

Public Law 109–356  
109th Congress

An Act

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

Oct. 16, 2006  
[H.R. 3508]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) **SHORT TITLE.**—This Act may be cited as the “2005 District of Columbia Omnibus 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. Permitting General Services Administration to obtain space and services on behalf of District of Columbia Public Defender Service.
- Sec. 104. Authority to enter into Interstate Insurance Product Regulation Compact.
- Sec. 105. Metered taxicabs in the District of Columbia.

**Subtitle B—District of Columbia Courts**

- Sec. 111. Modernization of Office of Register of Wills.
- Sec. 112. Increase in cap on rates of pay for nonjudicial employees.
- Sec. 113. Clarification of rate for individuals providing services to indigent defendants.
- Sec. 114. Authority of Courts to conduct proceedings outside of District of Columbia during emergencies.
- Sec. 115. Authority of Court Services and Offender Supervision Agency to use services of volunteers.
- Sec. 116. Technical corrections relating to courts.
- Sec. 117. Inclusion of court employees in enhanced dental and vision benefit program.

**Subtitle C—Other Miscellaneous Technical Corrections**

- Sec. 121. 2004 District of Columbia Omnibus Authorization Act.
- Sec. 122. District of Columbia Appropriations Act, 2005.
- Sec. 123. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.
- Sec. 124. District of Columbia Schools fiscal year.
- Sec. 125. Gifts to libraries.

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

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

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

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

2005 District of  
Columbia  
Omnibus  
Authorization  
Act.  
5 USC 101 note.

- 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

Deadline.

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 years 2006 through 2007.”.

(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.—” 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.—” 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. 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. 104. 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.

**SEC. 105. METERED TAXICABS IN THE DISTRICT OF COLUMBIA.**

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

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

## **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: Records.

“(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;

Reports.

“(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 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)”;

(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)”;

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

(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**

“(a) IN GENERAL.—The court may hold special sessions at any place within the United States 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 absent or disabled, the judge designated under section 11-706(a)) or the Joint Committee on Judicial Administration in 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.

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

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

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

(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**

“(a) IN GENERAL.—The Superior Court may hold special sessions at any place within the United States 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 absent or disabled, the judge designated under section 11-907(a)) or the Joint Committee on Judicial Administration in 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.

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

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

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

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

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

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

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

(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) and chapter 11 of title 18, United States Code, relating to corruption and conflicts of interest.”.

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

(a) 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:

‘OATH OF EXECUTIVE OFFICER

‘SEC. 11-1704.

‘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;’.”.

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

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

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

#### SEC. 117. INCLUSION OF COURT EMPLOYEES IN ENHANCED DENTAL AND VISION BENEFIT PROGRAM.

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

(1) in section 8951(1) by adding at the end the following: “and an employee of the District of Columbia courts”;

(2) in section 8981(1) by adding at the end the following: “and an employee of the District of Columbia courts”; and

(3) in section 9001(1) is amended—

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

(B) in subparagraph (D), by striking the period and inserting a semicolon and “and”; and

(C) by adding at the end the following: “(E) an employee of the District of Columbia courts.”.

(b) D.C. CODE.—Section 11-1726, District of Columbia Code, is amended—

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

“(F) Chapter 89A (relating to enhanced dental benefits).

“(G) Chapter 89B (relating to enhanced vision benefits).

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

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

“(D) Chapter 89A (relating to enhanced dental benefits).

“(E) Chapter 89B (relating to enhanced vision benefits).

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

## **Subtitle C—Other Miscellaneous Technical Corrections**

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

(a) **IN GENERAL.**—The first sentence of section 446(a) of the District of Columbia Home Rule Act (sec. 1–204.46(a), 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”.

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

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

#### **SEC. 125. GIFTS TO LIBRARIES.**

Section 115(c) of title III of division C of Public Law 108–7 in amended by inserting “and the District of Columbia Public Libraries” before the period.

## **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 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  $\frac{2}{3}$  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 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;

Public  
information.

“(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 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.

Reports.

“(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:

Reports.

“(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. 424. (a) IN GENERAL.—Notwithstanding any provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), employees of the Office of the Chief Financial Officer of the District of Columbia, including personnel described in subsection (b), shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer of the District of Columbia, and shall be considered at-will employees not covered by the District of 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 1986 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 AMENDMENTS.—

(1) PROCUREMENT PRACTICES ACT.—Section 104 of the District of Columbia Procurement Practices Act of 1985 (sec. 2-301.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking “, and the District of Columbia Financial Responsibility and Management Assistance Authority” and inserting the following: “the District of Columbia Financial Responsibility and Management Assistance Authority, 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

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

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

(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. 4. (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.

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—

Reports.

“(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—

Deadline.

“(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).” Deadline.

“(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 years 2006 through 2008.”.

(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:

Reports.



“(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.”.

Approved October 16, 2006.

---

LEGISLATIVE HISTORY—H.R. 3508:

HOUSE REPORTS: No. 109–267 (Comm. on Government Reform).

CONGRESSIONAL RECORD:

Vol. 151 (2005): Dec. 14, considered and passed House.

Vol. 152 (2006): Aug. 3, considered and passed Senate, amended.  
Sept. 25, House concurred in Senate amendment.

