighborhood Legal Services Program
37. David Hun Public Witness
38. Reginald Black Interagency Council on Homelessness
39. Rashad Young City Administrator, Office of the City Administrator

## VI. IMPACT ON EXISTING LAW

Bill 22-755 represents the federal portion of District’s budget request for Fiscal Year 2019, pursuant to section 446 of the Home Rule Act, and does not amend existing District law.

As set forth in the Home Rule Act, Bill 22-755 is effective only insofar as it is adopted by Congress.

## VII. FISCAL IMPACT

Bill 22-755 comprises the Council's adoption of the federal portion of the annual budget for the District government and establishes the availability of funding for certain operations of the District for Fiscal Year 2019 as set forth in the legislation.

## VIII. SECTION-BY-SECTION ANALYSIS

### DISTRICT OF COLUMBIA FEDERAL FUNDS APPROPRIATION REQUEST

Section 1 States the short title of Bill 22-755.

Section 2 Sets forth the requested federal portion expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 2019, as follows:

Federal Payment to the District of Columbia Courts - \$244,939,000.

This amount supports the District of Columbia Courts, including the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Court System.

Federal Payment for Defender Services in District of Columbia Courts - \$46,005,000. This amount supports payments for representation and appointed counsel in certain proceedings.

Federal Payment for Resident Tuition Support - \$40,000,000.

This amount supports the program known as DC Tuition Assistance Grants or "DCTAG" and is to be used to pay an amount based on the difference between in-State and out-of-State tuition at public institutions of high education.

Federal Payment for School Improvement - \$45,000,000.

This amount, known as "three-sector funds," supports the payments for primary and secondary education authorized under the Scholarship for Opportunity and Results Act.

Federal Payment to the Criminal Justice Coordinating Council - \$1,900,000.

This amount supports initiatives related to the coordination of federal and local criminal justice resources.

Federal Payment for Judicial Commissions - \$565,000.

This amount funds the operations of the Commission on Judicial Disabilities and Tenure (\$295,000) and the Judicial Nomination Commission (\$270,000).

Federal Payment for the District of Columbia National Guard - \$435,000.

This amount supports the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

Federal Payment for Testing and Treatment of HIV/AIDS - \$5,000,000.

This amount contributes to the District's efforts to test for and treat individuals with HIV and AIDS.

Federal Payment for Emergency Planning and Security Costs in the District of Columbia - \$12,000,000.

This amount defrays costs incurred by the District's provision of public safety at events related to the status of the District as the nation's capital, including support requested by the Secret Service in carrying out protective duties and support to respond to terrorist threats or attacks in the region.

Federal Payment to the District of Columbia Water and Sewer Authority - \$40,000,000. This amount supports the continued implementation of the Combined Sewer Overflow Long-Term Control Plan.

Determination of Compensation

This determination sets forth that the Chief Financial Officer shall be paid on a level that is not less than certain federal employees pursuant to 5 U.S.C. § 5307(d).

Section 3      Contingency Cash

This section provides that withdrawals from the Contingency Cash Reserve Fund must be approved by the Council by resolution. Withdrawals must be paid back to the Reserve Fund within two years, in essence an appropriation. The Council should have a role in the approval of the expenditures before being required to appropriate the repayments.

Section 4      Sales Tax

This section, if adopted by Congress, would apply the District's sales tax to for-profit places, such as museum gift shops and government-building cafeterias. These businesses compete with the private sector and should not be favored by exemption from the sales tax. Moreover, this provision does not tax the federal government, but congressional approval is necessary.

Section 5      States that his legislation, once adopted, constitutes the federal portion of the District's Fiscal Year 2019 budget.

Section 6      States the fiscal impact.

Section 7      States the effective date.

## IX. COMMITTEE ACTION

On May 29, 2018, the Committee met to consider Bill 22-755, the "Fiscal Year 2019 Federal Portion Budget Request Act of 2018." The meeting was called to order at XX:XX a.m.,

and Bill 22-755 was item V-A on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Allen, Bonds, Cheh, Evans, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, R. White, and T. White present), Chairman Mendelson moved both the committee print and report for Bill 22-755 with leave for staff to make technical, conforming, and editorial changes. After an opportunity for further discussion, the vote on the print and report was unanimous (Chairman Mendelson and Councilmembers Allen, Bonds, Cheh, Evans, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, R. White, and T. White voting aye). The meeting adjourned at XX:XX a.m.

## X. ATTACHMENTS

1. Bill 22-755 as introduced.
2. Certification letter for Bill 22-755.
3. Legal Sufficiency Determination for Bill 22-755.
4. Committee Print for Bill 22-755.

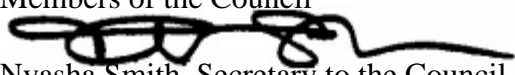


**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council

From :   
Nyasha Smith, Secretary to the Council

Date : March 26, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, March 21, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Fiscal Year 2019 Federal Portion Budget Request Act of 2018", B22-0755

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services



2018 MAR 22 PM 2:37

OFFICE OF THE  
SECRETARY

MURIEL BOWSER  
MAYOR

March 22, 2018

The Honorable Phil Mendelson, Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Chairman Mendelson:

On behalf of the residents of the District of Columbia, I am pleased to submit to you the proposed District of Columbia Fiscal Year 2019 Budget and Financial Plan, "*A Fair Shot*." Included in this submission, you will find the "Fiscal Year 2019 Local Budget Act of 2018," the "Fiscal Year 2019 Federal Portion Budget Request Act of 2018," the "Fiscal Year 2019 Budget Support Act of 2018," the "Fiscal Year 2018 Revised Local Budget Emergency Adjustment Act of 2018," the "Fiscal Year 2018 Revised Local Budget Temporary Adjustment Act of 2018," and the "Fiscal Year 2018 Revised Local Budget Adjustment Emergency Declaration Resolution of 2018."

This proposal makes significant investments in a broad range of services and programs to ensure our residents and businesses have a *Fair Shot* in the District of Columbia. For the fourth consecutive year, I heard from residents before I finalized my budget; through a series of budget engagement forums, residents shared their ideas and concerns about education, public safety, affordable housing, jobs and economic development, and health and human services. This year we also convened a telephone town hall to hear directly from seniors on their concerns and budget priorities and a telephone town hall for DC government employees to solicit their ideas on how we can more effectively and efficiently deliver services to District residents. From these discussions I finalized the proposed FY 2019 Budget and Financial Plan.

The budget before you reflects the ideas and priorities of District residents and delivers on my commitment of *a fair shot* for every District resident. From again investing \$100 million in the

continued modernization of our schools, this budget continues to move Washington, DC forward. This budget also maintains critical investments to build a *safer, stronger* DC and to ensure our residents have access to job training programs that will put them on the pathway to the middle class. Below, I have highlighted a few of the key investments in the proposed FY 2019 Budget and Financial Plan.

### **Washington Metropolitan Area Transit Authority (WMATA)**

The continued growth and vitality of our city and the region relies on a safe, efficient, and reliable Metro system to transport residents and visitors. The FY 2019 budget fully funds the District's contribution toward Metro's capital needs by allocating \$178.5 million in dedicated funding each year to WMATA. By joining our partners in Virginia and Maryland, this investment will ensure that Metro can make critical safety and infrastructure improvements with a \$500 million annual commitment from the region.

### **High-Quality Education**

My Administration is committed to ensuring that every child in Washington, DC has access to high quality public education. The FY 2019 budget makes significant investments in education, including the following:

- An historically high investment of \$2.3 billion in total funds for K-12 public education, with a \$94 million increase in local funding for the District of Columbia Public Schools (DCPS) and public charter schools (DCPCS);
- A 3.91 percent increase to the base amount of the Uniform Per Student Funding Formula;
- Fully funding implementation of the Enhanced Special Education Services Act of 2014;
- \$12.5 million in new investments to help families obtain high quality and affordable child care, including \$10 million in provider rate increases to help providers stay open and create more slots for our families;
- \$1 million for field trips for schoolchildren to go to art exhibits and performances and \$1 million in cultural study-abroad experiences for students;
- \$63.2 million for the DC Public Library;
- \$87 million for programs and services at the University of the District of Columbia and the UDC Community College, in addition to a \$132 million in capital investments over the next six years for UDC to make campus improvements; and
- \$1.35 billion over the next six years for the modernization of twenty-six elementary schools, three high schools, and two middle schools.

### **Safer, Stronger DC**

My Administration is committed to ensuring that residents in all neighborhoods feel— and are—safe, providing an environment in which residents and businesses can thrive. Our streets have become safer and crime is down, but continued investments are needed to maintain this progress.

The FY 2019 budget includes the following investments to further our commitment to a safer, stronger DC:

- \$11 million to continue funding for third-party ambulance services;
- \$4.6 million to hire 80 additional correctional officers at the Department of Corrections;
- \$2.4 million to hire 42 new dual-role firefighter/paramedics;
- \$1.7 million to expand the Police Cadet Corps by 30 slots, from 70 to 100 positions, and \$250,000 to expand a successful student loan forgiveness program for Metropolitan Police Department officers;
- \$1.5 million for community-based grants for violence interruption and \$575,000 for the Pathways program to support 50 at-risk youths through the newly created Office of Neighborhood Safety and Engagement;
- \$22 million in capital investments in Fiscal Year 2019 and \$76.4 million through the six-year capital improvements plan (CIP) for the Fire and Emergency Medical Services Department for emergency vehicles and apparatuses; and
- \$4.7 million in capital investments in Fiscal Year 2019 and \$36 million through the six-year CIP for Metropolitan Police Department vehicles.

### **Affordable Housing**

Producing, preserving and protecting affordable housing in Washington, DC is a key goal of my Administration. The FY 2019 budget demonstrates this commitment by making the following investments in affordable housing:

- \$100 million for the Housing Production Trust Fund;
- \$96 million to subsidize affordable housing through the District of Columbia Housing Authority;
- \$10 million in additional funds to Home Purchase Assistance Program and Employer Assisted Housing Program to assist low-income and moderate-income families and District employees afford the down payment on their first home;
- \$10 million for the Housing Preservation Fund, so that along with creating new affordable housing units we bring additional focus to ensuring that we are preserving existing affordable housing units in the District; and
- \$57 million to make additional progress on the New Communities Initiatives at Park Morton, Barry Farm, and Lincoln Heights/Richardson Dwellings.

### **Jobs and Economic Opportunity**

Maintaining a strong, diverse, and resilient city requires that every resident has a fair shot, and a pathway to the middle class. We accomplish this by supporting our most vulnerable families and residents; providing job training that leads to real employment opportunities; and by nurturing

our small businesses to help ensure their growth and success. The FY 2019 budget makes the following investments to help achieve these goals:

- \$19.2 million for the Mayor Marion S. Barry Summer Youth Employment Program, which provides constructive and gainful employment for youth during summer break;
- \$10.6 million for job training programs that target residents with barriers to employment, including Project Empowerment;
- \$2 million for information technology apprenticeships to provide pathways to the middle class in high-tech industries;
- \$1.2 million in apprenticeship programs to provide pathways to the middle class, including the Career Connections and Learn, Earn, Advance, Prosper (LEAP) program;
- \$6 million to help offset the Clean Rivers Impervious Area Charge, to be matched by DC Water, for a total of \$12 million in relief for residents, non-profits, and religious institutions;
- \$14.3 million for the Commission on the Arts and Humanities for capital grants to support renovations and repairs at our arts facilities, operating grants to support program development and operations, and funds for a new statue to honor a notable Washingtonian;
- \$1 million for three new clean teams and three new Main Streets; and,
- \$8.3 million in our Great Streets and Neighborhood Prosperity programs to support business development across the city with a focus on mixed-use development in high-unemployment areas.

### **Health and Human Services**

Investing in the health and well-being of District residents remains a top priority of my Administration. Ensuring residents are able to provide for their families, and connecting families with valuable care and supportive programs when they need it most, ensures they have a fair shot at success in the future. The FY 2019 budget helps create these supports and opportunities by including the following investments:

- \$23 million in increased investments toward achieving the goals of Homeward DC, to make homelessness rare, brief, and non-recurring;
- \$2.5 million to expand the homeless crisis service response system for single adults, including day services, outreach to encampments, and improvements to low-barrier shelters;
- \$1.4 million to fund the Parental and Adolescent Support Services (PASS) and Strengthening Teens and Enriching Parents (STEP) programs to keep our youth and families engaged and moving toward a productive future;
- \$4.4 million to provide 40 hours each week of nursing suite coverage for each school;
- \$3 million for mental health services for school children;

- \$1.1 million to implement a local individual mandate to keep the Affordable Care Act protections strong in DC;
- \$300 million for a new, state-of-the-art hospital at St. Elizabeths east campus;
- \$640,000 to open pools two hours earlier at 10 a.m. in the summer; and
- \$900,000 for rat abatement efforts at the Department of Health.

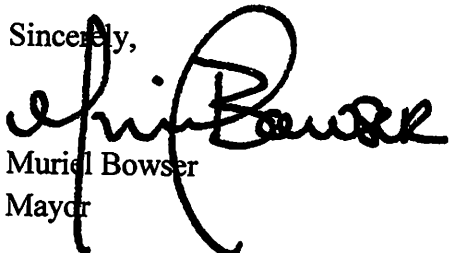
### **Government Operations**

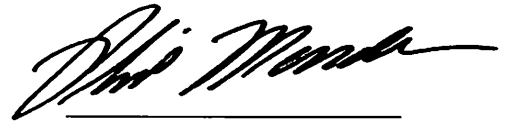
We are building a government that works for the residents of the District Columbia, streamlines processes, and improves efficiency. The FY 2019 budget supports these improvements by investing:

- \$2.6 million in additional funds to purchase new voting equipment for the Board of Elections;
- \$952,000 to support the Statehood Campaign Initiative to make sure DC becomes the 51<sup>st</sup> state;
- \$900,000 to defend the rights of immigrant residents through information programs and direct legal aid; and,
- \$22.1 million is included in the financial plan to fully fund and implement the Fair Elections Amendment Act, including \$860,000 in FY 2019 funding.

Our finances are the envy of cities across the country and this budget reflects our growing population of 700,000 residents and the benefits, needs, and stresses such growth entails. In a city as prosperous as ours, it is imperative that we make all of these critical investments to ensure that residents in all eight wards can have a fair shot.

Sincerely,

  
Muriel Bowser  
Mayor



Chairman Phil Mendelson  
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To adopt, as a request to Congress for appropriation and authorization, the federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2019 Federal Portion Budget Request Act of 2018".

Sec. 2. Adoption of the federal portion of the Fiscal Year 2019 budget.

There is adopted, as a request to Congress for appropriation and authorization, the following federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2019.

**DISTRICT OF COLUMBIA FEDERAL FUNDS APPROPRIATION REQUEST**

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS**

For salaries and expenses for the District of Columbia Courts, \$244,939,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$13,379,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$121,251,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$71,909,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$38,400,000, to remain available until September 30, 2020, for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: Provided further, That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50): Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and

1 Budget and obligated and expended in the same manner as funds appropriated for salaries and  
2 expenses of other Federal agencies: Provided further, That 30 days after providing written notice  
3 to the Committees on Appropriations of the House of Representatives and the Senate, the District  
4 of Columbia Courts may reallocate not more than \$9,000,000 of the funds provided under this  
5 heading among the items and entities funded under this heading: Provided further, That the Joint  
6 Committee on Judicial Administration in the District of Columbia may, by regulation, establish a  
7 program substantially similar to the program set forth in subchapter II of chapter 35 of title 5,  
8 United States Code, for employees of the District of Columbia Courts.  
9

10 **FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS**

11 For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code  
12 (relating to representation provided under the District of Columbia Criminal Justice Act),  
13 payments for counsel appointed in proceedings in the Family Court of the Superior Court of the  
14 District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual  
15 agreements to provide guardian ad litem representation, training, technical assistance, and such  
16 other services as are necessary to improve the quality of guardian ad litem representation,  
17 payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official  
18 Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services  
19 provided under the District of Columbia Guardianship, Protective Proceedings, and Durable  
20 Power of Attorney Act of 1986), \$46,005,000, to remain available until expended: Provided,  
21 That not more than \$20,000,000 in unobligated funds provided in this account may be transferred  
22 to and merged with funds made available under the heading “Federal Payment to the District of  
23 Columbia Courts,” to be available for the same period and purposes as funds made available  
24 under that heading for capital improvements to District of Columbia courthouse facilities:  
25 Provided further, That funds provided under this heading shall be administered by the Joint  
26 Committee on Judicial Administration in the District of Columbia: Provided further, That,  
27 notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by  
28 the Office of Management and Budget and obligated and expended in the same manner as funds  
29 appropriated for expenses of other Federal agencies.  
30

31 **FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

32 For a Federal payment for a school improvement program in the District of Columbia,  
33 \$45,000,000, to remain available until expended, for payments authorized under the Scholarship  
34 for Opportunity and Results Act (division C of Public Law 112–10): Provided, That, to the  
35 extent that funds are available for opportunity scholarships and following the priorities included  
36 in section 3006 of such Act, the Secretary of Education shall make scholarships available to  
37 students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211)  
38 including students who were not offered a scholarship during any previous school year: Provided  
39 further, That within funds provided for opportunity scholarships up to \$3,200,000 shall be for the  
40 activities specified in sections 3007(b) through 3007(d) and 3009 of the Act.  
41

42 **FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL**

43 For a Federal payment to the Criminal Justice Coordinating Council, \$1,900,000, to  
44 remain available until expended, to support initiatives related to the coordination of Federal and  
45 local criminal justice resources in the District of Columbia.  
46



1 **FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS**

2 For a Federal payment, to remain available until September 30, 2020, to the Commission  
3 on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission,  
4 \$270,000.  
5

6 **FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD**

7 For a Federal payment to the District of Columbia National Guard, \$435,000, to remain  
8 available until expended for the Major General David F. Wherley, Jr. District of Columbia  
9 National Guard Retention and College Access Program.  
10

11 **FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS**

12 For a Federal payment to the District of Columbia for the testing of individuals for, and  
13 the treatment of individuals with, human immunodeficiency virus and acquired  
14 immunodeficiency syndrome in the District of Columbia, \$5,000,000.  
15

16 **FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE**  
17 **DISTRICT OF COLUMBIA**

18 For a Federal payment of necessary expenses, as determined by the Mayor of the District  
19 of Columbia in written consultation with the elected county or city officials of surrounding  
20 jurisdictions, \$12,000,000, to remain available until expended, for the costs of providing public  
21 safety at events related to the presence of the National Capital in the District of Columbia,  
22 including support requested by the Director of the United States Secret Service in carrying out  
23 protective duties under the direction of the Secretary of Homeland Security, and for the costs of  
24 providing support to respond to immediate and specific terrorist threats or attacks in the District  
25 of Columbia or surrounding jurisdictions.  
26

27 **Sec. 3. Federal portion of the budget.**

28 The federal funds for which appropriation by Congress is requested by this act  
29 constitute the federal portion of the Fiscal Year 2019 annual budget for the District of  
30 Columbia government under section 446(a) of the District of Columbia Home Rule Act,  
31 approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).  
32

33 **Sec. 4. Fiscal impact statement.**

34 The Council adopts the fiscal impact statement of the Chief Financial Officer as the  
35 fiscal impact statement required by section 4a of the General Legislative Procedures Act of  
36 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).  
37

38 **Sec. 5. Effective date.**

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



Legal Counsel Division



**MEMORANDUM**

**TO: Alana Intrieri**  
**Executive Director**  
**Office of Policy and Legislative Support**

**FROM: Janet M. Robins**  
**Deputy Attorney General**  
**Legal Counsel Division**

**DATE: March 20, 2018**

**SUBJECT: Legal Certification of Draft Bill, the "Fiscal Year 2019 Federal Portion**  
**Budget Request Act of 2018"**  
**(AE-18-144B)**

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**This is to Certify that** this Office has reviewed the above-referenced draft legislation and found it, as to form, format, and authority only, to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

---

Janet M. Robins

A BILL

22-755

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To adopt, as a request to Congress for appropriation and authorization, the federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2019 Federal Portion Budget Request Act of 2018”.

Sec. 2. Adoption of the federal portion of the Fiscal Year 2019 budget.

There is adopted, as a request to Congress for appropriation and authorization, the following federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2019.

**DISTRICT OF COLUMBIA FEDERAL FUNDS APPROPRIATION REQUEST**

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS**

For salaries and expenses for the District of Columbia Courts, \$244,939,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$13,379,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$121,251,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$71,909,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$38,400,000, to remain available until September 30, 2020, for capital improvements for District of Columbia courthouse facilities; Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment; Provided further, That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (section 1-204.50, D.C. Official Code); Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and

42 Budget and obligated and expended in the same manner as funds appropriated for salaries and  
43 expenses of other Federal agencies; Provided further, That 30 days after providing written notice  
44 to the Committees on Appropriations of the House of Representatives and the Senate, the District  
45 of Columbia Courts may reallocate not more than \$9,000,000 of the funds provided under this  
46 heading among the items and entities funded under this heading; Provided further, That the Joint  
47 Committee on Judicial Administration in the District of Columbia may, by regulation, establish a  
48 program substantially similar to the program set forth in subchapter II of chapter 35 of title 5,  
49 United States Code, for employees of the District of Columbia Courts.

50  
51 **FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS**

52 For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code  
53 (relating to representation provided under the District of Columbia Criminal Justice Act),  
54 payments for counsel appointed in proceedings in the Family Court of the Superior Court of the  
55 District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual  
56 agreements to provide guardian ad litem representation, training, technical assistance, and such  
57 other services as are necessary to improve the quality of guardian ad litem representation,  
58 payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official  
59 Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services  
60 provided under the District of Columbia Guardianship, Protective Proceedings, and Durable  
61 Power of Attorney Act of 1986), \$46,005,000, to remain available until expended; Provided,  
62 That not more than \$20,000,000 in unobligated funds provided in this account may be transferred  
63 to and merged with funds made available under the heading “Federal Payment to the District of  
64 Columbia Courts,” to be available for the same period and purposes as funds made available  
65 under that heading for capital improvements to District of Columbia courthouse facilities;  
66 Provided further, That funds provided under this heading shall be administered by the Joint  
67 Committee on Judicial Administration in the District of Columbia; Provided further, That,  
68 notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by  
69 the Office of Management and Budget and obligated and expended in the same manner as funds  
70 appropriated for expenses of other Federal agencies.

71  
72 **FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT**

73 For a Federal payment to the District of Columbia, to be deposited into a dedicated  
74 account, for a nationwide program to be administered by the Mayor, for District of Columbia  
75 resident tuition support, \$40,000,000, to remain available until expended; Provided, That  
76 such funds, including any interest accrued thereon, may be used on behalf of eligible District  
77 of Columbia residents to pay an amount based upon the difference between in-State and out-  
78 of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at  
79 eligible private institutions of higher education; Provided further, That the awarding of such  
80 funds may be prioritized on the basis of a resident's academic merit, the income and need of  
81 eligible students, and such other factors as may be authorized; Provided further, That the  
82 District of Columbia government shall maintain a dedicated account for the Resident Tuition  
83 Support Program that shall consist of the Federal funds appropriated to the Program in this  
84 Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and  
85 any interest earned in this or any fiscal year; Provided further, That the account shall be under  
86 the control of the District of Columbia Chief Financial Officer, who shall use those funds  
87 solely for the purposes of carrying out the Resident Tuition Support Program; Provided

88 further, That the Office of the Chief Financial Officer shall provide a quarterly financial  
89 report to the Committees on Appropriations of the House of Representatives and the Senate  
90 for these funds showing, by object class, the expenditures made, and the purpose therefor.  
91

92 **FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

93 For a Federal payment for a school improvement program in the District of Columbia,  
94 \$45,000,000, to remain available until expended, for payments authorized under the Scholarship  
95 for Opportunity and Results Act (division C of Public Law 112–10); Provided, That, to the  
96 extent that funds are available for opportunity scholarships and following the priorities included  
97 in section 3006 of such Act, the Secretary of Education shall make scholarships available to  
98 students eligible under section 3013(3) of such Act, including students who were not offered a  
99 scholarship during any previous school year; Provided further, That within funds provided for  
100 opportunity scholarships up to \$3,200,000 shall be for the activities specified in sections 3007(b)  
101 through 3007(d) and 3009 of such Act.  
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103 **FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL**

104 For a Federal payment to the Criminal Justice Coordinating Council, \$1,900,000, to  
105 remain available until expended, to support initiatives related to the coordination of Federal and  
106 local criminal justice resources in the District of Columbia.  
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110 on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission,  
111 \$270,000.  
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115 available until expended for the Major General David F. Wherley, Jr. District of Columbia  
116 National Guard Retention and College Access Program.  
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120 the treatment of individuals with, human immunodeficiency virus and acquired  
121 immunodeficiency syndrome in the District of Columbia, \$5,000,000.  
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126 of Columbia in written consultation with the elected county or city officials of surrounding  
127 jurisdictions, \$12,000,000, to remain available until expended, for the costs of providing public  
128 safety at events related to the presence of the National Capital in the District of Columbia,  
129 including support requested by the Director of the United States Secret Service in carrying out  
130 protective duties under the direction of the Secretary of Homeland Security, and for the costs of  
131 providing support to respond to immediate and specific terrorist threats or attacks in the District  
132 of Columbia or surrounding jurisdictions.  
133

134 **FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

135 For a Federal payment to the District of Columbia Water and Sewer Authority,  
136 \$40,000,000, to remain available until expended, to continue implementation of the Combined  
137 Sewer Overflow Long-Term Control Plan.

138  
139 **DETERMINATION OF COMPENSATION**

140 Section 424(b)(2)(E) of the District of Columbia Home Rule Act (section 1–  
141 204.24b(b)(5) of the D.C. Official Code) is amended to read as follows: “(E) PAY.—The Chief  
142 Financial Officer shall be paid at a rate such that the total amount of compensation paid during  
143 any calendar year is not less than the total pay that is applicable during the year under section  
144 5307 of title 5, United States Code, to an employee described in section 5307(d) of such title.”  
145 The amendment made by this provision shall apply with respect to pay periods beginning on or  
146 after the date of the enactment of this Act.

147  
148 **Sec. 3. Contingency cash.**

149 (a) No funds in excess of \$500,000 shall be obligated or expended from the Contingency  
150 Cash Reserve Fund established by section 450A(b) of the District of Columbia Home Rule Act,  
151 approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a(b)), unless such  
152 expenditures have been approved by the Council by resolution.

153 (b) The Contingency Cash Reserve Transparency Amendment Act of 2008, enacted on  
154 January 29, 2008 (D.C. Act 17-278; 55 DCR 1530), is enacted into law.

155 **Sec. 4. Notwithstanding any other law, the following sales shall be subject to the sales**  
156 **and use taxes of the District of Columbia:**

157 (1) Sales at gift shops, souvenir shops, kiosks, convenience stores, food shops,  
158 cafeterias, restaurants, and similar establishments in federal buildings, including memorials and  
159 museums, in the District of Columbia that make sales to:

160 (A) The general public, if operated by the federal government, an agent of  
161 the federal government, or a contractor; and

162 (B) Other than the general public, if operated by an agent of the federal  
163 government or a contractor; and

164 (2) Sales of goods and services by a government-sponsored enterprise or  
165 corporation, institution, or organization established by federal statute or regulation (“federal  
166 enterprise or organization”), including the Smithsonian Institution, National Gallery of Art,  
167 National Building Museum, Federal National Mortgage Association, and Federal Home Loan  
168 Mortgage Corporation, if the federal enterprise or organization is otherwise exempt from such  
169 taxation, to the extent such sales otherwise would be subject to the sales and use taxes of the  
170 District of Columbia if the federal enterprise or organization were organized as a nonprofit  
171 corporation established pursuant to Chapter 4 of Title 29 of the District of Columbia Official  
172 Code, and exempt from federal income taxation pursuant to section 501(c)(3) of the Internal  
173 Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

174 Sec. 5. Federal portion of the budget.

175 The federal funds for which appropriation by Congress is requested by this act  
176 constitute the federal portion of the Fiscal Year 2019 annual budget for the District of  
177 Columbia government under section 446(a) of the District of Columbia Home Rule Act,  
178 approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).

179 Sec. 6. Fiscal impact statement.

180 The Council adopts the fiscal impact statement of the Chief Financial Officer as the  
181 fiscal impact statement required by section 4a of the General Legislative Procedures Act of  
182 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

183 Sec. 7. Effective date.

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