

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: July 21, 2020

SUBJECT: Report on Bill 23-762, the “Fiscal Year 2021 Federal Portion Budget Request Act of 2020”

The Committee of the Whole, to which Bill 23-762 was referred, reports favorably thereon with amendments and recommends approval by the Council. This legislation establishes the proposed authority for the federal portion of the District’s budget for Fiscal Year 2021. The amendments primarily reflect agency requests.

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 2021, that legislation is Bill 23-762, the Fiscal Year 2021 Local Budget Act of 2020. Further information on the District’s Fiscal Year 2021 budget and financial plan is set forth in the Committee’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 23-762, the Fiscal Year 2021 Federal Portion Budget Request Act of 2020, as approved by the Committee of the Whole, and subsequently approved by the Council, recommends the federal portion of the budget for Fiscal Year 2021. The local portion of the Fiscal Year 2021 budget is appropriated through Bill 23-761, the Fiscal Year 2021 Local Budget Act of 2020 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 (Revitalization Act), however, a significant portion of the District's budget was comprised of an annual payment from the United States government to the District.¹ This payment was approximately \$660 million annually in the mid-1990s and constituted approximately 16 percent of the District's total budget.

With the Revitalization Act, and because of the District's strong financial management, the federal payments to the District government have shrunk dramatically. In Fiscal Year 2020, the approved federal payments budget amounted to \$136.7 million or 0.9 percent of the District's gross funds budget. In response to the COVID-19 pandemic, Congress passed the CARES Act, which provided additional federal funding to all states, including the District of Columbia. This CARES Act funding increased the FY20 federal payment budget to \$587.5 million.

Of the proposed Fiscal Year 2021 budget of \$16.7 billion,² the majority—\$12.9 billion—is locally raised through District taxes and fees or derived from other local sources.³ This means local dollars account for 77.1 percent of the District's total budget. Most of the rest—\$3.6 billion—is federal formula spending that includes Medicaid and federal grants available to all jurisdictions and for which the federal government has no oversight responsibility unique to the District. Federal formula spending accounts for 21.8 percent of the District's total budget. Overall, approximately 98.9 percent of the District's budget is derived from local revenue and federal grants not unique to the District.⁴ The remainder, less than 1 percent of the budget, comes from federal payments specifically requested for programs or projects unique to the District.⁵

Despite this foundation of local dollars, the District 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

¹ Approved August 5, 1997 (Pub. Law 105-33; 111 Stat. 251).

² Excluding intra-district funds.

³ For fiscal year 2021, the local portion of the District's budget consists of the following: \$8.5 billion derived primarily from income, property, and sales taxes; \$0.5 billion from Dedicated Taxes; \$4.8 million from Private Grants and Private Donations; \$0.8 billion from Special Purpose Revenue; and \$2.8 billion from Enterprise Funds.

⁴ This analysis excludes federal funds for agencies active in the District but not under the jurisdiction or control of the District government, including the United States Attorney, District of Columbia Courts, Bureau of Prisons, Public Defender Service, and several lesser agencies (e.g. the Judicial Nomination Commission). It also excludes federal reimbursement for emergency planning and expenses related to federal and national events, such as a presidential inauguration and demonstrations.

⁵ Federal payments are direct appropriations from the Congress to the District, usually to an agency for a particular purpose.

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. This constraint is estimated to cost the District more than \$1 billion annually in lost tax revenue.

Nevertheless, the District maintains a strong economic record supported by adherence to responsible financial management and fiscal discipline. This is evidenced by the minimal reliance on a federal payment, as noted above, and the solid financial footing rooted in locally-sourced funding. The District is growing, and our tax base is growing. Our capital spending is disciplined, and our retirement funds are among the best in the nation (the Police/Fire/Teachers pension fund is approximately 114% funded and OPEB is 111% funded). The District's decreasing reliance on federal funding is also prudent given that cuts to federal spending 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 Bill 23-761, the Fiscal Year 2021 Local Budget Act of 2020 and accompanying committee report.

The portion of the District's Fiscal Year 2021 budget related to the federal budget request is contained in Bill 23-762. The amounts and purposes submitted by the Mayor reflected the amounts released in the budget proposed by the President of the United States on February 10, 2020.⁶ The committee print of Bill 23-761, however, adjusts the Mayor's proposal to include a request for continued federal payments for the Resident Tuition Support program and the D.C. Water and Sewer Authority, as well as increases to the Judicial Commissions, the Criminal Justice Coordinating Council, and HIV/AIDS Treatment consistent with the amounts included in the District of Columbia Appropriations Act, 2021, as approved by the Subcommittee on Financial Services and General Government on July 8, 2020.⁷

II. LEGISLATIVE CHRONOLOGY

May 1, 2020	Notice of public hearings on the proposed Fiscal Year 2021 Budget and Financial Plan is published in the <i>District of Columbia Register</i> (updates to the schedule of budget oversight hearings published May 8, 15, 22, and 29, and June 8, 2020)
May 18, 2020	Bill 23-762, the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" is introduced by Chairman Mendelson at the request of the Mayor

⁶ Available online at <https://www.whitehouse.gov/omb/budget/>.

⁷ Available online at <https://docs.house.gov/meetings/AP/AP23/20200708/110866/BILLS-116--AP--FServices-FY21FSGGBill.pdf>.

May 19, 2020	Committee of the Whole holds a public briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan
May 29, 2020	Notice of Intent to Act on Bill 23-762 is published in the <i>District of Columbia Register</i>
June 9, 2020	Bill 23-762 is "read" at the June 9, 2020 Regular Legislative Meeting and referred to the Committee of the Whole
May 20 – June 17, 2020	Committees hold public hearings on the budgets of the agencies under their purview and the subtitles of the Fiscal Year 2021 Budget Support Act of 2020 that were referred to each for comments
June 17 – 18, 2020	Committee of the Whole holds a two-day public hearing on Bill 23-760, Bill 23-761, Bill 23-762, and Bill 23-763
June 23 – June 25, 2020	Committees mark up and approve their budget recommendations for the Fiscal Year 2021 budget
July 7, 2020	Committee of the Whole marks up Bill 23-762

III. POSITION OF THE EXECUTIVE

Bill 23-762 represents the federal portion of the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission on Bill 23-762.

V. LIST OF WITNESSES

The Committee of the Whole held a public hearing on Bill 23-762 and other budget-related legislation on June 17 and June 18, 2020.⁸ None of the testimony focused on Bill 23-762. The witnesses were:

WITNESS LIST (JUNE 17)

⁸ All the Council's committees held hearings between May 20 and June 16, 2020, inclusive, on the Mayor's proposed budget.

1. Jesse Rabinowitz
Advocacy and Campaign Manager, Miriam's Kitchen
2. Keshini Ladduwahetty
Operations Director, DC for Democracy
3. Sultan Shakir
Executive Director, SMYAL
4. Tazra Mitchell
Policy Director, DC Fiscal Policy Institute
5. Damon King
Legal Aid Society for the District of Columbia
6. Kimberly Perry
Executive Director, DC Action for Children
7. David Schwartzman
DC Statehood Green Party
8. Elizabeth Falcon
Executive Director, DC Jobs with Justice
9. Syritha Robinson
Advocacy Director, Educare DC
10. Kathy Hallowell-Makle
Executive Director, District of Columbia Association for the Education of Young Children (DCAEYC)
11. Sia Barbara Kamara
DC Early Learning Collaborative
12. Kirby Vining
Chair, Committee of 100
13. Laura Hagood
Executive Director, Historical Society of Washington, DC
14. Ericka Wadlington
DC Chamber of Commerce
15. Alicia Rucker
President, Friends of Deanwood Library
16. Lisa Mallory
Chief Executive Officer, DCBIA
17. Grace Hu
Digital Equity in Education
18. Dr. Carlene Reid
Public Witness
19. Tara Brown
Ward 8 Parent Leader
20. Scott Goldstein
Executive Director, EmpowerEd
21. Tony Williams
CEO and Executive Director, Federal City Council
22. Jamal Jones
Teacher, Academy of Hope
23. Kent Withycombe
Education Project Director, Washington Lawyers' Committee
24. Sameera Daniels
Ward 3 Democrats Education Task Force
25. Emily Gasoi, Ed.D.
DC State Board of Education, Ward 1
26. Jessica Sutter
DC State Board of Education, Ward 6
27. Crystal Seaborn
Teacher, Garfield Elementary School

28. Kymone Freeman We Act Radio
29. Armand Cuevas Teacher, Dunbar High School
30. Pam Sofola Owner, A Beautiful Closet Boutique
31. Shayna Tivona Teacher
32. Destiny Sharpe Economic Justice Organizer, SPACEs In Action
33. Berlette McMillan Public Witness
34. Peter Edelman Chair, D.C. Access to Justice Commission
35. Mukasichibweta 'Muka' Chisaka Public Witness
36. Nykia Braxton Parent Ambassador, Advocates for Justice and Education, Inc.
37. Katharine Landfield Public Witness
38. Valerie Graff Interim Executive Director, HumanitiesDC
39. Thomas Dominique Battle's Transportation
40. Almeta R. Keys, CEO Edward C. Mazique Parent Child Center, Inc.
41. Tyrone Hanley Coalition Liaison, GLAA
42. Arthur Slade Vice President, AFSCME Local 2743
43. Tahir Duckett Public Witness
44. Christina Bullock President, A-Always Enterprises
45. Yumica Thompson Ward 8 Parent
46. Andre Phillips Chairman, FOP DYRS Labor Committee
47. Jason Berry Founder, KNEAD Hospitality + Design

Recess

WITNESS LIST (JUNE 18)

1. Judith Sifontes Public Witness
2. Miguel Castro Public Witness
3. Ana Lemus Public Witness
4. Ralph Clark El Public Witness
5. Amber Harding Staff Attorney, Washington Legal Clinic for the Homeless

6. Jesse Lovell Public Witness
7. Maya Martin Cadogan Executive Director, PAVE
8. Diana Mayhew President, National Cherry Blossom Festival
9. Alex Baca Housing Program Organizer, Greater
Greater Washington
10. Leicester Johnson CEO, Academy of Hope Adult PCS
11. Bethany Rubin Henderson CEO, DC SCORES
12. Kisha Bridges Budget Organizer, Fair Budget Coalition
13. Kirra L. Jarratt CEO, DC Bar Foundation
14. Monica Hopkins Executive Director, American Civil
Liberties Union of the District of Columbia
15. Shanika Simmons Parent Ambassador, Ward 6
16. Caroline Philips National Cannabis Festival
17. Chris Naoum Listen Local First
18. Christopher Morgan Executive Artistic Director, Dance Place
19. James D. Knight President & CEO, Jubilee Housing
20. James Dickerson President, Manna Inc.
21. Kathryn Abell Resident Physician, Committee of Interns
and Residents
22. Nzinga Tull Board Chair, Teaching for Change
23. Marni Barron President/CEO, Soul Tree, LLC
24. J. Sheffield Public Witness
25. Faith Oviedo Public Witness
26. Makia Green Working Families Party
27. Jessica Shotwell Public Witness
28. Nnennaya Amuchie Public Witness
29. Devon Genua Public Witness
30. Mahelet Kebede Public Witness
31. Christian Tabash Public Witness
32. Weston Gobar Public Witness
33. Ntebo Mokuena Public Witness
34. Lina Stolyar Public Witness
35. Jason Najjoun Public Witness

- | | | |
|-----|-----------------------|---|
| 36. | Carly Didden | Government Affairs Manager, Crown Castle |
| 37. | Rehana Mohammed | Chair, Board of Directors, The DC Center for the LGBT Community |
| 38. | Ryan Bos | Executive Director, Capital Pride Alliance |
| 39. | Mahkah Wu | DC Data Cycle |
| 40. | Elizabeth Sawyer | Public Witness |
| 41. | Robyn Swirling | Public Witness |
| 42. | Alfred Liu, President | AEPA Architects and Engineers, P.C. |
| 43. | Morgan Monroe | Public Witness |
| 44. | Spencer Gopaul | Public Witness |
| 45. | Mekdes Sisay | Membership Chair, BYP100 DC |
| 46. | Nancy Shaffer | DC Event Coalition |
| 47. | Eric Bunn | National Secretary Treasurer, American Federation of Government Employees |
| 48. | Luc Brami | Principal, Gelberg Signs |
| 49. | Kristen Clardy | Public Witness |
| 50. | Timothy Ryan | Public Witness |
| 51. | Michael Livingston | Public Witness |
| 52. | Japer Bowles | Chair, ANC Rainbow Caucus |
| 53. | Dr. Antoine Kirby | Managing Partner, Kirby Educational Services |
| 54. | Angum Check | Public Witness |
| 55. | Betty Pair | DC Association of Realtors |
| 56. | Andrew Washington | Executive Director, AFSCME, District Council 20 |
| 57. | Lee Blackmon | Director, NAGE Federal Division |

VI. IMPACT ON EXISTING LAW

Bill 23-762 represents the federal portion of District's proposed budget for Fiscal Year 2021, 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 23-762 is effective only insofar as it is adopted by Congress.

VII. FISCAL IMPACT

Bill 23-762 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 2021 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 23-762.

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, 2021, as follows:

Federal Payment to the District of Columbia Courts- \$267,838,000.

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 the 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 used to pay tuition assistance to individual District residents based on the difference between in-State and out-of-State tuition at public institutions of high education.

Federal Payment for School Improvement - \$90,000,000.

This amount supports the payments for primary and secondary education the in the three sectors (DCPS, DC Public Charter Schools, and vouchers) authorized under the Scholarship for Opportunity and Results Act.

Federal Payment to the Criminal Justice Coordinating Council - \$2,150,000.

This amount, as requested by the Criminal Justice Coordinating Council, supports initiatives related to the coordination of federal and local criminal justice resources.

Federal Payment for Judicial Commissions - \$600,000.

This amount funds the operations of the Commission on Judicial Disabilities and Tenure at \$325,000 and the Judicial Nomination Commission at \$275,000.

Federal Payment for the District of Columbia National Guard - \$413,000.

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 - \$4,000,000.

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 - \$52,900,000.

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 - \$8,000,000. This amount, which is the District's request, supports the continued implementation of the Combined Sewer Overflow Long-Term Control Plan. This Plan is court-ordered, results from federal Clean Water Act requirements, and remediated water pollution caused by the sewage system built and operated by the federal government before 1974.

Section 3 Compensation of the Chief Financial Officer

This section, if adopted by Congress, amends the District of Columbia Home Rule Act to state that the Chief Financial Officer shall be paid equal to the limit on total pay for certain federal employees pursuant to 5 U.S.C. § 5307(d), or at a rate established by law by the District of Columbia, except that the Chief Financial Officer's salary cannot be reduced during his or her service as Chief Financial Officer. Once enacted, this provision will enable the District government to increase the Chief Financial Officer's salary, just as it may raise the salaries of its Mayor, Chief of Police, Public Schools Chancellor, and all other local officials.

Section 4 Contingency Cash

This section, if adopted by Congress, provides that withdrawals from the Contingency Cash Reserve Fund must be approved by the Council by resolution. Currently, under the Home Rule Act, 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 5 Sales Tax

This section, if adopted by Congress, would expand the District's sales tax to places such as Smithsonian 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 6 States that this legislation, once adopted, constitutes the federal portion of the District's Fiscal Year 2021 budget.

Section 7 States the fiscal impact.

Section 8 States the effective date.

IX. COMMITTEE ACTION

X. ATTACHMENTS

1. Bill 23-762 as introduced.
2. May 18, 2020 certification letter for Bill 23-762.
3. Fiscal Impact Statement for Bill 23-762.
4. Legal Sufficiency Determination for Bill 23-762.
5. Committee Print for Bill 23-762.



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, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020".

Sec. 2. Adoption of the federal portion of the Fiscal Year 2021 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, 2021.

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, \$267,838,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$14,887,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$129,726,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$79,155,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$44,070,000, to remain available until September 30, 2022, for capital improvements for District of Columbia courthouse facilities; Provided, That funds made available for capital improvements shall be

1 expended consistent with the District of Columbia Courts master plan study and facilities
2 condition assessment; Provided further, That, in addition to the amounts appropriated herein,
3 fees received by the District of Columbia Courts for administering bar examinations and
4 processing District of Columbia bar admissions may be retained and credited to this
5 appropriation, to remain available until expended, for salaries and expenses associated with such
6 activities, notwithstanding section 450 of the District of Columbia Home Rule Act (section 1-
7 204.50, D.C. Official Code); Provided further, That notwithstanding any other provision of law,
8 all amounts under this heading shall be apportioned quarterly by the Office of Management and
9 Budget and obligated and expended in the same manner as funds appropriated for salaries and
10 expenses of other Federal agencies; Provided further, That 30 days after providing written notice
11 to the Committees on Appropriations of the House of Representatives and the Senate, the District
12 of Columbia Courts may reallocate not more than \$9,000,000 of the funds provided under this
13 heading among the items and entities funded under this heading; Provided further, That the Joint
14 Committee on Judicial Administration in the District of Columbia may, by regulation, establish a
15 program substantially similar to the program set forth in subchapter II of chapter 35 of title 5,
16 United States Code, for employees of the District of Columbia Courts.

17
18 **FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS**

19 For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code
20 (relating to representation provided under the District of Columbia Criminal Justice Act),
21 payments for counsel appointed in proceedings in the Family Court of the Superior Court of the
22 District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual
23 agreements to provide guardian ad litem representation, training, technical assistance, and such
24 other services as are necessary to improve the quality of guardian ad litem representation,
25 payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official
26 Code, and payments authorized under section 21-2060, D.C. Official Code (relating to services
27 provided under the District of Columbia Guardianship, Protective Proceedings, and Durable
28 Power of Attorney Act of 1986), \$46,005,000, to remain available until expended; Provided,
29 That funds provided under this heading shall be administered by the Joint Committee on Judicial
30 Administration in the District of Columbia; Provided further, That, notwithstanding any other
31 provision of law, this appropriation shall be apportioned quarterly by the Office of Management
32 and Budget and obligated and expended in the same manner as funds appropriated for expenses
33 of other Federal agencies.

34
35 **FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

36 For a Federal payment for a school improvement program in the District of Columbia,
37 \$90,000,000, to remain available until expended, for payments authorized under the Scholarship
38 for Opportunity and Results Act (division C of Public Law 112-10), as amended; Provided,
39 That, to the extent that funds are available for opportunity scholarships and following the
40 priorities included in section 3006 of such Act, the Secretary of Education shall make

1 scholarships available to students eligible under section 3013(3) of such Act (Public Law 112-
2 10; 125 Stat. 211) including students who were not offered a scholarship during any previous
3 school year; Provided further, That within funds provided for opportunity scholarships up to
4 \$3,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) and 3009 of
5 such Act.

6
7 **FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL**

8 For a Federal payment to the Criminal Justice Coordinating Council, \$1,805,000, to
9 remain available until expended, to support initiatives related to the coordination of Federal and
10 local criminal justice resources in the District of Columbia.

11
12 **FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS**

13 For a Federal payment, to remain available until September 30, 2022, to the Commission
14 on Judicial Disabilities and Tenure, \$278,000, and for the Judicial Nomination Commission,
15 \$254,000.

16
17 **FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD**

18 For a Federal payment to the District of Columbia National Guard, \$413,000, to remain
19 available until expended for the Major General David F. Wherley, Jr. District of Columbia
20 National Guard Retention and College Access Program.

21
22 **FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS**

23 For a Federal payment to the District of Columbia for the testing of individuals for, and
24 the treatment of individuals with, human immunodeficiency virus and acquired
25 immunodeficiency syndrome in the District of Columbia, \$3,000,000.

26
27 **FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE**
28 **DISTRICT OF COLUMBIA**

29 For a Federal payment of necessary expenses, as determined by the Mayor of the District
30 of Columbia in written consultation with the elected county or city officials of surrounding
31 jurisdictions, \$51,400,000, to remain available until expended, for the costs of providing public
32 safety at events related to the presence of the National Capital in the District of Columbia,
33 including support requested by the Director of the United States Secret Service in carrying out
34 protective duties under the direction of the Secretary of Homeland Security, and for the costs of
35 providing support to respond to immediate and specific terrorist threats or attacks in the District
36 of Columbia or surrounding jurisdictions.

37
38 Sec. 3. Federal portion of the budget.

39 The federal funds for which appropriation by Congress is requested by this act
40 constitute the federal portion of the Fiscal Year 2021 annual budget for the District of

1 Columbia government under section 446(a) of the District of Columbia Home Rule Act,
2 approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).

3
4 Sec. 4. Fiscal impact statement.

5 The Council adopts the fiscal impact statement of the Chief Financial Officer as the
6 fiscal impact statement required by section 4a of the General Legislative Procedures Act of
7 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

8
9 Sec. 5. Effective date.

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

A BILL

23-762

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, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2021 Federal Portion Budget Request Act of 2020”.

Sec. 2. Adoption of the federal portion of the Fiscal Year 2021 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, 2021.

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, \$ 267,838,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$14,887,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$129,726,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$79,155,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$44,070,000, to remain available until September 30, 2022, 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

1 activities, notwithstanding section 450 of the District of Columbia Home Rule Act (section 1-
2 204.50, D.C. Official Code); Provided further, That notwithstanding any other provision of law,
3 all amounts under this heading shall be apportioned quarterly by the Office of Management and
4 Budget and obligated and expended in the same manner as funds appropriated for salaries and
5 expenses of other Federal agencies; Provided further, That 30 days after providing written notice
6 to the Committees on Appropriations of the House of Representatives and the Senate, the District
7 of Columbia Courts may reallocate not more than \$9,000,000 of the funds provided under this
8 heading among the items and entities funded under this heading; Provided further, That the Joint
9 Committee on Judicial Administration in the District of Columbia may, by regulation, establish a
10 program substantially similar to the program set forth in subchapter II of chapter 35 of title 5,
11 United States Code, for employees of the District of Columbia Courts.
12

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

14 For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code
15 (relating to representation provided under the District of Columbia Criminal Justice Act),
16 payments for counsel appointed in proceedings in the Family Court of the Superior Court of the
17 District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual
18 agreements to provide guardian ad litem representation, training, technical assistance, and such
19 other services as are necessary to improve the quality of guardian ad litem representation,
20 payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official
21 Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services
22 provided under the District of Columbia Guardianship, Protective Proceedings, and Durable
23 Power of Attorney Act of 1986), \$46,005,000, to remain available until expended; Provided,
24 That funds provided under this heading shall be administered by the Joint Committee on Judicial
25 Administration in the District of Columbia; Provided further, That, notwithstanding any other
26 provision of law, this appropriation shall be apportioned quarterly by the Office of Management
27 and Budget and obligated and expended in the same manner as funds appropriated for expenses
28 of other Federal agencies.
29

30 **FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT**

31 For a Federal payment to the District of Columbia, to be deposited into a dedicated
32 account, for a nationwide program to be administered by the Mayor, for District of Columbia
33 resident tuition support, \$40,000,000, to remain available until expended; Provided, That
34 such funds, including any interest accrued thereon, may be used on behalf of eligible District
35 of Columbia residents to pay an amount based upon the difference between in-State and out-
36 of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at
37 eligible private institutions of higher education; Provided further, That the awarding of such
38 funds may be prioritized on the basis of a resident's academic merit, the income and need of
39 eligible students, and such other factors as may be authorized; Provided further, That the
40 District of Columbia government shall maintain a dedicated account for the Resident Tuition

1 Support Program that shall consist of the Federal funds appropriated to the Program in this
2 Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and
3 any interest earned in this or any fiscal year; Provided further, That the account shall be under
4 the control of the District of Columbia Chief Financial Officer, who shall use those funds
5 solely for the purposes of carrying out the Resident Tuition Support Program; Provided
6 further, That the Office of the Chief Financial Officer shall provide a quarterly financial
7 report to the Committees on Appropriations of the House of Representatives and the Senate
8 for these funds showing, by object class, the expenditures made, and the purpose therefor.
9

10 **FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

11 For a Federal payment for a school improvement program in the District of Columbia,
12 \$90,000,000, to remain available until expended, for payments authorized under the Scholarship
13 for Opportunity and Results Act (division C of Public Law 112–10), as amended; Provided,
14 That, to the extent that funds are available for opportunity scholarships and following the
15 priorities included in section 3006 of such Act, the Secretary of Education shall make
16 scholarships available to students eligible under section 3013(3) of such Act , including students
17 who were not offered a scholarship during any previous school year; Provided further, That
18 within funds provided for opportunity scholarships up to \$1,200,000 shall be for the activities
19 specified in sections 3007(b) through 3007(d) of the Act and up to \$500,000 shall be for the
20 activities specified in section 3009 of the Act; Provided further, That none of the funds made
21 available under this heading may be used for an opportunity scholarship for a student to attend a
22 school which does not certify to the Secretary of Education that the student will be provided with
23 the same protections under the Federal laws which are enforced by the Office for Civil Rights of
24 the Department of Education which are provided to a student of a public elementary or
25 secondary school in the District of Columbia and which does not certify to the Secretary of
26 Education that the student and the student’s parents will be provided with the same services,
27 rights, and protections under the Individuals With Disabilities Education Act (20 10 U.S.C. 1400
28 *et seq.*) which are provided to a student and a student’s parents of a public elementary or
29 secondary school in the District of Columbia, as enumerated in Table 2 of Government
30 Accountability Office Report 18–94 (entitled ‘‘Federal Actions Needed to Ensure Parents Are
31 Notified About Changes in Rights for Students with Disabilities’’), issued November 2017.
32

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

34 For a Federal payment to the Criminal Justice Coordinating Council, \$2,150,000, to
35 remain available until expended, to support initiatives related to the coordination of Federal and
36 local criminal justice resources in the District of Columbia.
37

38 **FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS**

39 For a Federal payment, to remain available until September 30, 2022, to the Commission
40 on Judicial Disabilities and Tenure, \$325,000, and for the Judicial Nomination Commission,

1 \$275,000.

2

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

4 For a Federal payment to the District of Columbia National Guard, \$413,000, to remain
5 available until expended for the Major General David F. Wherley, Jr. District of Columbia
6 National Guard Retention and College Access Program.

7

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

9 For a Federal payment to the District of Columbia for the testing of individuals for, and
10 the treatment of individuals with, human immunodeficiency virus and acquired
11 immunodeficiency syndrome in the District of Columbia, \$4,000,000.

12

13 **FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE**
14 **DISTRICT OF COLUMBIA**

15 For a Federal payment of necessary expenses, as determined by the Mayor of the District
16 of Columbia in written consultation with the elected county or city officials of surrounding
17 jurisdictions, \$52,900,000, to remain available until expended, for the costs of providing public
18 safety at events related to the presence of the National Capital in the District of Columbia,
19 including support requested by the Director of the United States Secret Service in carrying out
20 protective duties under the direction of the Secretary of Homeland Security, and for the costs of
21 providing support to respond to immediate and specific terrorist threats or attacks in the District
22 of Columbia or surrounding jurisdictions.

23

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

25 For a Federal payment to the District of Columbia Water and Sewer Authority,
26 \$8,000,000, to remain available until expended, to continue implementation of the Combined
27 Sewer Overflow Long-Term Control Plan; Provided, that the District of Columbia Water and
28 Sewer Authority provides a 100 percent match for this payment.

29

30 **Sec. 3. Compensation of the Chief Financial Officer.**

31 (a) Section 424(b)(2)(E) of the District of Columbia Home Rule Act, approved April 17,
32 1995 (109 Stat. 142; D.C. Official Code § 1-204.24b(b)(5)), is amended to read as follows:

33 “(E) PAY.—The Chief Financial Officer shall be paid at the greater of:

34 “(i) A rate such that the total amount of compensation paid during
35 any calendar year is equal to the limit on total pay which is applicable during the year under
36 section 5307 of title 5, United States Code, to an employee described in section 5307(d) of such
37 title; or

38 “(ii) A rate established in law by the District of Columbia;
39 provided, that any rate established pursuant to this clause which is applicable to any individual
40 serving as the Chief Financial Officer shall not be reduced during any period of that individual’s

1 service as Chief Financial Officer.”.

2
3 Sec. 4. Contingency cash.

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

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

10
11 Sec. 5. Notwithstanding any other law, the following sales shall be subject to the sales
12 and use taxes of the District of Columbia:

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

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

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

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

30
31 Sec. 6. Federal portion of the budget.

32 The federal funds for which appropriation by Congress is requested by this act
33 constitute the federal portion of the Fiscal Year 2021 annual budget for the District of
34 Columbia government under section 446(a) of the District of Columbia Home Rule Act,
35 approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).

36
37 Sec. 7. Fiscal impact statement.

38 The Council adopts the fiscal impact statement of the Chief Financial Officer as the
39 fiscal impact statement required by section 4a of the General Legislative Procedures Act of
40 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Committee of the Whole
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1

2 Sec. 8. Effective date.

3 This act shall take effect as provided in section 446 of the District of Columbia Home

4 Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).