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Reported by Ms. COLLINS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 Representatives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 **“2005 District of Columbia Omnibus Authorization Act”.**

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

See. 1. Short title; table of contents.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

See. 101. Budget flexibility.

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

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

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

Subtitle B—District of Columbia Courts

See. 111. Modernization of Office of Register of Wills.

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

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

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

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

See. 116. Technical corrections relating to courts.

Subtitle C—Other Miscellaneous Technical Corrections

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

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

See. 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

See. 201. Promoting independence of Chief Financial Officer.

See. 202. Personnel authority.

See. 203. Procurement authority.

See. 204. Fiscal impact statements.

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

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

See. 302. Evaluation process for public school employees.

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

See. 304. Criteria for renewing or extending sole source contracts.

See. 305. Acceptance of grant amounts not included in annual budget.

See. 306. Standards for annual independent audit.

See. 307. Use of fines imposed for violation of traffic alcohol laws for enforcement and prosecution of laws.

See. 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 (see 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

23 “(2) by an aggregate amount of not more than
24 6 percent, in the case of any other amounts allo-
25 cated under the budget.

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

5 “(1) The Chief Financial Officer of the District
6 of Columbia shall certify—

7 “(A) the increase in revenue; and

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

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

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

20 “(4) The amounts may not be obligated or ex-
21 pended unless the Mayor has notified the Commit-
22 tees on Appropriations of the House of Representa-
23 tives and Senate, the Committee on Government Re-
24 form of the House of Representatives, and the Com-
25 mittee on Homeland Security and Governmental Af-

1 fairs of the Senate not fewer than 30 days in ad-
2 vance of the obligation or expenditure.

3 “(e) EFFECTIVE DATE.—This section shall apply
4 with respect to fiscal years 2006 through 2007.”.

5 (b) CONFORMING AMENDMENT.—The fourth sen-
6 tence of section 446 of such Act (see: 1-204.46, D.C. Offi-
7 cial Code) is amended by inserting “section 446A,” after
8 “section 445A(b),”.

9 (e) CLERICAL AMENDMENT.—The table of contents
10 of such Act is amended by inserting after the item relating
11 to section 446 the following new item:

"See. 446A. Permitting increase in amount appropriated as local funds during a fiscal year.".

12 SEC. 102. ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS
13 IN RESERVE FUNDS.

14 (a) IN GENERAL.—Section 450A of the District of
15 Columbia Home Rule Act (see. ~~1-204.50A~~, D.C. Official
16 Code) is amended—

17 (1) by redesignating subsection (e) as sub-
18 section (d); and

19 (2) by inserting after subsection (b) the fol-
20 lowing new subsection:

21 “(e) ADDITIONAL AUTHORITY TO ALLOCATE
22 AMOUNTS.—

23 "(1) IN GENERAL.—Notwithstanding any other
24 provision of this section, in addition to the authority

1 provided under this section to allocate and use
2 amounts from the emergency reserve fund under
3 subsection (a) and the contingency reserve fund
4 under subsection (b), the District of Columbia may
5 allocate amounts from such funds during a fiscal
6 year and use such amounts for cash flow manage-
7 ment purposes.

8 **“(2) LIMITS ON AMOUNT ALLOCATED.—**

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

16 **“(B) AGGREGATE AMOUNT ALLOCATED.—**

17 The aggregate amount allocated from the emer-
18 gency reserve fund or the contingency reserve
19 fund pursuant to the authority of this sub-
20 section during a fiscal year may not exceed 50
21 percent of the balance of the fund involved as
22 of the first day of such fiscal year.

23 **“(3) REPLENISHMENT.—**If the District of Co-
24 lumbia allocates any amounts from a reserve fund
25 pursuant to the authority of this subsection during

1 a fiscal year, the District shall fully replenish the
2 fund for the amounts allocated not later than the
3 earlier of—

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

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

8 “(4) EFFECTIVE DATE.—This subsection shall
9 apply with respect to fiscal years 2006 through
10 2007.”.

11 (b) SPECIAL RULE FOR TIMING OF REPLENISHMENT
12 AFTER SUBSEQUENT ALLOCATION.—

13 (1) EMERGENCY RESERVE FUND.—Section
14 450A(a)(7) of such Act (see. 1-204.50A(a)(7), D.C.
15 Official Code) is amended—

16 (A) by striking “(7) REPLENISHMENT.—
17 The District of Columbia” and inserting the fol-
18 lowing:

19 “(7) REPLENISHMENT.—

20 “(A) IN GENERAL.—The District of Co-
21 lumbia”, and

22 (B) by adding at the end the following new
23 subparagraph:

1 **“(B) SPECIAL RULE FOR REPLENISHMENT**
2 **AFTER ALLOCATION FOR CASH FLOW MANAGE-**
3 **MENT.**

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

21 “**(ii) DEADLINE.**—The District shall
22 carry out any replenishment required
23 under clause (i) as a result of a subsequent
24 allocation described in such clause not
25 later than the expiration of the 60-day pe-

6 (A) by striking "(6) REPLENISHMENT.—

9 “(6) REPLENISHMENT.—

12 (B) by adding at the end the following new
13 subparagraph:

1 the fund is reduced to an amount which is
2 less than 50 percent of the balance of the
3 fund as of the first day of the fiscal year,
4 the District shall replenish the fund by
5 such amount as may be required to restore
6 the balance to an amount which is equal to
7 50 percent of the balance of the fund as of
8 the first day of the fiscal year.

16 SEC. 103. PERMITTING GENERAL SERVICES ADMINISTRA-
17 TION TO OBTAIN SPACE AND SERVICES ON
18 BEHALF OF DISTRICT OF COLUMBIA PUBLIC
19 DEFENDER SERVICE.

20 (a) AUTHORITY TO OBTAIN SPACE AND SERVICES.—
21 At the request of the Director of the District of Columbia
22 Public Defender Service, the Administrator of General
23 Services may furnish space and services on behalf of the
24 Service (either directly by providing space and services in
25 buildings owned or occupied by the Federal Government

1 or indirectly by entering into leases with non-Federal enti-
2 ties) in the same manner, and under the same terms and
3 conditions, as the Administrator may furnish space and
4 services on behalf of an agency of the Federal Govern-
5 ment.

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

8 SEC. 104. AUTHORITY TO ENTER INTO INTERSTATE INSUR-
9 ANCE PRODUCT REGULATION COMPACT.

10 (a) IN GENERAL.—The District of Columbia is au-
11 thorized to enter into an interstate compact to establish
12 a joint state commission as an instrumentality of the Dis-
13 trict of Columbia for the purpose of establishing uniform
14 insurance product regulations among the participating
15 states.

16 (b) **DELEGATION.**—Any insurance product regulation
17 compact that the Council of the District of Columbia au-
18 thorizes the Mayor to execute on behalf of the District
19 may contain provisions that delegate the requisite power
20 and authority to the joint state commission to achieve the
21 purposes for which the interstate compact is established.

Subtitle B—District of Columbia Courts

3 SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF
4 WILLS.

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

8 "(b) In matters over which the Superior Court has
9 probate jurisdiction or powers, the Register of Wills
10 shall—

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

13 “(2) record in electronic or other format all
14 wills proved before the Register of Wills or the court
15 and other matters required by law to be recorded in
16 the court;

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

19 “(4) make out and issue every summons, pro-
20 cess, and order of the court;

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

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

1 (b) REPEAL OF PENALTIES.—

2 (1) IN GENERAL.—Section 11-2104, District of
3 Columbia Code, is amended—

4 (A) in the heading, by striking “; pen-
5 alties”; and

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

11 (e) RECORD OF CLAIMS AGAINST NONRESIDENT DE-
12 EEDENTS.—Section 20-343(d), District of Columbia Offi-
13 cial Code, is amended by striking the second sentence and
14 inserting the following: “The Register shall record all such
15 claims and releases.”.

16 SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NON-

17 JUDICIAL EMPLOYEES.

18 (a) IN GENERAL.—The second sentence of section
19 ~~11-1726(a), District of Columbia Official Code, is amend-~~
20 ~~ed by striking “pay fixed by administrative action in see-~~
21 ~~tion 5373” and inserting “maximum pay in section~~
22 ~~5382(a)”.~~

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

1 **SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PRO-**2 **VIDING SERVICES TO INDIGENT DEFEND-**3 **ANTS.**4 (a) **IN GENERAL.**—Section 11-2605, District of Co-

5 lumbia Official Code, is amended—

6 (1) by striking subsection (b);

7 (2) in subsection (c), by inserting after “United
8 States Code,” the following: “(or, in the case of in-
9 vestigative services, a fixed rate of \$25 per hour)”;10 (3) in subsection (d), by inserting after “United
11 States Code,” the following: “(or, in the case of in-
12 vestigative services, a fixed rate of \$25 per hour)”,
13 and14 (4) by redesignating subsections (c) and (d) as
15 subsections (b) and (c).16 (b) **EFFECTIVE DATE.**—The amendment made by
17 subsection (a) shall apply with respect to services provided
18 on or after the date of the enactment of this Act.19 **SEC. 114. AUTHORITY OF COURTS TO CONDUCT PRO-**20 **CEEDINGS OUTSIDE OF DISTRICT OF COLUM-**21 **BIA DURING EMERGENCIES.**22 (a) **DISTRICT OF COLUMBIA COURT OF APPEALS.**—23 (1) **IN GENERAL.**—Subchapter I of chapter 7 of
24 title 11, District of Columbia Official Code, is
25 amended by adding at the end the following new sec-
26 tion:

1 **§ 11-710. Emergency authority to conduct proceedings outside District of Columbia.**

3 “(a) IN GENERAL.—The court may hold special ses-
4 sions at any place within the United States outside the
5 District of Columbia as the nature of the business may
6 require and upon such notice as the court orders, upon
7 a finding by either the chief judge of the court (or, if the
8 chief judge is absent or disabled, the judge designated
9 under section 11-706(a)) or the Joint Committee on Judi-
10 cial Administration in the District of Columbia that, be-
11 cause of emergency conditions, no location within the Dis-
12 trict of Columbia is reasonably available where such spe-
13 cial sessions could be held. The court may transact any
14 business at a special session authorized pursuant to this
15 section which it has the authority to transact at a regular
16 session.

17 "(b) NOTICE REQUIREMENTS.—If the Court of Ap-
18 peals issues an order exercising its authority under sub-
19 section (a), the court—

20 “(1) through the Joint Committee on Judicial
21 Administration in the District of Columbia, shall
22 send notice of such order, including the reasons for
23 the issuance of such order, to the Committee on
24 Homeland Security and Governmental Affairs of the
25 Senate and the Committee on Government Reform
26 of the House of Representatives; and

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

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

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

9 **(b) SUPERIOR COURT OF THE DISTRICT OF COLUM-
10 BIA.**—

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

15 **“§ 11-911. Emergency authority to conduct pro-
16 ceedings outside District of Columbia.**

17 **“(a) IN GENERAL.**—The Superior Court may hold
18 special sessions at any place within the United States out-
19 side the District of Columbia as the nature of the business
20 may require and upon such notice as the Superior Court
21 orders, upon a finding by either the chief judge of the Su-
22 perior Court (or, if the chief judge is absent or disabled,
23 the judge designated under section 11-907(a)) or the
24 Joint Committee on Judicial Administration in the Dis-

1 trict of Columbia that, because of emergency conditions,
2 no location within the District of Columbia is reasonably
3 available where such special sessions could be held.

4 “(b) BUSINESS TRANSACTED.— The Superior Court
5 may transact any business at a special session outside the
6 District of Columbia authorized pursuant to this section
7 which it has the authority to transact at a regular session,
8 except that a criminal trial may not be conducted at such
9 a special session without the consent of the defendant.

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

14 “(1) in civil proceedings, from any part of the
15 District of Columbia or, if jurors are not readily
16 available from the District of Columbia, the jurisdi-
17 ction in which it is holding the special session; and

18 “(2) in criminal trials, from any part of the
19 District of Columbia or, if jurors are not readily
20 available from the District of Columbia and if the
21 defendant so consents, the jurisdiction in which it is
22 holding the special session.

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

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

8 “(2) shall provide reasonable notice to the
9 United States Marshals Service before the com-
10 mencement of any special session held pursuant to
11 such order.”.

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

16 **SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER**
17 **SUPERVISION AGENCY TO USE SERVICES OF**
18 **VOLUNTEERS.**

19 Section 11233 of the National Capital Revitalization
20 and Self-Government Improvement Act of 1997 (see: 24–
21 133, D.C. Official Code) is amended by adding at the end
22 the following new subsection:

23 "(g) AUTHORITY TO USE SERVICES OF VOLUN-
24 TEERS.—

1 “(1) IN GENERAL.—The Agency (including any
2 independent entity within the Agency) may accept
3 the services of volunteers and provide for their inci-
4 dental expenses to carry out any activity of the
5 Agency except policy-making.

6 “(2) APPLICABILITY OF WORKER’S COMPENSA-
7 TION RULES TO VOLUNTEERS.—Any volunteer whose
8 services are accepted pursuant to this subsection
9 shall be considered an employee of the United States
10 Government in providing the services for purposes of
11 chapter 81 of title 5, United States Code (relating
12 to compensation for work injuries).”

13 SEC. 116. TECHNICAL CORRECTIONS RELATING TO
14 COURTS.

15 (a) IN GENERAL.—Section 329 of the District of Co-
16 lumbia Appropriations Act, 2005 (Public Law 108-335;
17 118 Stat. 1345), is amended to read as follows:

18 “SEC. 329. (a) APPROVAL OF BONDS BY JOINT COM-
19 MITTEE ON JUDICIAL ADMINISTRATION.—Section 11—
20 ~~1701(b)~~, District of Columbia Official Code, is amended
21 by striking paragraph (5).

22 "(b) EXECUTIVE OFFICER.—

23 “(1) IN GENERAL.—Section 11-1704, District
24 of Columbia Official Code, is amended to read as
25 follows:

1 **§ 11-1704. Oath of Executive Officer.**

2 ‘The Executive Officer shall take an oath or affirmation
 3 for the faithful and impartial discharge of the duties
 4 of that office.’.

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

‘11-1704. Oath of Executive Officer.’

9 “(e) FISCAL OFFICER.—Section 11-1723, District of
 10 Columbia Official Code, is amended—

11 “(1) by striking ‘(a)(1)’ and inserting ‘(a)’;
 12 “(2) by striking subsection (b); and
 13 “(3) by redesignating paragraphs (2) and (3) of
 14 subsection (a) as subsections (b) and (c).

15 “(d) AUDITOR-MASTER.—Section 11-1724, District
 16 of Columbia Official Code, is amended by striking the see-
 17 ond and third sentences.

18 “(e) REGISTER OF WILLS.—

19 “(1) IN GENERAL.—Section 11-2102, District
 20 of Columbia Official Code, is amended—

21 “(A) in the heading, by striking ‘**bond**;’;
 22 “(B) in subsection (a)(2), by striking ‘give
 23 bond,’ and all that follows through ‘seasonably
 24 to record’ and inserting ‘seasonably record’, and

1 “(C) by striking the third sentence of sub-
 2 section (a).

3 “(2) CLERICAL AMENDMENT.—The item relat-
 4 ing to section 11-2102 in the table of sections for
 5 chapter 21 of title 11, District of Columbia Official
 6 Code, is amended by striking ‘bond.’.”

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 for chapter 17 of title 11, District of Columbia Official
 9 Code, is amended by amending the item relating to section
 10 11-1728 to read as follows:

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

11 (e) EFFECTIVE DATE.—The amendments made by
 12 this section shall take effect as if included in the enact-
 13 ment of the District of Columbia Appropriations Act,
 14 2005.

15 **Subtitle C—Other Miscellaneous
 16 Technical Corrections**

17 **SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHOR-
 18 IZATION ACT.**

19 (a) IN GENERAL.—The first sentence of section
 20 446(a) of the District of Columbia Home Rule Act (see
 21 1-204.46(a), D.C. Official Code) is amended by striking
 22 “The Council,” and all that follows through “from the
 23 Mayor,” and inserting “The Council, within 56 calendar
 24 days after receipt of the budget proposal from the
 25 Mayor.”.

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

5 **SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT,**
6 **2005.**

7 (a) IN GENERAL.—Section 450A of the District of
8 Columbia Home Rule Act (see 1-204.50A, D.C. Official
9 Code), as amended by section 332 of the District of Co-
10 lumbia Appropriations Act, 2005 (Public Law 108-335;
11 118 Stat. 1346), is amended—

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

15 (2) in the heading of subsection (b)(2), by
16 striking “IN GENERAL” and inserting “OPERATING
17 EXPENDITURES DEFINED”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect as if included in the enact-
20 ment of the District of Columbia Appropriations Act,
21 2005.

1 **SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS RE-**
2 **LATING TO BANKS OPERATING UNDER THE**
3 **CODE OF LAW FOR THE DISTRICT OF COLUM-**
4 **BIA.**

5 (a) **FEDERAL RESERVE ACT.—**

6 (1) The second undesignated paragraph of the
7 first section of the Federal Reserve Act (12 U.S.C.
8 221) is amended by adding at the end the following:
9 “For purposes of this Act, a State bank includes any
10 bank which is operating under the Code of Law for
11 the District of Columbia.”.

12 (2) The first sentence of the first undesignated
13 paragraph of section 9 of the Federal Reserve Act
14 (12 U.S.C. 321) is amended by striking “incor-
15 porated by special law of any State, or” and insert-
16 ing “incorporated by special law of any State, oper-
17 ating under the Code of Law for the District of Co-
18 lumbia, or”.

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

21 (1) by striking “means (1) any national” and
22 inserting “means any national”; and

23 (2) by striking “, and (2) any bank or trust
24 company located in the District of Columbia and op-
25 erating under the supervision of the Comptroller of
26 the Currency”.

1 (e) DEPOSITORY INSTITUTION DEREGULATION AND
2 MONETARY CONTROL ACT OF 1980.—Part C of title VII
3 of the Depository Institution Deregulation and Monetary
4 Control Act of 1980 is amended—

5 (1) in paragraph (1) of section 731 (12 U.S.C.
6 216(1)) by striking “and closed banks in the Dis-
7 trict of Columbia”; and

8 (2) in paragraph (2) of section 732 (12 U.S.C.
9 216a(2)) by striking “or closed banks in the District
10 of Columbia”.

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

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

20 (f) AN ACT OF AUGUST 17, 1950.—Section 1(a) of
21 the Act entitled “An Act to provide for the conversion of
22 national banking associations into and their merger or
23 consolidation with State banks, and for other purposes”
24 and approved August 17, 1950 (12 U.S.C. 214(a)) is

1 amended by striking “(except a national banking associa-
2 tion)”—

3 (g) FEDERAL TRADE COMMISSION ACT.—Section
4 18(f)(2) of the Federal Trade Commission Act (15 U.S.C.
5 57a(f)(2)) is amended—

6 (1) in subparagraph (A), by striking “, banks
7 operating under the code of law for the District of
8 Columbia,”; and

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

12 **TITLE II—INDEPENDENCE OF
13 THE CHIEF FINANCIAL OFFICER**

14 **SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINAN-
15 CIAL OFFICER.**

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

19 “**CHIEF FINANCIAL OFFICER OF THE DISTRICT OF
20 COLUMBIA**

21 “**SEC. 424. (a) IN GENERAL.—**

22 “(1) ESTABLISHMENT.—There is hereby estab-
23 lished within the executive branch of the government
24 of the District of Columbia an Office of the Chief
25 Financial Officer of the District of Columbia (here-
26 after referred to as the ‘Office’), which shall be

1 headed by the Chief Financial Officer of the District
2 of Columbia (hereafter referred to as the 'Chief Fi-
3 nancial Officer').

4 “(2) ORGANIZATIONAL ANALYSIS.—

5 “(A) OFFICE OF BUDGET AND PLAN-
6 NING.—The name of the Office of Budget and
7 Management, established by Commissioner's
8 Order 69-96, issued March 7, 1969, is changed
9 to the Office of Budget and Planning.

10 “(B) OFFICE OF TAX AND REVENUE.—The
11 name of the Department of Finance and Rev-
12 enue, established by Commissioner's Order 69-
13 96, issued March 7, 1969, is changed to the Of-
14 fice of Tax and Revenue.

15 “(C) OFFICE OF FINANCE AND TREAS-
16 URY.—The name of the Office of Treasurer, es-
17 tablished by Mayor's Order 89-244, dated Oc-
18 tober 23, 1989, is changed to the Office of Fi-
19 nance and Treasury.

20 “(D) OFFICE OF FINANCIAL OPERATIONS
21 AND SYSTEMS.—The Office of the Controller,
22 established by Mayor's Order 89-243, dated
23 October 23, 1989, and the Office of Financial
24 Information Services, established by Mayor's
25 Order 89-244, dated October 23, 1989, are

1 consolidated into the Office of Financial Oper-
2 ations and Systems.

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

8 “(A) The Office of Budget and Planning,
9 headed by the Deputy Chief Financial Officer
10 for the Office of Budget and Planning.

11 “(B) The Office of Tax and Revenue,
12 headed by the Deputy Chief Financial Officer
13 for the Office of Tax and Revenue.

14 “(C) The Office of Research and Analysis,
15 headed by the Deputy Chief Financial Officer
16 for the Office of Research and Analysis.

17 “(D) The Office of Financial Operations
18 and Systems, headed by the Deputy Chief Fi-
19 nancial Officer for the Office of Financial Oper-
20 ations and Systems.

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

23 “(F) The Lottery and Charitable Games
24 Control Board, established by the Law to Le-
25 galize Lotteries, Daily Numbers Games, and

1 Bingo and Raffles for Charitable Purposes in
2 the District of Columbia, effective March 10,
3 1981 (D.C. Law 3-172, D.C. Official Code §
4 3-1301 et seq.).

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

8 “(5) APPOINTMENT AND REMOVAL OF OFFICE
9 EMPLOYEES.—The Chief Financial Officer shall ap-
10 point the heads of the subordinate offices designated
11 in paragraph (3), after consultation with the Mayor
12 and the Council. The Chief Financial Officer may
13 remove the heads of the offices designated in para-
14 graph (3), after consultation with the Mayor and the
15 Council.

16 “(6) ANNUAL BUDGET SUBMISSION.—The Chief
17 Financial Officer shall prepare and annually submit
18 to the Mayor of the District of Columbia, for inclu-
19 sion in the annual budget of the District of Colum-
20 bia government for a fiscal year, annual estimates of
21 the expenditures and appropriations necessary for
22 the year for the operation of the Office and all other
23 District of Columbia accounting, budget, and finan-
24 cial management personnel (including personnel of

1 executive branch independent agencies) that report
2 to the Office pursuant to this Act.

3 **“(b) APPOINTMENT OF THE CHIEF FINANCIAL OFFI-**
4 **CEER.—**

5 **“(1) APPOINTMENT.—**

6 **“(A) IN GENERAL.—**The Chief Financial
7 Officer shall be appointed by the Mayor with
8 the advice and consent, by resolution, of the
9 Council. Upon confirmation by the Council, the
10 name of the Chief Financial Officer shall be
11 submitted to the Committees on Appropriations
12 of the House of Representatives and Senate,
13 the Committee on Government Reform of the
14 House of Representatives, and the Committee
15 on Homeland Security and Governmental Af-
16 fairs of the Senate for a 30-day period of review
17 and comment before the appointment takes ef-
18 feet.

19 **“(B) SPECIAL RULE FOR CONTROL**
20 **YEARS.—**During a control year, the Chief Fi-
21 nancial Officer shall be appointed by the Mayor
22 as follows:

23 **“(i) Prior to the appointment, the Au-**
24 **thority may submit recommendations for**
25 **the appointment to the Mayor.**

1 “(ii) In consultation with the Authority
2 and the Council, the Mayor shall nominate
3 an individual for appointment and notify
4 the Council of the nomination.

5 “(iii) After the expiration of the 7-day
6 period which begins on the date the Mayor
7 notifies the Council of the nomination
8 under clause (ii), the Mayor shall notify
9 the Authority of the nomination.

10 “(iv) The nomination shall be effective
11 subject to approval by a majority vote of
12 the Authority.

13 “(2) TERM.—

14 “(A) IN GENERAL.—All appointments
15 made after June 30, 2007, shall be for a term
16 of 5 years, except for appointments made for
17 the remainder of unexpired terms. The appointments
18 shall have an anniversary date of July 1.

19 “(B) TRANSITION.—For purposes of this
20 section, the individual serving as Chief Financial
21 Officer as of the date of enactment of the
22 2005 District of Columbia Omnibus Authorization
23 Act shall be deemed to have been appointed
24 under this subsection, except that such individ-

1 ual's initial term of office shall begin upon such
2 date and shall end on June 30, 2007.

3 “(C) CONTINUANCE.—Any Chief Financial
4 Officer may continue to serve beyond his term
5 until a successor takes office.

6 “(D) VACANCIES.—Any vacancy in the Of-
7 fice of Chief Financial Officer shall be filled in
8 the same manner as the original appointment
9 under paragraph (1).

10 “(E) PAY.—The Chief Financial Officer
11 shall be paid at an annual rate equal to the rate
12 of basic pay payable for level I of the Executive
13 Schedule.

14 “(F) REMOVAL OF THE CHIEF FINANCIAL OFFI-
15 CER.—

16 “(1) IN GENERAL.—The Chief Financial Officer
17 may only be removed for cause by the Mayor, sub-
18 ject to the approval of the Council by a resolution
19 approved by not fewer than 2/3 of the members of
20 the Council. After approval of the resolution by the
21 Council, notice of the removal shall be submitted to
22 the Committees on Appropriations of the House of
23 Representatives and Senate, the Committee on Gov-
24 ernment Reform of the House of Representatives,
25 and the Committee on Homeland Security and Gov-

1 ernmental Affairs of the Senate for a 30-day period
2 of review and comment before the removal takes ef-
3 feet.

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

8 “(d) DUTIES OF THE CHIEF FINANCIAL OFFICER.—
9 Notwithstanding any provisions of this Act which grant
10 authority to other entities of the District government, the
11 Chief Financial Officer shall have the following duties and
12 shall take such steps as are necessary to perform these
13 duties:

14 “(1) During a control year, preparing the finan-
15 cial plan and the budget for the use of the Mayor
16 for purposes of subtitle A of title II of the District
17 of Columbia Financial Responsibility and Manage-
18 ment Assistance Act of 1995.

19 “(2) Preparing the budgets of the District of
20 Columbia for the year for the use of the Mayor for
21 purposes of part D and preparing the 5-year finan-
22 cial plan based upon the adopted budget for submis-
23 sion with the District of Columbia budget by the
24 Mayor to Congress.

1 “(3) During a control year, assuring that all fi-
2 nancial information presented by the Mayor is pre-
3 sented in a manner, and is otherwise consistent
4 with, the requirements of the District of Columbia
5 Financial Responsibility and Management Assistance
6 Act of 1995.

7 “(4) Implementing appropriate procedures and
8 instituting such programs, systems, and personnel
9 policies within the Chief Financial Officer’s author-
10 ity, to ensure that budget, accounting, and personnel
11 control systems and structures are synchronized for
12 budgeting and control purposes on a continuing
13 basis and to ensure that appropriations are not ex-
14 ceeded.

15 “(5) Preparing and submitting to the Mayor
16 and the Council, with the approval of the Authority
17 during a control year, and making public—

18 “(A) annual estimates of all revenues of
19 the District of Columbia (without regard to the
20 source of such revenues), including proposed
21 revenues, which shall be binding on the Mayor
22 and the Council for purposes of preparing and
23 submitting the budget of the District govern-
24 ment for the year under part D of this title, ex-
25 cept that the Mayor and the Council may pre-

1 pare the budget based on estimates of revenues
2 which are lower than those prepared by the
3 Chief Financial Officer; and

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

6 “(6) Supervising and assuming responsibility
7 for financial transactions to ensure adequate control
8 of revenues and resources;

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

11 “(A) full disclosure of the financial impact
12 of the activities of the District government;

13 “(B) adequate financial information need-
14 ed by the District government for management
15 purposes;

16 “(C) effective control over, and account-
17 ability for, all funds, property, and other assets
18 of the District of Columbia; and

19 “(D) reliable accounting results to serve as
20 the basis for preparing and supporting agency
21 budget requests and controlling the execution of
22 the budget.

23 “(8) Submitting to the Council a financial
24 statement of the District government, containing

1 such details and at such times as the Council may
2 specify.

3 “(9) Supervising and assuming responsibility
4 for the assessment of all property subject to assess-
5 ment and special assessments within the corporate
6 limits of the District of Columbia for taxation, pre-
7 paring tax maps, and providing such notice of taxes
8 and special assessments (as may be required by
9 law).

10 “(10) Supervising and assuming responsibility
11 for the levying and collection of all taxes, special as-
12 sessments, licensing fees, and other revenues of the
13 District of Columbia (as may be required by law),
14 and receiving all amounts paid to the District of Co-
15 lumbia from any sourcee (including the Authority).

16 “(11) Maintaining custody of all public funds
17 belonging to or under the control of the District gov-
18 ernment (or any department or agency of the Dis-
19 trict government), and depositing all amounts paid
20 in such depositories and under such terms and con-
21 ditions as may be designated by the Council (or by
22 the Authority during a control year).

23 “(12) Maintaining custody of all investment
24 and invested funds of the District government or in
25 possession of the District government in a fiduciary

1 capacity, and maintaining the safekeeping of all
2 bonds and notes of the District government and the
3 receipt and delivery of District government bonds
4 and notes for transfer, registration, or exchange.

5 “(13) Apportioning the total of all appropria-
6 tions and funds made available during the year for
7 obligation so as to prevent obligation or expenditure
8 in a manner which would result in a deficiency or a
9 need for supplemental appropriations during the
10 year, and (with respect to appropriations and funds
11 available for an indefinite period and all authoriza-
12 tions to create obligations by contract in advance of
13 appropriations) apportioning the total of such approp-
14 priations, funds, or authorizations in the most effec-
15 tive and economical manner.

16 “(14) Certifying all contracts and leases
17 (whether directly or through delegation) prior to exe-
18 cution as to the availability of funds to meet the ob-
19 ligations expected to be incurred by the District gov-
20 ernment under such contracts and leases during the
21 year.

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

1 “(16) Certifying and approving prior to pay-
2 ment of all bills, invoices, payrolls, and other evi-
3 dences of claims, demands, or charges against the
4 District government, and determining the regularity,
5 legality, and correctness of such bills, invoices, pay-
6 rolls, claims, demands, or charges.

7 “(17) In coordination with the Inspector Gen-
8 eral of the District of Columbia, performing internal
9 audits of accounts and operations and records of the
10 District government, including the examination of
11 any accounts or records of financial transactions,
12 giving due consideration to the effectiveness of ac-
13 counting systems, internal control, and related ad-
14 ministrative practices of the departments and agen-
15 cies of the District government.

16 “(18) Exercising responsibility for the adminis-
17 tration and supervision of the District of Columbia
18 Treasurer.

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

23 “(20) Administering the cash management pro-
24 gram of the District government, including the in-
25 vestment of surplus funds in governmental and non-

1 governmental interest-bearing securities and ac-
2 counts.

3 “(21) Administering the centralized District
4 government payroll and retirement systems (other
5 than the retirement system for police officers, fire
6 fighters, and teachers).

7 “(22) Governing the accounting policies and
8 systems applicable to the District government.

9 “(23) Preparing appropriate annual, quarterly,
10 and monthly financial reports of the accounting and
11 financial operations of the District government.

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

17 “(25) Preparing fiscal impact statements on
18 regulations, multiyear contracts, contracts over
19 \$1,000,000 and on legislation, as required by section
20 4a of the General Legislative Procedures Act of
21 1975.

22 “(26) Preparing under the direction of the
23 Mayor, who has the specific responsibility for formu-
24 lating budget policy using Chief Financial Officer
25 technical and human resources, the budget for sub-

1 mission by the Mayor to the Council and to the pub-
2 lie and upon final adoption to Congress and to the
3 public.

4 “(27) Certifying all collective bargaining agree-
5 ments and nonunion pay proposals prior to submis-
6 sion to the Council for approval as to the availability
7 of funds to meet the obligations expected to be in-
8 curred by the District government under such collec-
9 tive bargaining agreements and nonunion pay pro-
10 posals during the year.

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

13 “(1) Assisting the Chief Financial Officer in re-
14 porting revenues received by the District govern-
15 ment, including submitting annual and quarterly re-
16 ports concerning the cash position of the District
17 government not later than 60 days after the last day
18 of the quarter (or year) involved. Each such report
19 shall include the following:

20 “(A) Comparative reports of revenue and
21 other receipts by source, including tax, nontax,
22 and Federal revenues, grants and reimburse-
23 ments, capital program loans, and advances.
24 Each source shall be broken down into specific
25 components.

1 “(B) Statements of the cash flow of the
2 District government for the preceding quarter
3 or year, including receipts, disbursements, net
4 changes in cash inclusive of the beginning bal-
5 ance, cash and investment, and the ending bal-
6 ance, inclusive of cash and investment. Such
7 statements shall reflect the actual, planned, bet-
8 ter or worse dollar amounts and the percentage
9 change with respect to the current quarter,
10 year-to-date, and fiscal year.

11 “(C) Quarterly cash flow forecast for the
12 quarter or year involved, reflecting receipts, dis-
13 bursements, net change in cash inclusive of the
14 beginning balance, cash and investment, and
15 the ending balance, inclusive of cash and invest-
16 ment with respect to the actual dollar amounts
17 for the quarter or year, and projected dollar
18 amounts for each of the 3 succeeding quarters.

19 “(D) Monthly reports reflecting a detailed
20 summary analysis of all District of Columbia
21 government investments, including—

22 “(i) the total of long-term and short-
23 term investments;

1 “(ii) a detailed summary analysis of
2 investments by type and amount, including
3 purchases, sales (maturities), and interest;

4 “(iii) an analysis of investment port-
5 folio mix by type and amount, including li-
6 quidity, quality/risk of each security, and
7 similar information;

8 “(iv) an analysis of investment strat-
9 egy, including near term strategic plans
10 and projects of investment activity, as well
11 as forecasts of future investment strategies
12 based on anticipated market conditions,
13 and similar information; and

14 “(v) an analysis of cash utilization, in-
15 cluding—

16 “(I) comparisons of budgeted
17 percentages of total cash to be in-
18 vested with actual percentages of cash
19 invested and the dollar amounts;

20 “(II) comparisons of the next re-
21 turn on invested cash expressed in
22 percentages (yield) with comparable
23 market indicators and established Dis-
24 trict of Columbia government yield ob-
25 jectives; and

1 “(III) comparisons of estimated
2 dollar return against actual dollar
3 yield.

4 “(E) Monthly reports reflecting a detailed
5 summary analysis of long-term and short-term
6 borrowings inclusive of debt as authorized by
7 section 603, in the current fiscal year and the
8 amount of debt for each succeeding fiscal year
9 not to exceed 5 years. All such reports shall re-
10 flect—

11 “(i) the amount of debt outstanding
12 by type of instrument;

13 “(ii) the amount of authorized and
14 unissued debt, including availability of
15 short-term lines of credit, United States
16 Treasury borrowings, and similar informa-
17 tion;

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

19 “(iv) the rate of interest payable upon
20 the debt; and

21 “(v) the amount of debt service re-
22 quirements and related debt service re-
23 serves.

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

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

6 “(1) the term ‘Authority’ means the District of
7 Columbia Financial Responsibility and Management
8 Assistance Authority established under section
9 101(a) of the District of Columbia Financial Re-
10 sponsibility and Management Assistance Act of
11 1995;

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

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

18 (b) CLARIFICATION OF DUTIES OF CHIEF FINANCIAL
19 OFFICER AND MAYOR.—

20 (1) RELATION TO FINANCIAL DUTIES OF
21 MAYOR.—Section 448(a) of such Act (section 4-
22 204.48(a), D.C. Official Code) is amended by strik-
23 ing “section 603,” and inserting “section 603 and
24 except to the extent provided under section 424(d),”.

7 SEC. 202. PERSONNEL AUTHORITY.

8 (a) PROVIDING INDEPENDENT PERSONNEL AUTHOR-
9 HTY.—

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

13 "AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PER-
14 SONNEL OF OFFICE AND OTHER FINANCIAL PER-
15 SONNEL

16 “SEC. 424a. (a) IN GENERAL.—Notwithstanding any
17 provision of law or regulation (including any law or regula-
18 tion providing for collective bargaining or the enforcement
19 of any collective bargaining agreement), employees of the
20 Office of the Chief Financial Officer of the District of Co-
21 lumbia, including personnel described in subsection (b),
22 shall be appointed by, shall serve at the pleasure of, and
23 shall act under the direction and control of the Chief Fi-
24 nancial Officer of the District of Columbia, and shall be
25 considered at-will employees not covered by the District
26 of Columbia Merit Personnel Act of 1978, except that

1 nothing in this section may be construed to prohibit the
2 Chief Financial Officer from entering into a collective bar-
3 gaining agreement governing such employees and per-
4 sonnel or to prohibit the enforcement of such an agree-
5 ment as entered into by the Chief Financial Officer.

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

8 “(1) The General Counsel to the Chief Finan-
9 eial Officer and all other attorneys in the Office of
10 the General Counsel within the Office of the Chief
11 Financial Officer of the District of Columbia, to-
12 gether with all other personnel of the Office.

13 “(2) All other individuals hired or retained as
14 attorneys by the Chief Financial Officer or any of-
15 fice under the personnel authority of the Chief Fi-
16 nancial Officer, each of whom shall act under the di-
17 rection and control of the General Counsel to the
18 Chief Financial Officer.

19 “(3) The heads and all personnel of the subor-
20 dinate offices of the Office (as described in section
21 424(a)(2) and established as subordinate offices in
22 section 424(a)(3)) and the Chief Financial Officers,
23 Agency Fiscal Officers, and Associate Chief Finan-
24 cial Officers of all District of Columbia executive
25 branch subordinate and independent agencies (in ac-

1 cordance with subsection (e)), together with all other
2 District of Columbia accounting, budget, and financial
3 management personnel (including personnel of
4 executive branch independent agencies, but not in-
5 cluding personnel of the legislative or judicial
6 branches of the District government).

7 **“(e) APPOINTMENT OF CERTAIN EXECUTIVE
8 BRANCH AGENCY CHIEF FINANCIAL OFFICERS.—**

9 **“(1) IN GENERAL.**—The Chief Financial Offi-
10 cers and Associate Chief Financial Officers of all
11 District of Columbia executive branch subordinate
12 and independent agencies (other than those of a sub-
13 ordinate office of the Office) shall be appointed by
14 the Chief Financial Officer, in consultation with the
15 agency head, where applicable. The appointment
16 shall be made from a list of qualified candidates de-
17 veloped by the Chief Financial Officer.

18 **“(2) TRANSITION.**—Any executive branch agen-
19 cy Chief Financial Officer appointed prior to the
20 date of enactment of the 2005 District of Columbia
21 Omnibus Authorization Act may continue to serve in
22 that capacity without reappointment.

23 **“(d) INDEPENDENT AUTHORITY OVER LEGAL PER-
24 SONNEL.**—Title VIII—B of the District of Columbia Gov-
25 ernment Comprehensive Merit Personnel Act of 1978 (see-

1 ~~1-608.51 et seq., D.C. Official Code)~~ shall not apply to
2 the Office of the Chief Financial Officer or to attorneys
3 employed by the Office.”

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

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

8 (b) CONFORMING AMENDMENT.—Section 862 of the
9 District of Columbia Government Comprehensive Merit
10 Personnel Act of 1978 (D.C. Law 2-260; D.C. Official
11 Code § 1-608.62) is amended by striking paragraph (2).

12 **SEC. 203. PROCUREMENT AUTHORITY.**

13 (a) PROVIDING INDEPENDENT AUTHORITY TO PRO-
14 CURE GOODS AND SERVICES.—

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

19 **“PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL
20 OFFICER**

21 “SEC. 424b. The Chief Financial Officer shall carry
22 out procurement of goods and services for the Office of
23 the Chief Financial Officer through a procurement office
24 or division which shall operate independently of, and shall

1 not be governed by, the Office of Contracting and Procure-
2 ment established under the District of Columbia Procure-
3 ment Practices Act of 1986 or any successor office, except
4 the provisions applicable under such Act to procurement
5 carried out by the Chief Procurement Officer established
6 by section 105 of such Act or any successor office shall
7 apply with respect to the procurement carried out by the
8 Chief Financial Officer's procurement office or division.”.

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

14 (b) CONFORMING AMENDMENTS.—

4 (B) in subsection (e), by striking the see-
5 ond and third sentences.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 6 months after the date of enactment of this Act.

12 SEC. 204. FISCAL IMPACT STATEMENTS.

13 The General Legislative Procedures Act of 1975 (see.
14 1-301.45 et seq., D.C. Official Code) is amended by add-
15 ing at the end the following new section:

16 “FISCAL IMPACT STATEMENTS

17 ~~“SEC 4a (a) BILLS AND RESOLUTIONS~~

18 “(1) IN GENERAL.—Notwithstanding any other
19 law, except as provided in subsection (e), all permanent
20 bills and resolutions shall be accompanied by a
21 fiscal impact statement before final adoption by the
22 Council.

23 “(2) CONTENTS.—The fiscal impact statement
24 shall include the estimate of the costs which will be
25 incurred by the District as a result of the enactment
26 of the measure in the current and each of the first

1 four fiscal years for which the act or resolution is in
2 effect, together with a statement of the basis for
3 such estimate.

4 “(b) APPROPRIATIONS.—Permanent and emergency
5 acts which are accompanied by fiscal impact statements
6 which reflect unbudgeted costs, shall be subject to appro-
7 priations prior to becoming effective.

8 “(e) APPLICABILITY.—Subsection (a) shall not apply
9 to emergency declaration, ceremonial, confirmation, and
10 sense of the Council resolutions.”.

11 **TITLE III—AUTHORIZATION OF**
12 **CERTAIN GENERAL APPRO-**
13 **PRIATIONS PROVISIONS**

14 SEC. 301. ACCEPTANCE OF GIFTS BY COURT SERVICES AND
15 OFFENDER SUPERVISION AGENCY.

16 (a) AUTHORITY TO ACCEPT GIFTS.—Section
17 11233(b) of the National Capital Revitalization and Self-
18 Government Improvement Act of 1997 (sec. 24-133(b),
19 D.C. Official Code) is amended by adding at the end the
20 following new paragraphs:

21 "(3) ACCEPTANCE OF GIFTS.—

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

1 “(i) in-kind contributions of space and
2 hospitality to support offender and defendant
3 programs; and

4 “(ii) equipment and vocational training
5 services to educate and train offenders
6 and defendants.

7 **“(B) RECORDS.**—The Director shall keep
8 accurate and detailed records of the acceptance
9 and use of any gifts under subparagraph (A),
10 and shall make such records available for audit
11 and public inspection.

12 **“(4) REIMBURSEMENT FROM DISTRICT GOV-**
13 **ERNMENT.**—During fiscal years 2006 through 2008,
14 the Director may accept and use reimbursement
15 from the District government for space and services
16 provided, on a cost reimbursable basis.”.

17 **(b) AUTHORITY OF PUBLIC DEFENDER SERVICE TO**
18 **CHARGE FEES FOR EVENT MATERIALS.**—Section 307 of
19 the District of Columbia Court Reform and Criminal Pro-
20 cedure Act of 1970 (see 2-1607, D.C. Official Code) is
21 amended by adding at the end the following new sub-
22 section:

23 “(d) During fiscal years 2006 through 2008, the
24 Service may charge fees to cover the costs of materials
25 distributed to attendees of educational events, including

1 conferences, sponsored by the Service. Notwithstanding
2 section 3302 of title 31, United States Code, any amounts
3 received as fees under this subsection shall be credited to
4 the Service and available for use without further appro-
5 priation.”.

6 **SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EM-**

7 **PLOYEES.**

8 Title XVII of the District of Columbia Merit Per-
9 sonnel Act of 1978 (see. 1-617.01 et seq., D.C. Official
10 Code) is amended by adding at the end the following new
11 section:

12 **“SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL**
13 **EMPLOYEES.**

14 “Notwithstanding any other provision of law, rule, or
15 regulation, during fiscal year 2006 and each succeeding
16 fiscal year the evaluation process and instruments for eval-
17 uating District of Columbia Public Schools employees
18 shall be a non-negotiable item for collective bargaining
19 purposes.”.

20 **SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVI-**
21 **SIONS OF MERIT PERSONNEL SYSTEM TO ALL**
22 **DISTRICT EMPLOYEES.**

23 (a) **DISTRICT OF COLUMBIA HOME RULE ACT.**—The
24 fourth sentence of section 422(3) of the District of Colum-
25 bia Home Rule Act (see. 1-204.42(3), D.C. Official Code)

1 is amended by striking "The system may provide" and in-
2 serting the following: "The system shall apply with respect
3 to the compensation of employees of the District govern-
4 ment during fiscal year 2006 and each succeeding fiscal
5 year, except that the system may provide".

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

9 "(e) Except as may be specifically provided, this
10 chapter does not apply for pay purposes to any employee
11 of the government of the District of Columbia during fis-
12 cal year 2006 or any succeeding fiscal year.".

13 **SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE
14 SOURCE CONTRACTS.**

15 Section 305 of the District of Columbia Procurement
16 Practices Act of 1985 (see: 2-303.05, D.C. Official Code)
17 is amended by adding at the end the following new sub-
18 section:

19 "(b) During fiscal years 2006 through 2008, a pro-
20 curement contract awarded through noncompetitive nego-
21 tiations in accordance with subsection (a) may be renewed
22 or extended only if the Chief Financial Officer of the Dis-
23 trict of Columbia reviews the contract and certifies that
24 the contract was renewed or extended in accordance with
25 duly promulgated rules and procedures.".

1 **SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT IN-**
2 **CLUDED IN ANNUAL BUDGET.**

3 (a) AUTHORITY TO ACCEPT, OBLIGATE, AND EX-
4 PEND AMOUNTS.—Subpart 1 of part D of title IV of the
5 District of Columbia Home Rule Act (see: 1-204.41 et
6 seq., D.C. Official Code), as amended by section 101(a),
7 is amended by inserting after section 446A the following
8 new section:

9 “ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN
10 ANNUAL BUDGET

11 “SEC. 446B. (a) AUTHORITY TO ACCEPT, OBLIGATE,
12 AND EXPEND AMOUNTS.—Notwithstanding the fourth
13 sentence of section 446, the Mayor, in consultation with
14 the Chief Financial Officer of the District of Columbia
15 may accept, obligate, and expend Federal, private, and
16 other grants received by the District government that are
17 not reflected in the budget approved by Act of Congress
18 as provided in such section.

19 “(b) CONDITIONS.—

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

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

1 “(B) the Council has reviewed and ap-
2 proved the acceptance, obligation, and expendi-
3 ture of such grant.

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

8 “(A) no written notice of disapproval is
9 filed with the Secretary of the Council within
10 14 calendar days of the receipt of the report
11 from the Chief Financial Officer under para-
12 graph (1)(A); or

13 “(B) if such a notice of disapproval is filed
14 within such deadline, the Council does not by
15 resolution disapprove the acceptance, obligation,
16 or expenditure of the grant within 30 calendar
17 days of the initial receipt of the report from the
18 Chief Financial Officer under paragraph (1)(A).

19 “(e) NO OBLIGATION OR EXPENDITURE PERMITTED
20 IN ANTICIPATION OF RECEIPT OR APPROVAL.—No
21 amount may be obligated or expended from the general
22 fund or other funds of the District of Columbia govern-
23 ment in anticipation of the approval or receipt of a grant
24 under subsection (b)(2) or in anticipation of the approval

1 or receipt of a Federal, private, or other grant not subject
2 to such subsection.

3 **“(d) ADJUSTMENTS TO ANNUAL BUDGET.**—The
4 Chief Financial Officer may adjust the budget for Federal,
5 private, and other grants received by the District govern-
6 ment reflected in the amounts provided in the budget ap-
7 proved by Act of Congress under section 446, or approved
8 and received under subsection (b)(2) to reflect a change
9 in the actual amount of the grant.

10 **“(e) REPORTS.**—The Chief Financial Officer shall
11 prepare a quarterly report setting forth detailed informa-
12 tion regarding all Federal, private, and other grants sub-
13 ject to this section. Each such report shall be submitted
14 to the Council and to the Committees on Appropriations
15 of the House of Representatives and Senate not later than
16 15 days after the end of the quarter covered by the report.

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

19 **(b) CONFORMING AMENDMENT.**—The fourth sen-
20 tence of section 446 of such Act (see 1-204.46, D.C. Offi-
21 cial Code), as amended by section 101(b), is amended by
22 inserting “section 446B,” after “section 446A.”.

23 **(c) CLERICAL AMENDMENT.**—The table of contents
24 of such Act, as amended by section 101(c), is amended

1 by inserting after the item relating to section 446A the
2 following new item:

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

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

4 Section 448 of the District of Columbia Home Rule
5 Act (see. ~~1~~ 204.48, D.C. Official Code) is amended—

6 (1) in subsection (a)(4), by striking the semi-
7 colon at the end and inserting the following: “, as
8 audited by the Inspector General of the District of
9 Columbia in accordance with subsection (e) in the
10 case of fiscal years 2006 through 2008;”, and

11 (2) by adding at the end the following new sub-
12 section:

13 “(e) The financial statement and report for a fiscal
14 year prepared and submitted for purposes of subsection
15 (a)(4) shall be audited by the Inspector General of the
16 District of Columbia (in coordination with the Chief Fi-
17 nancial Officer of the District of Columbia) pursuant to
18 section 208(a)(4) of the District of Columbia Procurement
19 Practices Act of 1985, and shall include as a basic finan-
20 cial statement a comparison of audited actual year-end re-
21 sults with the revenues submitted in the budget document
22 for such year and the appropriations enacted into law for
23 such year using the format, terminology, and classifica-
24 tions contained in the law making the appropriations for
25 the year and its legislative history.”

1 **SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAF-
2 FIC ALCOHOL LAWS FOR ENFORCEMENT AND
3 PROSECUTION OF LAWS.**

4 Section 10(b)(3) of the District of Columbia Traffic
5 Act, 1925 (see. 50-2201.05(b)(3), D.C. Official Code) is
6 amended to read as follows:

7 “(3) Notwithstanding any other provision of law, all
8 fines imposed and collected pursuant to this subsection
9 during fiscal year 2006 and each succeeding fiscal year
10 shall be transferred to the General Fund of the District
11 of Columbia, shall be used by the District of Columbia
12 exclusively for the enforcement and prosecution of the Dis-
13 trict traffic alcohol laws, and shall remain available until
14 expended.”.

15 SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES
16 BROUGHT UNDER INDIVIDUALS WITH DIS-
17 ABILITIES EDUCATION ACT.

18 (a) RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-
19 CER.—Section 424(d) of the District of Columbia Home
20 Rule Act (see. ~~1-204.24(d)~~, D.C. Official Code), as
21 amended by section 201(a), is amended by adding at the
22 end the following new paragraph:

23 “(28) With respect to attorneys in special edu-
24 cation cases brought under the Individuals with Dis-
25 abilities Education Act in the District of Columbia

1 during fiscal year 2006 and each succeeding fiscal
2 year—

3 “(A) requiring such attorneys to certify in
4 writing that the attorney or representative of
5 the attorney rendered any and all services for
6 which the attorney received an award in such a
7 case, including those received under a settle-
8 ment agreement or as part of an administrative
9 proceeding, from the District of Columbia;

10 “(B) requiring such attorneys, as part of
11 the certification under subparagraph (A), to
12 disclose any financial, corporate, legal, member-
13 ship on boards of directors, or other relation-
14 ships with any special education diagnostic
15 services, schools, or other special education
16 service providers to which the attorneys have
17 referred any clients in any such cases; and

18 “(C) preparing and submitting quarterly
19 reports to the Committees on Appropriations of
20 the House of Representatives and Senate on the
21 certification of and the amount paid by the gov-
22 ernment of the District of Columbia, including
23 the District of Columbia Public Schools, to such
24 attorneys.”.

1 (b) INVESTIGATIONS BY INSPECTOR GENERAL.—Section
 2 208(a)(3) of the District of Columbia Procurement
 3 Practices Act of 1985 (see. 2-302.08(a)(3), D.C. Official
 4 Code) is amended by adding at the end the following new
 5 subparagraph:

6 “(J) During fiscal year 2006 and each succeeding fis-
 7 cal year, conduct investigations to determine the accuracy
 8 of certifications made to the Chief Financial Officer of the
 9 District of Columbia under section 424(d)(28) of the Dis-
 10 trict of Columbia Home Rule Act of attorneys in special
 11 education cases brought under the Individuals with Dis-
 12 abilities Education Act in the District of Columbia.”.

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

14 (a) **SHORT TITLE.**—This Act may be cited as the
 15 “2005 District of Columbia Omnibus Authorization Act”.

16 (b) **TABLE OF CONTENTS.**—The table of contents of this
 17 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 serv-
 ices on behalf of District of Columbia Public Defender Service.*

*Sec. 104. Authority to enter into Interstate Insurance Product Regulation Com-
 pact.*

Sec. 105. Metered taxicabs in the District of Columbia.

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.*

Sec. 117. *Inclusion of court employees in enhanced dental and vision benefit program.*

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.*

Sec. 124. *District of Columbia Schools fiscal year.*

Sec. 125. *Gifts to libraries.*

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.*—Sub-

1 *part 1 of part D of title IV of the District of Columbia*
2 *Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code)*
3 *is amended by inserting after section 446 the following new*
4 *section:*

5 **“PERMITTING INCREASE IN AMOUNT APPROPRIATED AS**

6 **LOCAL FUNDS DURING A FISCAL YEAR**

7 “*SEC. 446A. (a) IN GENERAL.—Notwithstanding the*
8 *fourth sentence of section 446, to account for an unantici-*
9 *pated growth of revenue collections, the amount appro-*
10 *priated as District of Columbia funds under budget ap-*
11 *proved by Act of Congress as provided in such section may*
12 *be increased—*

13 “(1) *by an aggregate amount of not more than*
14 *25 percent, in the case of amounts allocated under the*
15 *budget as ‘Other-Type Funds’; and*

16 “(2) *by an aggregate amount of not more than*
17 *6 percent, in the case of any other amounts allocated*
18 *under the budget.*

19 “(b) *CONDITIONS.—The District of Columbia may ob-*
20 *lige and expend any increase in the amount of funds au-*
21 *thorized under this section only in accordance with the fol-*
22 *lowing conditions:*

23 “(1) *The Chief Financial Officer of the District*
24 *of Columbia shall certify—*

25 “(A) *the increase in revenue; and*

1 “(B) that the use of the amounts is not an-
2 ticipated to have a negative impact on the long-
3 term financial, fiscal, or economic health of the
4 District.

5 “(2) The amounts shall be obligated and ex-
6 pended in accordance with laws enacted by the Coun-
7 cil of the District of Columbia in support of each such
8 obligation and expenditure, consistent with any other
9 requirements under law.

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

13 “(4) The amounts may not be obligated or ex-
14 pended unless the Mayor has notified the Committees
15 on Appropriations of the House of Representatives
16 and Senate, the Committee on Government Reform of
17 the House of Representatives, and the Committee on
18 Homeland Security and Governmental Affairs of the
19 Senate not fewer than 30 days in advance of the obli-
20 gation or expenditure.

21 “(c) *EFFECTIVE DATE*.—This section shall apply with
22 respect to fiscal years 2006 through 2007.”.

23 (b) *CONFORMING AMENDMENT*.—The fourth sentence of
24 section 446 of such Act (sec. 1–204.46, D.C. Official Code)

1 is amended by inserting “section 446A,” after “section
2 445A(b),”.

3 (c) *CLERICAL AMENDMENT.*—The table of contents of
4 such Act is amended by inserting after the item relating
5 to section 446 the following new item:

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

6 **SEC. 102. ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS**

7 **IN RESERVE FUNDS.**

8 (a) *IN GENERAL.*—Section 450A of the District of Co-
9 lumbia Home Rule Act (sec. 1–204.50A, D.C. Official Code)
10 is amended—

11 (1) by redesignating subsection (c) as subsection
12 (d); and

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

15 “(c) **ADDITIONAL AUTHORITY To ALLOCATE**
16 **AMOUNTS.**—

17 “(1) *IN GENERAL.*—Notwithstanding any other
18 provision of this section, in addition to the authority
19 provided under this section to allocate and use
20 amounts from the emergency reserve fund under sub-
21 section (a) and the contingency reserve fund under
22 subsection (b), the District of Columbia may allocate
23 amounts from such funds during a fiscal year and
24 use such amounts for cash flow management purposes.

1 “(2) *LIMITS ON AMOUNT ALLOCATED.*—

2 “(A) *AMOUNT OF INDIVIDUAL ALLOCA-*
3 *TION.*—*The amount of an allocation made from*
4 *the emergency reserve fund or the contingency re-*
5 *serve fund pursuant to the authority of this sub-*
6 *section may not exceed 50 percent of the balance*
7 *of the fund involved at the time the allocation is*
8 *made.*

9 “(B) *AGGREGATE AMOUNT ALLOCATED.*—

10 *The aggregate amount allocated from the emer-*
11 *gency reserve fund or the contingency reserve*
12 *fund pursuant to the authority of this subsection*
13 *during a fiscal year may not exceed 50 percent*
14 *of the balance of the fund involved as of the first*
15 *day of such fiscal year.*

16 “(3) *REPLENISHMENT.*—*If the District of Co-*
17 *lumbia allocates any amounts from a reserve fund*
18 *pursuant to the authority of this subsection during a*
19 *fiscal year, the District shall fully replenish the fund*
20 *for the amounts allocated not later than the earlier*
21 *of—*

22 “(A) *the expiration of the 9-month period*
23 *which begins on the date the allocation is made;*
24 *or*

25 “(B) *the last day of the fiscal year.*

1 “(4) EFFECTIVE DATE.—This subsection shall
2 apply with respect to fiscal years 2006 through
3 2007.”.

4 (b) SPECIAL RULE FOR TIMING OF REPLENISHMENT
5 AFTER SUBSEQUENT ALLOCATION.—

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

9 (A) by striking “(7) REPLENISHMENT.”
10 and inserting the following:

11 “(7) REPLENISHMENT.—

12 “(A) IN GENERAL.—The District of Colum-
13 bia”; and

14 (B) by adding at the end the following new
15 subparagraph:

16 “(B) SPECIAL RULE FOR REPLENISHMENT
17 AFTER ALLOCATION FOR CASH FLOW MANAGE-
18 MENT.—

19 “(i) IN GENERAL.—If the District allo-
20 cates amounts from the emergency reserve
21 fund during a fiscal year for cash flow
22 management purposes pursuant to the au-
23 thority of subsection (c) and at any time
24 afterwards during the year makes a subse-
25 quent allocation from the fund for purposes

1 *of this subsection, and if as a result of the*
2 *subsequent allocation the balance of the*
3 *fund is reduced to an amount which is less*
4 *than 50 percent of the balance of the fund*
5 *as of the first day of the fiscal year, the Dis-*
6 *trict shall replenish the fund by such*
7 *amount as may be required to restore the*
8 *balance to an amount which is equal to 50*
9 *percent of the balance of the fund as of the*
10 *first day of the fiscal year.*

11 “(ii) *DEADLINE.*—The District shall
12 *carry out any replenishment required under*
13 *clause (i) as a result of a subsequent alloca-*
14 *tion described in such clause not later than*
15 *the expiration of the 60-day period which*
16 *begins on the date of the subsequent alloca-*
17 *tion.”.*

18 (2) *CONTINGENCY RESERVE FUND.*—Section
19 450A(b)(6) of such Act (sec. 1–204.50A(b)(6), D.C.
20 Official Code) is amended—

21 (A) by striking “(6) *REPLENISHMENT.*—”
22 and inserting the following:

23 “(6) *REPLENISHMENT.*—

24 “(A) *IN GENERAL.*—The District of Colum-
25 bia”; and

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

“(ii) *DEADLINE*.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent alloca-

5 SEC. 103. PERMITTING GENERAL SERVICES ADMINISTRA-
6 TION TO OBTAIN SPACE AND SERVICES ON
7 BEHALF OF DISTRICT OF COLUMBIA PUBLIC
8 DEFENDER SERVICE.

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

21 **SEC. 104. AUTHORITY TO ENTER INTO INTERSTATE INSUR-
22 ANCE PRODUCT REGULATION COMPACT.**

23 (a) *IN GENERAL.*—*The District of Columbia is author-*
24 *ized to enter into an interstate compact to establish a joint*
25 *state commission as an instrumentality of the District of*

1 *Columbia for the purpose of establishing uniform insurance*
2 *product regulations among the participating states.*

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

9 **SEC. 105. METERED TAXICABS IN THE DISTRICT OF COLUM-**

10 **RIA.**

11 (a) *IN GENERAL.*—*Except as provided in subsection*
12 *(b) and not later than 1 year after the date of enactment*
13 *of this Act, the District of Columbia shall require all taxi-*
14 *cabs licensed in the District of Columbia to charge fares*
15 *by a metered system.*

16 (b) *DISTRICT OF COLUMBIA OPT OUT.*—*The Mayor of*
17 *the District of Columbia may exempt the District of Colum-*
18 *bia from the requirement under subsection (a) by issuing*
19 *an executive order that specifically states that the District*
20 *of Columbia opts out of the requirement to implement a*
21 *metered fare system for taxicabs.*

3 SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF
4 WILLS.

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

8 “(b) In matters over which the Superior Court has pro-
9 bate jurisdiction or powers, the Register of Wills shall—

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

12 “(2) record in electronic or other format all wills
13 proved before the Register of Wills or the court and
14 other matters required by law to be recorded in the
15 court;

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

18 “(4) make out and issue every summons, process,
19 and order of the court;

20 “(5) prepare and submit to the Executive Officer
21 of the District of Columbia courts such reports as
22 may be required; and

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

25 (b) *REPEAL OF PENALTIES.*—

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

3 (A) *in the heading, by striking “; pen-*
4 ***alties****; and*

5 (B) *by striking subsections (d) and (e).*

6 (2) *CLERICAL AMENDMENT.*—*The item relating*
7 *to section 11–2104 in the table of sections for chapter*
8 *21 of title 11, District of Columbia Official Code, is*
9 *amended by striking “; penalties”.*

10 (c) *RECORD OF CLAIMS AGAINST NONRESIDENT DECE-*
11 *DENTS.*—Section 20–343(d), *District of Columbia Official*
12 *Code, is amended by striking the second sentence and insert-*
13 *ing the following: “The Register shall record all such claims*
14 *and releases.”.*

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

17 (a) *IN GENERAL.*—*The second sentence of section 11–*
18 *1726(a), District of Columbia Official Code, is amended by*
19 *striking “pay fixed by administrative action in section*
20 *5373” and inserting “maximum pay in section 5382(a)”.*

21 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
22 *section (a) shall apply with respect to pay periods begin-*
23 *ning on or after the date of the enactment of this Act.*

1 **SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PRO-**2 **VIDING SERVICES TO INDIGENT DEFEND-**3 **ANTS.**4 *(a) IN GENERAL.*—Section 11-2605, *District of Co-*5 *lumbia Official Code*, is amended—6 *(1) by striking subsection (b);*7 *(2) in subsection (c), by inserting after “United*
8 *States Code,” the following: “(or, in the case of inves-*
9 *tigative services, a fixed rate of \$25 per hour)”;*10 *(3) in subsection (d), by inserting after “United*
11 *States Code,” the following: “(or, in the case of inves-*
12 *tigative services, a fixed rate of \$25 per hour)”;* and13 *(4) by redesignating subsections (c) and (d) as*
14 *subsections (b) and (c).*15 *(b) EFFECTIVE DATE.*—The amendment made by sub-
16 section (a) shall apply with respect to services provided on
17 or after the date of the enactment of this Act.18 **SEC. 114. AUTHORITY OF COURTS TO CONDUCT PRO-**19 **CEEDINGS OUTSIDE OF DISTRICT OF COLUM-
20 BIA DURING EMERGENCIES.**21 *(a) DISTRICT OF COLUMBIA COURT OF APPEALS.*—22 *(1) IN GENERAL.*—Subchapter I of chapter 7 of
23 title 11, *District of Columbia Official Code*, is amend-
24 ed by adding at the end the following new section:

1 **“§ 11-710. Emergency Authority to conduct pro-**
2 **ceedings outside District of Columbia**

3 “(a) *IN GENERAL.*—The court may hold special ses-
4 sions at any place within the United States outside the Dis-
5 trict of Columbia as the nature of the business may require
6 and upon such notice as the court orders, upon a finding
7 by either the chief judge of the court (or, if the chief judge
8 is absent or disabled, the judge designated under section 11-
9 706(a)) or the Joint Committee on Judicial Administration
10 in the District of Columbia that, because of emergency con-
11 ditions, no location within the District of Columbia is rea-
12 sonably available where such special sessions could be held.
13 The court may transact any business at a special session
14 authorized pursuant to this section which it has the author-
15 ity to transact at a regular session.

16 “(b) *NOTICE REQUIREMENTS.*—If the Court of Appeals
17 issues an order exercising its authority under subsection
18 (a), the court—

19 “(1) through the Joint Committee on Judicial
20 Administration in the District of Columbia, shall
21 send notice of such order, including the reasons for
22 the issuance of such order, to the Committee on
23 Homeland Security and Governmental Affairs of the
24 Senate and the Committee on Government Reform of
25 the House of Representatives; and

1 “(2) shall provide reasonable notice to the United
2 States Marshals Service before the commencement of
3 any special session held pursuant to such order.”.

4 (2) *CLERICAL AMENDMENT.*—The table of con-
5 tents of chapter 7 of title 11, *District of Columbia Of-*
6 *ficial Code*, is amended by adding at the end of the
7 items relating to subchapter I the following:

“11–710. *Emergency authority to conduct proceedings outside District of Colum-*
bia.”.

8 (b) *SUPERIOR COURT OF THE DISTRICT OF COLUM-*
9 *BIA.*—

10 (1) *IN GENERAL.*—Subchapter I of chapter 9 of
11 title 11, *District of Columbia Official Code*, is amend-
12 ed by adding at the end the following new section:

13 **“§ 11–911. *Emergency Authority to conduct pro-***
14 ***ceedings outside District of Columbia***

15 “(a) *IN GENERAL.*—The Superior Court may hold spe-
16 cial sessions at any place within the United States outside
17 the District of Columbia as the nature of the business may
18 require and upon such notice as the Superior Court orders,
19 upon a finding by either the chief judge of the Superior
20 Court (or, if the chief judge is absent or disabled, the judge
21 designated under section 11–907(a)) or the Joint Committee
22 on Judicial Administration in the District of Columbia
23 that, because of emergency conditions, no location within

1 *the District of Columbia is reasonably available where such*
2 *special sessions could be held.*

3 “(b) *BUSINESS TRANSACTED.*—*The Superior Court*
4 *may transact any business at a special session outside the*
5 *District of Columbia authorized pursuant to this section*
6 *which it has the authority to transact at a regular session,*
7 *except that a criminal trial may not be conducted at such*
8 *a special session without the consent of the defendant.*

9 “(c) *SUMMONING OF JURORS.*—*Notwithstanding any*
10 *other provision of law, in any case in which special sessions*
11 *are conducted pursuant to this section, the Superior Court*
12 *may summon jurors—*

13 “(1) *in civil proceedings, from any part of the*
14 *District of Columbia or, if jurors are not readily*
15 *available from the District of Columbia, the jurisdiction*
16 *in which it is holding the special session; and*

17 “(2) *in criminal trials, from any part of the*
18 *District of Columbia or, if jurors are not readily*
19 *available from the District of Columbia and if the de-*
20 *fendant so consents, the jurisdiction in which it is*
21 *holding the special session.*

22 “(d) *NOTICE REQUIREMENTS.*—*If the Superior Court*
23 *issues an order exercising its authority under subsection*
24 *(a), the Court—*

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

8 “(2) shall provide reasonable notice to the United
9 States Marshals Service before the commencement of
10 any special session held pursuant to such order.”.

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

18 *Section 11233 of the National Capital Revitalization*
19 *and Self-Government Improvement Act of 1997 (sec. 24–*
20 *133, D.C. Official Code) is amended by adding at the end*
21 *the following new subsection:*

22 "(g) AUTHORITY TO USE SERVICES OF VOLUN-
23 TEERS.—

1 “(1) *IN GENERAL.*—The Agency (including any
2 *independent entity within the Agency*) may accept the
3 *services of volunteers and provide for their incidental*
4 *expenses to carry out any activity of the Agency ex-*
5 *cept policy-making.*

6 “(2) *APPLICABILITY OF WORKER’S COMPENSA-*
7 *TION RULES TO VOLUNTEERS.*—Any volunteer whose
8 *services are accepted pursuant to this subsection shall*
9 *be considered an employee of the United States Gov-*
10 *ernment in providing the services for purposes of*
11 *chapter 81 of title 5, United States Code (relating to*
12 *compensation for work injuries) and chapter 11 of*
13 *title 18, United States Code, relating to corruption*
14 *and conflicts of interest.”.*

15 **SEC. 116. TECHNICAL CORRECTIONS RELATING TO COURTS.**

16 (a) *IN GENERAL.*—Section 329 of the District of Co-
17 *lumbia Appropriations Act, 2005 (Public Law 108–335;*
18 *118 Stat. 1345), is amended to read as follows:*

19 “SEC. 329. (a) *APPROVAL OF BONDS BY JOINT COM-*
20 *MITTEE ON JUDICIAL ADMINISTRATION.*—Section 11–
21 *1701(b), District of Columbia Official Code, is amended by*
22 *striking paragraph (5).*

23 “(b) *EXECUTIVE OFFICER.*—

1 “(1) *IN GENERAL.*—Section 11-1704, *District of*
2 *Columbia Official Code*, *is amended to read as fol-*
3 *lows:*

4 ‘*OATH OF EXECUTIVE OFFICER*

5 ‘*SEC. 11-1704.*

6 ‘*The Executive Officer shall take an oath or affirma-*
7 *tion for the faithful and impartial discharge of the duties*
8 *of that office.*’.

9 “(2) *CLERICAL AMENDMENT.*—*The table of sec-*
10 *tions for chapter 17 of title 11, District of Columbia*
11 *Official Code*, *is amended by amending the item re-*
12 *lating to section 11-1704 to read as follows:*

‘11-1704. *Oath of Executive Officer.*’.

13 “(c) *FISCAL OFFICER.*—*Section 11-1723, District of*
14 *Columbia Official Code*, *is amended—*

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

16 “(2) *by striking* subsection (b); *and*

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

19 “(d) *AUDITOR-MASTER.*—*Section 11-1724, District of*
20 *Columbia Official Code*, *is amended by striking the second*
21 *and third sentences.*

22 “(e) *REGISTER OF WILLS.*—

23 “(1) *IN GENERAL.*—*Section 11-2102, District of*
24 *Columbia Official Code*, *is amended—*

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

6 “(2) *CLERICAL AMENDMENT.*—The item relating
7 to section 11–2102 in the table of sections for chapter
8 21 of title 11, *District of Columbia Official Code*, is
9 amended by striking ‘bond;’.”

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

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

14 (c) *EFFECTIVE DATE.*—The amendments made by this
15 section shall take effect as if included in the enactment of
16 the *District of Columbia Appropriations Act, 2005*.

17 **SEC. 117. INCLUSION OF COURT EMPLOYEES IN ENHANCED**
18 **DENTAL AND VISION BENEFIT PROGRAM.**

19 (a) UNITED STATES CODE.—Title 5 of the United
20 States Code is amended—

4 (3) in section 9001(1) is amended—

5 (A) in subparagraph (C), by striking
6 “and”;

10 (C) by adding at the end the following: "(E)
11 an employee of the District of Columbia courts.".

12 (b) *D.C. CODE.—Section 11-1726, District of Colum-*
13 *bia Code, is amended—*

14 (1) in subsection (b)(1), by striking subparagraph
15 graph (F) and inserting the following:

18 “(G) Chapter 89B (relating to enhanced vi-
19 sion benefits).

20 “(H) Chapter 90 (relating to long-term care
21 insurance).”;

22 (2) in subsection (c)(1), by striking subparagraph
23 paragraph (D) and inserting the following:

1 “(E) Chapter 89B (relating to enhanced vi-
2 sion benefits). ”

3 “(F) Chapter 90 (relating to long-term care
4 insurance). ”.

5 **Subtitle C—Other Miscellaneous
6 Technical Corrections**

7 **SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHOR-
8 IZATION ACT.**

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

15 (b) *EFFECTIVE DATE.*—The amendment made by sub-
16 section (a) shall take effect as if included in the enactment
17 of the 2004 District of Columbia Omnibus Authorization
18 Act.

19 **SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT,
20 2005.**

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

7 (b) *EFFECTIVE DATE.*—The amendments made by sub-
8 section (a) shall take effect as if included in the enactment
9 of the *District of Columbia Appropriations Act, 2005*.

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

14 (a) *FEDERAL RESERVE ACT.*—

1 *porated by special law of any State, operating under*
2 *the Code of Law for the District of Columbia, or”.*

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

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

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

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

15 (1) *in paragraph (1) of section 731 (12 U.S.C.*
16 *216(1)) by striking “and closed banks in the District*
17 *of Columbia”; and*

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

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

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

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

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

15 (1) *in subparagraph (A), by striking “, banks*
16 *operating under the code of law for the District of Co-*
17 *lumbia,”; and*

18 (2) *in subparagraph (B), by striking “and banks*
19 *operating under the code of law for the District of Co-*
20 *lumbia”.*

21 **SEC. 124. DISTRICT OF COLUMBIA SCHOOLS FISCAL YEAR.**

22 *Section 441(b)(2) of the District of Columbia Home*
23 *Rule Act (section 1–204.41, D.C. Official Code) is amended*
24 *by striking “shall begin” and inserting “may begin”.*

1 SEC. 125. GIFTS TO LIBRARIES.

2 Section 115(c) of title III of division C of Public Law
3 108–7 is amended by inserting “and the District of Colum-
4 bia Public Libraries” before the period.

5 **TITLE II—INDEPENDENCE OF**
6 **THE CHIEF FINANCIAL OFFICER**

7 SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINAN-
8 CIAL OFFICER.

9 (a) *IN GENERAL.*—Section 424 of the District of Co-
10 *lumbia Home Rule Act* (sec. 1–204.24a et seq., *D.C. Official*
11 *Code*) is amended to read as follows:

14 "SEC. 424. (a) *IN GENERAL.*—

15 “(1) *ESTABLISHMENT.*—

16 lished within the executive branch of the government
17 of the District of Columbia an Office of the Chief Fi-
18 nancial Officer of the District of Columbia (hereafter
19 referred to as the ‘Office’), which shall be headed by
20 the Chief Financial Officer of the District of Colum-
21 bia (hereafter referred to as the ‘Chief Financial Offi-
22 cer’).

23 “(2) ORGANIZATIONAL ANALYSIS.—

1 *96, issued March 7, 1969, is changed to the Of-*
2 *fice of Budget and Planning.*

3 “*(B) OFFICE OF TAX AND REVENUE.*—*The*
4 *name of the Department of Finance and Rev-*
5 *enue, established by Commissioner’s Order 69–*
6 *96, issued March 7, 1969, is changed to the Of-*
7 *fice of Tax and Revenue.*

8 “*(C) OFFICE OF FINANCE AND TREASURY.*—
9 *The name of the Office of Treasurer, established*
10 *by Mayor’s Order 89–244, dated October 23,*
11 *1989, is changed to the Office of Finance and*
12 *Treasury.*

13 “*(D) OFFICE OF FINANCIAL OPERATIONS*
14 *AND SYSTEMS.*—*The Office of the Controller, es-*
15 *tablished by Mayor’s Order 89–243, dated Octo-*
16 *ber 23, 1989, and the Office of Financial Infor-*
17 *mation Services, established by Mayor’s Order*
18 *89–244, dated October 23, 1989, are consolidated*
19 *into the Office of Financial Operations and Sys-*
20 *tems.*

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

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

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

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

10 “(D) *The Office of Financial Operations*
11 *and Systems, headed by the Deputy Chief Finan-*
12 *cial 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 Legal-*
18 *ize Lotteries, Daily Numbers Games, and Bingo*
19 *and Raffles for Charitable Purposes in the Dis-*
20 *trict of Columbia, effective March 10, 1981 (D.C.*
21 *Law 3-172; D.C. Official Code § 3-1301 et seq.).*

22 “(4) *SUPERVISOR.*—*The heads of the offices list-*
23 *ed in paragraph (3) of this section shall serve at the*
24 *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 re-*
6 *move the heads of the offices designated in paragraph*
7 *(3), after consultation with the Mayor and the Coun-*
8 *cil.*

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 Columbia*
13 *government for a fiscal year, annual estimates of the*
14 *expenditures and appropriations necessary for the*
15 *year for the operation of the Office and all other Dis-*
16 *trict of Columbia accounting, budget, and financial*
17 *management personnel (including personnel of execu-*
18 *tive branch independent agencies) that report to the*
19 *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 the*
25 *advice and consent, by resolution, of the Council.*

1 *Upon confirmation by the Council, the name of*
2 *the Chief Financial Officer shall be submitted to*
3 *the Committees on Appropriations of the House*
4 *of Representatives and Senate, the Committee on*
5 *Government Reform of the House of Representa-*
6 *tives, and the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate for a 30-*
8 *day period of review and comment before the ap-*
9 *pointment takes effect.*

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

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

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

21 “*(iii) After the expiration of the 7-day*
22 *period which begins on the date the Mayor*
23 *notifies the Council of the nomination*
24 *under clause (ii), the Mayor shall notify the*
25 *Authority of the nomination.*

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

4 “(2) *TERM.*—

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

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

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

21 “(D) *VACANCIES.*—*Any vacancy in the Of-*
22 *fice of Chief Financial Officer shall be filled in*
23 *the same manner as the original appointment*
24 *under paragraph (1).*

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

5 “(c) *REMOVAL OF THE CHIEF FINANCIAL OFFICER*.—

6 “(1) *IN GENERAL*.—*The Chief Financial Officer*
7 *may only be removed for cause by the Mayor, subject*
8 *to the approval of the Council by a resolution ap-*
9 *proved by not fewer than 2/3 of the members of the*
10 *Council. After approval of the resolution by the Coun-*
11 *cil, notice of the removal shall be submitted to the*
12 *Committees on Appropriations of the House of Rep-*
13 *resentatives and Senate, the Committee on Govern-*
14 *ment Reform of the House of Representatives, and the*
15 *Committee on Homeland Security and Governmental*
16 *Affairs of the Senate for a 30-day period of review*
17 *and comment before the removal takes effect*.

18 “(2) *SPECIAL RULE FOR CONTROL YEARS*.—*Dur-*
19 *ing a control year, the Chief Financial Officer may*
20 *be removed for cause by the Authority or by the*
21 *Mayor with the approval of the Authority*.

22 “(d) *DUTIES OF THE CHIEF FINANCIAL OFFICER*.—
23 *Notwithstanding any provisions of this Act which grant au-*
24 *thority to other entities of the District government, the Chief*

1 *Financial Officer shall have the following duties and shall*

2 *take such steps as are necessary to perform these duties:*

3 “(1) *During a control year, preparing the financial*
4 *plan and the budget for the use of the Mayor for*
5 *purposes of subtitle A of title II of the District of Co-*
6 *lumbia Financial Responsibility and Management*
7 *Assistance Act of 1995.*

8 “(2) *Preparing the budgets of the District of Co-*
9 *lumbia for the year for the use of the Mayor for pur-*
10 *poses of part D and preparing the 5-year financial*
11 *plan based upon the adopted budget for submission*
12 *with the District of Columbia budget by the Mayor to*
13 *Congress.*

14 “(3) *During a control year, assuring that all fi-*
15 *nancial information presented by the Mayor is pre-*
16 *sented in a manner, and is otherwise consistent with,*
17 *the requirements of the District of Columbia Finan-*
18 *cial Responsibility and Management Assistance Act of*
19 *1995.*

20 “(4) *Implementing appropriate procedures and*
21 *instituting such programs, systems, and personnel*
22 *policies within the Chief Financial Officer’s author-*
23 *ity, to ensure that budget, accounting, and personnel*
24 *control systems and structures are synchronized for*

1 *budgeting and control purposes on a continuing basis*
2 *and to ensure that appropriations are not exceeded.*

3 *“(5) Preparing and submitting to the Mayor and*
4 *the Council, with the approval of the Authority dur-*
5 *ing a control year, and making public—*

6 *“(A) annual estimates of all revenues of the*
7 *District of Columbia (without regard to the*
8 *source of such revenues), including proposed rev-*
9 *enues, which shall be binding on the Mayor and*
10 *the Council for purposes of preparing and sub-*
11 *mitting the budget of the District government for*
12 *the year under part D of this title, except that*
13 *the Mayor and the Council may prepare the*
14 *budget based on estimates of revenues which are*
15 *lower than those prepared by the Chief Financial*
16 *Officer; and*

17 *“(B) quarterly re-estimates of the revenues*
18 *of the District of Columbia during the year.*

19 *“(6) Supervising and assuming responsibility for*
20 *financial transactions to ensure adequate control of*
21 *revenues and resources.*

22 *“(7) Maintaining systems of accounting and in-*
23 *ternal control designed to provide—*

24 *“(A) full disclosure of the financial impact*
25 *of the activities of the District government;*

1 “(B) adequate financial information needed
2 by the District government for management pur-
3 poses;

4 “(C) effective control over, and account-
5 ability for, all funds, property, and other assets
6 of the District of Columbia; and

7 “(D) reliable accounting results to serve as
8 the basis for preparing and supporting agency
9 budget requests and controlling the execution of
10 the budget.

11 “(8) Submitting to the Council a financial state-
12 ment of the District government, containing such de-
13 tails and at such times as the Council may specify.

14 “(9) Supervising and assuming responsibility for
15 the assessment of all property subject to assessment
16 and special assessments within the corporate limits of
17 the District of Columbia for taxation, preparing tax
18 maps, and providing such notice of taxes and special
19 assessments (as may be required by law).

20 “(10) Supervising and assuming responsibility
21 for the levying and collection of all taxes, special as-
22 sessments, licensing fees, and other revenues of the
23 District of Columbia (as may be required by law),
24 and receiving all amounts paid to the District of Co-
25 lumbia from any source (including the Authority).

1 “(11) *Maintaining custody of all public funds*
2 *belonging to or under the control of the District gov-*
3 *ernment (or any department or agency of the District*
4 *government), and depositing all amounts paid in*
5 *such depositories and under such terms and condi-*
6 *tions as may be designated by the Council (or by the*
7 *Authority during a control year).*

8 “(12) *Maintaining custody of all investment and*
9 *invested funds of the District government or in posses-*
10 *sion of the District government in a fiduciary capac-*
11 *ity, and maintaining the safekeeping of all bonds and*
12 *notes of the District government and the receipt and*
13 *delivery of District government bonds and notes for*
14 *transfer, registration, or exchange.*

15 “(13) *Apportioning the total of all appropria-*
16 *tions and funds made available during the year for*
17 *obligation so as to prevent obligation or expenditure*
18 *in a manner which would result in a deficiency or a*
19 *need for supplemental appropriations during the*
20 *year, and (with respect to appropriations and funds*
21 *available for an indefinite period and all authoriza-*
22 *tions to create obligations by contract in advance of*
23 *appropriations) apportioning the total of such appro-*
24 *priations, funds, or authorizations in the most effec-*
25 *tive and economical manner.*

1 “(14) Certifying all contracts and leases (whether
2 directly or through delegation) prior to execution
3 as to the availability of funds to meet the obligations
4 expected to be incurred by the District government
5 under such contracts and leases during the year.

6 “(15) Prescribing the forms of receipts, vouchers,
7 bills, and claims to be used by all agencies, offices,
8 and instrumentalities of the District government.

9 “(16) Certifying and approving prior to pay-
10 ment of all bills, invoices, payrolls, and other evi-
11 dences of claims, demands, or charges against the Dis-
12 trict government, and determining the regularity, le-
13 gality, and correctness of such bills, invoices, payrolls,
14 claims, demands, or charges.

15 “(17) In coordination with the Inspector General
16 of the District of Columbia, performing internal au-
17 dits of accounts and operations and records of the
18 District government, including the examination of
19 any accounts or records of financial transactions, giv-
20 ing due consideration to the effectiveness of account-
21 ing systems, internal control, and related administra-
22 tive practices of the departments and agencies of the
23 District government.

1 “(18) Exercising responsibility for the adminis-
2 tration and supervision of the District of Columbia
3 Treasurer.

4 “(19) Supervising and administering all bor-
5 rowing programs for the issuance of long-term and
6 short-term indebtedness, as well as other financing-re-
7 lated programs of the District government.

8 “(20) Administering the cash management pro-
9 gram of the District government, including the invest-
10 ment of surplus funds in governmental and non-gov-
11 ernmental interest-bearing securities and accounts.

12 “(21) Administering the centralized District gov-
13 ernment payroll and retirement systems (other than
14 the retirement system for police officers, fire fighters,
15 and teachers).

16 “(22) Governing the accounting policies and sys-
17 tems applicable to the District government.

18 “(23) Preparing appropriate annual, quarterly,
19 and monthly financial reports of the accounting and
20 financial operations of the District government.

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

1 “(25) *Preparing fiscal impact statements on reg-*
2 *ulations, multiyear contracts, contracts over*
3 *\$1,000,000 and on legislation, as required by section*
4 *4a of the General Legislative Procedures Act of 1975.*

5 “(26) *Preparing under the direction of the*
6 *Mayor, who has the specific responsibility for formu-*
7 *lating budget policy using Chief Financial Officer*
8 *technical and human resources, the budget for submis-*
9 *sion by the Mayor to the Council and to the public*
10 *and upon final adoption to Congress and to the pub-*
11 *lic.*

12 “(27) *Certifying all collective bargaining agree-*
13 *ments and nonunion pay proposals prior to submis-*
14 *sion to the Council for approval as to the availability*
15 *of funds to meet the obligations expected to be in-*
16 *curred by the District government under such collec-*
17 *tive bargaining agreements and nonunion pay pro-*
18 *posals during the year.*

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

21 “(1) *Assisting the Chief Financial Officer in re-*
22 *porting revenues received by the District government,*
23 *including submitting annual and quarterly reports*
24 *concerning the cash position of the District govern-*
25 *ment not later than 60 days after the last day of the*

1 *quarter (or year) involved. Each such report shall in-*
2 *clude the following:*

3 *“(A) Comparative reports of revenue and*
4 *other receipts by source, including tax, nontax,*
5 *and Federal revenues, grants and reimburse-*
6 *ments, capital program loans, and advances.*
7 *Each source shall be broken down into specific*
8 *components.*

9 *“(B) Statements of the cash flow of the Dis-*
10 *trict government for the preceding quarter or*
11 *year, including receipts, disbursements, net*
12 *changes in cash inclusive of the beginning bal-*
13 *ance, cash and investment, and the ending bal-*
14 *ance, inclusive of cash and investment. Such*
15 *statements shall reflect the actual, planned, better*
16 *or worse dollar amounts and the percentage*
17 *change with respect to the current quarter, year-*
18 *to-date, and fiscal year.*

19 *“(C) Quarterly cash flow forecast for the*
20 *quarter or year involved, reflecting receipts, dis-*
21 *bursements, net change in cash inclusive of the*
22 *beginning balance, cash and investment, and the*
23 *ending balance, inclusive of cash and investment*
24 *with respect to the actual dollar amounts for the*

1 *quarter or year, and projected dollar amounts*
2 *for each of the 3 succeeding quarters.*

3 “(D) Monthly reports reflecting a detailed
4 summary analysis of all District of Columbia
5 government investments, including—

6 “(i) the total of long-term and short-
7 term investments;

8 “(ii) a detailed summary analysis of
9 investments by type and amount, including
10 purchases, sales (maturities), and interest;

11 “(iii) an analysis of investment port-
12 folio mix by type and amount, including li-
13 quidity, quality/risk of each security, and
14 similar information;

15 “(iv) an analysis of investment strat-
16 egy, including near-term strategic plans
17 and projects of investment activity, as well
18 as forecasts of future investment strategies
19 based on anticipated market conditions,
20 and similar information; and

21 “(v) an analysis of cash utilization,
22 including—

23 “(I) comparisons of budgeted per-
24 centages of total cash to be invested

1 with actual percentages of cash in-
2 vested and the dollar amounts;

3 “(II) comparisons of the next re-
4 turn on invested cash expressed in per-
5 centages (yield) with comparable mar-
6 ket indicators and established District
7 of Columbia government yield objec-
8 tives; and

9 “(III) comparisons of estimated
10 dollar return against actual dollar
11 yield.

12 “(E) Monthly reports reflecting a detailed
13 summary analysis of long-term and short-term
14 borrowings inclusive of debt as authorized by sec-
15 tion 603, in the current fiscal year and the
16 amount of debt for each succeeding fiscal year
17 not to exceed 5 years. All such reports shall re-
18 flect—

19 “(i) the amount of debt outstanding by
20 type of instrument;

21 “(ii) the amount of authorized and
22 unissued debt, including availability of
23 short-term lines of credit, United States
24 Treasury borrowings, and similar informa-
25 tion;

1 “(iii) a maturity schedule of the debt;
2 “(iv) the rate of interest payable upon
3 the debt; and
4 “(v) the amount of debt service require-
5 ments and related debt service reserves.

6 “(2) Such other functions assigned to the Chief
7 Financial Officer under subsection (d) as the Chief
8 Financial Officer may delegate.

9 “(f) **DEFINITIONS.**—For purposes of this section (and
10 sections 424a and 424b)—

11 “(1) the term ‘Authority’ means the District of
12 Columbia Financial Responsibility and Management
13 Assistance Authority established under section 101(a)
14 of the District of Columbia Financial Responsibility
15 and Management Assistance Act of 1995;

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

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

21 (b) **CLARIFICATION OF DUTIES OF CHIEF FINANCIAL
22 OFFICER AND MAYOR.**—

23 (1) **RELATION TO FINANCIAL DUTIES OF
24 MAYOR.**—Section 448(a) of such Act (section 1–
25 204.48(a), D.C. Official Code) is amended by striking

1 “section 603,” and inserting “section 603 and except
2 to the extent provided under section 424(d),”.

3 (2) *RELATION TO MAYOR’S DUTIES REGARDING*
4 *ACCOUNTING SUPERVISION AND CONTROL.*—Section
5 *449 of such Act (section 1–204.49, D.C. Official Code)*
6 *is amended by striking “The Mayor” and inserting*
7 *“Except to the extent provided under section 424(d),*
8 *the Mayor”.*

9 **SEC. 202. PERSONNEL AUTHORITY.**

10 (a) *PROVIDING INDEPENDENT PERSONNEL AUTHORITY.*—

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

15 “**AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PERSONNEL OF OFFICE AND OTHER FINANCIAL PERSONNEL**

17 “**SEC. 424. (a) IN GENERAL.**—Notwithstanding any provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), employees of the Office of the Chief Financial Officer of the District of Columbia, including personnel described in subsection (b), shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer of the District of Columbia, and shall be considered at-will employees not covered by the District of Colum-

1 *bia Merit Personnel Act of 1978, except that nothing in this*
2 *section may be construed to prohibit the Chief Financial*
3 *Officer from entering into a collective bargaining agreement*
4 *governing such employees and personnel or to prohibit the*
5 *enforcement of such an agreement as entered into by the*
6 *Chief Financial Officer.*

7 “(b) *PERSONNEL.—The personnel described in this*
8 *subsection are as follows:*

9 “(1) *The General Counsel to the Chief Financial*
10 *Officer and all other attorneys in the Office of the*
11 *General Counsel within the Office of the Chief Finan-*
12 *cial Officer of the District of Columbia, together with*
13 *all other personnel of the Office.*

14 “(2) *All other individuals hired or retained as*
15 *attorneys by the Chief Financial Officer or any office*
16 *under the personnel authority of the Chief Financial*
17 *Officer, each of whom shall act under the direction*
18 *and control of the General Counsel to the Chief Fi-*
19 *nancial Officer.*

20 “(3) *The heads and all personnel of the subordi-*
21 *nate offices of the Office (as described in section*
22 *424(a)(2) and established as subordinate offices in*
23 *section 424(a)(3)) and the Chief Financial Officers,*
24 *Agency Fiscal Officers, and Associate Chief Financial*
25 *Officers of all District of Columbia executive branch*

1 *subordinate and independent agencies (in accordance*
2 *with subsection (c)), together with all other District of*
3 *Columbia accounting, budget, and financial manage-*
4 *ment personnel (including personnel of executive*
5 *branch independent agencies, but not including per-*
6 *sonnel of the legislative or judicial branches of the*
7 *District government).*

8 “*(c) APPOINTMENT OF CERTAIN EXECUTIVE BRANCH*
9 *AGENCY CHIEF FINANCIAL OFFICERS.—*

10 “*(1) IN GENERAL.—The Chief Financial Officers*
11 *and Associate Chief Financial Officers of all District*
12 *of Columbia executive branch subordinate and inde-*
13 *pendent agencies (other than those of a subordinate*
14 *office of the Office) shall be appointed by the Chief Fi-*
15 *nancial Officer, in consultation with the agency head,*
16 *where applicable. The appointment shall be made*
17 *from a list of qualified candidates developed by the*
18 *Chief Financial Officer.*

19 “*(2) TRANSITION.—Any executive branch agency*
20 *Chief Financial Officer appointed prior to the date of*
21 *enactment of the 2005 District of Columbia Omnibus*
22 *Authorization Act may continue to serve in that ca-*
23 *pacity without reappointment.*

24 “*(d) INDEPENDENT AUTHORITY OVER LEGAL PER-*
25 *SONNEL.—Title VIII–B of the District of Columbia Govern-*

1 ment Comprehensive Merit Personnel Act of 1978 (sec. 1–
2 608.51 *et seq.*, D.C. Official Code) shall not apply to the
3 Office of the Chief Financial Officer or to attorneys em-
4 ployed by the Office.”

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

9 (b) *CONFORMING AMENDMENT.*—Section 862 of the
10 *District of Columbia Government Comprehensive Merit*
11 *Personnel Act of 1978* (D.C. Law 2-260; D.C. Official Code
12 § 1-608.62) is amended by striking paragraph (2).

13 SEC. 203. PROCUREMENT AUTHORITY.

14 (a) PROVIDING INDEPENDENT AUTHORITY TO PRO-
15 CURE GOODS AND SERVICES —

20 "PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL

21 OFFICER

22 “SEC. 424b. *The Chief Financial Officer shall carry*
23 *out procurement of goods and services for the Office of the*
24 *Chief Financial Officer through a procurement office or di-*

1 vision which shall operate independently of, and shall not
2 be governed by, the Office of Contracting and Procurement
3 established under the District of Columbia Procurement
4 Practices Act of 1986 or any successor office, except the pro-
5 visions applicable under such Act to procurement carried
6 out by the Chief Procurement Officer established by section
7 105 of such Act or any successor office shall apply with
8 respect to the procurement carried out by the Chief Finan-
9 cial Officer's procurement office or division.”.

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

15 (b) CONFORMING AMENDMENTS.—

1 *in section 424b of the District of Columbia Home
2 Rule Act) the Office of the Chief Financial Offi-
3 cer of the District of Columbia"; and*

4 *(B) in subsection (c), by striking the second
5 and third sentences.*

6 *(2) OTHER CONFORMING AMENDMENT.—Section
7 132 of the District of Columbia Appropriations Act,
8 2006 (Public Law 109–115) is hereby repealed.*

9 *(c) EFFECTIVE DATE.—This section and the amend-
10 ments made by this section shall take effect 6 months after
11 the date of enactment of this Act.*

12 **SEC. 204. FISCAL IMPACT STATEMENTS.**

13 *The General Legislative Procedures Act of 1975 (sec.
14 1–301.45 et seq., D.C. Official Code) is amended by adding
15 at the end the following new section:*

16 *“FISCAL IMPACT STATEMENTS*

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

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

23 *“(2) CONTENTS.—The fiscal impact statement
24 shall include the estimate of the costs which will be
25 incurred by the District as a result of the enactment
26 of the measure in the current and each of the first*

1 *four fiscal years for which the act or resolution is in*
2 *effect, together with a statement of the basis for such*
3 *estimate.*

4 “(b) *APPROPRIATIONS.*—Permanent and emergency
5 *acts which are accompanied by fiscal impact statements*
6 *which reflect unbudgeted costs, shall be subject to appropria-*
7 *tions prior to becoming effective.*

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

11 **TITLE III—AUTHORIZATION OF**
12 **CERTAIN GENERAL APPROP-**
13 **PRIATIONS PROVISIONS**

14 **SEC. 301. ACCEPTANCE OF GIFTS BY COURT SERVICES AND**
15 **OFFENDER SUPERVISION AGENCY.**

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

21 “(3) *ACCEPTANCE OF GIFTS.*—

22 “(A) *AUTHORITY TO ACCEPT GIFTS.*—Dur-
23 *ing fiscal years 2006 through 2008, the Director*
24 *may accept and use gifts in the form of—*

1 “(i) *in-kind contributions of space and*
2 *hospitality to support offender and defendant*
3 *programs; and*

4 “(ii) *equipment and vocational training*
5 *services to educate and train offenders*
6 *and defendants.*

7 “(B) *RECORDS.*—*The Director shall keep*
8 *accurate and detailed records of the acceptance*
9 *and use of any gifts under subparagraph (A),*
10 *and shall make such records available for audit*
11 *and public inspection.*

12 “(4) *REIMBURSEMENT FROM DISTRICT GOVERN-*
13 *MENT.*—*During fiscal years 2006 through 2008, the*
14 *Director may accept and use reimbursement from the*
15 *District government for space and services provided,*
16 *on a cost reimbursable basis.”.*

17 (b) *AUTHORITY OF PUBLIC DEFENDER SERVICE TO*
18 *CHARGE FEES FOR EVENT MATERIALS.*—*Section 307 of the*
19 *District of Columbia Court Reform and Criminal Proce-*
20 *dure Act of 1970 (sec. 2–1607, D.C. Official Code) is*
21 *amended by adding at the end the following new subsection:*

22 “(d) *During fiscal years 2006 through 2008, the Serv-*
23 *ice may charge fees to cover the costs of materials distrib-*
24 *uted to attendees of educational events, including con-*
25 *ferences, sponsored by the Service. Notwithstanding section*

1 3302 of title 31, United States Code, any amounts received
2 as fees under this subsection shall be credited to the Service
3 and available for use without further appropriation.”.

4 **SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EM-
5 PLOYEES.**

6 *Title XVII of the District of Columbia Merit Personnel
7 Act of 1978 (sec. 1–617.01 et seq., D.C. Official Code) is
8 amended by adding at the end the following new section:*

9 **“SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL
10 EMPLOYEES.**

11 *“Notwithstanding any other provision of law, rule, or
12 regulation, during fiscal year 2006 and each succeeding fis-
13 cal year the evaluation process and instruments for evalu-
14 ating District of Columbia Public Schools employees shall
15 be a non-negotiable item for collective bargaining pur-
16 poses.”.*

17 **SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVI-
18 SIONS OF MERIT PERSONNEL SYSTEM TO ALL
19 DISTRICT EMPLOYEES.**

20 *(a) DISTRICT OF COLUMBIA HOME RULE ACT.—The
21 fourth sentence of section 422(3) of the District of Columbia
22 Home Rule Act (sec. 1–204.42(3), D.C. Official Code) is
23 amended by striking “The system may provide” and insert-
24 ing the following: “The system shall apply with respect to
25 the compensation of employees of the District government*

1 *during fiscal year 2006 and each succeeding fiscal year, ex-*
2 *cept that the system may provide”.*

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

6 *“(e) Except as may be specifically provided, this chap-*
7 *ter does not apply for pay purposes to any employee of the*
8 *government of the District of Columbia during fiscal year*
9 *2006 or any succeeding fiscal year.”.*

10 **SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE**
11 **SOURCE CONTRACTS.**

12 *Section 305 of the District of Columbia Procurement*
13 *Practices Act of 1985 (sec. 2–303.05, D.C. Official Code)*
14 *is amended by adding at the end the following new sub-*
15 *section:*

16 *“(b) During fiscal years 2006 through 2008, a procure-*
17 *ment contract awarded through noncompetitive negotia-*
18 *tions in accordance with subsection (a) may be renewed or*
19 *extended only if the Chief Financial Officer of the District*
20 *of Columbia reviews the contract and certifies that the con-*
21 *tract was renewed or extended in accordance with duly pro-*
22 *mulgated rules and procedures.”.*

1 SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT IN-

2 CLUSED IN ANNUAL BUDGET.

10 “SEC. 446B. (a) AUTHORITY TO ACCEPT, OBLIGATE,
11 AND EXPEND AMOUNTS.—Notwithstanding the fourth sen-
12 tence of section 446, the Mayor, in consultation with the
13 Chief Financial Officer of the District of Columbia may ac-
14 cept, obligate, and expend Federal, private, and other
15 grants received by the District government that are not re-
16 flected in the budget approved by Act of Congress as pro-
17 vided in such section.

18 "(b) CONDITIONS.—

19 “(1) *ROLE OF CHIEF FINANCIAL OFFICER; APPROVAL BY COUNCIL.*—No Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

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

1 “(B) the Council has reviewed and ap-
2 proved the acceptance, obligation, and expendi-
3 ture of such grant.

4 “(2) *DEEMED APPROVAL BY COUNCIL*.—For pur-
5 poses of paragraph (1)(B), the Council shall be
6 deemed to have reviewed and approved the acceptance,
7 obligation, and expenditure of a grant if—

8 “(A) no written notice of disapproval is
9 filed with the Secretary of the Council within 14
10 calendar days of the receipt of the report from
11 the Chief Financial Officer under paragraph
12 (1)(A); or

13 “(B) if such a notice of disapproval is filed
14 within such deadline, the Council does not by
15 resolution disapprove the acceptance, obligation,
16 or expenditure of the grant within 30 calendar
17 days of the initial receipt of the report from the
18 Chief Financial Officer under paragraph (1)(A).

19 “(c) *NO OBLIGATION OR EXPENDITURE PERMITTED IN*
20 *ANTICIPATION OF RECEIPT OR APPROVAL*.—No amount
21 may be obligated or expended from the general fund or other
22 funds of the District of Columbia government in anticipa-
23 tion of the approval or receipt of a grant under subsection
24 (b)(2) or in anticipation of the approval or receipt of a

1 *Federal, private, or other grant not subject to such sub-*
2 *section.*

3 “(d) *ADJUSTMENTS TO ANNUAL BUDGET.*—*The Chief*
4 *Financial Officer may adjust the budget for Federal, pri-*
5 *vate, and other grants received by the District government*
6 *reflected in the amounts provided in the budget approved*
7 *by Act of Congress under section 446, or approved and re-*
8 *ceived under subsection (b)(2) to reflect a change in the ac-*
9 *tual amount of the grant.*

10 “(e) *REPORTS.*—*The Chief Financial Officer shall pre-*
11 *pare a quarterly report setting forth detailed information*
12 *regarding all Federal, private, and other grants subject to*
13 *this section. Each such report shall be submitted to the*
14 *Council and to the Committees on Appropriations of the*
15 *House of Representatives and Senate not later than 15 days*
16 *after the end of the quarter covered by the report.*

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

19 (b) *CONFORMING AMENDMENT.*—*The fourth sentence of*
20 *section 446 of such Act (sec. 1–204.46, D.C. Official Code),*
21 *as amended by section 101(b), is amended by inserting “sec-*
22 *tion 446B,” after “section 446A.”.*

23 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
24 *such Act, as amended by section 101(c), is amended by in-*

1 inserting after the item relating to section 446A the following
2 new item:

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

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

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

6 (1) in subsection (a)(4), by striking the semi-
7 colon at the end and inserting the following: “, as au-
8 dited by the Inspector General of the District of Co-
9 lumbia in accordance with subsection (c) in the case
10 of fiscal years 2006 through 2008;”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(c) The financial statement and report for a fiscal
14 year prepared and submitted for purposes of subsection
15 (a)(4) shall be audited by the Inspector General of the Dis-
16 trict of Columbia (in coordination with the Chief Financial
17 Officer of the District of Columbia) pursuant to section
18 208(a)(4) of the District of Columbia Procurement Prac-
19 tices Act of 1985, and shall include as a basic financial
20 statement a comparison of audited actual year-end results
21 with the revenues submitted in the budget document for such
22 year and the appropriations enacted into law for such year
23 using the format, terminology, and classifications contained
24 in the law making the appropriations for the year and its
25 legislative history.”.

1 **SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAF-**2 **FIC ALCOHOL LAWS FOR ENFORCEMENT AND**
3 **PROSECUTION OF LAWS.**4 *Section 10(b)(3) of the District of Columbia Traffic
5 Act, 1925 (sec. 50-2201.05(b)(3), D.C. Official Code) is
6 amended to read as follows:*7 *“(3) Notwithstanding any other provision of law, all
8 fines imposed and collected pursuant to this subsection dur-
9 ing fiscal year 2006 and each succeeding fiscal year shall
10 be transferred to the General Fund of the District of Colum-
11 bia, shall be used by the District of Columbia exclusively
12 for the enforcement and prosecution of the District traffic
13 alcohol laws, and shall remain available until expended.”.*14 **SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES**
15 **BROUGHT UNDER INDIVIDUALS WITH DIS-**
16 **ABILITIES EDUCATION ACT.**17 *(a) RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-
18 CER.—Section 424(d) of the District of Columbia Home
19 Rule Act (sec. 1-204.24(d), D.C. Official Code), as amended
20 by section 201(a), is amended by adding at the end the fol-
21 lowing new paragraph:*22 *“(28) With respect to attorneys in special edu-
23 cation cases brought under the Individuals with Dis-
24 abilities Education Act in the District of Columbia
25 during fiscal year 2006 and each succeeding fiscal
26 year—*

1 “(A) requiring such attorneys to certify in
2 writing that the attorney or representative of the
3 attorney rendered any and all services for which
4 the attorney received an award in such a case,
5 including those received under a settlement
6 agreement or as part of an administrative pro-
7 ceeding, from the District of Columbia;

8 “(B) requiring such attorneys, as part of
9 the certification under subparagraph (A), to dis-
10 close any financial, corporate, legal, membership
11 on boards of directors, or other relationships
12 with any special education diagnostic services,
13 schools, or other special education service pro-
14 viders to which the attorneys have referred any
15 clients in any such cases; and

16 “(C) preparing and submitting quarterly
17 reports to the Committees on Appropriations of
18 the House of Representatives and Senate on the
19 certification of and the amount paid by the gov-
20 ernment of the District of Columbia, including
21 the District of Columbia Public Schools, to such
22 attorneys.”.

23 (b) *INVESTIGATIONS BY INSPECTOR GENERAL.*—Sec-
24 tion 208(a)(3) of the District of Columbia Procurement
25 Practices Act of 1985 (sec. 2–302.08(a)(3), D.C. Official

1 *Code) is amended by adding at the end the following new*
2 *subparagraph:*

3 “(J) *During fiscal year 2006 and each succeeding fis-*
4 *cal year, conduct investigations to determine the accuracy*
5 *of certifications made to the Chief Financial Officer of the*
6 *District of Columbia under section 424(d)(28) of the Dis-*
7 *trict of Columbia Home Rule Act of attorneys in special*
8 *education cases brought under the Individuals with Disabil-*
9 *ties Education Act in the District of Columbia.”.*

Calendar No. 534

109TH CONGRESS
2D SESSION
H. R. 3508

AN ACT

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

JULY 25, 2006

Reported with an amendment