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Appropriations for FY2005: District of Columbia

December 22, 2004

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SUMMARY

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Appropriations for FY2005: District of Columbia

On February 2, 2004, the Bush Administration released its FY2005 budget recommendations. The Administration's proposed budget includes $560.4 million in federal payments to the District of Columbia. A major portion of the President's proposed federal payments and assistance to the District involves the courts and criminal justice system. This includes funding for the Court Services and Offender Supervision Agency for the District of Columbia, Defender Services, and the courts. These three functions (court operations, defender services, and offender supervision) represent $457.1 million, or 81.6%, of the President's proposed $560.4 million in federal payments to the District of Columbia.

On May 14, 2004, the District's city council approved the city's $8.2 billion budget for FY2005. The city's proposed budget includes $2 billion for enterprise funds and $6.2 billion in general fund operating expenses. The proposed budget also included a request for $1.03 billion in special federal payments, which is substantially higher than the $560 million proposed by the President.

The District budget request also includes $165 million for the Washington Metropolitan Area Transit Authority's capital fund, a $162 million increase above the amount appropriated in FY2004, and $102 million in special federal payments in support of emergency preparedness activities—including $80 million for bioterrorism preparedness, $15 million for emergency planning and security, and $7 million for a unified communications center for regional emergencies.

On July 7, 2004, the House Appropriations Subcommittee on the District of Columbia conducted a markup of the District of Columbia Appropriations Act for FY2005 and forwarded the unnumbered draft bill to the House Appropriations Committee. One week later, on July 14, 2004, the House Appropriations Committee completed its markup of the bill, which includes $560 million in special federal payments for the District of Columbia.

On July 20, 2004, the House considered and passed H.R. 4850, the District of Columbia Appropriations Act for FY2005. The measure was accompanied by H.Rept. 108-610. On September 21, the Senate Appropriations Committee reported S. 2826, its version of the District of Columbia Appropriations Act for FY2005. The measure was accompanied by S.Rept. 108-354, and includes $560 million in special federal payments to the city. On October 6, 2004, the House and Senate passed the conference committee version of H.R. 4850.

On October 18, 2004, the President signed P.L. 108-335, the District of Columbia Appropriations Act for FY2005. The act includes $560 million in special federal payments and approves the District's $6.3 billion operating budget for FY2005. On December 8, 2004, the President signed P. L. 108-447, a consolidated appropriations act for FY2005, which includes a provision amending charter school-related language included in P.L. 108-335. This report will be updated as events warrant.

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The annual consideration of appropriations bills (regular, continuing, and supplemental) by Congress is part of a complex set of budget processes that also encompasses the consideration of budget resolutions, revenue and debt-limit legislation, other spending measures, and reconciliation bills. In addition, the operation of programs and the spending of appropriated funds are subject to constraints established in authorizing statutes. Congressional action on the budget for a fiscal year usually begins following the submission of the President's budget at the beginning of each annual session of Congress. Congressional practices governing the consideration of appropriations and other budgetary measures are rooted in the Constitution, the standing rules of the House and Senate, and statutes, such as the Congressional Budget and Impoundment Control Act of 1974.

This report is a guide to one of the 13 regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on the District of Columbia Appropriations. It summarizes the status of the bill, its scope, major issues, funding levels, and related congressional activity, and is updated as events warrant. The report lists the key CRS staff relevant to the issues covered and related CRS products.

NOTE: A Web version of this document with active links is available to congressional staff at:
http://www.crs.gov/products/appropriations/apppage.shtml.

Most Recent Developments

On December 8, 2004, the President signed P.L. 108-447, a consolidated appropriations act for FY2005. The act includes a provision amending charter school-related language included in the District of Columbia Appropriations Act for FY2005, P.L. 108-335, which was signed by the President on October 18, 2004. P.L. 108-335 includes $560 million in special federal payments and approves the District's $6.3 billion operating budget for FY2005. On October 6, 2004, by unanimous consent the Senate approved the conference committee version of H.R. 4850, the District of Columbia Appropriations Act for FY2005. The House passed the act by a vote of 377 to 36 on the same day. On September 22, 2004, the full Senate passed by voice vote the Senate version of H.R. 4850 after substituting the language of S. 2826. On July 20, 2004, the House approved H.R. 4850 by a vote of 371-54. On September 7, 2004, the President transmitted to Congress the District of Columbia budget request for FY2005, which was approved on May 14, 2004, by the District of Columbia City Council following extensive negotiations with the mayor over proposed budget cuts.

Table 1. Status of District of Columbia Appropriations, FY2005, P.L. 108-335

Committee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conf. Report Approved		Public Law
House	Senate						House	Senate	
7/14/04	9/21/04	7/20/04 H.Rept. 108-610	7/20/04 (371-54)	9/21/04 S.Rept. 108-354	9/22/04 voice vote	10/5/04 H.Rept. 108-734	10/6/04 (377-36)	10/6/04 unanimous consent	10/18/04 P.L. 108-335

Budget Request

FY2005: The President's Budget Request

On February 2, 2004, the Bush Administration released its FY2005 budget recommendations. The Administration's proposed budget includes $560.4 million in federal payments to the District of Columbia.[1] A major portion of the President's proposed federal payments and assistance to the District involves the courts and criminal justice system. This includes $187.5 million for the Court Services and Offender Supervision Agency for the District of Columbia, an independent federal agency that has assumed management responsibility for the District's pretrial services, adult probation, and parole supervision functions. In addition, the Administration requests $228.1 million in support of court operations, and $41.5 million for Defender Services. These three functions (court operations, defender services, and offender supervision) represent $457.1 million, or 81.6%, of the President's proposed $560.4 million in federal payments to the District of Columbia (see **Table 2**).

FY2005: District's Budget Request

On May 14, 2004, the District's city council unanimously approved the city's $8.2 billion budget for FY2005,[2] and forwarded it to the President for review, approval, and transmittal to the Congress.[3] The proposed budget includes a request for $1.03 billion in special federal payments. The city's proposed operating budget of $6.2 billion includes a $50 million cash reserve fund. In addition, the District's proposed budget would increase local funding for public education by $82.6 million, while seeking $60.05 million in special federal payments for public schools ($13 million), charter schools ($13 million), school vouchers ($14 million), public school safety and security ($15 million) and public school enhancement ($5.05 million) activities. The proposed

[1] U.S. Office of the President, *Budget of the United States Government, Fiscal Year 2005 Appendix (*Washington: GPO, 2002), pp. 1101-1102 and 1104-1115.

[2] The $8.2 billion includes $2 billion for Enterprise Fund activities and $6.2 billion for general fund operating expenses.

[3] Section 446 of the District of Columbia Self-Government and Government Reorganization Act, P.L.93-198, as amended in 1989, requires a budget approved by the mayor and city council of the District of Columbia to be to submitted to the President for transmission to the Congress.

budget would also increase funding for general government support by $132.4 million and human support services by $172.8 million.

The District has also requested $23 million for the District's college tuition assistance program, a proposed increase of $5 million above the federal government's FY2004 commitment.[4] In addition, the District requested $165 million for the Washington Metropolitan Area Transit Authority's capital fund. This is $162 million more than appropriated in FY2004. The District has also requested $102 million in special federal payments to support emergency preparedness activities, including $80 million for bioterrorism preparedness, $15 million for emergency planning and security, and $7 million for the unified communication center for regional emergencies.

FY2005: Section 302(b) Suballocation

Section 302(a) of the Congressional Budget Act requires that the House and Senate pass a concurrent budget resolution establishing an aggregate spending ceiling (budget authority and outlays) for each fiscal year. These ceilings are used by House and Senate appropriators as a blueprint for allocating funds. Section 302(b) of the Congressional Budget Act of 1974 requires appropriations committees in the House and Senate to subdivide their Section 302(a) allocation of budget authority and outlays among the 13 appropriations subcommittees. The House Appropriations Committee approved a Section 302(b) suballocation of $560 million in budget authority for FY2005 for the District of Columbia—54% of the amount requested by the District. The Senate Appropriations Committee has also allocated $560 million in budget authority for the District of Columbia. It published its revised Section 302(b) suballocations on September 14, 2004 (S.Rept. 108-338).

Congressional Action on the Budget

Congress not only appropriates federal payments to the District to fund certain activities but also reviews the District's entire budget, including the expenditure of local funds. The House and Senate Appropriations Committees must approve—and may modify—the District's budget. House and Senate versions of the District budget are reconciled in a joint conference committee and must be agreed to by the House and the Senate. After this final action, the District's budget is forwarded to the President, who can sign it into law or veto it.

House Version of H.R. 4850

On July 7, 2004, the House Appropriations Subcommittee on the District of Columbia conducted a markup of the District of Columbia Appropriations Act for FY2005 and forwarded the bill to the full Appropriations Committee for its consideration. On July 14, 2004, the House Appropriations Committee ordered reported the unnumbered draft bill, which included $560 million in special federal payments for the District of Columbia. The bill was brought to the House floor for consideration and passage on July 20, 2004, and was designated H.R. 4850. As passed by the House, H.R. 4850 recommended $25.6 million for the city college tuition assistance program, an $8.6 million increase above the program's FY2004 funding level and $2.6 million more than originally sought by the District. The increase was sought in order to cover rising tuition cost and program expansion. The bill does not include funding for inauguration expenses, but does

[4] See CRS Report RS20646, *District of Columbia Tuition Assistance Program*, by Bonnie Mangan.

recommend $40 million for public schools, charter schools, and school vouchers. In addition, the bill includes $6 million for public school libraries.

House Bill General Provisions

The House version of the bill includes several provisions that District officials want to eliminate or modify, including those related to medical marijuana, abortion, and needle exchange. In previous years, during consideration of past District of Columbia appropriation acts, city officials have asked Congress to eliminate the provision banning the use of medical marijuana. They have also sought to win congressional approval for the lifting of the prohibition on the use of District funds for abortion services, and they have sought to eliminate the provision prohibiting the use of federal or District funds in support of a needle exchange program. Congress has maintained the restrictions and prohibitions on the use of federal and District funds for medical marijuana, abortion, and needle exchange.

At the urging of the chairman of the District Appropriations Subcommittee, Representative Frelinghuysen, the draft legislation, which was approved by the House Appropriations Committee on July 14, 2004, did not include any new riders. During the appropriations committee markup of the bill, Representative Fattah introduced, then withdrew, an amendment that would have transferred to public charter schools the unused portion of the $14 million Congress appropriated in FY2004 for the school voucher program, which provides up to $7,500 in scholarships to low-income students in underperforming public schools to assist them in covering the cost of private elementary and secondary schools. In addition, Representative Moran of Virginia asked that language be included in the report accompanying the bill urging the court system to ensure prompt payment of court-appointed attorneys. During consideration of the bill, Representative Moran noted that at least $1.5 million is owed to approximately 30 court-appointed attorneys. He also noted that delayed payments to court-appointed attorneys had been an issue that Congress had addressed during consideration and passage of District appropriation acts for previous years.[5] The Committee did approve an amendment to the report accompanying the bill praising the DC Streets Partnership. The report language, which was offered by Representative Culberson, noted the successful use of performance-based contracting in the management of the 75 miles of the National Highway System in the District of Columbia by a private contractor.[6]

On July 20, 2004, the House considered and approved the District of Columbia Appropriations Act for FY2005, H.R. 4850. Before approving the bill and its accompanying report (H.Rept. 108-610), the House considered two amendments to the bill. Representative Tancredo introduced, then withdrew, an amendment prohibiting non-citizens from voting in District elections. The amendment was withdrawn after Representative Tancredo received assurances from Representative Davis that any action by District officials allowing non-citizens to vote in District elections would be blocked by the House Committee on Government Reform, a committee he chairs. A second amendment was offered by Representative Hefley. The amendment, which was defeated, called for a 1% ($5.6 million) cut in the District's FY2005 appropriations as part of a deficit reduction strategy. For a detailed review of the general provisions included in the House

[5] For instance, the District of Columbia Appropriations Act for FY2003, P.L. 108-7, requires the DC Court of Appeals to make payment to counsels representing indigent persons, and children in neglect and abuse cases, within 45 days of receiving a payment voucher. Failure to make payment within the 45-day period requires the DC Court of Appeals to pay interest to the court-appointed attorney. The provision covers claims received during FY2003 and any subsequent year.

[6] The DC Streets Partnership is a collaboration between the National Highway Administration, the District of Columbia Department of Transportation, and a private contractor.

bill, H.R. 4850, see CRS Report RL32510, *District of Columbia Appropriations Act for FY2005: Comparison of the General Provisions of P.L. 108-199 and H.R. 4850*, by Eugene Boyd.

Senate Version of H.R. 4850 (Formerly S.2826)

On September 21, 2004, the Senate Appropriations Committee reported S. 2826, the District of Columbia Appropriations Act for FY2005. One day later, the full Senate unanimously approved the bill by voice vote after striking the language of House version of H.R. 4850 and substituting the language of S. 2826. The Senate bill, which was accompanied by S.Rept. 108-354, would have appropriated $560 million in special federal payments to the District in support of a number of activities and policies. As passed by the Senate, the bill recommended $21.1 million for the city college tuition assistance program, a $4.1 million increase above the program's FY2004 funding level, and $4.5 million less than approved by the House. The increase was sought in order to cover rising tuition cost and program expansion. However, during committee consideration of the bill, Senator Durbin noted that the program has $9 million in unspent funds from FY2004. He argued that the city should provide a $1 match in local funds for every $2 in federal assistance. According to Delegate Norton, the District retained the $9 million to ensure that funds were available for the fall and winter semesters.

Like its House counterpart, the bill did not include funding for inauguration expenses, but did recommend $40 million for public schools, charter schools, and school vouchers. The Senate bill, unlike the House bill, sets aside a pool of funds for high-performing public ($5 million) and charter ($2 million) schools. In addition, the bill would have appropriated $195 million for court operations. This is $7.1 million less than recommended by the House and $33 million less than requested by the city and the Administration. The bill would also have appropriated $32.5 million to the District's Chief Financial Office, acting as a pass-through agent, for allocation to various education, security, economic development, and health initiatives. This is $13.5 million more than recommended by the House. In past appropriations measures funds allocated to the CFO have been earmarked for allocation to specific entities and activities. Neither the House nor the Senate bill identifies amounts to be awarded to specific activities or entities. The report accompanying the Senate bill does note its intent that some portion of the amount to be awarded to the CFO be allocated to Children's National Medical Center for new pediatric intensive care and neonatal intensive care units.

Senate Bill General Provision

The Senate bill (formerly S. 2826), as reported to and passed by the Senate, would maintain the restrictions and prohibitions on the use of federal and District funds for medical marijuana and abortion, but lifts the previous prohibition on the use of District funds for a needle exchange program. The bill would also have allowed District funds to be used to administer the District's domestic partners health care benefits program. It would have continued to cap attorney's fees in cases brought against the District's public school system under the Individuals with Disabilities Education Act (IDEA). In addition, the Senate version of H.R. 4850 would have removed several prohibitions on the use of District funds for lobbying and advocacy activities related to statehood and voting representation in Congress for residents of the District of Columbia.

Conference Version of H.R. 4850, P.L. 108-335

On October 5, 2004, House and Senate conferees reached agreement on H.R. 4850 and its accompanying conference report (H.Rept. 108-734). The conference committee agreed to $560 million in federal special payments to the city and approved the city's $8.2 billion budget for

FY2005. The $560 million in special federal payments is $19 million more than appropriated in FY2004. Included in the $560 million in special federal payments was $25.6 million for a college tuition assistance plan. This is $8.7 million more than appropriated in FY2004. The majority (73.3%) of the $560 million is to be allocated to criminal justice activities including $190 million for court operations, $38.5 million for defender services, $180 million for court services and offender supervision activities, and $1.3 million in support of the Criminal Justice Coordinating Committee. In FY2004, these activities accounted for 68.6% of the $541 million in special federal payments awarded to the city.

In addition, $40 million in special federal payments are allocated to public schools ($13 million), public charter schools ($13 million), and a school choice program ($14 million) that provides up to $7,500 in vouchers to low-income students to cover tuition and related cost for private elementary and secondary schools. Congress also earmarked an additional $10.6 million, made available through the Office of the Chief Financial Officer of the District of Columbia (CFO), in support of education and cultural enrichment programs for the District's school-age children. It also provided $25.6 million in special federal payments for the city's college tuition assistance program. These combined sums total $76.2 million in special federal payments for elementary, secondary, and higher education programs and activities including teacher training, tuition assistance, tutoring, mentoring, and cultural enrichment programs.

Conference General Provisions

The conference version of H.R. 4850, as reported and passed by the House maintains the restrictions and prohibitions on the use of federal and District funds for medical marijuana, abortion, and a needle exchange program. The act allows District, but not federal, funds to be used to administer the District's domestic partners health care benefits program. It continues the $4,000 cap on attorney's fees in cases brought against the District's public school system under the Individuals with Disabilities Education Act (IDEA). In addition, the conference version of H.R. 4850 would retain several provisions included in the House version of the act and the District's FY2004 appropriations act prohibiting the use of District and federal funds for lobbying and advocacy activities related to statehood and voting representation in Congress for residents of the District of Columbia with one exception. The conference version of H.R. 4850 would allow District, but not federal, funds to be used for salaries, expenses, or other costs related to statehood lobbying efforts associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

The conference version of H.R. 4850 also includes several charter school-related provisions previously included in Senate version of the act. The provisions:

- Allow the Office of Public Charter School Financing and Support to use federal credit enhancement or direct loan funds to provide lease guarantees for charter schools;
- Amend the DC School Reform Act of 1995 to encourage public schools and independent schools to convert to charter schools;
- Allow for a one-year transition period for public school teachers whose schools are converted to charter schools;
- Allow public schools that covert to charter schools to retain occupancy of the facility after converting to a charter school;
- Give charter schools preference in the acquisition of surplus school facilities;

- Allow for a 25-year lease period for city-owned property leased to charter schools;
- Require the city charter schools chartering authority to include an annual report to Congress;
- Call for a biennial evaluation by GAO of charter schools, identifying nine evaluation criteria, with the first interim report due to be submitted to Congress, the mayor, the council and the CFO by May 1, 2005; and
- Require the Charter School Board to maintain its accounts according to Generally Accepted Accounting Principles for Not-for-Profit Organizations; the board must contract for an audit of its financial statement by an independent certified public accountant.

General Provision Amendments included in P.L. 108-447

On December 8, 2004, the President signed a consolidated appropriations act, P.L. 108-447. The act includes a provision, Section 103, Title I, Division I, amending the District's capital budget and several charter school-related general provisions included in P.L. 108-335. The act would amend the following general provisions:

- *Section 340. Public Charter School Financing.* The proposed provision is a technical amendment that clarifies the language of the original Section 340(a) of P.L. 108-335. It amends Section 603(e)(3)(E) of the Student Loan Marketing Association Reorganization Act (20 U.S.C. 1155(e)(3)(E)) by adding a new subclause (IV) allowing public charter schools to obtain lease guarantees in accordance with rules developed by the District of Columbia Office of Public Charter School Financing.
- *Section 342. Repeal of Section 342 and Restoration of Previous Provisions.* This provision restores the language of the affected sections as if they had not been amended by Section 342 of P.L. 108-335. Eliminating subsection (a) restores the requirement that petitions seeking the conversion of a public school to a public charter school submit to the authorizing board the signatures of two-thirds of the parents of minors attending the public school, two-thirds of the adults attending a public school (the provision does not provide a definition of adult school, but it is assumed to be students 18-years or older), and two-thirds of the teachers of the public school in support such a conversion. Eliminating subsection (b) repeals the provision governing the retention of teachers at converted charter schools and brings such teachers under an existing provision that allows all public school teachers to take a two-year leave of absence without pay to teach at public charter schools. The two-year leave of absence can be indefinitely extended for two-year periods. Eliminating subsection (c) gives public charter schools *the right of first offer, but not first preference,* in leasing or purchasing former and current schools facilities. It keeps in place a provision that former public school facilities may only be conveyed for conversion to public charter schools if doing so does not result in significant revenue loss to the city that would have been obtained from other dispositions or uses of the facility or property.
- *Section 347. Charter School Board Operations.* Amends District of Columbia School Reform Act of 1995 (D.C. Code 38-1802.14). Subsection (f) requires the Charter School Board to maintain its accounts according to Generally Accepted Accounting Principles for Not-for-Profit Organizations. The board must contract

for an audit of its financial statement by an independent certified public accountant. Findings are to be forwarded to the CFO, the mayor, the council, and appropriate congressional committees. Subsection (h) grants the Public Charter School Board authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer. Nothing under Chapter 3 of Title 2 of the District Code governing Procurement Practices for the District government shall affect the authority of the Board under subsection (h).

Table 2. District of Columbia Special Federal Payments Funds: FY2005 Appropriations

(in millions of dollars)

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
Resident Tuition Program	16.900	17.000	23.000	25.600	21.200	25.600
Emergency Planning and Security	10.935	15.000	15.000	15.000	15.000	15.000
Inaugural Expenses	—	—	10.000	—	—	—
Emergency Personnel cross-training	0.497	—	—	—	—	—
Hospital Bioterrorism Preparedness	7.456	—	—	—	—	—
—Children's National Medical Center decontamination facility	[3.728]	—	—	—	—	—
—Wash. Hosp. Center decontamination facility	[3.728]	—	—	—	—	—
D.C. Courts Operation	166.810	228.069	228.069	202.110	195.010	190.800
—Court of Appeals	[8.748]	[8.952]	[8.952]	[8.952]	[8.952]	[8.952]
—Superior Court	[82.908]	[84.948]	[84.948]	[84.948]	[84.948]	[84.948]
—Court system	[39.764]	[40.699]	[40.699]	[40.699]	[40.699]	[40.699]
—Capital improvements	[35.390]	[93.470]	[93.470]	[67.511]	[60.411]	[56.201]
Defender Services	35.390	41.500	41.500	41.500	34.500	38.500
Court Services and Offender Supervision Agency for the District of Columbia[a]	167.389	187.490	187.490	183.490	182.490	180.000
—Community Supervision and Sex Offender Registry	[105.176]	[118.343]	[118.343]	[115.343]	[113.343]	[110.853]
—Public Defender Service	[25.051]	[29.833]	[29.833]	[28.833]	[29.833]	[29.833]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
—Pretrial Service Agency	[37.179]	[39.314]	[39.314]	[39.314]	[39.314]	[39.314]
Criminal Justice Coordinating Committee	1.292	1.300	1.300	1.300	1.300	1.300
Federal Water and Sewer Authority Payment	29.823	10.000	10.000	10.000	10.000	4.800
Capital Improvements	—	—	3.700	—	—	—
NCRC Underserved Areas (Skyland Shopping Center)	—	—	1.000	—	—	—
Anacostia River Walk and Trail Construction	4.971	3.000	3.000	3.000	3.000	3.000
Child Support Collection	—	—	1.530	—	—	—
Fire and Emergency Medical Services Dept.	—	10.000	10.000	—	—	—
Capital Infrastructure Develop.	8.102	—	—	7.000	—	—
—Eastern Mkt. Renov.	[0.149]	—	—	—	—	—
—Unified Comm. Center for Regional Emergencies and other activities	[7.953]	7.000	7.000	[7.000]	7.000	6.000
Healthy Families DC	—	—	0.250	—	—	—
Public School Security	—	—	15.000	—	—	—
Public School Library Improv.	—	—	—	6.000	—	6.000
Support for Public Education	—	—	5.050	—	—	—
—Capital improvements	—	—	[5.000]	—	—	—
—Washington Youth Orch.	—	—	[0.020]	—	—	—
—Free Minds Poetry Series	—	—	[0.010]	—	—	—
—DC Student Voices	—	—	[0.020]	—	—	—
D.C. Public Schools/Education	39.764	40.000	40.000	40.000	40.000	40.000
—Public school improv.	[12.923]	[13.000]	[13.000]	[13.000]	[13.000]	[13.000]
—High Performing Schools	—	—	—	—	[5.000]	[2.000]
—Transformation Schools	—	—	—	—	[5.000]	[2.000]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
—School Grants and Mgmt/Consult. Services	—	—	—	—	[3.000]	[9.000]
—Playground Repair and Window Replacement	[4.473]	—	—	—	—	—
D.C. Public Charter School	12.923	[13.000]	[13.000]	[13.000]	[13.000]	[13.000]
—City Build Initiative (n/hood-based charter schools)	—	—	—	—	[4.000]	[2.000]
—Direct Loan Fund	—	—	—	—	[2.750]	[2.750]
—Admin. Expenses for Outreach	—	—	—	—	[0.150]	[0.150]
—Charter School Incubator	—	—	—	—	[4.000]	[4.000]
—High Performing Schools	—	—	—	—	[2.000]	[2.000]
—Public Charter School Assoc.	—	—	—	—	[0.100]	[0.100]
—Public Charter School College Preparatory Program	—	—	—	—	[0.100]	[2.100]
School Choice Scholarship Program (vouchers)	12.923	[14.000]	[14.000]	[14.000]	[13.000]	[13.000]
—admin. expen./assessment	[0.994]	—	—	—	[1.000]	[1.000]
Family Literacy Program	1.988	—	5.000	1.000	—	1.000
Children Assistance Program	—	—	0.850	—	—	—
—Roving Leaders Program	—	—	0.500	—	—	—
—Heads Up	—	—	0.150	—	—	—
—Ballou High School Leadership Initiative	—	—	0.200	—	—	—
Transportation	3.479	—	167.700	—	5.000	2.5000
—WMATA Capital Fund	[2.982]	—	165.700	—	[4.000]	[1.500]
—Downtown Circulator	[0.497]	—	2.000	—	[1.000]	[1.000]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
Bioterrorism Preparedness/Forensics Lab.(Chief Med. Examiner Office)	—	—	80.000	—	8.000	8.000
Foster Care Improvements	13.917	—	—	5.000	5.000	5.000
—Child and Fam. Services	[8.947]	—	—	—	[3.250]	[3.250]
—Early intervention unit	[1.988]	—	—	—	[2.000]	[2.000]
—Emer. support fund	[0.994]	—	—	—	[0.750]	[0.750]
—So. worker loan repay.	[2.982]	—	—	—	—	—
—Computer upgrades	[2.982]	—	—	—	[0.500]	[0.500]
—Mental Health Assessmts.	[3.877]	—	—	—	[1.250]	[1.250]
—COG's Respite Care and Recruitment	[0.994]	—	—	—	[0.500]	[0.500]
CFO	32.159	—	—	19.000	32.500	32.500
—audit of funding recipients	0.199	—	—	—	—	[0.100]
EDUCATION/CULTURAL/CIVIC RESPONSIBILITY PROGRAMS						
—Amer. Cities Foundation Education Clearinghouse	[0.199]	—	—	—	—	—
—Asian Amer. Education and Social Programs	[0.099]	—	—	—	—	—
—Aspin Ctr. for Govt. Com. Serv. and Outreach Programs	[0.149]	—	—	—	—	—
—Back to School	—	—	—	—	—	[0.100]
—Banneker Institute for Sci. and Tech.	[0.348]	—	—	—	—	—
—Best Friends Foundation Youth Development	[0.199]	—	—	—	—	[0.250]
—Building Bridges Across the River (town hall and arts center)	—	—	—	—	—	[0.300]
—Calvary Bilingual Multi-cultural Learning Center	—	—	—	—	—	[0.400]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
—Capital City Careers Fed. Industry Academies	—	—	—	—	—	[0.200]
—Capital Hill Cluster School (public school consortium)	—	—	—	—	—	[0.300]
—Caribbean Amer. Mission for Edu. Research (higher edu)	[0.248]	—	—	—	—	[0.350]
—Catalyst (Jefferson High Sch. Teacher Feeder program)	—	—	—	—	—	[0.200]
—Center for Inspired Teaching	—	—	—	—	—	[0.150]
—Church of the Epiphany Support Our Schools Program	—	—	—	—	—	[0.150]
—City Museum	[0.746]	—	—	—	—	—
—City Year's Reading for Success/literacy	—	—	—	—	—	[0.100]
—Comm. Youth Connection Assist. to Low Income Children	[0.348]	—	—	—	—	—
—Council for Court Excellence	—	—	—	—	—	[0.200]
—Dance Institute of Wash.	—	—	—	—	—	[0.150]
—DC Public Libraries computer and internet access	[0.199]	—	—	—	—	—
—Discovery Creek Children's Museum	[0.497]	—	—	—	—	[0.400]
—Ed. Adv. Alliance for Youth Civic Engagement	[0.049]	—	—	—	—	[0.250]
—Education Enrichment Equine Discovery	[0.348]	—	—	—	—	—
—Everybody Wins Mentoring Program	[0.199]	—	—	—	—	[0.150]
—First Book Program (National Book Bank)	—	—	—	—	—	[0.200]
—Friends in Choice in Urban Schools charter school dev.	[0.348]	—	—	—	—	—
—Foundation for Support of African Americans in Film	—	—	—	—	—	[0.250]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
—Girl Scout Council	—	—	—	—	—	[0.700]
—Gonzaga College High School capital. development	—	—	—	—	—	[0.400]
—Institute for Ed. Equity	[0.746]	—	—	—	—	[0.250]
—International Youth Service and Dev. Corps. mentoring and hotline	[0.149]	—	—	—	—	—
—Jews Coun. for Pub. Affairs	—	—	—	—	—	[0.500]
—KidBiz 3000 reading comprehension	[0.149]	—	—	—	—	—
—Kids Voting USA citizenship programs	[0.149]	—	—	—	—	—
—Kingsman Charter School	—	—	—	—	—	[0.200]
—Levine School of Music for DC Charter Schools Music Ed. Program	[0.099]	—	—	—	—	—
—Love of Children/Thurgood Marshall Ctr. Youth Tech. Prog.	—	—	—	—	—	[0.100]
—Main Street Arts Initiative DC Commission on the Arts	—	—	—	—	—	[0.400]
—National Capital . Children's Museum	[0.497]	—	—	—	—	[0.500]
—Nat. Child Res. Ctr. Early Childhood Edu. Program	[0.099]	—	—	—	—	—
—Nat. Hist. Trust Lincoln Cottage Restoration	[1.193]	—	—	—	—	[1.000]
—Nat. Music Ctr and Museum Found. performing/ visual arts in public schools	[0.199]	—	—	—	—	—
—New Leaders for New Schools public and charter schools fellows partnership	[0.248]	—	—	—	—	—
—Perry School Comm. Serv.	—	—	—	—	—	[0.150]
—Phelps-Stokes Fund Public Schools Teachers Workshops	[0.248]	—	—	—	—	—

Programs		Enacted FY2004	FY2005				
			Admin.	City's Budget	House Comt.	Senate	Conf.
	—Recordings for the Blind and Dyslexic Services training for public schools	[0.348]	—	—	—	—	—
	—ReadNet Foundation	—	—	—	—	—	[0.400]
	—See Forever Foundation in support of M. Angelou Charter School after school program	—	—	—	—	—	[0.250]
	—Seed Foundation urban boarding school model	—	—	—	—	—	[0.150]
	—Shakespeare Theater Construction of new facility	[0.994]	—	—	—	—	[0.900]
	—Shakespeare Theater Public School Ed. Outreach	[0.124]	—	—	—	—	—
	—STEED Youth Edu. and Rec.	—	—	—	—	—	[0.350]
	—SURE Foundation (library and community resources	—	—	—	—	—	[0.100]
	—Southeast Univ. E-Learning program	[0.149].	—	—	—	—	[0.450]
	—Teach for America, DC	—	—	—	—	—	[0.200]
	—Teacher Advancement Prog.	—	—	—	—	—	[0.200]
	—3 Doctors Found. High School lecture series	[0.199]	—	—	—	—	—
	—Values First public school training program	[0.199]	—	—	—	—	[0.250]
	—Voyager Expanded Learning Literacy	[1.044]	—	—	—	—	—
	—Washington Area Women's Foundation (philanthropy)	—	—	—	—	—	[1.000]
	—Washington Ballet Anacostia dance studio	[0.099]	—	—	—	—	—
	—Wash. Opera Education	[0.497]	—	—	—	—	[0.400]
	—World Vision Kids in Need Community Storehouse	—	—	—	—	—	[0.400]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
—Youth Leadership Found. character building programs	[0.099]	—	—	—	—	—
ECONOMIC DEVELOPMENT, INFRASTRUCTURE, HOUSING						
—Active Cap Anacostia River Cleanup	[0.497]	—	—	—	—	[0.400]
—Access Housing Renov. of SE Vet. Serv. Center	[0.994]	—	—	—	—	—
—Barrack Row Main Street	[0.994]	—	—	—	—	[0.500]
—Congressional Cemetery	[0.099]			—	—	—
—Eastern Market Renovation	—	—	—	—	—	[0.250]
—The House DC Inc.	[0.448]	—	—	—	—	—
—National Composite Center (bridge replacement)	—	—	—	—	—	[1.000]
—One Econ./Digital Inclusion	—	—	—	—	—	[0.100]
—Wash. CoG Housing Trust Fund	[0.348]	—	—	—	—	—
HEALTH AND SOCIAL SERVICES						
—All Faith Consortium (substance abuse)	—	—	—	—	—	[0.200]
—ARISE life skills for at-risk youth	[0.248]	—	—	—	—	[0.300]
—Capital Area Food Bank	—	—	—	—	—	[0.300]
—Center for Mental Health	[0.746]	—	—	—	—	[0.400]
—Chesapeake Veteran Hosp.	—	—	—	—	—	[0.250]
—Children's Health Fund/van	—	—	—	—	—	[0.400]
—Children's National Medical Center capital improvements	[4.971]	—	—	—	—	[5.000]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
—Children's National Medical Center capital dev. lab.	—	—	—	—	—	[0.400]
—Cong. Glaucoma Caucus	[0.199]	—	—	—	—	—
—DC Poison Control Center	—	—	—	—	—	[0.450]
—Gospel Rescue Ministries	[0.497]	—	—	—	—	[0.300]
—Green Door (assist residents w/ mental illness)	[0.597]	—	—	—	—	—
—Latin Amer. Youth Ctr. Home for Teenage Girls	[0.099]	—	—	—	—	[0.100]
—Nat'l Camp. to Prevent Teen Pregnancy./ Uhlich Children's Advantage Network	—	—	—	—	—	[0.300]
—Nat. Rehab. Hospital	[0.497]	—	—	—	—	—
—St. Coletta construction to facilities for services to mentally retarded and multi-handicapped	[1.988]	—	—	—	—	[2.000]
—Targeted Abstinence	[0.348]	—	—	—	—	—
—Teen Connection (teen pregnancy prevention)	—	—	—	—	—	[0.900]
—Unity Health Care	—	—	—	—	—	[0.650]
—Whitman Walker Clinic	[0.746]	—	—	—	—	[0.600]
—Women's Center Family Strengthening Program	[0.845]	—	—	—	—	[0.850]
PUBLIC SAFETY						
—Court Appointed Special Advocate Fam. Ct. Services	[0.199]	—	—	—	—	[0.300]
—Eisenhower Foundation Carver Terrace Initiative	[0.348]	—	—	—	—	—
—National Children's Alliance	—	—	—	—	—	[0.500]

Programs	Enacted FY2004	FY2005				
		Admin.	City's Budget	House Comt.	Senate	Conf.
—Polaris Project for victims of trafficking (DC Task Force)	[0.074]	—	—	—	—	[0.120]
—Public Safety Situation Awareness Systems deploy.	[0.497]	—	—	—	—	—
—Safe Shores Advocacy Ctr. for abused children	[0.149]	—	—	—	—	—
—Safe Kids Coalition child safety and seat belt program	[0.249]	—	—	—	—	[0.300]
—Volunteers for Abused and Neglected Children	—	—	—	—	—	[0.100]
JOB TRAINING						
—Amer. Comm. Partnership	—	—	—	—	—	[0.100]
—Excel Institute & National Center for Manufacturing Sciences Job Training	[0.746]	—	—	—	—	—
—National Center for Manufacturing Sciences						[0.400]
—Second Chance Employ. Service for Women	[0.497]	—	—	—	—	[0.450]
—STRIVE/job readiness						[0.100]
RECREATION						
—Cap.I Hill Arts Workshop cap. improvements	[0.249]	—	—	—	—	[0.150]
—Friends of Ft. Dupont Ice Arena Capital Improvements	[0.199]	—	—	—	—	[0.080]
—Old Naval Hospital Found. Cap. Hill Community Center	[1.491]	—	—	—	—	[0.700]
Total federal payments	541.783	560.359	1,030.039	560.010	560.000	560.000

Table 3. District of Columbia General Funds

(in millions of dollars)

Programs	Enacted FY2004	FY2005			
		District	House	Senate	Conf.
Division of Expenses: District of Columbia Funds					
GENERAL FUND					
Governmental Direction and Support	284.415	416.823	416.823	416.069	416.069
Economic Development and Regulation	276.647	334.745	334.745	334.745	334.745
Public Safety and Justice	745.958	798.722	798.722	798.723	797.423
Public Education System	1,157.841	1,240.423	1,240.423	1,266.424	1,266.424
Human Support Services	2,360.067	2,532.925	2,532.925	2,533.825	2,533.825
Public Works	327.046	331.936	331.936	331.936	331.936
Cash Reserve Fund	50.000	50.000	50.000	50.000	50.000
Repayment of Loans and Interest	311.504	347.700	347.700	347.700	347.700
Payment of Interest on Short Term Borrowing	3.000	4.000	4.000	4.000	4.000
One Judiciary Square Certificate of Participation	4.911	11.252	11.252	11.252	11.252
Settlements and Judgments	22.522	20.270	20.270	20.270	20.270
Wilson Building	3.704	3.633	3.633	3.633	3.633
Workforce Investments	22.308	38.114	38.114	38.114	38.114
Non-Departmental Agency	19.639	12.590	12.590	13.946	13.946
Emergency Planning and Security Costs	0.000	0.000	0.000	0.000	0.000
Old Convention Ctr. Demo	—	—	—	11.000	11.000
Tax Increment Financing	1.940	9.710	9.710	9.710	9.710
Equipment Lease	0.000	23.109	23.109	—	23.109
Emer. and Contingency Reserve Fund	0.000	0.000	0.000	0.000	0.000
Pay-As-You-Go Capital	11.267	6.531	6.531	6.531	6.531
Pay-As-You-Go Contingency	0.000	43.137	43.137	43.137	43.137
Repayment Gen. Fund Recovery Debt	0.000	0.000	0.000	0.000	0.000
Medicaid Disallowance	57.000	—	—	—	—
Scholarship Program	0.000	—	—	—	—
General Fund Total Operating Expenses	5,659.769	6,225.620	6,225.620	6,241.015	6,264.124
ENTERPRISE FUNDS					

Programs	Enacted FY2004	FY2005			
		District	House	Senate	Conf.
Water and Sewer Auth.	259.059	275.289	275.289	287.206	287.206
Washington Aqueduct	55.553	47.972	47.972	47.972	47.972
Stormwater Permit Compliance	3.501	3.792	3.792	3.792	3.792
Lottery and Charitable Games	242.755	247.000	247.000	247.000	247.000
Sports and Enter. Commission	13.979	7.322	7.322	7.322	7.322
DC Retirement Board	13.895	15.277	15.277	15.277	15.277
Convention Center Enterprise Fund	69.742	77.176	77.176	77.176	77.176
National Capital Revitalization Corporation	7.849	7.850	7.850	7.850	7.850
Univ. District of Columbia	0.000	85.102	85.102	85.102	85.102
Unemply. Insur. Trust Fund	0.000	180.000	180.000	180.000	180.000
Other Post Employee Benefits Trust Fund	0.000	953.000	953.000	953.000	953.000
DC Public Library Trust	0.000	17.000	17.000	17.000	17.000
Total Enterprise Funds	666.333	1,916.780	1,916.780	1,928.697	1,928.697
Total Operating Expenses	6,326.138	8,142.400	8,142.400	8,169.712	8,192.821
CAPITAL OUTLAYS					
General Fund	904.913	725.886	725.886	725.886	740.276
Water and Sewer Fund	229.807	371.040	371.040	371.040	371.040
Total Capital Outlays	1,134.720	1,096.926	1,096.926	1,096.926	1,111.316
Total District of Columbia Funds	7,460.858	9,339.326	9,339.326	9,266.638	9,304.137

Key Policy Issues

Needle Exchange

Whether to continue a needle exchange program funded with federal or District funds was one of several key policy issues that Congress considered in reviewing the District's appropriations for FY2005. The controversy surrounding funding a needle exchange program touches on issues of home rule, public health policy, and government sanctioning and facilitating the use of illegal drugs. Proponents of a needle exchange program contend that such programs reduce the spread of HIV among illegal drug users by reducing the incidence of shared needles. Opponents of these efforts contend that such programs amount to the government sanctioning illegal drugs by supplying drug-addicted persons with the tools to use them. In addition, they contend that public health concerns raised about the spread of AIDS and HIV through shared contaminated needles should be addressed through drug treatment and rehabilitation programs. Another view in the debate focuses on the issue of home rule and the city's ability to use local funds to institute such programs free from congressional actions.

The prohibition on the use of federal and District funds for a needle exchange program was first approved by Congress as Section 170 of the District of Columbia Appropriations Act for FY1999, P.L. 105-277. The 1999 act did allow private funding of needle exchange programs. The District of Columbia Appropriations Act for FY2001, P.L. 106-522, continued the prohibition on the use of federal and District funds for a needle exchange program; it also restricted the location of privately funded needle exchange activities. Section 150 of the District of Columbia Appropriations Act for FY2001 made it unlawful to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area in the city that is within 1,000 feet of a public elementary or secondary school, including any public charter school. The provision was deleted during congressional consideration and passage of the District of Columbia Appropriations Act of FY2002, P.L. 107-96. The act also included a provision that allows the use of private funds for a needle exchange program, but it prohibits the use of both District and federal funds for such activities. At present, one entity, Prevention Works, a private nonprofit AIDS awareness and education program, operates a privately funded needle exchange program. The FY2002 District of Columbia Appropriations Act requires such entities to track and account for the use of public and private funds.

During consideration of the FY2004 District of Columbia Appropriations Act, District officials unsuccessfully sought to lift the prohibition on the use of District funds for needle exchange programs. A Senate provision, which was not adopted, proposed prohibiting only the use of federal funds for a needle exchange program and allowing the use of District funds. The House and final conference versions of the FY2004 allowed the use of private funds for needle exchange programs and required private and public entities that receive federal or District funds in support of other activities or programs to account for the needle exchange funds separately.

The President's budget proposal for FY2005 included a provision that would continue to prohibit the use of District and federal funds in support of a needle exchange program. The House version of the District of Columbia Appropriations Act for FY2005, H.R. 4850, included a provision that would retain the current law prohibiting the use of federal and District funds for a needle exchange program. The Senate version of the bill would have allowed District, but not federal, funds to be used for such a program. The conference version of the act prohibits the use of District and federal funds for a needle exchange program.

Medical Marijuana

The city's medical marijuana initiative is another issue that engenders controversy. The District of Columbia Appropriations Act for FY1999, P.L. 105-277, included a provision that prohibited the city from counting ballots of a voter-approved initiative that would have allowed the medical use of marijuana to assist persons suffering debilitating health conditions and diseases, including cancer and HIV infection.

Congress's power to prohibit the counting of a medical marijuana ballot initiative was challenged in a suit filed by the D.C. Chapter of the American Civil Liberties Union (ACLU). On September 17, 1999, District Court Judge Richard Roberts ruled that Congress, despite its legislative responsibility for the District under Article I, Section 8, of the Constitution, did not possess the power to stifle or prevent political speech, which included the ballot initiative.[7] This ruling allowed the city to tally the votes on the November 1998 ballot initiative. To prevent the implementation of the initiative, Congress had 30 days to pass a resolution of disapproval from the date the medical marijuana ballot initiative (Initiative 59) was certified by the Board of

[7] *Turner v. District of Columbia Board of Elections and Ethics*, No. 98-2634 Civ. (D.D.C. Sept. 17, 1999; memorandum opinion).

Elections and Ethics. Language prohibiting the implementation of the initiative was included in P.L. 106-113, the District of Columbia Appropriations Act for FY2000. Opponents of the provision contend that such congressional actions undercut the concept of home rule.

The District of Columbia Appropriations Act for FY2002, P.L. 107-96, included a provision that continued to prohibit the District government from implementing the initiative. Congress's power to block the implementation of the initiative was again challenged in the courts. On December 18, 2001, two groups, the Marijuana Policy Project and Medical Marijuana Initiative Committee, filed suit in U.S. District Court, seeking injunctive relief in an effort to put another medical marijuana initiative on the November 2002 ballot. The District's Board of Elections and Ethics ruled that a congressional rider that has been included in the general provisions of each District appropriations act since 1998 prohibits it from using public funds to do preliminary work that would put the initiative on the ballot.

On March 28, 2002, a U.S. district court judge ruled that the congressional ban on the use of public funds to put such a ballot initiative before the voters was unconstitutional.[8] The judge stated that the effect of the amendment was to restrict the plaintiff's First Amendment rights to engage in political speech. The decision was appealed by the Justice Department and on September 19, 2002, the U.S. Court of Appeals for the District of Columbia Circuit reversed the ruling of the lower court without comment. The appeals court issued its ruling on September 19, 2002, which was the deadline for printing ballots of the November 2002 general election.

The President's budget proposal for FY2005 would have continued to prohibit the implementation of the medical marijuana ballot initiative, while the District budget for FY2005 does not include language related to the implementation of the initiative. The House, Senate, and conference versions of the District of Columbia Appropriations Act for FY2005, H.R. 4850, included a provision that continues to prohibit the implementation of the medical marijuana ballot initiative and the decriminalization of marijuana possession for medical use.

Abortion Provision

The public funding of abortion services for District of Columbia residents is a perennial issue debated by Congress during its annual deliberations on District of Columbia appropriations. District officials cite the prohibition on the use of District funds as another example of congressional intrusion into local matters. The District of Columbia Appropriations Act for FY2002, P.L. 107-96, included a provision prohibiting the use of federal or District funds for abortion services, except in cases where the life of the mother is endangered, or the pregnancy is the result of rape or incest. This prohibition has been in place since 1995, when Congress approved the District of Columbia Appropriations Act for FY1996, P.L. 104-134.

Since 1979, with the passage of the District of Columbia Appropriations Act of 1980, P.L. 96-93, Congress has placed some limitation or prohibition on the use of public funds for abortion services for District residents. From 1979 to 1988, Congress restricted the use of federal funds for abortion services to cases where the mother's life would be endangered, or the pregnancy resulted from rape and incest. The District was free to use District funds for abortion services.

When Congress passed the District of Columbia Appropriations Act for FY1989, P.L. 100-462, it restricted the use of District and federal funds for abortion services to cases where the mother's

[8] *Marijuana Policy Project v. District of Columbia Board of Elections and Ethics,* No. 01-2595 Civ. (D.D.C. Mar. 28, 2002; memorandum opinion, order and judgment). The district court's ruling was reversed on appeal by the United States Court of Appeals District of Columbia Circuit. The court ruled without comment.

life would be endangered if the pregnancy were taken to term. The inclusion of District funds, and the elimination of rape or incest as qualifying conditions for public funding of abortion services, was endorsed by President Reagan, who threatened to veto the District's appropriations act if the abortion provision was not modified.[9] In 1989, President Bush twice vetoed the District's FY1990 appropriations act over the abortion issue. He signed P.L. 101-168 after insisting that Congress include language prohibiting the use of District revenues to pay for abortion services except in cases where the mother's life was endangered.[10]

The District successfully sought the removal of the provision limiting District funding of abortion services when Congress considered and passed the District of Columbia Appropriations Act for FY1994, P.L. 103-127. The FY1994 act also reinstated rape and incest as qualifying circumstances allowing for the public funding of abortion services. The District's success was short-lived, however, the District of Columbia Appropriations Act for FY1996, P.L. 104-134, and subsequent District of Columbia appropriations acts limited the use of District and federal funds for abortion services to cases where the mother's life is endangered or cases where the pregnancy was the result of rape or incest. The final version of the FY2004 appropriations for the District of Columbia included a provision that continued to restrict the use of District and federal funds for abortion services except in cases of rape or incest, or when the life of the mother is endangered.

The District's FY2005 appropriation bill, as approved by the House, the Senate, and the conference committee, continues to prohibit the use of both District and federal funds for abortion services, except in instances of rape, incest, or when pregnancy endangers the health of the mother.

Health Care Benefits Expansion Act (Domestic Partners Program)

P.L. 107-96 includes a provision lifting the congressional prohibition on the use of District funds to implement its Health Care Benefits Expansion Act.[11] The provision permits unmarried heterosexual and homosexual couples to register as domestic partners. Under the Health Care Benefits Expansion Act, which was approved by the city's elected leadership in 1992, an unmarried person who registers as a domestic partner of a District employee hired after 1987 may be added to the District employee's health care policy for an additional charge. The act had not been implemented until 2002 because of a congressional prohibition first included in the general provisions of District of Columbia Appropriations Act for FY1994.

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[9] "District Policies Hit Hard in Spending Bill," *Congressional Quarterly Almanac*, vol. XLIV (Washington: Congressional Quarterly, Inc., 1988), p. 713.

[10] "D.C. Bill Vetoed Twice Over Abortion Funding," *Congressional Quarterly Almanac*, vol. XLV (Washington: Congressional Quarterly, Inc., 1989), p. 757.

[11] On September 20, 2001, the House Appropriations Committee approved, by a vote of 28 to 21, an amendment introduced by Reps. Kolbe and Moran that removed the congressional prohibition on the use of District funds for the implementation of the city's Health Care Benefits Expansion Act. The act, which was approved by the city's elected leadership in 1992, had not been implemented because of a congressional prohibition first included in the general provisions of District of Columbia Appropriations Act for FY1994. On September 25, 2001, during House consideration of H.R. 2944, the House version of the District of Columbia Appropriations Act for FY2002, Rep. Weldon offered an amendment (H.Amdt. 310) that would have reaffirmed the ban on the use of District funds to implement the health care expansion program. The Weldon amendment failed by a vote of 194 to 226. The Senate bill also included a provision that would have allowed the District to use city, but not federal, funds to implement the District of Columbia Employees Health Benefits Program. It had not been implemented because of a congressional prohibition first included in the general provisions of District of Columbia Appropriations Act for FY1994. The District began implementation of the health care benefits expansion program on July 8, 2002.

The city's Health Care Benefits Expansion Act allows two cohabiting, unmarried, and unrelated individuals to register as domestic partners with the District for the purpose of securing certain health and family related benefits, including hospital visiting rights. Under the law, District government employees enrolled in the District of Columbia Employees Health Benefits Program are allowed to purchase family health insurance coverage that would cover the employee's family members, including domestic partners. In addition, a District employee registered as a domestic partner may assume the additional cost of the family health insurance coverage for family members, which would include the employee's domestic partner.

Opponents of the act maintain that it devalues the institution of marriage, and that the act grants unmarried gay and heterosexual couples the same standing as married couples. Congressional proponents of lifting the ban on the use of District funds argue that the implementation of the act is a question of home rule and local autonomy. Supporters of health care benefits for domestic partners note that as of 2003, 10 states, 175 local governments, and more than 7,000 companies, colleges, and universities offered health insurance benefits to domestic partners.[12]

The House, Senate, and final conference versions of H.R. 4850, consistent with the provision first included in the District's FY2002 Appropriations Act, include a general provision that allows the use of District funds to administer the program. There has been some speculation in the press that the issue of gay marriage would find its way into consideration of the city's FY2005 appropriations.[13] At least one bill, H.R. 4773, would define marriage in the District of Columbia as a union between a man and a woman.

Gun Control Repeal

During the 108th Congress, legislation was introduced in the House (H.R. 3193) and the Senate (S. 1414) that would have repealed a number of long-standing gun control measures passed by the District of Columbia's city council. The House and Senate bills would have prohibited the District government from passing any laws or regulations that exceed federal gun control measures or that would discourage, restrict, or prohibit private ownership and use of firearms.

Both bills would also have repealed District laws that:

- ban the sale and possession of handguns and semiautomatic weapons;
- prohibit the sale or possession of firearms except for three specific types of the firearms (sawed-off shotguns, machine guns, and short-barreled rifles);
- limit the possession of handgun ammunition; and
- require all firearm registrants, except law enforcement personnel, to keep any firearm unloaded and disassembled or bound by a trigger lock or similar device unless the firearm is kept at the registrant's place of business, or is being used for lawful recreational purposes within the District of Columbia.

In addition, the bills would have repealed provisions governing the registration of firearms in the District, including those requiring gun registration applicants to be photographed and fingerprinted and to meet certain age thresholds. The bills would have also repealed District laws prohibiting the possession of a firearm by persons who have been judged to be mentally or

[12] Human Rights Campaign Foundation, "The State of the Workplace for Gay, Lesbian, and TransgenderAmericans: 2003," at http://www.hrc.org/Template.cfm?Section=The_Issues&Template=/ContentManagement/ ContentDisplay.cfm&ContentID=18678.

[13] Jonathan Allen, "District of Columbia: Smooth Passage, or Usual Crop of Riders," *CQ Weekly,* vol. 62, June 5, 2004, p. 1325.

physically unfit, persons who have been convicted or are under indictment for the commission of a violent crime, and persons convicted of drug dealing.

The bills were referred to the House Committee on Government Reform and the Senate Government Affairs Committee. Neither the House nor the Senate committees of jurisdiction held hearings or took any action on the respective bills. According to press reports, it was anticipated that Senator Craig would include the language of S. 1414, which was introduced by Senator Hatch, in the District's FY2005 appropriations measure.[14] Senator Craig noted that he would have offered his amendment only if he had sufficient votes in committee to secure its passage. The bill, which was reported by the Senate Appropriations Committee on September 21, 2004 and approved by the Senate on September 22, 2004, did not include any language repealing the city's gun control laws. Representative Souder's bill (H.R. 3193), with 228 cosponsors, was brought to the House floor for a vote on September 29, 2004. The bill passed the House by a vote of 250 to 171.[15] The bill was forwarded to the Senate for consideration, but no action was taken.

The District's mayor and its congressional delegate have voiced opposition to the repeal of the city's gun control measures, characterizing the bills as an "assault on home rule" and warning that repealing the city's gun control measures would jeopardize public safety by increasing the availability of weapons. Supporters of the repeal of the city's gun control measures counter that the bill is intended not as an intrusion on home rule, but rather as an effort to restore to District residents the constitutionally guaranteed right to keep and bear arms. In addition, supporters of the bills note that the District's gun control measures have been ineffective in stemming the city's crime rate.

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[14] Spenser S. Hsu, "D.C. Gun Bill May Be Linked to Budget," *Washington Post*, Sept. 17, 2004, p. B3.

[15] Spenser S. Hsu, "House GOP Proposes to Repeal DC Gun Ban," *Washington Post*, Sept. 14, 2004, p. A1.

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