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Public Law 108–386
108th Congress

An Act

Oct. 30, 2004
[H.R. 3797]

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

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

2004 District of Columbia Omnibus Authorization Act.
12 USC 1811 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "2004 District of Columbia Omnibus Authorization Act".

SEC. 2. REQUIRING SUBMISSION OF PLAN BY SCHOOL BOARD FOR ALLOCATION OF FUNDS UNDER MAYOR'S PROPOSED BUDGET.

Section 452 of the District of Columbia Home Rule Act (sec. 1–204.52, D.C. Official Code) is amended—

(1) in the first sentence, by striking "With respect to" and inserting "(a) ROLE OF MAYOR AND COUNCIL.—With respect to";

(2) in the second sentence, by striking "This section" and inserting "This subsection"; and

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

"(b) PLAN FOR ALLOCATION OF FUNDS UNDER PROPOSED BUDGET.—

Deadline.

"(1) SUBMISSION OF PLAN TO COUNCIL.—Not later than March 1 of each year or the date on which the Mayor makes the proposed annual budget for a year available under section 442 (whichever occurs later), the Board of Education shall submit to the Council a plan for the allocation of the Mayor's proposed budget among various object classes and responsibility centers (as defined under regulations of the Board).

"(2) CONTENTS.—The plan submitted under this subsection shall include a detailed presentation of how much money will be allocated to each school, including—

"(A) a specific description of the amount of funds available to the school for which spending decisions are under the control of the school; and

"(B) a specific description of other responsibility center funds which will be spent in a manner directly benefiting the school, including funds which will be spent for personnel, equipment and supplies, property maintenance, and student services.".

SEC. 3. MULTIYEAR CONTRACTING AUTHORITY AND LEASING AGREEMENTS FOR DISTRICT OF COLUMBIA COURTS.

(a) AUTHORITY.—Subchapter III of chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11–1742 the following new section:

"§ 11–1742a. Multiyear contracting authority and leasing agreements

"(a) SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.—The Executive Officer may enter into a contract for procurement of severable services in the same manner and to the same extent as the head of an executive agency may enter into such a contract under section 303L of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l).

"(b) MULTIYEAR LEASING AGREEMENTS.—

"(1) AUTHORITY.—The Executive Officer may enter into a lease agreement for the accommodation of the District of Columbia courts in a building which is in existence or being erected by the lessor to accommodate the District of Columbia courts.

"(2) TERMS.—A lease agreement under this subsection shall be on terms the Executive Officer considers to be in the interest of the Federal Government and the District of Columbia and necessary for the accommodation of the District of Columbia courts. However, the lease agreement may not bind the District of Columbia courts for more than 10 years and the obligation of amounts for a lease under this subsection is limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(B) of title 31, United States Code.

"(c) MULTIYEAR CONTRACTS.—

"(1) AUTHORITY.—The Executive Officer may enter into a multiyear contract for the acquisition of property or services in the same manner and to the same extent as an executive agency may enter into such a contract under section 304B of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c). In applying such authority—

"(A) in section 304B(a)(2)(B)—

"(i) 'the best interests of the District of Columbia and the Federal Government' shall be substituted for 'the best interests of the United States'; and

"(ii) 'the courts' programs' shall be substituted for 'the agency's programs';

"(B) the second sentence of section 304B(b), and subsection (e), shall not apply; and

"(C) in section 304B(c), '$5,000,000' shall be substituted for '$10,000,000'.

"(2) CANCELLATION OR TERMINATION FOR INSUFFICIENT FUNDING AFTER FIRST YEAR.—In the event that funds are not made available for the continuation of a multiyear contract for services into a subsequent fiscal year, the contract shall be canceled or terminated, and the costs of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of services concerned, and not otherwise obligated; or

"(C) funds appropriated for those payments.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 17 of title 11, District of Columbia Code, is amended by inserting after the item relating to section 11–1742 the following new item:

"11–1742a. Multiyear contracting authority and leasing agreements.".

SEC. 4. ESTABLISHMENT OF ACADEMIC YEAR AS FISCAL YEAR FOR DISTRICT OF COLUMBIA SCHOOLS.

Section 441 of the District of Columbia Home Rule Act (sec. 1–204.41, D.C. Official Code) is amended—

(1) in the first sentence, by striking "The fiscal year" and inserting "(a) IN GENERAL.—Except as provided in subsection (b), the fiscal year";

(2) by striking the third sentence; and

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

"(b) EXCEPTIONS.—

"(1) ARMORY BOARD.—The fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year.

"(2) SCHOOLS.—Effective with respect to fiscal year 2007 and each succeeding fiscal year, the fiscal year for the District of Columbia Public Schools (including public charter schools) and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.".

SEC. 5. EXTENSION OF DEADLINE FOR COUNCIL TO ADOPT BUDGET TO ACCOUNT FOR DAYS OF RECESS.

Section 446(a) of the District of Columbia Home Rule Act (sec. 1–204.46(a), D.C. Official Code), as amended by section 101(a), is amended by striking "50 calendar days" and inserting "56 calendar days".

SEC. 6. EXEMPTION OF DISTRICT GOVERNMENT EMPLOYEES ON COMPRESSED SCHEDULE FROM FEDERAL OVERTIME REQUIREMENTS.

(a) IN GENERAL.—Section 7 of the Fair Labor Standards Act (29 U.S.C. 207) shall not apply to the hours of an employee of the District of Columbia government which constitute a compressed schedule.

(b) COMPRESSED SCHEDULE DEFINED.—In this section, the term "compressed schedule" means—

(1) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and

(2) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.

(c) EFFECTIVE DATE.—This section shall apply with respect to hours occurring on or after the date of the enactment of this Act.

SEC. 7. AVAILABILITY OF ENFORCED ANNUAL LEAVE OR ENFORCED LEAVE WITHOUT PAY AS DISCIPLINARY ACTION FOR CORPORATION COUNSEL ATTORNEYS.

(a) IN GENERAL.—Section 856(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–

608.56(a), D.C. Official Code) is amended by striking "or reduction in grade," and inserting "reduction in grade, or the placing of such attorney on enforced annual leave or enforced leave without pay,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 8. REGULATION OF DISTRICT OF COLUMBIA BANKS BY FEDERAL DEPOSIT INSURANCE CORPORATION.

(a) FEDERAL DEPOSIT INSURANCE ACT.—(1) Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended—

(A) in subsection (a)(1)(A), by striking ", State bank, and District bank" and inserting "and State bank";

(B) in subsection (a), by striking paragraph (4);

(C) in subsection (q)(1), by striking ", any District bank,";

(D) in subsection (q)(2)(A), by striking "(except a District bank)"; and

(E) in subsection (q)(3), by striking "(except a District bank),".

(2) Section 7(a)(1) of such Act (12 U.S.C. 1817(a)(1)) is amended by striking "(except a District bank)".

(3) Section 10(b)(2)(A) of such Act (12 U.S.C. 1820(b)(2)(A)) is amended by striking "(except a District bank)".

(4) Section 11 of such Act (12 U.S.C. 1821) is amended—

(A) in subsection (c)(2)(A)(i), by striking "or District bank";

(B) in subsection (c)(2)(A)(ii)—

(i) by striking "or District bank"; and

(ii) by striking "or the code of law for the District of Columbia"; and

(C) in subsection (c)(3)(A), by striking "(other than a District depository institution)".

(5) Section 18 of such Act (12 U.S.C. 1828) is amended—

(A) in section (c)(2)(A), by striking "or a District bank";

(B) in subsection (c)(2)(B), by striking "(except a District bank)";

(C) in subsection (c)(2)(C), by striking "a District Bank or";

(D) in subsection (d)(1), by striking "(except a District bank)" each place such term appears;

(E) in subsection (f), by striking "or a District bank";

(F) in subsection (i)(1), by striking "(except a District bank)";

(G) in subsection (i)(2), by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(H) in subsection (i)(2)(A) (as so redesignated by subparagraph (G)), by striking "(except a District bank)"; and

(I) in subsection (i)(2)(B) (as so redesignated by subparagraph (G)), by striking "(except a District bank)".

(b) NATIONAL HOUSING ACT.—Section 203(s)(5) of the National Housing Act (12 U.S.C. 1709(s)(5)) is amended by striking "or District bank".

(c) BANK HOLDING COMPANY ACT.—The Bank Holding Company Act of 1956 is amended—

(1) in section 2(c) (12 U.S.C. 1841(c)), by striking paragraph (3); and

(2) in section 3(b)(1) (12 U.S.C. 1842(b)(1)), by striking "or a District bank".

(d) BANK PROTECTION ACT OF 1968.—Section 2(1) of the Bank Protection Act of 1968 (12 U.S.C. 1881(1)) is amended by striking "and district banks".

(e) DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.—The Depository Institution Management Interlocks Act (12 U.S.C. 3201 et seq.) is amended—

12 USC 3206. (1) in section 207(1), by striking "and banks located in the District of Columbia"; and

12 USC 3207. (2) in section 209(1), by striking "and banks located in the District of Columbia".

(f) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 is amended—

(1) in section 3(a)(34) (15 U.S.C. 78c(34)), by striking "or a bank operating under the Code of Law for the District of Columbia" each place such term appears in clause (i) of subparagraphs (A), (B), (C), (D), and (F);

(2) in section 3(a)(34)(G)(i) (15 U.S.C. 78c(34)(G)(i)), by striking ", a bank in the District of Columbia examined by the Comptroller of the Currency,";

(3) in section 3(a)(34)(H)(i) (15 U.S.C. 78c(34)(H)(i)), by striking "or a bank in the District of Columbia examined by the Comptroller of the Currency";

(4) in section 12(i)(1) (15 U.S.C. 78l(i)(1)), by striking "and banks operating under the Code of Law for the District of Columbia";

(5) in section 17(f)(4)(A) (15 U.S.C. 78q(f)(4)(A)), by striking "and banks operating under the Code of Law for the District of Columbia"; and

(6) in section 17(f)(4)(B) (15 U.S.C. 78q(f)(4)(B)), by striking "or a bank operating under the Code of Law for the District of Columbia".

(g) NATIONAL BANK RECEIVERSHIP ACT.—The National Bank Receivership Act is amended by striking section 6.

19 Stat. 64.

(h) FEDERAL RESERVE ACT.—The last sentence of the 3rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by striking "(except within the District of Columbia)".

12 USC 321 note. (i) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9. EFFECTIVE DATE. 12 USC 321 note.

Except as otherwise provided, this Act and the amendments made by this Act shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

Approved October 30, 2004.

LEGISLATIVE HISTORY—H.R. 3797:

HOUSE REPORTS: No. 108–551, Pt. 1 (Comm. on Government Reform).
CONGRESSIONAL RECORD, Vol. 150 (2004):
June 21, considered and passed House.
Oct. 11, considered and passed Senate.