



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 20, 2004
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 4850 – District of Columbia Appropriations Bill, FY 2005

(Sponsors: Young (R), Florida; Obey (D), Wisconsin)

The Administration supports House passage of the FY 2005 District of Columbia Appropriations Bill, as reported by the House Committee.

The President supports a discretionary spending total of not more than \$819 billion, in addition to \$2.5 billion in advance appropriations for Project BioShield, consistent with his FY 2005 Budget. The President's Budget responsibly holds the growth in total discretionary spending to less than four percent and the growth in non-security spending to less than one percent, while providing the critical resources needed for our Nation's highest priorities: fighting the war on terror, strengthening our homeland defenses, and sustaining the momentum of our economic recovery. Consistent with the need for responsible spending restraint, the Administration urges the Congress to fully fund unavoidable obligations and not to include any emergency funding, including contingent emergencies, unless mutually agreed upon in advance by both the Congress and the Administration.

The Administration is pleased that the level of resources provided in the Committee bill is consistent with the \$819 billion discretionary total and looks forward to working with the Congress as the process moves forward.

Federal Funding Provisions

The Administration applauds the Committee's full funding of the President's request of \$40 million for the District of Columbia (DC) school improvement program, including \$13 million for public school improvements, \$13 million for charter schools, and \$14 million for opportunity scholarships to promote academic achievement and school choice. The Administration is also pleased the Committee bill includes \$6 million for the enhancement and restoration of elementary school libraries.

The Administration strongly opposes language in the bill, however, that would allow the DC Courts to enter into a full scope contract with less than total funds provided, which circumvents the principles of the Antideficiency Act. The House is urged to fully fund the requested amount of \$93.5 million. The Administration also urges the House to provide the \$10 million requested for the DC Fire and Emergency Medical Services Department facilities. This funding would provide, for the first time, centralized headquarters for the DC Fire Department and Special Operations Unit. This Special Operations Unit attends to issues such as bomb threats and hazardous materials response.

The Administration is pleased that the Committee bill fully funds the President's request for the following programs: the continued implementation of the Combined Sewer Overflow Long-term Plan (\$10 million); the Unified Communications Center (\$7 million); the Anacostia Waterfront Initiative (\$3 million); emergency planning and security costs (\$15 million); and the Criminal Justice Coordinating Council (\$1 million).

Legislative Provisions

The Administration is pleased that the Committee has retained provisions related to attorney fees in the Individuals with Disabilities Education Act (IDEA), requiring that all savings be used to expand special education services within the District rather than going toward excessive attorneys' fees.

Constitutional Concerns

Several provisions in Title II, appropriating local funds of the District of Columbia, delegate to the District full authority to determine the amount of the appropriation, to become available July 1, 2005, for the University of the District of Columbia, for Charter Schools, and for the Public Schools. Although the amounts are capped at 10 percent, 25 percent, and 10 percent of the District's FY 2006 Budget request for each of the respective accounts, there is no dollar amount limitation on the amount of that request. Without such a cap, these provisions could raise concerns as an inappropriate delegation of Congress' appropriation authority to the District, or as the appropriation of an unascertainable amount raising concerns under the Presentment Clause of the U.S. Constitution. The Administration will work with the Congress and the District to provide language that addresses the District's funding concerns while avoiding these constitutional questions.

The Administration objects to section 129(5) that would purport to require Committee approval before Executive Branch execution. This provision should be changed to require only notification of Congress, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

Potential Amendment

The Administration understands that an amendment may be offered that would reallocate unobligated DC Choice funds to the DC Public School system for the New Leaders for New Schools program. The Administration strongly opposes any such amendment that would reduce the capacity of the District to provide parents -- particularly low-income parents -- more options for obtaining a quality education for their children who are trapped in low-performing schools.

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