

111TH CONGRESS
2D SESSION

H. R. 5103

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2010

Ms. NORTON introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “2010 District of Co-
5 lumbia Omnibus Authorization Act”.

1 **SEC. 2. PERMITTING ADVERTISING AND SALE OF LOTTERY**
 2 **TICKETS WITHIN CERTAIN AREAS AND SALE**
 3 **OF TICKETS BY BLIND VENDORS WITHIN FED-**
 4 **ERAL ENCLAVE.**

5 (a) IN GENERAL.—The paragraph under the heading
 6 “Lottery and Charitable Games Enterprise Fund” in the
 7 District of Columbia Appropriation Act, 1982 (Public Law
 8 97–91; 95 Stat. 1174), as amended by section 134(a)(1)
 9 of the District of Columbia Appropriations Act, 1990
 10 (Public Law 101–168; 103 Stat. 1282), is amended by
 11 striking the 10th proviso.

12 (b) EFFECTIVE DATE.—The amendment made by
 13 subsection (a) shall take effect on the date of the enact-
 14 ment of this Act.

15 **SEC. 3. PERMANENT EXTENSION OF CERTAIN AUTHORI-**
 16 **TIES FOR USE OF LOCAL FUNDS.**

17 (a) INCREASES ATTRIBUTABLE TO UNANTICIPATED
 18 GROWTH OF REVENUE COLLECTIONS.—Section 446A(c)
 19 of the District of Columbia Home Rule Act (sec. 1–
 20 204.46A(c), D.C. Official Code) is amended by striking
 21 “fiscal years 2006 through 2007” and inserting “fiscal
 22 year 2006 and each succeeding fiscal year”.

23 (b) ALLOCATION OF RESERVE FUNDS FOR CASH
 24 FLOW MANAGEMENT PURPOSES.—Section 450A(c)(4) of
 25 such Act (sec. 1–204.50A(c)(4), D.C. Official Code) is
 26 amended by striking “fiscal years 2006 through 2007”

1 and inserting “fiscal year 2006 and each succeeding fiscal
2 year”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the enact-
5 ment of the 2005 District of Columbia Omnibus Author-
6 ization Act.

7 **SEC. 4. PROMOTING DEVELOPMENT OF SOUTHWEST WA-**
8 **TERFRONT.**

9 (a) UPDATED DESCRIPTION OF PROPERTY.—Section
10 1 of the Act entitled “An Act to authorize the Commis-
11 sioners of the District of Columbia on behalf of the United
12 States to transfer from the United States to the District
13 of Columbia Redevelopment Land Agency title to certain
14 real property in said District”, approved September 8,
15 1960 (sec. 6–321.01, D.C. Official Code), is amended by
16 striking all that follows the colon and inserting the fol-
17 lowing: “The property the legal description of which is the
18 Southwest Waterfront Project Site (dated October 8,
19 2009), under Exhibit A of the document titled ‘Intent to
20 Clarify the Legal Description in Furtherance of Land Dis-
21 position Agreement’, as filed with the Recorder of Deeds
22 on October 27, 2009, as Instrument Number
23 2009116776.”.

24 (b) CLARIFICATION OF METHOD OF TRANSFER.—
25 Section 1 of such Act (sec. 6–321.01, D.C. Official Code)

1 is amended by inserting “by one or more quitclaim deeds”
 2 immediately after “to transfer”.

3 (c) CLARIFICATION OF RELATION TO MASTER DE-
 4 VELOPMENT PLAN.—Section 2 of such Act (sec. 6–
 5 321.02, D.C. Official Code) is amended by striking “urban
 6 renewal plan” and inserting “master plan”.

7 (d) EXPANDING PERMITTED DISPOSITIONS AND
 8 USES OF CERTAIN PROPERTY.—Section 4 of such Act
 9 (sec. 6–321.04, D.C. Official Code) is amended to read
 10 as follows:

11 “SEC. 4. The Agency is hereby authorized, in accord-
 12 ance with the District of Columbia Redevelopment Act of
 13 1945 and section 1, to lease or sell to a redevelopment
 14 company or other lessee or purchaser such real property
 15 as may be transferred to the Agency under the authority
 16 of this Act.”.

17 (e) REPEAL OF REVERSION.—

18 (1) REPEAL.—Section 5 of such Act (sec. 6–
 19 321.05, D.C. Official Code) is repealed.

20 (2) CONFORMING AMENDMENT.—Section 3 of
 21 such Act (sec. 6–321.03, D.C. Official Code) is
 22 amended by striking “Subject to the provisions of
 23 section 5 of this Act, the” and inserting “The”.

24 (f) CLARIFICATION OF ROLE OF DISTRICT OF CO-
 25 LUMBIA AS SUCCESSOR IN INTEREST.—Section 8 of such

1 Act (sec. 6–321.08, D.C. Official Code) is amended by
2 striking the period at the end and inserting the following:
3 “, except that any reference to the ‘Agency’ shall be
4 deemed to be a reference to the District of Columbia as
5 the successor in interest to the Agency.”.

6 **SEC. 5. TRANSFER OF CERTAIN PROPERTIES.**

7 (a) NATIONAL PARK SERVICE PROPERTIES.—Not
8 later than 90 days after the date of the enactment of this
9 Act, the Director of the National Park Service shall trans-
10 fer to the District of Columbia by quitclaim deed all right,
11 title, and interest of the United States to the following
12 properties in the District of Columbia:

13 (1) Square 336, Lot 828, as shown on Assess-
14 ment and Taxation Plat 3761–Y among the records
15 of the Surveyor of the District of Columbia (Shaw
16 Junior High School recreation fields).

17 (2) Square 542, Lot 85, as referenced on page
18 104 of Subdivision Book 141 and shown on Map
19 8634 among the records of the Surveyor of the Dis-
20 trict of Columbia (Southwest Library).

21 (3) Square 2864, Lot 830, as shown on Assess-
22 ment and Taxation Plat 3495–G among the records
23 of the Surveyor of the District of Columbia (Meyer
24 Elementary School).

1 (4) Reservation 277–A, as shown on page 4 of
2 Subdivision Book 134 among the records of the Sur-
3 veyor of the District of Columbia.

4 (b) OTHER INTERIOR PROPERTIES.—Not later than
5 90 days after the date of the enactment of this Act, the
6 Secretary of the Interior shall transfer to the District of
7 Columbia by quitclaim deed all right, title, and interest
8 of the United States to the following properties in the Dis-
9 trict of Columbia:

10 (1) Square 2558, Lot 803, as shown on Assess-
11 ment and Taxation Plat 65 among the records of the
12 Surveyor of the District of Columbia (a portion of
13 the Marie H. Reed Community Learning Center).

14 (2) Square 2558, Lot 810, as shown on Assess-
15 ment and Taxation Plat 65 among the records of the
16 Surveyor of the District of Columbia (a portion of
17 the Marie H. Reed Community Learning Center).

18 **SEC. 6. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.**

19 (a) PERMITTING JUDICIAL CONFERENCE ON BIEN-
20 NIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—
21 Section 11–744, District of Columbia Official Code, is
22 amended—

23 (1) in the first sentence, by striking “annually”
24 and inserting “biennially or annually”;

1 (2) in the first sentence, by striking “active
2 judges” and inserting “active judges and magistrate
3 judges”;

4 (3) in the third sentence, by striking “Every
5 judge” and inserting “Every judge and magistrate
6 judge”; and

7 (4) in the third sentence, by striking “Courts of
8 Appeals” and inserting “Court of Appeals”.

9 (b) EMERGENCY AUTHORITY TO TOLL OR DELAY
10 JUDICIAL PROCEEDINGS.—

11 (1) PROCEEDINGS IN SUPERIOR COURT.—

12 (A) IN GENERAL.—Subchapter III of
13 Chapter 9 of title 11, District of Columbia Offi-
14 cial Code, is amended by adding at the end the
15 following new section:

16 **“§ 11-947. Emergency authority to toll or delay pro-**
17 **ceedings.**

18 “(a) TOLLING OR DELAYING PROCEEDINGS.—

19 “(1) IN GENERAL.—In the event of a natural
20 disaster or other emergency situation requiring the
21 closure of Superior Court or rendering it impracti-
22 cable for the United States or District of Columbia
23 Government or a class of litigants to comply with
24 deadlines imposed by any Federal or District of Co-
25 lumbia law or rule that applies in the Superior

1 Court, the chief judge of the Superior Court may ex-
2 ercise emergency authority in accordance with this
3 section.

4 “(2) SCOPE OF AUTHORITY.—(A) The chief
5 judge may enter such order or orders as may be ap-
6 propriate to delay, toll, or otherwise grant relief
7 from the time deadlines imposed by otherwise appli-
8 cable laws or rules for such period as may be appro-
9 priate for any class of cases pending or thereafter
10 filed in the Superior Court.

11 “(B) The authority conferred by this section ex-
12 tends to all laws and rules affecting criminal and ju-
13 venile proceedings (including, pre-arrest, post-arrest,
14 pretrial, trial, and post-trial procedures) and civil,
15 family, domestic violence, probate and tax pro-
16 ceedings.

17 “(3) UNAVAILABILITY OF CHIEF JUDGE.—If
18 the chief judge of the Superior Court is absent or
19 disabled, the authority conferred by this section may
20 be exercised by the judge designated under section
21 11–907(a) or by the Joint Committee on Judicial
22 Administration.

23 “(4) HABEAS CORPUS UNAFFECTED.—Nothing
24 in this section shall be construed to authorize sus-
25 pension of the writ of habeas corpus.

1 “(b) CRIMINAL CASES.—In exercising the authority
2 under this section for criminal cases, the chief judge shall
3 consider the ability of the United States or District of Co-
4 lumbia Government to investigate, litigate, and process de-
5 fendants during and after the emergency situation, as well
6 as the ability of criminal defendants as a class to prepare
7 their defenses.

8 “(c) ISSUANCE OF ORDERS.—The United States At-
9 torney for the District of Columbia or the Attorney Gen-
10 eral for the District of Columbia or the designee of either
11 may request issuance of an order under this section, or
12 the chief judge may act on his or her own motion.

13 “(d) DURATION OF ORDERS.—An order entered
14 under this section may not toll or extend a time deadline
15 for a period of more than 14 days, except that if the chief
16 judge determines that an emergency situation requires ad-
17 ditional extensions of the period during which deadlines
18 are tolled or extended, the chief judge may, with the con-
19 sent of the Joint Committee on Judicial Administration,
20 enter additional orders under this section in order to fur-
21 ther toll or extend such time deadline.

22 “(e) NOTICE.—Upon issuing an order under this sec-
23 tion, the chief judge—

24 “(1) shall make all reasonable efforts to pub-
25 licize the order, including, when possible, announcing

1 the order on the District of Columbia Courts web
2 site; and

3 “(2) shall send notice of the order, including
4 the reasons for the issuance of the order, to the
5 Committee on Homeland Security and Governmental
6 Affairs of the Senate and the Committee on Over-
7 sight and Government Reform of the House of Rep-
8 resentatives.

9 “(f) REQUIRED REPORTS.—Not later than 180 days
10 after the expiration of the last extension or tolling of a
11 time period made by the order or orders relating to an
12 emergency situation, the chief judge shall submit a brief
13 report to the Committee on Homeland Security and Gov-
14 ernmental Affairs of the Senate, the Committee on Over-
15 sight and Government Reform of the House of Represent-
16 atives, and the Joint Committee on Judicial Administra-
17 tion describing the orders, including—

18 “(1) the reasons for issuing the orders;

19 “(2) the duration of the orders;

20 “(3) the effects of the orders on litigants; and

21 “(4) the costs to the court resulting from the
22 orders.

23 “(g) EXCEPTIONS.—The notice under subsection
24 (e)(2) and the report under subsection (f) are not required

1 in the case of an order that tolls or extends a time deadline
 2 for a period of less than 14 days.”.

3 (B) CLERICAL AMENDMENT.—The table of
 4 contents of chapter 9 of title 11, District of Co-
 5 lumbia Official Code, is amended by adding at
 6 the end of the items relating to subchapter III
 7 the following:

“11-947. Emergency authority to toll or delay proceedings.”.

8 (2) PROCEEDINGS IN COURT OF APPEALS.—

9 (A) IN GENERAL.—Subchapter III of
 10 Chapter 7 of title 11, District of Columbia Offi-
 11 cial Code, is amended by adding at the end the
 12 following new section:

13 **“§ 11-745. Emergency authority to toll or delay pro-**
 14 **ceedings.**

15 “(a) TOLLING OR DELAYING PROCEEDINGS.—

16 “(1) IN GENERAL.—In the event of a natural
 17 disaster or other emergency situation requiring the
 18 closure of the Court of Appeals or rendering it im-
 19 practicable for the United States or District of Co-
 20 lumbia Government or a class of litigants to comply
 21 with deadlines imposed by any Federal or District of
 22 Columbia law or rule that applies in the Court of
 23 Appeals, the chief judge of the Court of Appeals
 24 may exercise emergency authority in accordance with
 25 this section.

1 “(2) SCOPE OF AUTHORITY.—The chief judge
2 may enter such order or orders as may be appro-
3 priate to delay, toll, or otherwise grant relief from
4 the time deadlines imposed by otherwise applicable
5 laws or rules for such period as may be appropriate
6 for any class of cases pending or thereafter filed in
7 the Court of Appeals.

8 “(3) UNAVAILABILITY OF CHIEF JUDGE.—If
9 the chief judge of the Court of Appeals is absent or
10 disabled, the authority conferred by this section may
11 be exercised by the judge designated under section
12 11–706(a) or by the Joint Committee on Judicial
13 Administration.

14 “(4) HABEAS CORPUS UNAFFECTED.—Nothing
15 in this section shall be construed to authorize sus-
16 pension of the writ of habeas corpus.

17 “(b) ISSUANCE OF ORDERS.—The United States At-
18 torney for the District of Columbia or the Attorney Gen-
19 eral for the District of Columbia or the designee of either
20 may request issuance of an order under this section, or
21 the chief judge may act on his or her own motion.

22 “(c) DURATION OF ORDERS.—An order entered
23 under this section may not toll or extend a time deadline
24 for a period of more than 14 days, except that if the chief
25 judge determines that an emergency situation requires ad-

ditional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(d) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Represent-

1 atives, and the Joint Committee on Judicial Administra-
 2 tion describing the orders, including—

- 3 “(1) the reasons for issuing the orders;
- 4 “(2) the duration of the orders;
- 5 “(3) the effects of the orders on litigants; and
- 6 “(4) the costs to the court resulting from the
- 7 orders.

8 “(f) EXCEPTIONS.—The notice under subsection
 9 (d)(2) and the report under subsection (e) are not required
 10 in the case of an order that tolls or extends a time deadline
 11 for a period of less than 14 days.”.

12 (B) CLERICAL AMENDMENT.—The table of
 13 contents of chapter 7 of title 11, District of Co-
 14 lumbia Official Code, is amended by adding at
 15 the end of the items relating to subchapter III
 16 the following:

“11–745. Emergency authority to toll or delay proceedings.”.

17 (c) AUTHORIZATION FOR PROGRAM OF VOLUNTARY
 18 SEPARATION INCENTIVE PAYMENTS.—

19 (1) IN GENERAL.—Chapter 17 of title 11, Dis-
 20 trict of Columbia Official Code, is amended by in-
 21 serting after section 11–1726 the following new sec-
 22 tion:

1 **“§ 11-1726A. Voluntary Separation Incentive Pay-**
 2 **ments**

3 “The Joint Committee on Judicial Administration
 4 may, by regulation, establish a program substantially simi-
 5 lar to the program established under subchapter II of
 6 chapter 35 of title 5, United States Code, for nonjudicial
 7 employees of the District of Columbia courts.”.

8 (2) CLERICAL AMENDMENT.—The table of con-
 9 tents of chapter 17 of title 11, District of Columbia
 10 Official Code, is amended by inserting after the item
 11 relating to section 11-1726 the following new item:
 “11-1726A. Voluntary separation incentive payments.”.

12 (d) PERMITTING AGREEMENTS TO PROVIDE SERV-
 13 ICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT
 14 GOVERNMENT OFFICES.—

15 (1) IN GENERAL.—Section 11-1742, District of
 16 Columbia Official Code, is amended by adding at the
 17 end the following new subsection:

18 “(d) To prevent duplication and to promote efficiency
 19 and economy, the Executive Officer may enter into agree-
 20 ments to provide the Mayor of the District of Columbia
 21 with equipment, supplies, and services and credit reim-
 22 bursements received from the Mayor for such equipment,
 23 supplies, and services to the appropriation of the District
 24 of Columbia Courts against which they were charged.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall apply with respect to fiscal
3 year 2010 and each succeeding fiscal year.

4 **SEC. 7. AMENDMENTS TO HOME RULE CHARTER.**

5 (a) TIMING OF SPECIAL ELECTIONS FOR COUNCIL.—
6 Section 401(d)(1) of the District of Columbia Home Rule
7 Act (sec. 1–204.01(d)(1), D.C. Official Code) is amended
8 by striking “one hundred and fourteen days” and insert-
9 ing “seventy days”.

10 (b) MINIMUM SALARY FOR CHIEF FINANCIAL OFFI-
11 CER.—Section 424(b)(2)(E) of such Act (sec. 1–
12 204.24(b)(2)(E), D.C. Official Code) is amended by strik-
13 ing “an annual rate equal to” and inserting “an annual
14 rate which is not less than”.

15 (c) CLARIFICATION REGARDING AUTHORITY TO AL-
16 LOCATE AMOUNTS FROM RESERVE FUNDS.—

17 (1) EMERGENCY RESERVE FUND.—Section
18 450A(a) of such Act (sec. 1–204.50A(a), D.C. Offi-
19 cial Code) is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(8) NO LIMIT ON AMOUNT OF ALLOCATION
22 DURING FISCAL YEAR.—Nothing in this subsection
23 may be construed to limit the amount the District
24 of Columbia may allocate and use from the emer-
25 gency reserve fund in a fiscal year.”.

1 (2) CONTINGENCY RESERVE FUND.—Section
 2 450A(b) of such Act (sec. 1–204.50A(b), D.C. Offi-
 3 cial Code) is amended—

4 (A) in paragraph (6)(A), by striking “The
 5 District of Columbia” the second place it ap-
 6 pears; and

7 (B) by adding at the end the following new
 8 paragraph:

9 “(7) NO LIMIT ON AMOUNT OF ALLOCATION
 10 DURING FISCAL YEAR.—Nothing in this subsection
 11 may be construed to limit the amount the District
 12 of Columbia may allocate and use from the contin-
 13 gency reserve fund in a fiscal year.”.

14 **SEC. 8. PROJECT FOR NAVIGATION, WASHINGTON CHAN-**
 15 **NEL, WASHINGTON, D.C. DEAUTHORIZED.**

16 Upon the date of enactment of this Act, the following
 17 portion of the project for navigation, Potomac River,
 18 Washington Channel, District of Columbia, authorized by
 19 the Act of August 30, 1935 (chapter 831; 49 Stat. 1028)
 20 is deauthorized: beginning at Washington Harbor Channel
 21 Geometry Centerline of the 400-foot-wide main naviga-
 22 tional ship channel, Centerline Station No. 103+73.12,
 23 coordinates North 441948.20, East 1303969.30, as stated
 24 and depicted on the Condition Survey Anacostia, Virginia,
 25 Washington and Magazine Bar Shoal Channels, Wash-

1 ington, D.C., Sheet 6 of 6, prepared by the United States
2 Army Corps of Engineers, Baltimore district, July 2007;
3 thence departing the aforementioned centerline traveling
4 the following courses and distances: N. 40 degrees 10 min-
5 utes 45 seconds E., 200.00 feet to a point, on the outline
6 of said 400-foot-wide channel thence binding on said out-
7 line the following three courses and distances: S. 49 de-
8 grees 49 minutes 15 seconds E., 1,507.86 feet to a point,
9 thence; S. 29 degrees 44 minutes 42 seconds E., 2,083.17
10 feet to a point, thence; S. 11 degrees 27 minutes 04 sec-
11 onds E., 363.00 feet to a point, thence; S. 78 degrees 32
12 minutes 56 seconds W., 200.00 feet to a point binding
13 on the centerline of the 400-foot-wide main navigational
14 channel at computed Centerline Station No. 65+54.31,
15 coordinates North 438923.9874, East 1306159.9738,
16 thence; continuing with the aforementioned centerline the
17 following courses and distances: N. 11 degrees 27 minutes
18 04 seconds W., 330.80 feet to a point, Centerline Station
19 No. 68+85.10, thence; N. 29 degrees 44 minutes 42 sec-
20 onds W., 2,015.56 feet to a point, Centerline Station No.
21 89+00.67, thence; N. 49 degrees 49 minutes 15 seconds
22 W., 1,472.26 feet to the point of beginning, such area in
23 total containing a computed area of 777,284 square feet
24 or 17.84399 acres of riparian water way.

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