

109TH CONGRESS
1ST SESSION

H. R. 3508

AN ACT

To authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

109TH CONGRESS
1ST SESSION

H. R. 3508

AN ACT

To authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “2005 District of Columbia Omnibus Authorization Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

Sec. 101. Budget flexibility.

Sec. 102. Additional authority to allocate amounts in Reserve Funds.

Sec. 103. Permitting General Services Administration to obtain space and services on behalf of District of Columbia Public Defender Service.

Sec. 104. Authority to enter into Interstate Insurance Product Regulation Compact.

Subtitle B—District of Columbia Courts

Sec. 111. Modernization of Office of Register of Wills.

Sec. 112. Increase in cap on rates of pay for nonjudicial employees.

Sec. 113. Clarification of rate for individuals providing services to indigent defendants.

Sec. 114. Authority of Courts to conduct proceedings outside of District of Columbia during emergencies.

Sec. 115. Authority of Court Services and Offender Supervision Agency to use services of volunteers.

Sec. 116. Technical corrections relating to courts.

Subtitle C—Other Miscellaneous Technical Corrections

Sec. 121. 2004 District of Columbia Omnibus Authorization Act.

Sec. 122. District of Columbia Appropriations Act, 2005.

Sec. 123. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

Sec. 201. Promoting independence of Chief Financial Officer.

Sec. 202. Personnel authority.

Sec. 203. Procurement authority.

Sec. 204. Fiscal impact statements.

**TITLE III—AUTHORIZATION OF CERTAIN GENERAL
APPROPRIATIONS PROVISIONS**

Sec. 301. Acceptance of gifts by Court Services and Offender Supervision Agency.

Sec. 302. Evaluation process for public school employees.

Sec. 303. Clarification of application of pay provisions of Merit Personnel System to all District employees.

- Sec. 304. Criteria for renewing or extending sole source contracts.
 Sec. 305. Acceptance of grant amounts not included in annual budget.
 Sec. 306. Standards for annual independent audit.
 Sec. 307. Use of fines imposed for violation of traffic alcohol laws for enforcement and prosecution of laws.
 Sec. 308. Certifications for attorneys in cases brought under Individuals With Disabilities Education Act.

1 **TITLE I—GOVERNANCE OF**
 2 **DISTRICT OF COLUMBIA**
 3 **Subtitle A—General District of**
 4 **Columbia Governance**

5 **SEC. 101. BUDGET FLEXIBILITY.**

6 (a) PERMITTING INCREASE IN AMOUNT APPRO-
 7 PRIATED AS LOCAL FUNDS DURING A FISCAL YEAR.—
 8 Subpart 1 of part D of title IV of the District of Columbia
 9 Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code)
 10 is amended by inserting after section 446 the following
 11 new section:

12 “PERMITTING INCREASE IN AMOUNT APPROPRIATED AS
 13 LOCAL FUNDS DURING A FISCAL YEAR

14 “SEC. 446A. (a) IN GENERAL.—Notwithstanding the
 15 fourth sentence of section 446, to account for an unantici-
 16 pated growth of revenue collections, the amount appro-
 17 priated as District of Columbia funds under budget ap-
 18 proved by Act of Congress as provided in such section may
 19 be increased—

20 “(1) by an aggregate amount of not more than
 21 25 percent, in the case of amounts allocated under
 22 the budget as ‘Other-Type Funds’; and

1 “(2) by an aggregate amount of not more than
2 6 percent, in the case of any other amounts allo-
3 cated under the budget.

4 “(b) CONDITIONS.—The District of Columbia may
5 obligate and expend any increase in the amount of funds
6 authorized under this section only in accordance with the
7 following conditions:

8 “(1) The Chief Financial Officer of the District
9 of Columbia shall certify—

10 “(A) the increase in revenue; and

11 “(B) that the use of the amounts is not
12 anticipated to have a negative impact on the
13 long-term financial, fiscal, or economic health of
14 the District.

15 “(2) The amounts shall be obligated and ex-
16 pended in accordance with laws enacted by the
17 Council of the District of Columbia in support of
18 each such obligation and expenditure, consistent
19 with any other requirements under law.

20 “(3) The amounts may not be used to fund any
21 agencies of the District government operating under
22 court-ordered receivership.

23 “(4) The amounts may not be obligated or ex-
24 pended unless the Mayor has notified the Commit-
25 tees on Appropriations of the House of Representa-

(b) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 1–204.46, D.C. Official Code) is amended by inserting “section 446A,” after “section 445A(b),”.

“Sec. 446A. Permitting increase in amount appropriated as local funds during a fiscal year.”.

(a) IN GENERAL.—Section 450A of the District of Columbia Home Rule Act (sec. 1–204.50A, D.C. Official Code) is amended—

(2) by inserting after subsection (b) the following new subsection:

1 “(c) ADDITIONAL AUTHORITY TO ALLOCATE
2 AMOUNTS.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of this section, in addition to the authority
5 provided under this section to allocate and use
6 amounts from the emergency reserve fund under
7 subsection (a) and the contingency reserve fund
8 under subsection (b), the District of Columbia may
9 allocate amounts from such funds during a fiscal
10 year and use such amounts for cash flow manage-
11 ment purposes.

12 “(2) LIMITS ON AMOUNT ALLOCATED.—

13 “(A) AMOUNT OF INDIVIDUAL ALLOCA-
14 TION.—The amount of an allocation made from
15 the emergency reserve fund or the contingency
16 reserve fund pursuant to the authority of this
17 subsection may not exceed 50 percent of the
18 balance of the fund involved at the time the al-
19 location is made.

20 “(B) AGGREGATE AMOUNT ALLOCATED.—

21 The aggregate amount allocated from the emer-
22 gency reserve fund or the contingency reserve
23 fund pursuant to the authority of this sub-
24 section during a fiscal year may not exceed 50

1 percent of the balance of the fund involved as
2 of the first day of such fiscal year.

3 “(3) REPLENISHMENT.—If the District of Co-
4 lumbia allocates any amounts from a reserve fund
5 pursuant to the authority of this subsection during
6 a fiscal year, the District shall fully replenish the
7 fund for the amounts allocated not later than the
8 earlier of—

9 “(A) the expiration of the 9-month period
10 which begins on the date the allocation is made;
11 or

12 “(B) the last day of the fiscal year.

13 “(4) EFFECTIVE DATE.—This subsection shall
14 apply with respect to fiscal years 2006 through
15 2007.”.

16 (b) SPECIAL RULE FOR TIMING OF REPLENISHMENT
17 AFTER SUBSEQUENT ALLOCATION.—

18 (1) EMERGENCY RESERVE FUND.—Section
19 450A(a)(7) of such Act (sec. 1–204.50A(a)(7), D.C.
20 Official Code) is amended—

21 (A) by striking “(7) REPLENISHMENT.—
22 The District of Columbia” and inserting the fol-
23 lowing:

24 “(7) REPLENISHMENT.—

1 “(A) IN GENERAL.—The District of Co-
2 lumbia”; and

3 (B) by adding at the end the following new
4 subparagraph:

5 “(B) SPECIAL RULE FOR REPLENISHMENT
6 AFTER ALLOCATION FOR CASH FLOW MANAGE-
7 MENT.—

8 “(i) IN GENERAL.—If the District al-
9 locates amounts from the emergency re-
10 serve fund during a fiscal year for cash
11 flow management purposes pursuant to the
12 authority of subsection (c) and at any time
13 afterwards during the year makes a subse-
14 quent allocation from the fund for pur-
15 poses of this subsection, and if as a result
16 of the subsequent allocation the balance of
17 the fund is reduced to an amount which is
18 less than 50 percent of the balance of the
19 fund as of the first day of the fiscal year,
20 the District shall replenish the fund by
21 such amount as may be required to restore
22 the balance to an amount which is equal to
23 50 percent of the balance of the fund as of
24 the first day of the fiscal year.

1 “(ii) DEADLINE.—The District shall
 2 carry out any replenishment required
 3 under clause (i) as a result of a subsequent
 4 allocation described in such clause not
 5 later than the expiration of the 60-day pe-
 6 riod which begins on the date of the subse-
 7 quent allocation.”.

8 (2) CONTINGENCY RESERVE FUND.—Section
 9 450A(b)(6) of such Act (sec. 1–204.50A(b)(6), D.C.
 10 Official Code) is amended—

11 (A) by striking “(6) REPLENISHMENT.—
 12 The District of Columbia” and inserting the fol-
 13 lowing:

14 “(6) REPLENISHMENT.—

15 “(A) IN GENERAL.—The District of Co-
 16 lumbia”; and

17 (B) by adding at the end the following new
 18 subparagraph:

19 “(B) SPECIAL RULE FOR REPLENISHMENT
 20 AFTER ALLOCATION FOR CASH FLOW MANAGE-
 21 MENT.—

22 “(i) IN GENERAL.—If the District al-
 23 locates amounts from the contingency re-
 24 serve fund during a fiscal year for cash
 25 flow management purposes pursuant to the

1 authority of subsection (c) and at any time
2 afterwards during the year makes a subse-
3 quent allocation from the fund for pur-
4 poses of this subsection, and if as a result
5 of the subsequent allocation the balance of
6 the fund is reduced to an amount which is
7 less than 50 percent of the balance of the
8 fund as of the first day of the fiscal year,
9 the District shall replenish the fund by
10 such amount as may be required to restore
11 the balance to an amount which is equal to
12 50 percent of the balance of the fund as of
13 the first day of the fiscal year.

14 “(ii) DEADLINE.—The District shall
15 carry out any replenishment required
16 under clause (i) as a result of a subsequent
17 allocation described in such clause not
18 later than the expiration of the 60-day pe-
19 riod which begins on the date of the subse-
20 quent allocation.”.

1 **SEC. 103. PERMITTING GENERAL SERVICES ADMINISTRA-**
2 **TION TO OBTAIN SPACE AND SERVICES ON**
3 **BEHALF OF DISTRICT OF COLUMBIA PUBLIC**
4 **DEFENDER SERVICE.**

5 (a) **AUTHORITY TO OBTAIN SPACE AND SERVICES.—**
6 At the request of the Director of the District of Columbia
7 Public Defender Service, the Administrator of General
8 Services may furnish space and services on behalf of the
9 Service (either directly by providing space and services in
10 buildings owned or occupied by the Federal Government
11 or indirectly by entering into leases with non-Federal enti-
12 ties) in the same manner, and under the same terms and
13 conditions, as the Administrator may furnish space and
14 services on behalf of an agency of the Federal Govern-
15 ment.

16 (b) **EFFECTIVE DATE.—**This section shall apply with
17 respect to fiscal year 2006 and each succeeding fiscal year.

18 **SEC. 104. AUTHORITY TO ENTER INTO INTERSTATE INSUR-**
19 **ANCE PRODUCT REGULATION COMPACT.**

20 (a) **IN GENERAL.—**The District of Columbia is au-
21 thorized to enter into an interstate compact to establish
22 a joint state commission as an instrumentality of the Dis-
23 trict of Columbia for the purpose of establishing uniform
24 insurance product regulations among the participating
25 states.

1 (b) DELEGATION.—Any insurance product regulation
 2 compact that the Council of the District of Columbia au-
 3 thorizes the Mayor to execute on behalf of the District
 4 may contain provisions that delegate the requisite power
 5 and authority to the joint state commission to achieve the
 6 purposes for which the interstate compact is established.

7 **Subtitle B—District of Columbia**
 8 **Courts**

9 **SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF**
 10 **WILLS.**

11 (a) REVISION OF DUTIES.—Section 11–2104(b), Dis-
 12 trict of Columbia Official Code, is amended to read as fol-
 13 lows:

14 “(b) In matters over which the Superior Court has
 15 probate jurisdiction or powers, the Register of Wills
 16 shall—

17 “(1) make full and fair entries, in separate
 18 records, of the proceedings of the court;

19 “(2) record in electronic or other format all
 20 wills proved before the Register of Wills or the court
 21 and other matters required by law to be recorded in
 22 the court;

23 “(3) lodge in places of safety designated by the
 24 court original papers filed with the Register of Wills;

1 “(4) make out and issue every summons, proc-
2 ess, and order of the court;

3 “(5) prepare and submit to the Executive Offi-
4 cer of the District of Columbia courts such reports
5 as may be required; and

6 “(6) in every respect, act under the control and
7 direction of the court.”.

8 (b) REPEAL OF PENALTIES.—

9 (1) IN GENERAL.—Section 11–2104, District of
10 Columbia Code, is amended—

11 (A) in the heading, by striking “; **pen-**
12 **alties**”; and

13 (B) by striking subsections (d) and (e).

14 (2) CLERICAL AMENDMENT.—The item relating
15 to section 11–2104 in the table of sections for chap-
16 ter 21 of title 11, District of Columbia Official Code,
17 is amended by striking “; penalties”.

18 (c) RECORD OF CLAIMS AGAINST NONRESIDENT DE-
19 CEDENTS.—Section 20–343(d), District of Columbia Offi-
20 cial Code, is amended by striking the second sentence and
21 inserting the following: “The Register shall record all such
22 claims and releases.”.

1 **SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NON-**
2 **JUDICIAL EMPLOYEES.**

3 (a) IN GENERAL.—The second sentence of section
4 11–1726(a), District of Columbia Official Code, is amend-
5 ed by striking “pay fixed by administrative action in sec-
6 tion 5373” and inserting “maximum pay in section
7 5382(a)”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply with respect to pay periods be-
10 ginning on or after the date of the enactment of this Act.

11 **SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PRO-**
12 **VIDING SERVICES TO INDIGENT DEFEND-**
13 **ANTS.**

14 (a) IN GENERAL.—Section 11–2605, District of Co-
15 lumbia Official Code, is amended—

16 (1) by striking subsection (b);

17 (2) in subsection (c), by inserting after “United
18 States Code,” the following: “(or, in the case of in-
19 vestigative services, a fixed rate of \$25 per hour)”;

20 (3) in subsection (d), by inserting after “United
21 States Code,” the following: “(or, in the case of in-
22 vestigative services, a fixed rate of \$25 per hour)”;
23 and

24 (4) by redesignating subsections (c) and (d) as
25 subsections (b) and (c).

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to services provided
3 on or after the date of the enactment of this Act.

4 **SEC. 114. AUTHORITY OF COURTS TO CONDUCT PRO-**
5 **CEEDINGS OUTSIDE OF DISTRICT OF COLUM-**
6 **BIA DURING EMERGENCIES.**

7 (a) DISTRICT OF COLUMBIA COURT OF APPEALS.—

8 (1) IN GENERAL.—Subchapter I of chapter 7 of
9 title 11, District of Columbia Official Code, is
10 amended by adding at the end the following new sec-
11 tion:

12 **“§ 11–710. Emergency authority to conduct pro-**
13 **ceedings outside District of Columbia.**

14 “(a) IN GENERAL.—The court may hold special ses-
15 sions at any place within the United States outside the
16 District of Columbia as the nature of the business may
17 require and upon such notice as the court orders, upon
18 a finding by either the chief judge of the court (or, if the
19 chief judge is absent or disabled, the judge designated
20 under section 11–706(a)) or the Joint Committee on Judi-
21 cial Administration in the District of Columbia that, be-
22 cause of emergency conditions, no location within the Dis-
23 trict of Columbia is reasonably available where such spe-
24 cial sessions could be held. The court may transact any
25 business at a special session authorized pursuant to this

1 section which it has the authority to transact at a regular
2 session.

3 “(b) NOTICE REQUIREMENTS.—If the Court of Ap-
4 peals issues an order exercising its authority under sub-
5 section (a), the court—

6 “(1) through the Joint Committee on Judicial
7 Administration in the District of Columbia, shall
8 send notice of such order, including the reasons for
9 the issuance of such order, to the Committee on
10 Homeland Security and Governmental Affairs of the
11 Senate and the Committee on Government Reform
12 of the House of Representatives; and

13 “(2) shall provide reasonable notice to the
14 United States Marshals Service before the com-
15 mencement of any special session held pursuant to
16 such order.”.

17 (2) CLERICAL AMENDMENT.—The table of con-
18 tents of chapter 7 of title 11, District of Columbia
19 Official Code, is amended by adding at the end of
20 the items relating to subchapter I the following:

“11–710. Emergency authority to conduct proceedings outside District of Co-
lumbia.”.

21 (b) SUPERIOR COURT OF THE DISTRICT OF COLUM-
22 BIA.—

23 (1) IN GENERAL.—Subchapter I of chapter 9 of
24 title 11, District of Columbia Official Code, is

1 amended by adding at the end the following new sec-
2 tion:

3 **“§ 11–911. Emergency authority to conduct pro-**
4 **ceedings outside District of Columbia.**

5 “(a) IN GENERAL.—The Superior Court may hold
6 special sessions at any place within the United States out-
7 side the District of Columbia as the nature of the business
8 may require and upon such notice as the Superior Court
9 orders, upon a finding by either the chief judge of the Su-
10 perior Court (or, if the chief judge is absent or disabled,
11 the judge designated under section 11–907(a)) or the
12 Joint Committee on Judicial Administration in the Dis-
13 trict of Columbia that, because of emergency conditions,
14 no location within the District of Columbia is reasonably
15 available where such special sessions could be held.

16 “(b) BUSINESS TRANSACTED.— The Superior Court
17 may transact any business at a special session outside the
18 District of Columbia authorized pursuant to this section
19 which it has the authority to transact at a regular session,
20 except that a criminal trial may not be conducted at such
21 a special session without the consent of the defendant.

22 “(c) SUMMONING OF JURORS.—Notwithstanding any
23 other provision of law, in any case in which special ses-
24 sions are conducted pursuant to this section, the Superior
25 Court may summon jurors—

1 “(1) in civil proceedings, from any part of the
2 District of Columbia or, if jurors are not readily
3 available from the District of Columbia, the jurisdic-
4 tion in which it is holding the special session; and

5 “(2) in criminal trials, from any part of the
6 District of Columbia or, if jurors are not readily
7 available from the District of Columbia and if the
8 defendant so consents, the jurisdiction in which it is
9 holding the special session.

10 “(d) NOTICE REQUIREMENTS.—If the Superior
11 Court issues an order exercising its authority under sub-
12 section (a), the Court—

13 “(1) through the Joint Committee on Judicial
14 Administration in the District of Columbia, shall
15 send notice of such order, including the reasons for
16 the issuance of such order, to the Committee on
17 Homeland Security and Governmental Affairs of the
18 Senate and the Committee on Government Reform
19 of the House of Representatives; and

20 “(2) shall provide reasonable notice to the
21 United States Marshals Service before the com-
22 mencement of any special session held pursuant to
23 such order.”.

24 “(2) CLERICAL AMENDMENT.—The table of con-
25 tents of chapter 9 of title 11, District of Columbia

1 Official Code, is amended by adding at the end of
 2 the items relating to subchapter I the following:

“11–911. Emergency authority to conduct proceedings outside District of Columbia.”.

3 **SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER**
 4 **SUPERVISION AGENCY TO USE SERVICES OF**
 5 **VOLUNTEERS.**

6 Section 11233 of the National Capital Revitalization
 7 and Self-Government Improvement Act of 1997 (sec. 24–
 8 133, D.C. Official Code) is amended by adding at the end
 9 the following new subsection:

10 “(g) **AUTHORITY TO USE SERVICES OF VOLUN-**
 11 **TEERS.—**

12 “(1) **IN GENERAL.—**The Agency (including any
 13 independent entity within the Agency) may accept
 14 the services of volunteers and provide for their inci-
 15 dental expenses to carry out any activity of the
 16 Agency except policy-making.

17 “(2) **APPLICABILITY OF WORKER’S COMPENSA-**
 18 **TION RULES TO VOLUNTEERS.—**Any volunteer whose
 19 services are accepted pursuant to this subsection
 20 shall be considered an employee of the United States
 21 Government in providing the services for purposes of
 22 chapter 81 of title 5, United States Code (relating
 23 to compensation for work injuries).”.

1 **SEC. 116. TECHNICAL CORRECTIONS RELATING TO**
 2 **COURTS.**

3 (a) IN GENERAL.—Section 329 of the District of Co-
 4 lumbia Appropriations Act, 2005 (Public Law 108–335;
 5 118 Stat. 1345), is amended to read as follows:

6 “SEC. 329. (a) APPROVAL OF BONDS BY JOINT COM-
 7 MITTEE ON JUDICIAL ADMINISTRATION.—Section 11–
 8 1701(b), District of Columbia Official Code, is amended
 9 by striking paragraph (5).

10 “(b) EXECUTIVE OFFICER.—

11 “(1) IN GENERAL.—Section 11–1704, District
 12 of Columbia Official Code, is amended to read as
 13 follows:

14 **‘§ 11–1704. Oath of Executive Officer.**

15 ‘The Executive Officer shall take an oath or affirma-
 16 tion for the faithful and impartial discharge of the duties
 17 of that office.’.

18 “(2) CLERICAL AMENDMENT.—The table of
 19 sections for chapter 17 of title 11, District of Co-
 20 lumbia Official Code, is amended by amending the
 21 item relating to section 11–1704 to read as follows:

‘11–1704. Oath of Executive Officer.’.

22 “(c) FISCAL OFFICER.—Section 11–1723, District of
 23 Columbia Official Code, is amended—

24 “(1) by striking ‘(a)(1)’ and inserting ‘(a)’;

25 “(2) by striking subsection (b); and

1 “(3) by redesignating paragraphs (2) and (3) of
2 subsection (a) as subsections (b) and (c).

3 “(d) AUDITOR-MASTER.—Section 11–1724, District
4 of Columbia Official Code, is amended by striking the sec-
5 ond and third sentences.

6 “(e) REGISTER OF WILLS.—

7 “(1) IN GENERAL.—Section 11–2102, District
8 of Columbia Official Code, is amended—

9 “(A) in the heading, by striking ‘**bond**’;

10 “(B) in subsection (a)(2), by striking ‘give
11 bond,’ and all that follows through ‘seasonably
12 to record’ and inserting ‘seasonably record’; and

13 “(C) by striking the third sentence of sub-
14 section (a).

15 “(2) CLERICAL AMENDMENT.—The item relat-
16 ing to section 11–2102 in the table of sections for
17 chapter 21 of title 11, District of Columbia Official
18 Code, is amended by striking ‘bond;.’.”

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 17 of title 11, District of Columbia Official
21 Code, is amended by amending the item relating to section
22 11–1728 to read as follows:

“11–1728. Recruitment and training of personnel; travel.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect as if included in the enact-

1 ment of the District of Columbia Appropriations Act,
2 2005.

3 **Subtitle C—Other Miscellaneous**
4 **Technical Corrections**

5 **SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHOR-**
6 **IZATION ACT.**

7 (a) IN GENERAL.—The first sentence of section
8 446(a) of the District of Columbia Home Rule Act (sec.
9 1–204.46(a), D.C. Official Code) is amended by striking
10 “The Council,” and all that follows through “from the
11 Mayor,” and inserting “The Council, within 56 calendar
12 days after receipt of the budget proposal from the
13 Mayor,”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect as if included in the enact-
16 ment of the 2004 District of Columbia Omnibus Author-
17 ization Act.

18 **SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT,**
19 **2005.**

20 (a) IN GENERAL.—Section 450A of the District of
21 Columbia Home Rule Act (sec. 1–204.50A, D.C. Official
22 Code), as amended by section 332 of the District of Co-
23 lumbia Appropriations Act, 2005 (Public Law 108–335;
24 118 Stat. 1346), is amended—

1 (1) in the heading of subsection (a)(2), by
 2 striking “IN GENERAL” and inserting “OPERATING
 3 EXPENDITURES DEFINED”; and

4 (2) in the heading of subsection (b)(2), by
 5 striking “IN GENERAL” and inserting “OPERATING
 6 EXPENDITURES DEFINED”.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 subsection (a) shall take effect as if included in the enact-
 9 ment of the District of Columbia Appropriations Act,
 10 2005.

11 **SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS RE-**
 12 **LATING TO BANKS OPERATING UNDER THE**
 13 **CODE OF LAW FOR THE DISTRICT OF COLUM-**
 14 **BIA.**

15 (a) FEDERAL RESERVE ACT.—

16 (1) The second undesignated paragraph of the
 17 first section of the Federal Reserve Act (12 U.S.C.
 18 221) is amended by adding at the end the following:
 19 “For purposes of this Act, a State bank includes any
 20 bank which is operating under the Code of Law for
 21 the District of Columbia.”.

22 (2) The first sentence of the first undesignated
 23 paragraph of section 9 of the Federal Reserve Act
 24 (12 U.S.C. 321) is amended by striking “incor-
 25 porated by special law of any State, or” and insert-

1 ing “incorporated by special law of any State, oper-
2 ating under the Code of Law for the District of Co-
3 lumbia, or”.

4 (b) BANK CONSERVATION ACT.—Section 202 of the
5 Bank Conservation Act (12 U.S.C. 202) is amended—

6 (1) by striking “means (1) any national” and
7 inserting “means any national”; and

8 (2) by striking “, and (2) any bank or trust
9 company located in the District of Columbia and op-
10 erating under the supervision of the Comptroller of
11 the Currency”.

12 (c) DEPOSITORY INSTITUTION DEREGULATION AND
13 MONETARY CONTROL ACT OF 1980.—Part C of title VII
14 of the Depository Institution Deregulation and Monetary
15 Control Act of 1980 is amended—

16 (1) in paragraph (1) of section 731 (12 U.S.C.
17 216(1)) by striking “and closed banks in the Dis-
18 trict of Columbia”; and

19 (2) in paragraph (2) of section 732 (12 U.S.C.
20 216a(2)) by striking “or closed banks in the District
21 of Columbia”.

22 (d) FEDERAL DEPOSIT INSURANCE ACT.—Section
23 3(a)(2)(B) of the Federal Deposit Insurance Act (12
24 U.S.C. 1813(a)(2)(B)) is amended by striking “(except a
25 national bank)”.

1 (e) NATIONAL BANK CONSOLIDATION AND MERGER
2 ACT.—Section 7(1) of the National Bank Consolidation
3 and Merger Act (12 U.S.C. 215b(1)) is amended by strik-
4 ing “(except a national banking association located in the
5 District of Columbia)”.

6 (f) AN ACT OF AUGUST 17, 1950.—Section 1(a) of
7 the Act entitled “An Act to provide for the conversion of
8 national banking associations into and their merger or
9 consolidation with State banks, and for other purposes”
10 and approved August 17, 1950 (12 U.S.C. 214(a)) is
11 amended by striking “(except a national banking associa-
12 tion)”.

13 (g) FEDERAL TRADE COMMISSION ACT.—Section
14 18(f)(2) of the Federal Trade Commission Act (15 U.S.C.
15 57a(f)(2)) is amended—

16 (1) in subparagraph (A), by striking “, banks
17 operating under the code of law for the District of
18 Columbia,”; and

19 (2) in subparagraph (B), by striking “and
20 banks operating under the code of law for the Dis-
21 trict of Columbia”.

1 **TITLE II—INDEPENDENCE OF**
 2 **THE CHIEF FINANCIAL OFFICER**

3 **SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINAN-**
 4 **CIAL OFFICER.**

5 (a) IN GENERAL.—Section 424 of the District of Co-
 6 lumbia Home Rule Act (sec. 1–204.24a et seq., D.C. Offi-
 7 cial Code) is amended to read as follows:

8 “CHIEF FINANCIAL OFFICER OF THE DISTRICT OF
 9 COLUMBIA

10 “SEC. 424. (a) IN GENERAL.—

11 “(1) ESTABLISHMENT.—There is hereby estab-
 12 lished within the executive branch of the government
 13 of the District of Columbia an Office of the Chief
 14 Financial Officer of the District of Columbia (here-
 15 after referred to as the ‘Office’), which shall be
 16 headed by the Chief Financial Officer of the District
 17 of Columbia (hereafter referred to as the ‘Chief Fi-
 18 nancial Officer’).

19 “(2) ORGANIZATIONAL ANALYSIS.—

20 “(A) OFFICE OF BUDGET AND PLAN-
 21 NING.—The name of the Office of Budget and
 22 Management, established by Commissioner’s
 23 Order 69–96, issued March 7, 1969, is changed
 24 to the Office of Budget and Planning.

1 “(B) OFFICE OF TAX AND REVENUE.—The
2 name of the Department of Finance and Rev-
3 enue, established by Commissioner’s Order 69–
4 96, issued March 7, 1969, is changed to the Of-
5 fice of Tax and Revenue.

6 “(C) OFFICE OF FINANCE AND TREAS-
7 URY.—The name of the Office of Treasurer, es-
8 tablished by Mayor’s Order 89–244, dated Oc-
9 tober 23, 1989, is changed to the Office of Fi-
10 nance and Treasury.

11 “(D) OFFICE OF FINANCIAL OPERATIONS
12 AND SYSTEMS.—The Office of the Controller,
13 established by Mayor’s Order 89–243, dated
14 October 23, 1989, and the Office of Financial
15 Information Services, established by Mayor’s
16 Order 89–244, dated October 23, 1989, are
17 consolidated into the Office of Financial Oper-
18 ations and Systems.

19 “(3) TRANSFERS.—Effective with the appoint-
20 ment of the first Chief Financial Officer under sub-
21 section (b), the functions and personnel of the fol-
22 lowing offices are established as subordinate offices
23 within the Office:

1 “(A) The Office of Budget and Planning,
2 headed by the Deputy Chief Financial Officer
3 for the Office of Budget and Planning.

4 “(B) The Office of Tax and Revenue,
5 headed by the Deputy Chief Financial Officer
6 for the Office of Tax and Revenue.

7 “(C) The Office of Research and Analysis,
8 headed by the Deputy Chief Financial Officer
9 for the Office of Research and Analysis.

10 “(D) The Office of Financial Operations
11 and Systems, headed by the Deputy Chief Fi-
12 nancial Officer for the Office of Financial Oper-
13 ations and Systems.

14 “(E) The Office of Finance and Treasury,
15 headed by the District of Columbia Treasurer.

16 “(F) The Lottery and Charitable Games
17 Control Board, established by the Law to Le-
18 galize Lotteries, Daily Numbers Games, and
19 Bingo and Raffles for Charitable Purposes in
20 the District of Columbia, effective March 10,
21 1981 (D.C. Law 3–172; D.C. Official Code §
22 3–1301 et seq.).

23 “(4) SUPERVISOR.—The heads of the offices
24 listed in paragraph (3) of this section shall serve at
25 the pleasure of the Chief Financial Officer.

1 “(5) APPOINTMENT AND REMOVAL OF OFFICE
2 EMPLOYEES.—The Chief Financial Officer shall ap-
3 point the heads of the subordinate offices designated
4 in paragraph (3), after consultation with the Mayor
5 and the Council. The Chief Financial Officer may
6 remove the heads of the offices designated in para-
7 graph (3), after consultation with the Mayor and the
8 Council.

9 “(6) ANNUAL BUDGET SUBMISSION.—The Chief
10 Financial Officer shall prepare and annually submit
11 to the Mayor of the District of Columbia, for inclu-
12 sion in the annual budget of the District of Colum-
13 bia government for a fiscal year, annual estimates of
14 the expenditures and appropriations necessary for
15 the year for the operation of the Office and all other
16 District of Columbia accounting, budget, and finan-
17 cial management personnel (including personnel of
18 executive branch independent agencies) that report
19 to the Office pursuant to this Act.

20 “(b) APPOINTMENT OF THE CHIEF FINANCIAL OFFI-
21 CER.—

22 “(1) APPOINTMENT.—

23 “(A) IN GENERAL.—The Chief Financial
24 Officer shall be appointed by the Mayor with
25 the advice and consent, by resolution, of the

1 Council. Upon confirmation by the Council, the
2 name of the Chief Financial Officer shall be
3 submitted to the Committees on Appropriations
4 of the House of Representatives and Senate,
5 the Committee on Government Reform of the
6 House of Representatives, and the Committee
7 on Homeland Security and Governmental Af-
8 fairs of the Senate for a 30-day period of review
9 and comment before the appointment takes ef-
10 fect.

11 “(B) SPECIAL RULE FOR CONTROL
12 YEARS.—During a control year, the Chief Fi-
13 nancial Officer shall be appointed by the Mayor
14 as follows:

15 “(i) Prior to the appointment, the Au-
16 thority may submit recommendations for
17 the appointment to the Mayor.

18 “(ii) In consultation with the Author-
19 ity and the Council, the Mayor shall nomi-
20 nate an individual for appointment and no-
21 tify the Council of the nomination.

22 “(iii) After the expiration of the 7-day
23 period which begins on the date the Mayor
24 notifies the Council of the nomination

1 under clause (ii), the Mayor shall notify
2 the Authority of the nomination.

3 “(iv) The nomination shall be effective
4 subject to approval by a majority vote of
5 the Authority.

6 “(2) TERM.—

7 “(A) IN GENERAL.—All appointments
8 made after June 30, 2007, shall be for a term
9 of 5 years, except for appointments made for
10 the remainder of unexpired terms. The appoint-
11 ments shall have an anniversary date of July 1.

12 “(B) TRANSITION.—For purposes of this
13 section, the individual serving as Chief Finan-
14 cial Officer as of the date of enactment of the
15 2005 District of Columbia Omnibus Authoriza-
16 tion Act shall be deemed to have been appointed
17 under this subsection, except that such individ-
18 ual’s initial term of office shall begin upon such
19 date and shall end on June 30, 2007.

20 “(C) CONTINUANCE.—Any Chief Financial
21 Officer may continue to serve beyond his term
22 until a successor takes office.

23 “(D) VACANCIES.—Any vacancy in the Of-
24 fice of Chief Financial Officer shall be filled in

1 the same manner as the original appointment
2 under paragraph (1).

3 “(E) PAY.—The Chief Financial Officer
4 shall be paid at an annual rate equal to the rate
5 of basic pay payable for level I of the Executive
6 Schedule.

7 “(c) REMOVAL OF THE CHIEF FINANCIAL OFFI-
8 CER.—

9 “(1) IN GENERAL.—The Chief Financial Officer
10 may only be removed for cause by the Mayor, sub-
11 ject to the approval of the Council by a resolution
12 approved by not fewer than 2/3 of the members of
13 the Council. After approval of the resolution by the
14 Council, notice of the removal shall be submitted to
15 the Committees on Appropriations of the House of
16 Representatives and Senate, the Committee on Gov-
17 ernment Reform of the House of Representatives,
18 and the Committee on Homeland Security and Gov-
19 ernmental Affairs of the Senate for a 30-day period
20 of review and comment before the removal takes ef-
21 fect.

22 “(2) SPECIAL RULE FOR CONTROL YEARS.—
23 During a control year, the Chief Financial Officer
24 may be removed for cause by the Authority or by the
25 Mayor with the approval of the Authority.

1 “(d) DUTIES OF THE CHIEF FINANCIAL OFFICER.—
2 Notwithstanding any provisions of this Act which grant
3 authority to other entities of the District government, the
4 Chief Financial Officer shall have the following duties and
5 shall take such steps as are necessary to perform these
6 duties:

7 “(1) During a control year, preparing the finan-
8 cial plan and the budget for the use of the Mayor
9 for purposes of subtitle A of title II of the District
10 of Columbia Financial Responsibility and Manage-
11 ment Assistance Act of 1995.

12 “(2) Preparing the budgets of the District of
13 Columbia for the year for the use of the Mayor for
14 purposes of part D and preparing the 5-year finan-
15 cial plan based upon the adopted budget for submis-
16 sion with the District of Columbia budget by the
17 Mayor to Congress.

18 “(3) During a control year, assuring that all fi-
19 nancial information presented by the Mayor is pre-
20 sented in a manner, and is otherwise consistent
21 with, the requirements of the District of Columbia
22 Financial Responsibility and Management Assistance
23 Act of 1995.

24 “(4) Implementing appropriate procedures and
25 instituting such programs, systems, and personnel

1 policies within the Chief Financial Officer’s author-
2 ity, to ensure that budget, accounting, and personnel
3 control systems and structures are synchronized for
4 budgeting and control purposes on a continuing
5 basis and to ensure that appropriations are not ex-
6 ceeded.

7 “(5) Preparing and submitting to the Mayor
8 and the Council, with the approval of the Authority
9 during a control year, and making public—

10 “(A) annual estimates of all revenues of
11 the District of Columbia (without regard to the
12 source of such revenues), including proposed
13 revenues, which shall be binding on the Mayor
14 and the Council for purposes of preparing and
15 submitting the budget of the District govern-
16 ment for the year under part D of this title, ex-
17 cept that the Mayor and the Council may pre-
18 pare the budget based on estimates of revenues
19 which are lower than those prepared by the
20 Chief Financial Officer; and

21 “(B) quarterly re-estimates of the revenues
22 of the District of Columbia during the year.

23 “(6) Supervising and assuming responsibility
24 for financial transactions to ensure adequate control
25 of revenues and resources.

1 “(7) Maintaining systems of accounting and in-
2 ternal control designed to provide—

3 “(A) full disclosure of the financial impact
4 of the activities of the District government;

5 “(B) adequate financial information need-
6 ed by the District government for management
7 purposes;

8 “(C) effective control over, and account-
9 ability for, all funds, property, and other assets
10 of the District of Columbia; and

11 “(D) reliable accounting results to serve as
12 the basis for preparing and supporting agency
13 budget requests and controlling the execution of
14 the budget.

15 “(8) Submitting to the Council a financial
16 statement of the District government, containing
17 such details and at such times as the Council may
18 specify.

19 “(9) Supervising and assuming responsibility
20 for the assessment of all property subject to assess-
21 ment and special assessments within the corporate
22 limits of the District of Columbia for taxation, pre-
23 paring tax maps, and providing such notice of taxes
24 and special assessments (as may be required by
25 law).

1 “(10) Supervising and assuming responsibility
2 for the levying and collection of all taxes, special as-
3 sessments, licensing fees, and other revenues of the
4 District of Columbia (as may be required by law),
5 and receiving all amounts paid to the District of Co-
6 lumbia from any source (including the Authority).

7 “(11) Maintaining custody of all public funds
8 belonging to or under the control of the District gov-
9 ernment (or any department or agency of the Dis-
10 trict government), and depositing all amounts paid
11 in such depositories and under such terms and con-
12 ditions as may be designated by the Council (or by
13 the Authority during a control year).

14 “(12) Maintaining custody of all investment
15 and invested funds of the District government or in
16 possession of the District government in a fiduciary
17 capacity, and maintaining the safekeeping of all
18 bonds and notes of the District government and the
19 receipt and delivery of District government bonds
20 and notes for transfer, registration, or exchange.

21 “(13) Apportioning the total of all appropria-
22 tions and funds made available during the year for
23 obligation so as to prevent obligation or expenditure
24 in a manner which would result in a deficiency or a
25 need for supplemental appropriations during the

1 year, and (with respect to appropriations and funds
2 available for an indefinite period and all authoriza-
3 tions to create obligations by contract in advance of
4 appropriations) apportioning the total of such appro-
5 priations, funds, or authorizations in the most effec-
6 tive and economical manner.

7 “(14) Certifying all contracts and leases
8 (whether directly or through delegation) prior to exe-
9 cution as to the availability of funds to meet the ob-
10 ligations expected to be incurred by the District gov-
11 ernment under such contracts and leases during the
12 year.

13 “(15) Prescribing the forms of receipts, vouch-
14 ers, bills, and claims to be used by all agencies, of-
15 fices, and instrumentalities of the District govern-
16 ment.

17 “(16) Certifying and approving prior to pay-
18 ment of all bills, invoices, payrolls, and other evi-
19 dences of claims, demands, or charges against the
20 District government, and determining the regularity,
21 legality, and correctness of such bills, invoices, pay-
22 rolls, claims, demands, or charges.

23 “(17) In coordination with the Inspector Gen-
24 eral of the District of Columbia, performing internal
25 audits of accounts and operations and records of the

1 District government, including the examination of
2 any accounts or records of financial transactions,
3 giving due consideration to the effectiveness of ac-
4 counting systems, internal control, and related ad-
5 ministrative practices of the departments and agen-
6 cies of the District government.

7 “(18) Exercising responsibility for the adminis-
8 tration and supervision of the District of Columbia
9 Treasurer.

10 “(19) Supervising and administering all bor-
11 rowing programs for the issuance of long-term and
12 short-term indebtedness, as well as other financing-
13 related programs of the District government.

14 “(20) Administering the cash management pro-
15 gram of the District government, including the in-
16 vestment of surplus funds in governmental and non-
17 governmental interest-bearing securities and ac-
18 counts.

19 “(21) Administering the centralized District
20 government payroll and retirement systems (other
21 than the retirement system for police officers, fire
22 fighters, and teachers).

23 “(22) Governing the accounting policies and
24 systems applicable to the District government.

1 “(23) Preparing appropriate annual, quarterly,
2 and monthly financial reports of the accounting and
3 financial operations of the District government.

4 “(24) Not later than 120 days after the end of
5 each fiscal year, preparing the complete financial
6 statement and report on the activities of the District
7 government for such fiscal year, for the use of the
8 Mayor under section 448(a)(4).

9 “(25) Preparing fiscal impact statements on
10 regulations, multiyear contracts, contracts over
11 \$1,000,000 and on legislation, as required by section
12 4a of the General Legislative Procedures Act of
13 1975.

14 “(26) Preparing under the direction of the
15 Mayor, who has the specific responsibility for formu-
16 lating budget policy using Chief Financial Officer
17 technical and human resources, the budget for sub-
18 mission by the Mayor to the Council and to the pub-
19 lic and upon final adoption to Congress and to the
20 public.

21 “(27) Certifying all collective bargaining agree-
22 ments and nonunion pay proposals prior to submis-
23 sion to the Council for approval as to the availability
24 of funds to meet the obligations expected to be in-
25 curred by the District government under such collec-

1 tive bargaining agreements and nonunion pay pro-
2 posals during the year.

3 “(e) FUNCTIONS OF TREASURER.—At all times, the
4 Treasurer shall have the following duties:

5 “(1) Assisting the Chief Financial Officer in re-
6 porting revenues received by the District govern-
7 ment, including submitting annual and quarterly re-
8 ports concerning the cash position of the District
9 government not later than 60 days after the last day
10 of the quarter (or year) involved. Each such report
11 shall include the following:

12 “(A) Comparative reports of revenue and
13 other receipts by source, including tax, nontax,
14 and Federal revenues, grants and reimburse-
15 ments, capital program loans, and advances.
16 Each source shall be broken down into specific
17 components.

18 “(B) Statements of the cash flow of the
19 District government for the preceding quarter
20 or year, including receipts, disbursements, net
21 changes in cash inclusive of the beginning bal-
22 ance, cash and investment, and the ending bal-
23 ance, inclusive of cash and investment. Such
24 statements shall reflect the actual, planned, bet-
25 ter or worse dollar amounts and the percentage

1 change with respect to the current quarter,
2 year-to-date, and fiscal year.

3 “(C) Quarterly cash flow forecast for the
4 quarter or year involved, reflecting receipts, dis-
5 bursements, net change in cash inclusive of the
6 beginning balance, cash and investment, and
7 the ending balance, inclusive of cash and invest-
8 ment with respect to the actual dollar amounts
9 for the quarter or year, and projected dollar
10 amounts for each of the 3 succeeding quarters.

11 “(D) Monthly reports reflecting a detailed
12 summary analysis of all District of Columbia
13 government investments, including—

14 “(i) the total of long-term and short-
15 term investments;

16 “(ii) a detailed summary analysis of
17 investments by type and amount, including
18 purchases, sales (maturities), and interest;

19 “(iii) an analysis of investment port-
20 folio mix by type and amount, including li-
21 quidity, quality/risk of each security, and
22 similar information;

23 “(iv) an analysis of investment strat-
24 egy, including near-term strategic plans
25 and projects of investment activity, as well

1 as forecasts of future investment strategies
2 based on anticipated market conditions,
3 and similar information; and

4 “(v) an analysis of cash utilization, in-
5 cluding—

6 “(I) comparisons of budgeted
7 percentages of total cash to be in-
8 vested with actual percentages of cash
9 invested and the dollar amounts;

10 “(II) comparisons of the next re-
11 turn on invested cash expressed in
12 percentages (yield) with comparable
13 market indicators and established Dis-
14 trict of Columbia government yield ob-
15 jectives; and

16 “(III) comparisons of estimated
17 dollar return against actual dollar
18 yield.

19 “(E) Monthly reports reflecting a detailed
20 summary analysis of long-term and short-term
21 borrowings inclusive of debt as authorized by
22 section 603, in the current fiscal year and the
23 amount of debt for each succeeding fiscal year
24 not to exceed 5 years. All such reports shall re-
25 flect—

1 “(i) the amount of debt outstanding
2 by type of instrument;

3 “(ii) the amount of authorized and
4 unissued debt, including availability of
5 short-term lines of credit, United States
6 Treasury borrowings, and similar informa-
7 tion;

8 “(iii) a maturity schedule of the debt;

9 “(iv) the rate of interest payable upon
10 the debt; and

11 “(v) the amount of debt service re-
12 quirements and related debt service re-
13 serves.

14 “(2) Such other functions assigned to the Chief
15 Financial Officer under subsection (d) as the Chief
16 Financial Officer may delegate.

17 “(f) DEFINITIONS.—For purposes of this section
18 (and sections 424a and 424b)—

19 “(1) the term ‘Authority’ means the District of
20 Columbia Financial Responsibility and Management
21 Assistance Authority established under section
22 101(a) of the District of Columbia Financial Re-
23 sponsibility and Management Assistance Act of
24 1995;

1 “(2) the term ‘control year’ has the meaning
2 given such term under section 305(4) of such Act;
3 and

4 “(3) the term ‘District government’ has the
5 meaning given such term under section 305(5) of
6 such Act.”.

7 (b) CLARIFICATION OF DUTIES OF CHIEF FINANCIAL
8 OFFICER AND MAYOR.—

9 (1) RELATION TO FINANCIAL DUTIES OF
10 MAYOR.—Section 448(a) of such Act (section 1–
11 204.48(a), D.C. Official Code) is amended by strik-
12 ing “section 603,” and inserting “section 603 and
13 except to the extent provided under section 424(d),”.

14 (2) RELATION TO MAYOR’S DUTIES REGARDING
15 ACCOUNTING SUPERVISION AND CONTROL.—Section
16 449 of such Act (section 1–204.49, D.C. Official
17 Code) is amended by striking “The Mayor” and in-
18 serting “Except to the extent provided under section
19 424(d), the Mayor”.

20 **SEC. 202. PERSONNEL AUTHORITY.**

21 (a) PROVIDING INDEPENDENT PERSONNEL AUTHOR-
22 ITY .—

23 (1) IN GENERAL.—Part B of title IV of the
24 District of Columbia Home Rule Act is amended by
25 adding at the end the following new section:

1 “AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PER-
2 SONNEL OF OFFICE AND OTHER FINANCIAL PER-
3 SONNEL

4 “SEC. 424a. (a) IN GENERAL.—Notwithstanding any
5 provision of law or regulation (including any law or regula-
6 tion providing for collective bargaining or the enforcement
7 of any collective bargaining agreement), employees of the
8 Office of the Chief Financial Officer of the District of Co-
9 lumbia, including personnel described in subsection (b),
10 shall be appointed by, shall serve at the pleasure of, and
11 shall act under the direction and control of the Chief Fi-
12 nancial Officer of the District of Columbia, and shall be
13 considered at-will employees not covered by the District
14 of Columbia Merit Personnel Act of 1978, except that
15 nothing in this section may be construed to prohibit the
16 Chief Financial Officer from entering into a collective bar-
17 gaining agreement governing such employees and per-
18 sonnel or to prohibit the enforcement of such an agree-
19 ment as entered into by the Chief Financial Officer.

20 “(b) PERSONNEL.—The personnel described in this
21 subsection are as follows:

22 “(1) The General Counsel to the Chief Finan-
23 cial Officer and all other attorneys in the Office of
24 the General Counsel within the Office of the Chief

1 Financial Officer of the District of Columbia, to-
2 gether with all other personnel of the Office.

3 “(2) All other individuals hired or retained as
4 attorneys by the Chief Financial Officer or any of-
5 fice under the personnel authority of the Chief Fi-
6 nancial Officer, each of whom shall act under the di-
7 rection and control of the General Counsel to the
8 Chief Financial Officer.

9 “(3) The heads and all personnel of the subor-
10 dinate offices of the Office (as described in section
11 424(a)(2) and established as subordinate offices in
12 section 424(a)(3)) and the Chief Financial Officers,
13 Agency Fiscal Officers, and Associate Chief Finan-
14 cial Officers of all District of Columbia executive
15 branch subordinate and independent agencies (in ac-
16 cordance with subsection (c)), together with all other
17 District of Columbia accounting, budget, and finan-
18 cial management personnel (including personnel of
19 executive branch independent agencies, but not in-
20 cluding personnel of the legislative or judicial
21 branches of the District government).

22 “(c) APPOINTMENT OF CERTAIN EXECUTIVE
23 BRANCH AGENCY CHIEF FINANCIAL OFFICERS.—

24 “(1) IN GENERAL.—The Chief Financial Offi-
25 cers and Associate Chief Financial Officers of all

1 District of Columbia executive branch subordinate
 2 and independent agencies (other than those of a sub-
 3 ordinate office of the Office) shall be appointed by
 4 the Chief Financial Officer, in consultation with the
 5 agency head, where applicable. The appointment
 6 shall be made from a list of qualified candidates de-
 7 veloped by the Chief Financial Officer.

8 “(2) TRANSITION.—Any executive branch agen-
 9 cy Chief Financial Officer appointed prior to the
 10 date of enactment of the 2005 District of Columbia
 11 Omnibus Authorization Act may continue to serve in
 12 that capacity without reappointment.

13 “(d) INDEPENDENT AUTHORITY OVER LEGAL PER-
 14 SONNEL.—Title VIII–B of the District of Columbia Gov-
 15 ernment Comprehensive Merit Personnel Act of 1978 (sec.
 16 1–608.51 et seq., D.C. Official Code) shall not apply to
 17 the Office of the Chief Financial Officer or to attorneys
 18 employed by the Office.”

19 (2) CLERICAL AMENDMENT.—The table of con-
 20 tents of part B of title IV of the District of Colum-
 21 bia Home Rule Act is amended by adding at the end
 22 the following new item:

“Sec. 424a. Authority of Chief Financial Officer over personnel of Office and
 other financial personnel.”.

23 (b) CONFORMING AMENDMENT.—Section 862 of the
 24 District of Columbia Government Comprehensive Merit

1 Personnel Act of 1978 (D.C. Law 2–260; D.C. Official
2 Code § 1–608.62) is amended by striking paragraph (2).

3 **SEC. 203. PROCUREMENT AUTHORITY.**

4 (a) PROVIDING INDEPENDENT AUTHORITY TO PRO-
5 CURE GOODS AND SERVICES.—

6 (1) IN GENERAL.—Part B of title IV of the
7 District of Columbia Home Rule Act, as amended by
8 section 203(a)(1), is further amended by adding at
9 the end the following new section:

10 “PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL
11 OFFICER

12 “SEC. 424b. The Chief Financial Officer shall carry
13 out procurement of goods and services for the Office of
14 the Chief Financial Officer through a procurement office
15 or division which shall operate independently of, and shall
16 not be governed by, the Office of Contracting and Procure-
17 ment established under the District of Columbia Procure-
18 ment Practices Act of 1986 or any successor office, except
19 the provisions applicable under such Act to procurement
20 carried out by the Chief Procurement Officer established
21 by section 105 of such Act or any successor office shall
22 apply with respect to the procurement carried out by the
23 Chief Financial Officer’s procurement office or division.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
25 tents of part B of title IV of the District of Colum-
26 bia Home Rule Act, as amended by section

1 203(a)(2), is further amended by adding at the end
2 following new item:

“Sec. 424b. Procurement authority of the Chief Financial Officer.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) PROCUREMENT PRACTICES ACT.—Section
5 104 of the District of Columbia Procurement Prac-
6 tices Act of 1985 (sec. 2–301.04, D.C. Official
7 Code) is amended—

8 (A) in subsection (a), by striking “, and
9 the District of Columbia Financial Responsi-
10 bility and Management Assistance Authority”
11 and inserting the following: “the District of Co-
12 lumbia Financial Responsibility and Manage-
13 ment Assistance Authority, and (to the extent
14 described in section 424b of the District of Co-
15 lumbia Home Rule Act) the Office of the Chief
16 Financial Officer of the District of Columbia”;
17 and

18 (B) in subsection (c), by striking the sec-
19 ond and third sentences.

20 (2) OTHER CONFORMING AMENDMENT.—Sec-
21 tion 132 of the District of Columbia Appropriations
22 Act, 2006 (Public Law 109–115) is hereby repealed.

23 (c) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section shall take effect 6 months
25 after the date of enactment of this Act.

1 **SEC. 204. FISCAL IMPACT STATEMENTS.**

2 The General Legislative Procedures Act of 1975 (sec.
3 1–301.45 et seq., D.C. Official Code) is amended by add-
4 ing at the end the following new section:

5 “FISCAL IMPACT STATEMENTS

6 “SEC. 4a. (a) **BILLS AND RESOLUTIONS.**—

7 “(1) **IN GENERAL.**—Notwithstanding any other
8 law, except as provided in subsection (c), all perma-
9 nent bills and resolutions shall be accompanied by a
10 fiscal impact statement before final adoption by the
11 Council.

12 “(2) **CONTENTS.**—The fiscal impact statement
13 shall include the estimate of the costs which will be
14 incurred by the District as a result of the enactment
15 of the measure in the current and each of the first
16 four fiscal years for which the act or resolution is in
17 effect, together with a statement of the basis for
18 such estimate.

19 “(b) **APPROPRIATIONS.**—Permanent and emergency
20 acts which are accompanied by fiscal impact statements
21 which reflect unbudgeted costs, shall be subject to appro-
22 priations prior to becoming effective.

23 “(c) **APPLICABILITY.**—Subsection (a) shall not apply
24 to emergency declaration, ceremonial, confirmation, and
25 sense of the Council resolutions.”.

1 **TITLE III—AUTHORIZATION OF**
2 **CERTAIN GENERAL APPRO-**
3 **PRIATIONS PROVISIONS**

4 **SEC. 301. ACCEPTANCE OF GIFTS BY COURT SERVICES AND**
5 **OFFENDER SUPERVISION AGENCY.**

6 (a) **AUTHORITY TO ACCEPT GIFTS.**—Section
7 11233(b) of the National Capital Revitalization and Self-
8 Government Improvement Act of 1997 (sec. 24–133(b),
9 D.C. Official Code) is amended by adding at the end the
10 following new paragraphs:

11 “(3) **ACCEPTANCE OF GIFTS.**—

12 “(A) **AUTHORITY TO ACCEPT GIFTS.**—Dur-
13 ing fiscal years 2006 through 2008, the Direc-
14 tor may accept and use gifts in the form of—

15 “(i) in-kind contributions of space and
16 hospitality to support offender and defend-
17 ant programs; and

18 “(ii) equipment and vocational train-
19 ing services to educate and train offenders
20 and defendants.

21 “(B) **RECORDS.**—The Director shall keep
22 accurate and detailed records of the acceptance
23 and use of any gifts under subparagraph (A),
24 and shall make such records available for audit
25 and public inspection.

1 “(4) REIMBURSEMENT FROM DISTRICT GOV-
2 ERNMENT.—During fiscal years 2006 through 2008,
3 the Director may accept and use reimbursement
4 from the District government for space and services
5 provided, on a cost reimbursable basis.”.

6 (b) AUTHORITY OF PUBLIC DEFENDER SERVICE TO
7 CHARGE FEES FOR EVENT MATERIALS.—Section 307 of
8 the District of Columbia Court Reform and Criminal Pro-
9 cedure Act of 1970 (sec. 2–1607, D.C. Official Code) is
10 amended by adding at the end the following new sub-
11 section:

12 “(d) During fiscal years 2006 through 2008, the
13 Service may charge fees to cover the costs of materials
14 distributed to attendees of educational events, including
15 conferences, sponsored by the Service. Notwithstanding
16 section 3302 of title 31, United States Code, any amounts
17 received as fees under this subsection shall be credited to
18 the Service and available for use without further appro-
19 priation.”.

20 **SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EM-**
21 **PLOYEES.**

22 Title XVII of the District of Columbia Merit Per-
23 sonnel Act of 1978 (sec. 1–617.01 et seq., D.C. Official
24 Code) is amended by adding at the end the following new
25 section:

1 **“SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL**
2 **EMPLOYEES.**

3 “Notwithstanding any other provision of law, rule, or
4 regulation, during fiscal year 2006 and each succeeding
5 fiscal year the evaluation process and instruments for eval-
6 uating District of Columbia Public Schools employees
7 shall be a non-negotiable item for collective bargaining
8 purposes.”.

9 **SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVI-**
10 **SIONS OF MERIT PERSONNEL SYSTEM TO ALL**
11 **DISTRICT EMPLOYEES.**

12 (a) DISTRICT OF COLUMBIA HOME RULE ACT.—The
13 fourth sentence of section 422(3) of the District of Colum-
14 bia Home Rule Act (sec. 1–204.42(3), D.C. Official Code)
15 is amended by striking “The system may provide” and in-
16 serting the following: “The system shall apply with respect
17 to the compensation of employees of the District govern-
18 ment during fiscal year 2006 and each succeeding fiscal
19 year, except that the system may provide”.

20 (b) TITLE 5, UNITED STATES CODE.—Section 5102
21 of title 5, United States Code, is amended by adding at
22 the end the following new subsection:

23 “(e) Except as may be specifically provided, this
24 chapter does not apply for pay purposes to any employee
25 of the government of the District of Columbia during fis-
26 cal year 2006 or any succeeding fiscal year.”.

1 **SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE**
2 **SOURCE CONTRACTS.**

3 Section 305 of the District of Columbia Procurement
4 Practices Act of 1985 (sec. 2–303.05, D.C. Official Code)
5 is amended by adding at the end the following new sub-
6 section:

7 “(b) During fiscal years 2006 through 2008, a pro-
8 curement contract awarded through noncompetitive nego-
9 tiations in accordance with subsection (a) may be renewed
10 or extended only if the Chief Financial Officer of the Dis-
11 trict of Columbia reviews the contract and certifies that
12 the contract was renewed or extended in accordance with
13 duly promulgated rules and procedures.”.

14 **SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT IN-**
15 **CLUDED IN ANNUAL BUDGET.**

16 (a) **AUTHORITY TO ACCEPT, OBLIGATE, AND EX-**
17 **PEND AMOUNTS.**—Subpart 1 of part D of title IV of the
18 District of Columbia Home Rule Act (sec. 1–204.41 et
19 seq., D.C. Official Code), as amended by section 101(a),
20 is amended by inserting after section 446A the following
21 new section:

22 “ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN
23 ANNUAL BUDGET

24 “SEC. 446B. (a) **AUTHORITY TO ACCEPT, OBLIGATE,**
25 **AND EXPEND AMOUNTS.**—Notwithstanding the fourth
26 sentence of section 446, the Mayor, in consultation with

1 the Chief Financial Officer of the District of Columbia
2 may accept, obligate, and expend Federal, private, and
3 other grants received by the District government that are
4 not reflected in the budget approved by Act of Congress
5 as provided in such section.

6 “(b) CONDITIONS.—

7 “(1) ROLE OF CHIEF FINANCIAL OFFICER; AP-
8 PROVAL BY COUNCIL.—No Federal, private, or other
9 grant may be accepted, obligated, or expended pur-
10 suant to subsection (a) until—

11 “(A) the Chief Financial Officer submits to
12 the Council a report setting forth detailed infor-
13 mation regarding such grant; and

14 “(B) the Council has reviewed and ap-
15 proved the acceptance, obligation, and expendi-
16 ture of such grant.

17 “(2) DEEMED APPROVAL BY COUNCIL.—For
18 purposes of paragraph (1)(B), the Council shall be
19 deemed to have reviewed and approved the accept-
20 ance, obligation, and expenditure of a grant if—

21 “(A) no written notice of disapproval is
22 filed with the Secretary of the Council within
23 14 calendar days of the receipt of the report
24 from the Chief Financial Officer under para-
25 graph (1)(A); or

1 “(B) if such a notice of disapproval is filed
2 within such deadline, the Council does not by
3 resolution disapprove the acceptance, obligation,
4 or expenditure of the grant within 30 calendar
5 days of the initial receipt of the report from the
6 Chief Financial Officer under paragraph (1)(A).

7 “(c) NO OBLIGATION OR EXPENDITURE PERMITTED
8 IN ANTICIPATION OF RECEIPT OR APPROVAL.—No
9 amount may be obligated or expended from the general
10 fund or other funds of the District of Columbia govern-
11 ment in anticipation of the approval or receipt of a grant
12 under subsection (b)(2) or in anticipation of the approval
13 or receipt of a Federal, private, or other grant not subject
14 to such subsection.

15 “(d) ADJUSTMENTS TO ANNUAL BUDGET.—The
16 Chief Financial Officer may adjust the budget for Federal,
17 private, and other grants received by the District govern-
18 ment reflected in the amounts provided in the budget ap-
19 proved by Act of Congress under section 446, or approved
20 and received under subsection (b)(2) to reflect a change
21 in the actual amount of the grant.

22 “(e) REPORTS.—The Chief Financial Officer shall
23 prepare a quarterly report setting forth detailed informa-
24 tion regarding all Federal, private, and other grants sub-
25 ject to this section. Each such report shall be submitted

1 to the Council and to the Committees on Appropriations
 2 of the House of Representatives and Senate not later than
 3 15 days after the end of the quarter covered by the report.

4 “(f) EFFECTIVE DATE.—This section shall apply
 5 with respect to fiscal years 2006 through 2008.”.

6 (b) CONFORMING AMENDMENT.—The fourth sen-
 7 tence of section 446 of such Act (sec. 1–204.46, D.C. Offi-
 8 cial Code), as amended by section 101(b), is amended by
 9 inserting “section 446B,” after “section 446A,”.

10 (c) CLERICAL AMENDMENT.—The table of contents
 11 of such Act, as amended by section 101(c), is amended
 12 by inserting after the item relating to section 446A the
 13 following new item:

“Sec. 446B. Acceptance of grant amounts not included in annual budget.”.

14 **SEC. 306. STANDARDS FOR ANNUAL INDEPENDENT AUDIT.**

15 Section 448 of the District of Columbia Home Rule
 16 Act (sec. 1–204.48, D.C. Official Code) is amended—

17 (1) in subsection (a)(4), by striking the semi-
 18 colon at the end and inserting the following: “, as
 19 audited by the Inspector General of the District of
 20 Columbia in accordance with subsection (c) in the
 21 case of fiscal years 2006 through 2008;”; and

22 (2) by adding at the end the following new sub-
 23 section:

24 “(c) The financial statement and report for a fiscal
 25 year prepared and submitted for purposes of subsection

1 (a)(4) shall be audited by the Inspector General of the
 2 District of Columbia (in coordination with the Chief Fi-
 3 nancial Officer of the District of Columbia) pursuant to
 4 section 208(a)(4) of the District of Columbia Procurement
 5 Practices Act of 1985, and shall include as a basic finan-
 6 cial statement a comparison of audited actual year-end re-
 7 sults with the revenues submitted in the budget document
 8 for such year and the appropriations enacted into law for
 9 such year using the format, terminology, and classifica-
 10 tions contained in the law making the appropriations for
 11 the year and its legislative history.”.

12 **SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAF-**
 13 **FIC ALCOHOL LAWS FOR ENFORCEMENT AND**
 14 **PROSECUTION OF LAWS.**

15 Section 10(b)(3) of the District of Columbia Traffic
 16 Act, 1925 (sec. 50–2201.05(b)(3), D.C. Official Code) is
 17 amended to read as follows:

18 “(3) Notwithstanding any other provision of law, all
 19 fines imposed and collected pursuant to this subsection
 20 during fiscal year 2006 and each succeeding fiscal year
 21 shall be transferred to the General Fund of the District
 22 of Columbia, shall be used by the District of Columbia
 23 exclusively for the enforcement and prosecution of the Dis-
 24 trict traffic alcohol laws, and shall remain available until
 25 expended.”.

1 **SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES**
2 **BROUGHT UNDER INDIVIDUALS WITH DIS-**
3 **ABILITIES EDUCATION ACT.**

4 (a) RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-
5 CER.—Section 424(d) of the District of Columbia Home
6 Rule Act (sec. 1–204.24(d), D.C. Official Code), as
7 amended by section 201(a), is amended by adding at the
8 end the following new paragraph:

9 “(28) With respect to attorneys in special edu-
10 cation cases brought under the Individuals with Dis-
11 abilities Education Act in the District of Columbia
12 during fiscal year 2006 and each succeeding fiscal
13 year—

14 “(A) requiring such attorneys to certify in
15 writing that the attorney or representative of
16 the attorney rendered any and all services for
17 which the attorney received an award in such a
18 case, including those received under a settle-
19 ment agreement or as part of an administrative
20 proceeding, from the District of Columbia;

21 “(B) requiring such attorneys, as part of
22 the certification under subparagraph (A), to
23 disclose any financial, corporate, legal, member-
24 ship on boards of directors, or other relation-
25 ships with any special education diagnostic
26 services, schools, or other special education

1 service providers to which the attorneys have
2 referred any clients in any such cases; and

3 “(C) preparing and submitting quarterly
4 reports to the Committees on Appropriations of
5 the House of Representatives and Senate on the
6 certification of and the amount paid by the gov-
7 ernment of the District of Columbia, including
8 the District of Columbia Public Schools, to such
9 attorneys.”.

10 (b) INVESTIGATIONS BY INSPECTOR GENERAL.—Sec-
11 tion 208(a)(3) of the District of Columbia Procurement
12 Practices Act of 1985 (sec. 2–302.08(a)(3), D.C. Official
13 Code) is amended by adding at the end the following new
14 subparagraph:

15 “(J) During fiscal year 2006 and each succeeding fis-
16 cal year, conduct investigations to determine the accuracy
17 of certifications made to the Chief Financial Officer of the
18 District of Columbia under section 424(d)(28) of the Dis-
19 trict of Columbia Home Rule Act of attorneys in special

1 education cases brought under the Individuals with Dis-
2 abilities Education Act in the District of Columbia.”.

Passed the House of Representatives December 14,
2005.

Attest:

Clerk