

2005 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION
ACT

NOVEMBER 3, 2005.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. TOM DAVIS of Virginia, from the Committee on Government
Reform, submitted the following

R E P O R T

[To accompany H.R. 3508]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred
the bill (H.R. 3508) to authorize improvements in the operation of
the government of the District of Columbia, and for other purposes,
having considered the same, report favorably thereon with an
amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “2005 District of Columbia Omni-
bus Authorization Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

- Sec. 101. Budget flexibility.
- Sec. 102. Additional authority to allocate amounts in Reserve Funds.
- Sec. 103. Authority of Mayor of District of Columbia to appoint members of Public Charter School Board.
- Sec. 104. Permitting General Services Administration to obtain space and services on behalf of District of Columbia Public Defender Service.
- Sec. 105. Authority to enter into Interstate Insurance Product Regulation Compact.

Subtitle B—District of Columbia Courts

- Sec. 111. Modernization of Office of Register of Wills.
- Sec. 112. Increase in cap on rates of pay for nonjudicial employees.
- Sec. 113. Clarification of rate for individuals providing services to indigent defendants.
- Sec. 114. Authority of Courts to conduct proceedings outside of District of Columbia during emergencies.
- Sec. 115. Authority of Court Services and Offender Supervision Agency to use services of volunteers.
- Sec. 116. Technical corrections relating to courts.

Subtitle C—Other Miscellaneous Technical Corrections

- Sec. 121. 2004 District of Columbia Omnibus Authorization Act.
- Sec. 122. District of Columbia Appropriations Act, 2005.
- Sec. 123. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

- Sec. 201. Promoting Independence of Chief Financial Officer.
- Sec. 202. Personnel authority.
- Sec. 203. Procurement authority.
- Sec. 204. Fiscal impact statements.

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

- Sec. 301. Acceptance of gifts by Court Services and Offender Supervision Agency.
- Sec. 302. Evaluation process for public school employees.
- Sec. 303. Clarification of application of pay provisions of Merit Personnel System to all District employees.
- Sec. 304. Criteria for renewing or extending sole source contracts.
- Sec. 305. Acceptance of grant amounts not included in annual budget.
- Sec. 306. Standards for annual independent audit.
- Sec. 307. Use of fines imposed for violation of traffic alcohol laws for enforcement and prosecution of laws.
- Sec. 308. Certifications for attorneys in cases brought under Individuals With Disabilities Education Act.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

SEC. 101. BUDGET FLEXIBILITY.

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

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

“SEC. 446A. (a) IN GENERAL.—Notwithstanding the fourth sentence of section 446, to account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia funds under budget approved by Act of Congress as provided in such section may be increased—

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

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

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

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

“(A) the increase in revenue; and

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

“(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with any other requirements under law.

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

“(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate not fewer than 30 days in advance of the obligation or expenditure.

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

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

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

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

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

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

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

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

“(c) ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS.—

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

“(2) LIMITS ON AMOUNT ALLOCATED.—

“(A) AMOUNT OF INDIVIDUAL ALLOCATION.—The amount of an allocation made from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection may not exceed 50 percent of the balance of the fund involved at the time the allocation is made.

“(B) AGGREGATE AMOUNT ALLOCATED.—The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection during a fiscal year may not exceed 50 percent of the balance of the fund involved as of the first day of such fiscal year.

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

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

“(B) the last day of the fiscal year.

“(4) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2006 and each succeeding fiscal year.”.

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

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

(A) by striking “(7) REPLENISHMENT.—The District of Columbia” and inserting the following:

“(7) REPLENISHMENT.—

“(A) IN GENERAL.—The District of Columbia”; and

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

“(B) SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.—

“(i) IN GENERAL.—If the District allocates amounts from the emergency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be

required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

“(ii) DEADLINE.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.”.

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

(A) by striking “(6) REPLENISHMENT.—The District of Columbia” and inserting the following:

“(6) REPLENISHMENT.—

“(A) IN GENERAL.—The District of Columbia”; and

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

“(B) SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.—

“(i) IN GENERAL.—If the District allocates amounts from the contingency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

“(ii) DEADLINE.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.”.

SEC. 103. AUTHORITY OF MAYOR OF DISTRICT OF COLUMBIA TO APPOINT MEMBERS OF PUBLIC CHARTER SCHOOL BOARD.

(a) APPOINTMENT OF MEMBERS.—Section 2214(a)(2) of the District of Columbia School Reform Act of 1995 (sec. 38—1802.14(a)(2), D.C. Official Code) is amended by striking “The Secretary of Education” and all that follows through “represented on the Board:” and inserting the following: “The Board shall consist of 7 individuals appointed by the Mayor in consultation with the District of Columbia Council who are determined by the Mayor to be qualified to serve on the Board, so that a knowledge of each of the following areas is represented:”.

(b) FILLING OF VACANCIES.—Section 2214(a)(3) of such Act (sec. 38—1802.14(a)(3), D.C. Official Code) is amended to read as follows:

“(3) VACANCIES.—When a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member, the Mayor, in consultation with the District of Columbia Council, shall appoint an individual to fill the vacancy taking into consideration the criteria described in paragraph (2). Any individual appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of that term.”.

(c) CONFORMING AMENDMENT.—Section 2214(a) of such Act (sec. 38—1802.14(a), D.C. Official Code) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments made to the Public Charter School Board of the District of Columbia after the date of the enactment of this Act.

SEC. 104. PERMITTING GENERAL SERVICES ADMINISTRATION TO OBTAIN SPACE AND SERVICES ON BEHALF OF DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

(a) AUTHORITY TO OBTAIN SPACE AND SERVICES.—At the request of the Director of the District of Columbia Public Defender Service, the Administrator of General Services may furnish space and services on behalf of the Service (either directly by providing space and services in buildings owned or occupied by the Federal Government or indirectly by entering into leases with non-Federal entities) in the same manner, and under the same terms and conditions, as the Administrator may furnish space and services on behalf of an agency of the Federal Government.

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

SEC. 105. AUTHORITY TO ENTER INTO INTERSTATE INSURANCE PRODUCT REGULATION COMPACT.

(a) **IN GENERAL.**—The District of Columbia is authorized to enter into an interstate compact to establish a joint state commission as an instrumentality of the District of Columbia for the purpose of establishing uniform insurance product regulations among the participating states.

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

Subtitle B—District of Columbia Courts

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

(a) **REVISION OF DUTIES.**—Section 11–2104(b), District of Columbia Official Code, is amended to read as follows:

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

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

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

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

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

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

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

(b) **REPEAL OF PENALTIES.**—

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

(A) in the heading, by striking “; penalties”; and

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

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

(c) **RECORD OF CLAIMS AGAINST NONRESIDENT DECEDENTS.**—Section 20–343(d), District of Columbia Official Code, is amended by striking the second sentence and inserting the following: “The Register shall record all such claims and releases.”.

SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NONJUDICIAL EMPLOYEES.

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

SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PROVIDING SERVICES TO INDIGENT DEFENDANTS.

(a) **IN GENERAL.**—Section 11–2605, District of Columbia Official Code, is amended—

(1) by striking subsection (b);

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

(3) in subsection (d), by inserting after “United States Code,” the following: “(or, in the case of investigative services, a fixed rate of \$25 per hour)”.

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

SEC. 114. AUTHORITY OF COURTS TO CONDUCT PROCEEDINGS OUTSIDE OF DISTRICT OF COLUMBIA DURING EMERGENCIES.

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

(1) **IN GENERAL.**—Subchapter I of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

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

“The court may hold special sessions at any place outside the District of Columbia as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court (or, if the chief judge is unavailable, the most senior available active judge of the court) or the Joint Committee on Judicial Administration of the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session.”.

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

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

(b) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—

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

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

“The Superior Court may hold special sessions at any place outside the District of Columbia as the nature of the business may require and upon such notice as the Superior Court orders, upon a finding by either the chief judge of the Superior Court (or, if the chief judge is unavailable, the most senior available active judge of the Superior Court) or the Joint Committee on Judicial Administration of the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The Superior Court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session, including business requiring the summoning of jurors from within the District of Columbia to the location outside the District of Columbia at which the special session is held.”.

(2) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter I the following:

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

SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO USE SERVICES OF VOLUNTEERS.

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

“(g) AUTHORITY TO USE SERVICES OF VOLUNTEERS.—

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

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

SEC. 116. TECHNICAL CORRECTIONS RELATING TO COURTS.

(a) CORRECTIONS RELATING TO DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005.—

(1) IN GENERAL.—Section 329 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1345), is amended to read as follows:

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

“(b) EXECUTIVE OFFICER.—

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

“§ 11-1704. Oath of Executive Officer.

“The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of that office.”.

“(2) 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 11–1704 to read as follows:

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

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

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

“(2) by striking subsection (b); and

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

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

“(e) REGISTER OF WILLS.—

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

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

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

“(C) by striking the third sentence of subsection (a).

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

(2) 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 and travel.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

(b) CORRECTIONS RELATING TO DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002.—

(1) IN GENERAL.—Section 16–2326.01(g)(4), District of Columbia Official Code, is amended by striking “11–2605(c)” and inserting “11–2605(d)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2002.

Subtitle C—Other Miscellaneous Technical Corrections

SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT.

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

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the 2004 District of Columbia Omnibus Authorization Act.

SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005.

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

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

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the 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.

(a) FEDERAL RESERVE ACT.—

(1) The second undesignated paragraph of the first section of the Federal Reserve Act (12 U.S.C. 221) is amended by adding at the end the following: “For

purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia.”.

(2) The first sentence of the first undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by striking “incorporated by special law of any State, or” and inserting “incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or”.

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

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

(2) by striking “, and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency”.

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

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

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

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

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

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

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

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

(2) in subparagraph (B), by striking “and banks operating under the code of law for the District of Columbia”.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINANCIAL OFFICER.

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

“CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

“SEC. 424. (a) IN GENERAL.—

“(1) ESTABLISHMENT.—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the ‘Office’), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the ‘Chief Financial Officer’).

“(2) ORGANIZATIONAL ANALYSIS.—

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

“(B) OFFICE OF TAX AND REVENUE.—The name of the Department of Finance and Revenue, established by Commissioner’s Order 69–96, issued March 7, 1969, is changed to the Office of Tax and Revenue.

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

“(D) OFFICE OF FINANCIAL OPERATIONS AND SYSTEMS.—The Office of the Controller, established by Mayor’s Order 89–243, dated October 23, 1989, and the Office of Financial Information Services, established by Mayor’s Order 89–244, dated October 23, 1989, are consolidated into the Office of Financial Operations and Systems.

“(3) TRANSFERS.—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are established as subordinate offices within the Office:

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

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

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

“(D) The Office of Financial Operations and Systems, headed by the Deputy Chief Financial Officer for the Office of Financial Operations and Systems.

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

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

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

“(5) APPOINTMENT AND REMOVAL OF OFFICE EMPLOYEES.—The Chief Financial Officer shall appoint the heads of the subordinate offices designated in paragraph (3), after consultation with the Mayor and the Council. The Chief Financial Officer may remove the heads of the offices designated in paragraph (3), after consultation with the Mayor and the Council.

“(6) ANNUAL BUDGET SUBMISSION.—The Chief Financial Officer shall prepare and annually submit to the Mayor of the District of Columbia, for inclusion in the annual budget of the District of Columbia government for a fiscal year, annual estimates of the expenditures and appropriations necessary for the year for the operation of the Office and all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies) that report to the Office pursuant to this Act.

“(b) APPOINTMENT OF THE CHIEF FINANCIAL OFFICER.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—The Chief Financial Officer shall be appointed by the Mayor with the advice and consent, by resolution, of the Council. Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the removal takes effect.

“(B) SPECIAL RULE FOR CONTROL YEARS.—During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

“(i) Prior to the appointment, the Authority may submit recommendations for the appointment to the Mayor.

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

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

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

“(2) TERM.—

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

“(B) TRANSITION.—For purposes of this section, the individual serving as Chief Financial Officer as of the date of enactment of the 2005 District of Columbia Omnibus Authorization Act shall be deemed to have been appointed under this subsection, except that such individual's initial term of office shall begin upon such date and shall end on June 30, 2007.

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

“(D) VACANCIES.—Any vacancy in the Office of Chief Financial Officer shall be filled in the same manner as the original appointment under paragraph (1).

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

“(c) REMOVAL OF THE CHIEF FINANCIAL OFFICER—

“(1) IN GENERAL.—The Chief Financial Officer may only be removed for cause by the Mayor, subject to the approval of the Council by a resolution approved by not fewer than $\frac{2}{3}$ of the members of the Council. After approval of the resolution by the Council, notice of the removal shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the removal takes effect.

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

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

“(1) During a control year, preparing the financial plan and the budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D and preparing the 5-year financial Columbia budget by the Mayor to Congress.

“(3) During a control year, assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Chief Financial Officer’s authority, to ensure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis and to ensure that appropriations are not exceeded.

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

“(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D of this title, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

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

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

“(7) Maintaining systems of accounting and internal control designed to provide—

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

“(B) adequate financial information needed by the District government for management purposes;

“(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

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

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

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

“(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

“(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District govern-

ment), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council (or by the Authority during a control year).

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

“(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

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

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

“(16) Certifying and approving prior to payment of all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

“(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

“(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer.

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

“(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

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

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

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

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

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

“(26) Preparing under the direction of the Mayor, who has the specific responsibility for formulating budget policy using Chief Financial Officer technical and human resources, the budget for submission by the Mayor to the Council and to the public and upon final adoption to Congress and to the public.

“(27) Certifying all collective bargaining agreements and nonunion pay proposals prior to submission to the Council for approval as to the availability of funds to meet the obligations expected to be incurred by the District government under such collective bargaining agreements and nonunion pay proposals during the year.

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

“(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Each such report shall include the following:

“(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

“(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

“(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

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

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

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

“(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

“(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information; and

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

“(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

“(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

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

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

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

“(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

“(iii) a maturity schedule of the debt;

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

“(v) the amount of debt service requirements and related debt service reserves.

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

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

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

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

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

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

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

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

SEC. 202. PERSONNEL AUTHORITY.

(a) PROVIDING INDEPENDENT PERSONNEL AUTHORITY.—

(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:

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

“SEC. 424a. (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 Columbia Merit Personnel Act of 1978, except that nothing in this section may be construed to prohibit the Chief Financial Officer from entering into a collective bargaining agreement governing such employees and personnel or to prohibit the enforcement of such an agreement as entered into by the Chief Financial Officer.

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

“(1) The General Counsel to the Chief Financial Officer and all other attorneys in the Office of the General Counsel within the Office of the Chief Financial Officer of the District of Columbia, together with all other personnel of the Office.

“(2) All other individuals hired or retained as attorneys by the Chief Financial Officer or any office under the personnel authority of the Chief Financial Officer, each of whom shall act under the direction and control of the General Counsel to the Chief Financial Officer.

“(3) The heads and all personnel of the subordinate offices of the Office (as described in section 424(a)(2) and established as subordinate offices in section 424(a)(3)) and the Chief Financial Officers, Agency Fiscal Officers, and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (in accordance with subsection (c)), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies, but not including personnel of the legislative or judicial branches of the District government).

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

“(1) IN GENERAL.—The Chief Financial Officers and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (other than those of a subordinate office of the Office) shall be appointed by the Chief Financial Officer, in consultation with the agency head, where applicable. The appointment shall be made from a list of qualified candidates developed by the Chief Financial Officer.

“(2) TRANSITION.—Any executive branch agency Chief Financial Officer appointed prior to the date of enactment of the 2005 District of Columbia Omnibus Authorization Act may continue to serve in that capacity without reappointment.

“(d) INDEPENDENT AUTHORITY OVER LEGAL PERSONNEL.—Title VIII-B of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–608.51 et seq., D.C. Official Code) shall not apply to the Office of the Chief Financial Officer or to attorneys employed by the Office.”.

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new item:

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

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

SEC. 203. PROCUREMENT AUTHORITY.

(a) PROVIDING INDEPENDENT AUTHORITY TO PROCURE GOODS AND SERVICES.—

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

“PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL OFFICER

“SEC. 424b. The Chief Financial Officer shall carry out procurement of goods and services for the Office of the Chief Financial Officer through a procurement office or division which shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement established under the District of Columbia Procurement Practices Act of 1985 or any successor office, except the provisions applicable under such Act to procurement carried out by the Chief Procurement Officer established by section 105 of such Act or any successor office shall apply with respect to the procurement carried out by the Chief Financial Officer’s procurement office or division.”.

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act, as amended by section 203(a)(2), is further amended by adding at the end following new item:

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

(b) CONFORMING AMENDMENT.—Section 104 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–301.04, D.C. Official Code) is amended—

(1) in subsection (a), by striking “and District of Columbia Advisory Neighborhood Commissions” and inserting the following: “District of Columbia Advisory Neighborhood Commissions, and (to the extent described in section 424b of the District of Columbia Home Rule Act) the Office of the Chief Financial Officer of the District of Columbia”; and

(2) in subsection (c), by striking the second and third sentences.

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

SEC. 204. FISCAL IMPACT STATEMENTS.

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

“FISCAL IMPACT STATEMENTS

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

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

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

“(b) **APPROPRIATIONS.**—Permanent and emergency acts which are accompanied by fiscal impact statements which reflect unbudgeted costs, shall be subject to appropriations prior to becoming effective.

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

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

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

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

“(3) **ACCEPTANCE OF GIFTS.**—

“(A) **AUTHORITY TO ACCEPT GIFTS.**—During fiscal years 2006 through 2008, the Director may accept and use gifts in the form of—

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

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

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

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

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

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

SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.

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

“SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.

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

SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVISIONS OF MERIT PERSONNEL SYSTEM TO ALL DISTRICT EMPLOYEES.

(a) **DISTRICT OF COLUMBIA HOME RULE ACT.**—The fourth sentence of section 422(3) of the District of Columbia Home Rule Act (sec. 1–204.42(3), D.C. Official Code) is amended by striking “The system may provide” and inserting the following: “The system shall apply with respect to the compensation of employees of the District government during fiscal year 2006 and each succeeding fiscal year, except that the system may provide”.

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

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

SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE SOURCE CONTRACTS.

Section 305 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–303.05, D.C. Official Code) is amended by adding at the end the following new subsection:

“(b) During fiscal years 2006 through 2008, a procurement contract awarded through noncompetitive negotiations in accordance with subsection (a) may be renewed or extended only if the Chief Financial Officer of the District of Columbia reviews the contract and certifies that the contract was renewed or extended in accordance with duly promulgated rules and procedures.”.

SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET.

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

“ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET

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

“(b) CONDITIONS.—

“(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—

“(A) the Chief Financial Officer submits to the Council a report setting forth detailed information regarding such grant; and

“(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

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

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

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

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

“(d) ADJUSTMENTS TO ANNUAL BUDGET.—The Chief Financial Officer may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts provided in the budget approved by Act of Congress under section 446, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

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

“(f) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.”.

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

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

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

SEC. 306. STANDARDS FOR ANNUAL INDEPENDENT AUDIT.

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

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

(2) by adding at the end the following new subsection:

“(c) The financial statement and report for a fiscal year prepared and submitted for purposes of subsection (a)(4) shall be audited by the Inspector General of the District of Columbia (in coordination with the Chief Financial Officer of the District of Columbia) pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985, and shall include as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.”.

SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAFFIC ALCOHOL LAWS FOR ENFORCEMENT AND PROSECUTION OF LAWS.

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

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

SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES BROUGHT UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

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

“(28) With respect to attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia during fiscal year 2006 and each succeeding fiscal year—

“(A) requiring such attorneys to certify in writing that the attorney or representative of the attorney rendered any and all services for which the attorney received an award in such a case, including those received under a settlement agreement or as part of an administrative proceeding, from the District of Columbia;

“(B) requiring such attorneys, as part of the certification under subparagraph (A), to disclose any financial, corporate, legal, membership on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients in any such cases; and

“(C) preparing and submitting quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to such attorneys.”.

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

“(J) During fiscal year 2006 and each succeeding fiscal year, conduct investigations to determine the accuracy of certifications made to the Chief Financial Officer of the District of Columbia under section 424(d)(28) of the District of Columbia Home Rule Act of attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia.”.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 3508, the second annual omnibus authorization bill for the District of Columbia, would authorize improvements in the operations of the government of the District of Columbia.

BACKGROUND AND NEED FOR LEGISLATION

The Government Reform Committee has jurisdiction over the municipal affairs of the District of Columbia. In order to foster a better working relationship between the District of Columbia and Congress, the Committee has initiated an annual or biannual authorization process that would provide the District with a vehicle with which to move needed changes in the federal laws governing the District of Columbia.

LEGISLATIVE HISTORY

On July 28, 2005, Chairman Tom Davis (R–VA) and Rep. Eleanor Norton (D–DC) introduced H.R. 3508, the “2005 District of Columbia Omnibus Authorization Act,” to authorize improvements in the federal statutes governing the District of Columbia. The bill was subsequently referred to the Committee on Government Reform. On September 15, 2005, the full Government Reform Committee held a business meeting to mark up H.R. 3508. During the markup, Chairman Davis offered a substitute amendment that would add to the legislation additional provisions that were not finalized when the legislation was introduced in July. The committee approved H.R. 3508 by voice vote and ordered it reported favorably to the full House of Representatives for consideration.

SECTION-BY-SECTION ANALYSIS

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitles A and B include provisions requested by the District government and the D.C. Court; subtitle C contains technical corrections suggested by legislative counsel.

Subtitle A—General District of Columbia Governance

Sec. 101. Budget flexibility

To ensure that the District government has sufficient resources available to administer services in the event of unforeseen circumstances, this section would authorize the D.C. to spend an aggregate amount of not more than 6% of unappropriated local funds during the 2006–2008 fiscal years.

Sec. 102. Authority to allocate reserve funds

This section would authorize the District to tap into the emergency and contingency reserve funds, provided that D.C. reimburses the funds.

Sec. 103. Public Charter School Board reform

This section would amend the District of Columbia School Reform Act of 1995 to remove the Department of Education from the process of selecting members to serve on the D.C. Public Charter School Board.

Sec. 104. Assistance for DCPDS for space and services

This section would authorize the District of Columbia Public Defender Service—a nonfederal entity that is fully funded through federal appropriations—to use the services of the General Services Administration in managing its real estate. This section was added to the bill by the amendment in the nature of a substitute.

Sec. 105. Authority to DC to enter into Interstate Insurance Product Regulation Compact

This section would authorize the District to enter into an interstate insurance compact (included at the request of the District, based on the District's concern that it might not have the legal authority to enter into an interstate compact since it is not a State). This section was added to the bill by the amendment in the nature of a substitute.

Subtitle B—District of Columbia Courts

Sec. 111. Register of wills modernization

This section would enable the D.C. Court to integrate information technology into their administrative services by removing outdated requirements such as the requirement that the Court maintain records in “strong bound books.”

Sec. 112. Pay cap for nonjudicial court employees

This section would revise the pay cap available for nonjudicial employees from Executive Schedule IV to Executive Schedule III to enable the courts to effectively implement a performance management system. This would put the nonjudicial personnel of the D.C. Courts on par with the nonjudicial employees of the federal courts in the District.

Sec. 113. Services of investigators

This section would provide a technical change to the statute governing the rate of pay available for individuals providing services

to indigent defendants pay applying the \$25/hour pay cap to only investigator services rather than experts and other service providers.

Sec. 114. Emergency authority to conduct affairs outside the District

This section would provide the D.C. Court with the authority to conduct business outside D.C. in the event of an emergency that made it impossible or impracticable to operate within the District.

Sec. 115. CSOSA Volunteer Authority

This section would authorize the Court Services and Offender Supervision Agency to accept the use of volunteers in administering its services (requested by CSOSA). This section was added to the bill by the amendment in the nature of a substitute.

Sec. 116. D.C. Court technical corrections

This section would provide technical corrections to an authorizing provision that was carried in last year's D.C. appropriations bill relating to the statutes governing the D.C. Court.

Subtitle C—Other Miscellaneous Technical Corrections

Sec. 121. 2004 D.C. Omnibus Authorization Act

This section would make a technical change to a provision carried in last year's authorization bill pertaining to the District Council's consideration of the budget.

Sec. 122. 2005 D.C. Appropriations Act

This section would make a technical change to the D.C. Home Rule Act to clean up a change to the Act that was adopted as part of last year's D.C. appropriations bill.

Sec. 123. Technical corrections regarding D.C. Bank Oversight

This section includes a handful of technical corrections to federal banking laws to reflect a change that was included in last year's D.C. Authorization bill (P.L. 108–386) that transferred oversight of D.C.-chartered banks from the Office of the Comptroller of the Currency to the Federal Deposit Insurance Corporation. This section was added to the bill by the amendment in the nature of a substitute.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

These provisions are similar to the CFO language passed by the Senate in S. 1267, except that the hiring and firing of the District's Chief Financial Officer would be subject to a 30-day review by Congress before taking effect.

Sec. 201. Permanently authorizing the District CFO

This section would permanently authorize the District of Columbia Chief Financial Officer, detailing the responsibilities, the hiring and firing procedures, and the term for the Chief Financial Officer. This section would also establish in statute the duties and responsibilities of the D.C. Treasurer.

Sec. 202. Personnel authority for the CFO

This section would provide independent personnel authority for the District Chief Financial Officer.

Sec. 203. Procurement authority for the CFO

This section would provide procurement authority for the District Chief Financial Officer.

Sec. 204. Fiscal impact statements

This section would require that all legislation passed by the D.C. Council be accompanied by a fiscal impact statement.

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS
PROVISIONS

All of the following provisions have traditionally been carried in annual D.C. appropriations bills.

Sec. 301. Acceptance of gifts by CSOSA

This section would authorize, for fiscal years 2006 through 2008, the Court Services and Offender Supervision Agency to accept gift of space and training to support offender and defendant programs and the Public Defender Service to charge fees to cover the costs of materials distributed to attendees of educational events (also for FY06–08).

Sec. 302. Public school employee negotiation process

This section would exempt the evaluation process and instruments for evaluating DCPS employees from collective bargaining.

Sec. 303. Exemption of District employees from federal civil service laws

This section would permanently exempt District government employees from title 5 of the United States Code.

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

This section would iterate that, during fiscal years 2006 through 2008, a noncompetitively bid contract could not be renewed or extended unless the CFO determined that the contract was renewed or extended in accordance with duly promulgated rules and procedures.

Sec. 305. Acceptance of grants

This section would authorize the Mayor to accept, obligate and expend federal, private or other grants received by the District that are not reflected in the District's budget as approved by Congress, provided that certain reporting requirements are met.

Sec. 306. Annual independent audit standards

This section would clarify, for fiscal years 2006 through 2008, the requirements of the annual independent audit conducted by the District's Inspector General.

Sec. 307. Use of fines imposed for violation of traffic alcohol laws

This section would require the District to use any revenue generated from District traffic alcohol laws exclusively for the enforcement and prosecution of the District traffic alcohol laws.

Sec. 308. IDEA attorneys

This section would require the CFO to establish practices to enhance the transparency of the disclosure processes for attorneys in special education processes.

EXPLANATION OF AMENDMENTS

The provisions of the amendment in the nature of a substitute are reflected in the descriptive portions of this report.

COMMITTEE CONSIDERATION

On September 15, 2005, the Committee met in open session and ordered favorably reported the bill, H.R. 3508, by voice vote, a quorum being present.

ROLLCALL VOTES

No rollcall votes were held.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill improves the operations of the District of Columbia by authorizing improvements to the federal laws governing the District.

Legislative branch employees and their families, to the extent that they are otherwise eligible for the benefits provided by this legislation, have equal access to its benefits.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 3508. Article I, Section 8, Clause 17 of the Constitution of the United States grants the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3508. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3508 from the Director of Congressional Budget Office:

OCTOBER 12, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3508, the 2005 District of Columbia Omnibus Authorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 3508—2005 District of Columbia Omnibus Authorization Act

H.R. 3508 would amend federal laws applicable to the District of Columbia (D.C.). Most of the provisions would affect operations of the D.C. government, including authorizing the use of local funds for emergency spending, permanently authorizing the District's Chief Financial Officer, requiring fiscal impact statements for all

legislation passed by the D.C. Council, and allowing the District to enter into compacts with other states regarding insurance regulations. CBO estimates that implementing those provisions would have no impact on the federal budget.

H.R. 3508 would also authorize lifting the cap on the pay-for-performance system for senior-level employees of D.C. Courts, allow for the use of volunteers and the receipt of gifts by the Court Services and Offender Supervision Agency (CSOSA), authorize D.C. Public Defender Services to charge fees for conference materials, and allow spending of fines for alcohol-related traffic violations. Under the National Capital Revitalization and Self-Government Improvement Act of 1997, the budget of the D.C. Courts system is funded by federal appropriations, and its expenditures are recorded on the federal budget. Based on information from the D.C. Courts, CSOSA, and D.C. Defender Services, CBO estimates that those provisions would not have a significant effect on spending subject to appropriation, direct spending, or revenues.

Because most provisions of H.R. 3508 would codify current law and practice, the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the District of Columbia.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE DISTRICT OF COLUMBIA HOME RULE ACT

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TITLE IV—THE DISTRICT CHARTER

* * * * *

PART B—THE MAYOR

* * * * *

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) * * *

* * * * *

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system shall be established by act of the Council. **【The system may provide】** *The system shall apply with respect to the compensation of employees of the District government during fiscal year 2006 and each succeeding fiscal year, except that the system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act, except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system in the implementation of a financial plan and budget for the District government approved under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995. The District government merit system shall take*

effect not earlier than one year nor later than five years after the effective date of this section.

* * * * *

[CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

[SEC. 424. (a) ESTABLISHMENT OF OFFICE.—

[(1) IN GENERAL.—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the “Office”), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the “Chief Financial Officer”).

[(2) OFFICE OF THE TREASURER.—The Office shall include the Office of the Treasurer, which shall be headed by the Treasurer of the District of Columbia, who shall be appointed by the Chief Financial Officer and subject to the Chief Financial Officer’s direction and control.

[(3) TRANSFER OF OTHER OFFICES.—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are transferred to the Office:

[(A) The Controller of the District of Columbia.

[(B) The Office of the Budget.

[(C) The Office of Financial Information Services.

[(D) The Department of Finance and Revenue.

[(4) SERVICE OF HEADS OF OTHER OFFICES.—

[(A) OFFICE HEADS APPOINTED BY MAYOR.—With respect to the head of the Office of the Budget and the head of the Department of Finance and Revenue—

[(i) the Mayor shall appoint such individuals with the advice and consent of the Council, subject to the approval of the Authority during a control year; and

[(ii) during a control year, the Authority may remove such individuals from office for cause, after consultation with the Mayor.

[(B) OFFICE HEADS APPOINTED BY CHIEF FINANCIAL OFFICER.—With respect to the Controller of the District of Columbia and the head of the Office of Financial Information Services—

[(i) the Chief Financial Officer shall appoint such individuals subject to the approval of the Mayor; and

[(ii) the Chief Financial Officer may remove such individuals from office for cause, after consultation with the Mayor.

[(b) APPOINTMENT.—

[(1) IN GENERAL.—

[(A) CONTROL YEAR.—During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

[(i) Prior to the appointment of the Chief Financial Officer, the Authority may submit recommendations for the appointment to the Mayor.

[(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

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

[(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

[(B) OTHER YEARS.—During a year other than a control year, the Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Council. Prior to appointment, the Authority may submit recommendations for the appointment. Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect.

[(2) REMOVAL.—

[(A) CONTROL YEAR.—During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

[(B) OTHER YEARS.—During a year other than a control year, the Chief Financial Officer shall serve at the pleasure of the Mayor, except that the Chief Financial Officer may only be removed for cause upon dismissal by the Mayor and approval of that dismissal by a $\frac{2}{3}$ vote of the Council. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.

[(3) SALARY.—The Chief Financial Officer shall be paid at an annual rate equal to the rate of basic pay payable for level I of the Executive Schedule.

[(c) FUNCTIONS.—The Chief Financial Officer shall have the following duties:

[(1) During a control year, preparing the financial plan and budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

[(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D.

[(3) During a control year, assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

[(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Offi-

cer's authority, to ensure that budget, accounting and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis.

[(5) Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—

[(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

[(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

[(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources, and to ensure that appropriations are not exceeded.

[(7) Maintaining systems of accounting and internal control designed to provide—

[(A) full disclosure of the financial impact of the activities of the District government;

[(B) adequate financial information needed by the District government for management purposes;

[(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

[(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

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

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

[(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

[(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council (or by the Authority during a control year).

[(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government

and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

[(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

[(14) Certifying all contracts (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts during the year.

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

[(16) Certifying and approving prior to payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

[(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

[(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

[(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

[(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

[(21) Administering the centralized District government payroll and retirement systems.

[(22) Governing the accounting policies and systems applicable to the District government.

[(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

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

[(d) FUNCTIONS OF TREASURER.—At all times, the Treasurer shall have the following duties:

[(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Such reports shall include:

[(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

[(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

[(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

[(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including, but not limited to—

[(i) the total of long-term and short-term investments;

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

[(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

[(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information;

[(v) an analysis of cash utilization, including—

[(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

[(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

[(III) comparisons of estimated dollar return against actual dollar yield.

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

[(i) the amount of debt outstanding by type of instrument;

[(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

[(iii) a maturity schedule of the debt;

[(iv) the rate of interest payable upon the debt; and

[(v) the amount of debt service requirements and related debt service reserves.

[(2) Such other functions assigned to the Chief Financial Officer under subsection (c) as the Chief Financial Officer may delegate.

[(e) DEFINITIONS.—In this section—

[(1) the term “Authority” means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

[(2) the term “control year” has the meaning given such term under section 305(4) of such Act; and

[(3) the term “District government” has the meaning given such term under section 305(5) of such Act.]

CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

SEC. 424. (a) IN GENERAL.—

(1) *ESTABLISHMENT.*—*There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the “Office”), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the “Chief Financial Officer”).*

(2) ORGANIZATIONAL ANALYSIS.—

(A) *OFFICE OF BUDGET AND PLANNING.*—*The name of the Office of Budget and Management, established by Commissioner’s Order 69–96, issued March 7, 1969, is changed to the Office of Budget and Planning.*

(B) *OFFICE OF TAX AND REVENUE.*—*The name of the Department of Finance and Revenue, established by Commissioner’s Order 69–96, issued March 7, 1969, is changed to the Office of Tax and Revenue.*

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

(D) *OFFICE OF FINANCIAL OPERATIONS AND SYSTEMS.*—*The Office of the Controller, established by Mayor’s Order 89–243, dated October 23, 1989, and the Office of Financial Information Services, established by Mayor’s Order 89–244,*

dated October 23, 1989, are consolidated into the Office of Financial Operations and Systems.

(3) *TRANSFERS.*—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are established as subordinate offices within the Office:

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

(B) *The Office of Tax and Revenue, headed by the Deputy Chief Financial Officer for the Office of Tax and Revenue.*

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

(D) *The Office of Financial Operations and Systems, headed by the Deputy Chief Financial Officer for the Office of Financial Operations and Systems.*

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

(F) *The Lottery and Charitable Games Control Board, established by the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 et seq.).*

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

(5) *APPOINTMENT AND REMOVAL OF OFFICE EMPLOYEES.*—The Chief Financial Officer shall appoint the heads of the subordinate offices designated in paragraph (3), after consultation with the Mayor and the Council. The Chief Financial Officer may remove the heads of the offices designated in paragraph (3), after consultation with the Mayor and the Council.

(6) *ANNUAL BUDGET SUBMISSION.*—The Chief Financial Officer shall prepare and annually submit to the Mayor of the District of Columbia, for inclusion in the annual budget of the District of Columbia government for a fiscal year, annual estimates of the expenditures and appropriations necessary for the year for the operation of the Office and all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies) that report to the Office pursuant to this Act.

(b) *APPOINTMENT OF THE CHIEF FINANCIAL OFFICER.*—

(1) *APPOINTMENT.*—

(A) *IN GENERAL.*—The Chief Financial Officer shall be appointed by the Mayor with the advice and consent, by resolution, of the Council. Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the appointment takes effect.

(B) *SPECIAL RULE FOR CONTROL YEARS.*—During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

(i) Prior to the appointment, the Authority may submit recommendations for the appointment to the Mayor.

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

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

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

(2) *TERM.*—

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

(B) *TRANSITION.*—For purposes of this section, the individual serving as Chief Financial Officer as of the date of enactment of the 2005 District of Columbia Omnibus Authorization Act shall be deemed to have been appointed under this subsection, except that such individual's initial term of office shall begin upon such date and shall end on June 30, 2007.

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

(D) *VACANCIES.*—Any vacancy in the Office of Chief Financial Officer shall be filled in the same manner as the original appointment under paragraph (1).

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

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

(1) *IN GENERAL.*—The Chief Financial Officer may only be removed for cause by the Mayor, subject to the approval of the Council by a resolution approved by not fewer than 2/3 of the members of the Council. After approval of the resolution by the Council, notice of the removal shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the removal takes effect.

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

(d) *DUTIES OF THE CHIEF FINANCIAL OFFICER.*—Notwithstanding any provisions of this Act which grant authority to other entities of the District government, the Chief Financial Officer shall have the

following duties and shall take such steps as are necessary to perform these duties:

(1) During a control year, preparing the financial plan and the budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D and preparing the 5-year financial plan based upon the adopted budget for submission with the District of Columbia budget by the Mayor to Congress.

(3) During a control year, assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Chief Financial Officer's authority, to ensure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis and to ensure that appropriations are not exceeded.

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

(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D of this title, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

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

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

(7) Maintaining systems of accounting and internal control designed to provide—

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

(B) adequate financial information needed by the District government for management purposes;

(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

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

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

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

(10) *Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).*

(11) *Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council (or by the Authority during a control year).*

(12) *Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safe-keeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.*

(13) *Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.*

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

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

(16) *Certifying and approving prior to payment of all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.*

(17) *In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.*

(18) *Exercising responsibility for the administration and supervision of the District of Columbia Treasurer.*

(19) *Supervising and administering all borrowing programs for the issuance of long-term and short-term indebtedness, as*

well as other financing-related programs of the District government.

(20) *Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.*

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

(22) *Governing the accounting policies and systems applicable to the District government.*

(23) *Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.*

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

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

(26) *Preparing under the direction of the Mayor, who has the specific responsibility for formulating budget policy using Chief Financial Officer technical and human resources, the budget for submission by the Mayor to the Council and to the public and upon final adoption to Congress and to the public.*

(27) *Certifying all collective bargaining agreements and non-union pay proposals prior to submission to the Council for approval as to the availability of funds to meet the obligations expected to be incurred by the District government under such collective bargaining agreements and nonunion pay proposals during the year.*

(28) *With respect to attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia during fiscal year 2006 and each succeeding fiscal year—*

(A) requiring such attorneys to certify in writing that the attorney or representative of the attorney rendered any and all services for which the attorney received an award in such a case, including those received under a settlement agreement or as part of an administrative proceeding, from the District of Columbia;

(B) requiring such attorneys, as part of the certification under subparagraph (A), to disclose any financial, corporate, legal, membership on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients in any such cases; and

(C) preparing and submitting quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, includ-

ing the District of Columbia Public Schools, to such attorneys.

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

(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Each such report shall include the following:

(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

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

(i) the total of long-term and short-term investments;
(ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;

(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information; and

(v) an analysis of cash utilization, including—

(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

(III) comparisons of estimated dollar return against actual dollar yield.

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

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

(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

(iii) a maturity schedule of the debt;

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

(v) the amount of debt service requirements and related debt service reserves.

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

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

(1) the term “Authority” means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

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

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

AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PERSONNEL OF OFFICE AND OTHER FINANCIAL PERSONNEL

SEC. 424a. (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 Columbia Merit Personnel Act of 1978, except that nothing in this section may be construed to prohibit the Chief Financial Officer from entering into a collective bargaining agreement governing such employees and personnel or to prohibit the enforcement of such an agreement as entered into by the Chief Financial Officer.*

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

(1) The General Counsel to the Chief Financial Officer and all other attorneys in the Office of the General Counsel within the Office of the Chief Financial Officer of the District of Columbia, together with all other personnel of the Office.

(2) All other individuals hired or retained as attorneys by the Chief Financial Officer or any office under the personnel authority of the Chief Financial Officer, each of whom shall act

under the direction and control of the General Counsel to the Chief Financial Officer.

(3) The heads and all personnel of the subordinate offices of the Office (as described in section 424(a)(2) and established as subordinate offices in section 424(a)(3)) and the Chief Financial Officers, Agency Fiscal Officers, and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (in accordance with subsection (c)), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies, but not including personnel of the legislative or judicial branches of the District government).

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

(1) IN GENERAL.—The Chief Financial Officers and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (other than those of a subordinate office of the Office) shall be appointed by the Chief Financial Officer, in consultation with the agency head, where applicable. The appointment shall be made from a list of qualified candidates developed by the Chief Financial Officer.

(2) TRANSITION.—Any executive branch agency Chief Financial Officer appointed prior to the date of enactment of the 2005 District of Columbia Omnibus Authorization Act may continue to serve in that capacity without reappointment.

(d) INDEPENDENT AUTHORITY OVER LEGAL PERSONNEL.—*Title VIII–B of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–608.51 et seq., D.C. Official Code) shall not apply to the Office of the Chief Financial Officer or to attorneys employed by the Office.*

PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL OFFICER

SEC. 424b. *The Chief Financial Officer shall carry out procurement of goods and services for the Office of the Chief Financial Officer through a procurement office or division which shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement established under the District of Columbia Procurement Practices Act of 1985 or any successor office, except the provisions applicable under such Act to procurement carried out by the Chief Procurement Officer established by section 105 of such Act or any successor office shall apply with respect to the procurement carried out by the Chief Financial Officer's procurement office or division.*

* * * * *

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

* * * * *

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. **【***The Council, within fifty calendar days after receipt of the budget proposal from the Mayor,***】** *The Council, within 56*

calendar days after receipt of the budget proposal from the Mayor, and after public hearing, shall by act adopt the annual budget for the District of Columbia government. Any supplements thereto shall also be adopted by act by the Council after public hearing. Such budget so adopted shall be submitted by the Mayor to the President for transmission by him to the Congress. Except as provided in section 445A(b), section 446A, section 446B, section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and section 490(f), (g), (h)(3), and (i)(3), no amount may be obligated or expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act. Notwithstanding any other provision of this Act, the Mayor shall not transmit any annual budget or amendments or supplements thereto, to the President of the United States until the completion of the budget procedures contained in this Act. After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

*PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS
DURING A FISCAL YEAR*

SEC. 446A. (a) IN GENERAL.—Notwithstanding the fourth sentence of section 446, to account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia funds under budget approved by Act of Congress as provided in such section may be increased—

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

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

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

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

(A) the increase in revenue; and

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

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with any other requirements under law.

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

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the

Senate not fewer than 30 days in advance of the obligation or expenditure.

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

ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET

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

(b) *CONDITIONS.*—

(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—*

(A) the Chief Financial Officer submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(2) *DEEMED APPROVAL BY COUNCIL.*—*For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—*

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

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

(c) *NO OBLIGATION OR EXPENDITURE PERMITTED IN ANTICIPATION OF RECEIPT OR APPROVAL.*—*No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.*

(d) *ADJUSTMENTS TO ANNUAL BUDGET.*—*The Chief Financial Officer may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts provided in the budget approved by Act of Congress under section 446, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.*

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

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

* * * * *

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. (a) Subject to the limitations in **[section 603,]** *section 603 and except to the extent provided under section 424(d), the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—*

(1) * * *

* * * * *

(4) submit to the Council, by February 1 of each fiscal year, a complete financial statement and report for the preceding fiscal year**;**, *as audited by the Inspector General of the District of Columbia in accordance with subsection (c) in the case of fiscal years 2006 through 2008;*

* * * * *

(c) *The financial statement and report for a fiscal year prepared and submitted for purposes of subsection (a)(4) shall be audited by the Inspector General of the District of Columbia (in coordination with the Chief Financial Officer of the District of Columbia) pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985, and shall include as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.*

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. **[The Mayor]** *Except to the extent provided under section 424(d), the Mayor shall—*

(a) * * *

* * * * *

RESERVE FUNDS

SEC. 450A. (a) **EMERGENCY RESERVE FUND.**—

(1) * * *

* * * * *

(2) **[IN GENERAL]** *OPERATING EXPENDITURES DEFINED.*—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia's Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.

* * * * *

[(7) REPLENISHMENT.—The District of Columbia]

(7) REPLENISHMENT.—

(A) *IN GENERAL.*—*The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.*

(B) *SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.*—

(i) *IN GENERAL.*—*If the District allocates amounts from the emergency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.*

(ii) *DEADLINE.*—*The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.*

(b) *CONTINGENCY RESERVE FUND.*—

(1) * * *

(2) **【IN GENERAL】** *OPERATING EXPENDITURES DEFINED.*—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia's Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.

* * * * *

【(6) REPLENISHMENT.—The District of Columbia】

(6) *REPLENISHMENT.*—

(A) *IN GENERAL.*—*The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and*

100 percent of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.

(B) SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.—

(i) IN GENERAL.—If the District allocates amounts from the contingency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

(ii) DEADLINE.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.

(c) ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, in addition to the authority provided under this section to allocate and use amounts from the emergency reserve fund under subsection (a) and the contingency reserve fund under subsection (b), the District of Columbia may allocate amounts from such funds during a fiscal year and use such amounts for cash flow management purposes.

(2) LIMITS ON AMOUNT ALLOCATED.—

(A) AMOUNT OF INDIVIDUAL ALLOCATION.—The amount of an allocation made from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection may not exceed 50 percent of the balance of the fund involved at the time the allocation is made.

(B) AGGREGATE AMOUNT ALLOCATED.—The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection during a fiscal year may not exceed 50 percent of the balance of the fund involved as of the first day of such fiscal year.

(3) REPLENISHMENT.—If the District of Columbia allocates any amounts from a reserve fund pursuant to the authority of this subsection during a fiscal year, the District shall fully replenish the fund for the amounts allocated not later than the earlier of—

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

(B) the last day of the fiscal year.

(4) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

[(c)] (d) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.

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SECTION 2214 OF THE DISTRICT OF COLUMBIA SCHOOL REFORM ACT OF 1995

SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.

(a) ESTABLISHMENT.—

(1) * * *

(2) MEMBERSHIP.—[The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:] *The Board shall consist of 7 individuals appointed by the Mayor in consultation with the District of Columbia Council who are determined by the Mayor to be qualified to serve on the Board, so that a knowledge of each of the following areas is represented:*

(A) * * *

* * * * *

[(3) VACANCIES.—

[(A) OTHER THAN FROM EXPIRATION OF TERM.—Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member of the Board, the Secretary of Education, not later than 30 days after the vacancy occurs, shall present to the Mayor a list of 3 people the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 person from the list to serve on the Board. The Secretary shall recommend, and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

[(B) EXPIRATION OF TERM.—Not later than the date that is 60 days before the expiration of the term of a member of the Board, the Secretary of Education shall present to the Mayor, with respect to each such impending vacancy, a list of 3 people the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 person from

each such list to serve on the Board. The Secretary shall recommend, and the Mayor shall appoint, any member of the Board taking into consideration the criteria described in paragraph (2).

[(4) TIME LIMIT FOR APPOINTMENTS.—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board’s membership to 7 within 30 days after receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary, not later than 10 days after the final date for such mayoral appointment, shall make such appointments as are necessary to bring the membership of the Board to 7.]

(3) VACANCIES.—*When a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member, the Mayor, in consultation with the District of Columbia Council, shall appoint an individual to fill the vacancy taking into consideration the criteria described in paragraph (2). Any individual appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of that term.*

[(5)] (4) TERMS OF MEMBERS.—

(A) * * *

* * * * *

[(6)] (5) INDEPENDENCE.—No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

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DISTRICT OF COLUMBIA OFFICIAL CODE

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TITLE 11—ORGANIZATION AND JURISDICTION OF THE COURTS

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CHAPTER 7—DISTRICT OF COLUMBIA COURT OF APPEALS

* * * * *

Sec.

SUBCHAPTER I—CONTINUATION AND ORGANIZATION

11–701. Continuation of court; court of record; seal.

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11–710. *Emergency authority to conduct proceedings outside District of Columbia.*

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SUBCHAPTER I—CONTINUATION AND ORGANIZATION

* * * * *

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

The court may hold special sessions at any place outside the District of Columbia as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court (or, if the chief judge is unavailable, the most senior available active judge of the court) or the Joint Committee on Judicial Administration of the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session.

* * * * *

CHAPTER 9—SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

* * * * *

Sec.

SUBCHAPTER I—CONTINUATION AND ORGANIZATION

11-901. Continuation of courts; court of record; seal.

* * * * *

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

* * * * *

SUBCHAPTER I—CONTINUATION AND ORGANIZATION

* * * * *

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

The Superior Court may hold special sessions at any place outside the District of Columbia as the nature of the business may require and upon such notice as the Superior Court orders, upon a finding by either the chief judge of the Superior Court (or, if the chief judge is unavailable, the most senior available active judge of the Superior Court) or the Joint Committee on Judicial Administration of the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The Superior Court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session, including business requiring the summoning of jurors from within the District of Columbia to the location outside the District of Columbia at which the special session is held.

* * * * *

CHAPTER 17—ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS

* * * * *

Sec.

SUBCHAPTER I—COURT ADMINISTRATION

11-1701. Administration of District of Columbia court system.

* * * * *

11-1704. Oath and bond of the Executive Officer.]

11-1704. Oath of Executive Officer.

SUBCHAPTER II—COURT PERSONNEL

11-1721. Clerks of courts.

* * * * *

11-1728. Recruitment and training of personnel.]

11-1728. Recruitment and training of personnel and travel.

* * * * *

SUBCHAPTER I—COURT ADMINISTRATION

§ 11-1701. Administration of District of Columbia court system.

(a) * * *

(b) The Joint Committee shall have responsibility within the District of Columbia court system for the following matters:

(1) * * *

* * * * *

[(5) Approval of the bonds of fiduciary employees within the District of Columbia court system.]

* * * * *

§ 11-1704. Oath and bond of the Executive Officer.

[(a) The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of that office.

[(b) The Executive Officer shall give bond, with two or more sureties, to be approved by the Joint Committee, in an amount prescribed by the Joint Committee, faithfully to discharge the duties of that office.]

§ 11-1704. Oath of Executive Officer.

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

SUBCHAPTER II—COURT PERSONNEL

* * * * *

§ 11-1723. Fiscal Officer.

[(a)(1)] (a) There shall be a Fiscal Officer in the District of Columbia court system who shall be responsible for the budget of the court system and for the accounts of the courts, subject to the supervision of the Executive Officer.

[(2)] (b) The Fiscal Officer shall receive, safeguard, and account for all fees, costs, payments, and deposits of money or other items, and shall be responsible for depositing in the Treasury of the United States all fines, forfeitures, fees, unclaimed deposits, and other moneys.

[(3)] (c) The Fiscal Officer shall be responsible for the approval of vouchers and shall arrange for an annual independent audit of the accounts of the courts.

[(b)] The Fiscal Officer shall give bond with two or more sureties, to be approved by the Joint Committee, in an amount prescribed by the Joint Committee, faithfully to discharge the duties of that office.】

§ 11-1724. Auditor-Master.

There shall be an Auditor-Master of the Superior Court who shall (1) execute orders of reference referred by the Superior Court and perform duties in connection with the execution of such orders in accordance with Rule 53 of the Federal Rules of Civil Procedure or other applicable rule, and (2) perform such other functions as may be assigned by the Superior Court. 【The Auditor-Master shall give bond faithfully to discharge the duties of that office. The bond shall have two or more sureties to be approved by the chief judge of the Superior Court, and shall be in an amount prescribed by the chief judge.】

* * * * *

§ 11-1726. Compensation and benefits for court personnel.

(a) In the case of nonjudicial employees of the District of Columbia courts whose compensation is not otherwise fixed by this title, the Executive Officer shall fix the rates of compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code. Any rates so established shall be subject to the limitation on 【pay fixed by administrative action in section 5373】 *maximum pay in section 5382(a)* of such title. In fixing the rates of compensation of nonjudicial employees under this section, the Executive Officer may be guided by the rates of compensation fixed for employees in the executive and judicial branches of the Federal Government or State or local governments occupying the same or similar positions or occupying positions of similar responsibility, duty, and difficulty.

* * * * *

CHAPTER 21—REGISTER OF WILLS

Sec.

11-2101. Continuation of office.

11-2102. Appointment; oath; 【bond;】 qualifications; compensation.

* * * * *

11-2104. Powers and duties; restrictions【; penalties】.

* * * * *

§ 11-2102. Appointment; oath; 【bond;】 qualifications; compensation.

(a) The Superior Court shall appoint and remove the Register of Wills. The Register of Wills shall—

(1) take an oath for the faithful and impartial discharge of the duties of the office; and

(2) 【give bond, with two or more sureties, to be approved by the chief judge of the Superior Court, in the amount designated by the court, faithfully to discharge the duties of the

office, and seasonably to record] *seasonably record* (A) the decrees and orders of the court in any matters over which the court exercises probate jurisdiction or powers, (B) all wills proved before the Register of Wills or the court, and (C) all other matters directed to be recorded in the court or in the office.

[The bond shall be entered in full upon the minutes of the Superior Court and the original filed with the records of the Superior Court.]

* * * * *

§ 11-2104. Powers and duties; restrictions[; penalties].

(a) * * *

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

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

[(2) make fair record in strong bound books of all wills proved before the Register of Wills or the court, keeping separate books for wills within the jurisdiction of the court;

[(3) make fair and separate record of other matters required by law to be recorded in the court;

[(4) lodge in places of safety, designated by the court, original papers filed with him [the Register of Wills];

[(5) make out and issue every summons, process, and order of the court;

[(6) make fair and uniform tables of the Register's fees, and post them in a conspicuous place in the Register's office for the inspection of persons having business therein;

[(7) prepare and submit to the Executive Officer of the District of Columbia courts such reports as may be required; and

[(8) in every respect, act under the control and direction of the court.]

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

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

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

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

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

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

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

* * * * *

[(d) The Register of Wills shall forfeit to the court the sum of \$50 for each day that the tables referred to in subsection (b)(6) are missing through the Register's neglect, which may be recovered as other debts for the same amount are recoverable.

[(e) If the Register of Wills or a person acting for the Register of Wills takes a greater fee than the fee provided for by law, the Register of Wills shall pay the party injured \$100, which may be recovered as other debts for the same amount are recoverable.]

* * * * *

CHAPTER 26—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

* * * * *

§ 11-2605. Services other than counsel.

(a) * * *

[(b) Subject to the applicable limits described in subsections (c) and (d), an individual providing services under this section shall be compensated at a fixed rate of \$25 per hour, and shall be reimbursed for expenses reasonably incurred.]

(c) Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed \$375 or the rate provided by section 3006A(e)(2) of title 18, United States Code, (*or, in the case of investigative services, a fixed rate of \$25 per hour*) whichever is higher, and expenses reasonably incurred.

(d) Compensation to be paid to a person for services rendered by such person to a person under this subsection shall not exceed \$750, or the rate provided by section 3006A(e)(3) of title 18, United States Code, (*or, in the case of investigative services, a fixed rate of \$25 per hour*) whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the presiding judge in the case.

* * * * *

TITLE 16—PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

* * * * *

CHAPTER 23—FAMILY DIVISION PROCEEDINGS

* * * * *

SUBCHAPTER I—PROCEEDINGS REGARDING DELINQUENCY, NEGLECT, OR NEED OF SUPERVISION

* * * * *

§ 16-2326.01. Compensation of attorneys in neglect and termination of parental rights proceedings.

(a) * * *

* * * * *

(g)(1) * * *

* * * * *

(4) In no event shall the total compensation recoverable for the services described in this section exceed \$750 or the rate provided by D.C. Official Code, sec. [11-2605(c)] *11-2605(d)*.

* * * * *

TITLE 20—PROBATE AND ADMINISTRATION OF DECEDENTS' ESTATES

* * * * *

CHAPTER 3—OPENING THE ESTATE

* * * * *

SUBCHAPTER V—FOREIGN PERSONAL REPRESENTATIVES

* * * * *

§ 20-343. Publication and claims of creditors.

(a) * * *

* * * * *

(d) STATEMENT OF CLAIM.—Any creditor may, within 6 months from the date of the first publication of notice, file a written statement of claim, pursuant to section 20-905, with the Register and deliver or mail a copy of the statement to the personal representative. [The Register shall maintain a book known as the “Claims Against Nonresident Decedents” in which all such claims and releases thereof shall be recorded.] *The Register shall record all such claims and releases.* Unless a release of a validly recorded claim has been recorded or the claim has finally been determined in favor of the personal representative, such claim shall constitute a lien against all real property owned by the decedent in the District of Columbia at death for a period of 12 years from date of death: Except, that if the personal representative is empowered to sell the property such claim shall constitute a lien against the net proceeds from the sale.

* * * * *

SECTION 11233 OF THE NATIONAL CAPITAL REVITAL- IZATION AND SELF-GOVERNMENT IMPROVEMENT ACT OF 1997

SEC. 11233. COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

(a) * * *

(b) DIRECTOR.—

(1) * * *

* * * * *

(3) ACCEPTANCE OF GIFTS.—

(A) AUTHORITY TO ACCEPT GIFTS.—*During fiscal years 2006 through 2008, the Director may accept and use gifts in the form of—*

- (i) *in-kind contributions of space and hospitality to support offender and defendant programs; and*
- (ii) *equipment and vocational training services to educate and train offenders and defendants.*

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

(4) *REIMBURSEMENT FROM DISTRICT GOVERNMENT.*—*During fiscal years 2006 through 2008, the Director may accept and use reimbursement from the District government for space and services provided, on a cost reimbursable basis.*

* * * * *

(g) *AUTHORITY TO USE SERVICES OF VOLUNTEERS.*—

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

(2) *APPLICABILITY OF WORKER'S COMPENSATION RULES TO VOLUNTEERS.*—*Any volunteer whose services are accepted pursuant to this subsection shall be considered an employee of the United States Government in providing the services for purposes of chapter 81 of title 5, United States Code (relating to compensation for work injuries).*

SECTION 329 OF THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

【SEC. 329. Sections 11–1701(b)(5), 11–1704(b), 11–1723(b), 11–2102(a)(2), and the second and third sentences of section 11–1724, of the District of Columbia Official Code, are hereby repealed.】

SEC. 329. (a) *APPROVAL OF BONDS BY JOINT COMMITTEE ON JUDICIAL ADMINISTRATION.*—*Section 11–1701(b), District of Columbia Official Code, is amended by striking paragraph (5).*

(b) *EXECUTIVE OFFICER.*—

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

“§ 11–1704. Oath of Executive Officer.

“The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of that office.”.

(2) *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 11–1704 to read as follows:*

“11–1704. Oath of Executive Officer.”.

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

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by striking subsection (b); and

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

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

(e) REGISTER OF WILLS.—

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

(A) in the heading, by striking “**bond**”;

(B) in subsection (a)(2), by striking “give bond,” and all that follows through “seasonably to record” and inserting “seasonably record”; and

(C) by striking the third sentence of subsection (a).

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

FEDERAL RESERVE ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the “Federal Reserve Act.”

Wherever the word “bank” is used in this Act, the word shall be held to include State bank, banking association, and trust company, except where national banks or Federal reserve banks are specifically referred to. *For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia.*

* * * * *

STATE BANKS AS MEMBERS.

SEC. 9. Any bank [incorporated by special law of any State, or] *incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or organized under the general laws of any State or of the United States, including Morris Plan banks and other incorporated banking institutions engaged in similar business, desiring to become a member of the Federal Reserve System, may make application to the Board of Governors of the Federal Reserve System, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. For the purposes of membership of any such bank the terms “capital” and “capital stock” shall include the amount of outstanding capital notes and debentures legally issued by the applying bank and purchased by the Reconstruction Finance Corporation. The Board of Governors of the Federal Reserve System, subject to the provisions of this Act and to such conditions as it may prescribe pursuant thereto may permit the applying bank to become a stockholder of such Federal reserve bank.*

* * * * *

SECTION 202 OF THE BANK CONSERVATION ACT

SEC. 202. As used in this title, the term “bank” [means (1) any national] *means any national banking association or any other financial institution chartered or licensed under Federal law and*

subject to the supervision of the Comptroller of the Currency], and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency]; the term “voluntary dissolution and liquidation” means a transaction pursuant to section 5220 of the Revised Statutes that involves the assumption of the bank’s insured deposit liabilities and the sale of the bank, or of control of the bank, as a going concern; and the term “State” means any State, Territory, or possession of the United States, and the Canal Zone.

**TITLE VII OF THE DEPOSITORY INSTITUTIONS
DEREGULATION AND MONETARY CONTROL ACT OF 1980**

* * * * *

**Part C—Disposition of Unclaimed Property Recovered From Closed
National Banks**

PURPOSE

SEC. 731. The purpose of this part is to dispose of unclaimed property in the possession, custody, or control of the Comptroller of the Currency by—

- (1) providing final notice of the availability of unclaimed property from closed national banks [and closed banks in the District of Columbia];

* * * * *

DEFINITIONS

SEC. 732. For purposes of this part—

- (1) * * *
- (2) the term “unclaimed property” means any articles, items, assets, other property, or the proceeds thereof from safe deposit boxes or other safekeeping arrangements with closed national banks [or closed banks in the District of Columbia], which are in the possession, custody, or control of the Comptroller in its capacity as successor to receivers of those banks; and

* * * * *

SECTION 3 OF THE FEDERAL DEPOSIT INSURANCE ACT

SEC. 3. As used in this Act—

(a) DEFINITIONS OF BANK AND RELATED TERMS.—

- (1) * * *
- (2) STATE BANK.—The term “State bank” means any bank, banking association, trust company, savings bank, industrial bank (or similar depository institution which the Board of Directors finds to be operating substantially in the same manner as an industrial bank), or other banking institution which—

(A) * * *

(B) is incorporated under the laws of any State or which is operating under the Code of Law for the District of Columbia [(except a national bank)],

* * * * *

SECTION 7 OF THE NATIONAL BANK CONSOLIDATION AND MERGER ACT

SEC. 7. As used in this Act, the term—

(1) “State bank” means any bank, banking association, trust company, savings bank (other than a mutual savings bank), or other banking institution which is engaged in the business of receiving deposits and which is incorporated under the laws of any State, or which is operating under the Code of Law for the District of Columbia [(except a national banking association located in the District of Columbia)];

* * * * *

SECTION 1 OF THE ACT OF AUGUST 17, 1950

AN ACT To provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes.

DEFINITIONS

SECTION 1. (a) As used in sections 1-4 and 8 of this Act (12 U.S.C., secs. 214-214c, 321) the term “State bank” means any bank, banking association, trust company, savings bank (other than a mutual savings bank), or other banking institution which is engaged in the business of receiving deposits and which is incorporated under the laws of any State, any Territory of the United States, Puerto Rico, or the Virgin Islands, or which is operating under the Code of Law for the District of Columbia [(except a national banking association)].

* * * * *

SECTION 18 OF THE FEDERAL TRADE COMMISSION ACT

SEC. 18. (a) * * *

* * * * *

(f)(1) * * *

(2) ENFORCEMENT.—Compliance with regulations prescribed under this subsection shall be enforced under section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks[, banks operating under the code of law for the District of Columbia,] and Federal branches and Federal agencies of foreign banks, by the division of consumer affairs established by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks [and banks operating under the code of law for the District of Columbia]), branches and agencies of foreign banks (other than Federal branches, Federal

agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the division of consumer affairs established by the Board of Governors of the Federal Reserve System; and

* * * * *

SECTION 862 OF THE DISTRICT OF COLUMBIA GOVERNMENT COMPREHENSIVE MERIT PERSONNEL ACT OF 1978

SEC. 862. APPLICABILITY.

(1) * * *

[(2) The provisions of this subchapter shall apply to attorneys employed by the Office of the Chief Financial Officer when the District of Columbia is no longer in a control period, as defined in 47-393(4).]

* * * * *

GENERAL LEGISLATIVE PROCEDURES ACT OF 1975

* * * * *

FISCAL IMPACT STATEMENTS

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

(1) *IN GENERAL.*—Notwithstanding any other law, except as provided in subsection (c), all permanent bills and resolutions shall be accompanied by a fiscal impact statement before final adoption by the Council.

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

(b) *APPROPRIATIONS.*—Permanent and emergency acts which are accompanied by fiscal impact statements which reflect unbudgeted costs, shall be subject to appropriations prior to becoming effective.

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

* * * * *

SECTION 307 OF THE DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

SEC. 307. APPROPRIATION; PUBLIC GRANTS AND PRIVATE CONTRIBUTIONS.

(a) * * *

* * * * *

(d) During fiscal years 2006 through 2008, the Service may charge fees to cover the costs of materials distributed to attendees of educational events, including conferences, sponsored by the Service. Notwithstanding section 3302 of title 31, United States Code, any amounts received as fees under this subsection shall be credited to the Service and available for use without further appropriation.

DISTRICT OF COLUMBIA MERIT PERSONNEL ACT OF 1978

* * * * *

TITLE XVII—LABOR-MANAGEMENT RELATIONS

* * * * *

SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.

Notwithstanding any other provision of law, rule, or regulation, during fiscal year 2006 and each succeeding fiscal year the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

* * * * *

SECTION 5102 OF TITLE 5, UNITED STATES CODE

§ 5102. Definitions; application

(a) * * *

* * * * *

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

DISTRICT OF COLUMBIA PROCUREMENT PRACTICES ACT OF 1985

* * * * *

TITLE I—GENERAL PROVISIONS

* * * * *

SEC. 104. APPLICATION OF CHAPTER.

(a) Except as provided in 2–303.20, this chapter shall apply to all departments, agencies, instrumentalities, and employees of the District government, including agencies which are subordinate to the Mayor, independent agencies, boards, and commissions, but excluding the Council of the District of Columbia, District of Columbia courts, the District of Columbia Financial Responsibility and Management Assistance Authority, [and District of Columbia Advisory Neighborhood Commissions] *District of Columbia Advisory Neighborhood Commissions, and (to the extent described in section 424b of the District of Columbia Home Rule Act) the Office of the Chief Financial Officer of the District of Columbia.*

* * * * *

(c) The Council of the District of Columbia, the Corporation Counsel, Inspector General, Auditor, and Chief Financial Officer may contract for the services of accountants, lawyers, and other experts when they determine and state in writing that good reason exists why such services should be procured independently of the CPO. [During a control year, as defined by 47–393(4), the Office of the Chief Financial Officer of the District of Columbia shall be exempt from the provisions of this chapter, and shall adopt, within 30 days of April 12, 1997, the procurement rules and regulations adopted by the District of Columbia Financial Responsibility and Management Assistance Authority. During years other than control years, the Office of the Chief Financial Officer shall be bound by the provisions contained in this chapter.]

* * * * *

TITLE II—PROCUREMENT ORGANIZATION

* * * * *

SEC. 208. CREATION AND DUTIES OF OFFICE OF THE INSPECTOR GENERAL.

(a)(1) * * *

* * * * *

(3) The Inspector General shall:

(A) * * *

* * * * *

(J) *During fiscal year 2006 and each succeeding fiscal year, conduct investigations to determine the accuracy of certifications made to the Chief Financial Officer of the District of Columbia under section 424(d)(28) of the District of Columbia Home Rule Act of attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia.*

* * * * *

TITLE III—SOURCE SELECTION AND CONTRACT FORMATION

* * * * *

SEC. 305. SOLE SOURCE PROCUREMENT.

(a) * * *

(b) During fiscal years 2006 through 2008, a procurement contract awarded through noncompetitive negotiations in accordance with subsection (a) may be renewed or extended only if the Chief Financial Officer of the District of Columbia reviews the contract and certifies that the contract was renewed or extended in accordance with duly promulgated rules and procedures.

* * * * *

SECTION 10 OF THE DISTRICT OF COLUMBIA TRAFFIC ACT, 1925

SEC. 10. FLEEING FROM SCENE OF ACCIDENT; DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS.

- (a) * * *
 (b)(1) * * *

* * * * *

[(3) All fines imposed pursuant to this subsection shall be used exclusively for the enforcement and prosecution of the District traffic alcohol laws.]

(3) Notwithstanding any other provision of law, all fines imposed and collected pursuant to this subsection during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia, shall be used by the District of Columbia exclusively for the enforcement and prosecution of the District traffic alcohol laws, and shall remain available until expended.

* * * * *