



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

October 18, 2005  
(Senate)

## STATEMENT OF ADMINISTRATION POLICY

### S.1446 – District of Columbia Appropriations Bill, FY 2006

(Sponsors: Cochran (R), Mississippi; Byrd (D), West Virginia)

The Administration appreciates the effort by the Senate Appropriations Committee to fund key priorities in this bill and is committed to working with Congress to ensure the overall discretionary spending limit is not breached; that the Department of Defense is adequately funded; and that non-security related spending is reduced below last year's level. The Administration is concerned that the spending limits reflected in the Senate 302(b) allocations would result in an unacceptable shift of over \$7 billion from critical defense requirements to non-security related accounts.

The Administration appreciates that Congress has acted swiftly to address the emergency requirements to meet immediate needs arising from the consequences of Hurricanes Katrina and Rita and looks forward to working with Congress to fund our long-term recovery efforts in the Gulf Coast and other affected regions. The Administration anticipates making further requests that will provide for a comprehensive response and recovery effort after fully assessing the impact of the recent hurricanes.

#### Select Initiatives and Savings

The Administration applauds the Committee's full funding of the President's request of \$33 million for the District of Columbia (DC) resident tuition support program.

The Administration commends the Committee for recognizing the challenges ex-offenders face as they seek to make a successful transition back to society and long-term employment by providing \$3 million for prisoner re-entry housing. The President's FY 2006 request includes \$75 million for a Prisoner Re-Entry Initiative (PRI) at the departments of Housing and Urban Development (HUD), Labor (DOL), and Justice (DOJ). The PRI teams these Federal agencies with faith-based and community organizations to provide job training, transitional housing assistance, and mentoring to tens of thousands of non-violent ex-offenders in urban communities across the nation. The Administration strongly encourages Congress to fund this important initiative.

The Administration also encourages the Committee to fund the President's request to modernize the DC Courts. The Senate funding level will delay construction of the Family Court's juvenile holding area and lead to cost increases and delays in Heating/Ventilating/Air Conditioning (HVAC), electrical and plumbing upgrades, restroom improvements, and general repair projects.

The Administration urges the Committee to fund the \$15 million request for the

Emergency Planning and Security Fund (EPSF). The EPSF reimburses the District for security costs related to the presence of the Federal government. While the Administration appreciates the Committee's support of the school improvement program, it encourages the Committee to fully fund the program at the requested level of \$42 million.

The Administration is concerned that the Committee provides \$17 million in unrequested funds for unspecified purposes to the Office of the Chief Financial Officer of the District of Columbia.

### Legislative Provisions

The Administration opposes language in Section 135 that would provide non-uniformed Secret Service retirees with annual annuity adjustments based on the overall average General Schedule pay increase. The language should be changed to link these adjustments to changes in the Consumer Price Index, consistent with adjustments for retirees under the Civil Service Retirement System, Social Security, and other Federal retirement programs.

### Constitutional Concerns

Provisions in the bill, such as under the heading, "Federal Payment to the Office of the Chief Financial Officer of the District of Columbia," and "Federal Payment for Marriage Development and Improvement," that purport to condition execution of a law upon compliance with documents, such as congressional committee reports, that do not have the force of law because they do not comply with the bicameralism and presentment requirements of the Constitution, should be amended to eliminate references to such documents.

Funds are provided under the heading, "Federal Payment for a Latino Youth Initiative." To the extent that this provision could be viewed as authorizing the award of government benefits on the basis of ethnicity or national origin, it would be subject to the strict scrutiny standard and would be upheld as constitutional only if narrowly tailored to serve a compelling governmental interest.

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