

108TH CONGRESS
1ST SESSION

S. 1267

AN ACT

To amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, 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,*

1 **TITLE I—DISTRICT OF COLUM-**
 2 **BIA BUDGET AUTONOMY ACT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “District of Columbia
 5 Budget Autonomy Act of 2003”.

6 **SEC. 102. ENACTMENT OF DISTRICT OF COLUMBIA LOCAL**
 7 **BUDGET.**

8 (a) IN GENERAL.—Section 446 of the District of Co-
 9 lumbia Home Rule Act (sec. 1–204.46, D.C. Official Code)
 10 is amended to read as follows:

11 “ENACTMENT OF LOCAL BUDGET

12 “SEC. 446. (a) ADOPTION OF BUDGETS AND SUP-
 13 PLEMENTS.—The Council, within 50 calendar days after
 14 receipt of the budget proposal from the Mayor, and after
 15 public hearing, shall by Act adopt the annual budget for
 16 the District of Columbia government. Any supplements
 17 thereto shall also be adopted by Act by the Council after
 18 public hearing.

19 “(b) TRANSMISSION TO PRESIDENT DURING CON-
 20 TROL YEARS.—In the case of a budget for a fiscal year
 21 which is a control year, the budget so adopted shall be
 22 submitted by the Mayor to the President for transmission
 23 by him to the Congress, except that the Mayor shall not
 24 transmit any such budget, or amendments or supplements
 25 thereto, to the President until the completion of the budg-

1 et procedures contained in this Act and the District of
 2 Columbia Financial Responsibility and Management As-
 3 sistance Act of 1995.

4 “(c) PROHIBITING OBLIGATIONS AND EXPENDI-
 5 TURES NOT AUTHORIZED UNDER BUDGET.—Except as
 6 provided in section 445A(b), section 467(d), section
 7 471(c), section 472(d), section 475(e), section 483(d), and
 8 subsections (f), (g), (h)(3), and (i)(3) of section 490, no
 9 amount may be obligated or expended by any officer or
 10 employee of the District of Columbia government unless—

11 “(1) such amount has been approved by an Act
 12 of the Council (and then only in accordance with
 13 such authorization) and a copy of such Act has been
 14 transmitted by the Chairman to the Congress; or

15 “(2) in the case of an amount obligated or ex-
 16 pended during a control year, such amount has been
 17 approved by an Act of Congress (and then only in
 18 accordance with such authorization).

19 “(d) RESTRICTIONS ON REPROGRAMMING OF
 20 AMOUNTS.—After the adoption of the annual budget for
 21 a fiscal year (beginning with the annual budget for fiscal
 22 year 1995), no reprogramming of amounts in the budget
 23 may occur unless the Mayor submits to the Council a re-
 24 quest for such reprogramming and the Council approves
 25 the request, but only if any additional expenditures pro-

1 vided under such request for an activity are offset by re-
2 ductions in expenditures for another activity.

3 “(e) DEFINITION.—In this part, the term ‘control
4 year’ has the meaning given such term in section 305(4)
5 of the District of Columbia Financial Responsibility and
6 Management Assistance Act of 1995.”.

7 (b) LENGTH OF CONGRESSIONAL REVIEW PERIOD
8 FOR BUDGET ACTS.—Section 602(c) of such Act (sec. 1–
9 206.02(c), D.C. Official Code) is amended—

10 (1) in the second sentence of paragraph (1), by
11 striking “paragraph (2)” and inserting “paragraphs
12 (2) and (4)”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(4) In the case of any Act transmitted under the
16 first sentence of paragraph (1) to which section 446 ap-
17 plies and for which the fiscal year involved is not a control
18 year, such Act shall take effect upon the expiration of the
19 30-calendar-day period beginning on the day such Act is
20 transmitted, or upon the date prescribed by such Act,
21 whichever is later, unless during such 30-day period, there
22 has been enacted into law a joint resolution disapproving
23 such Act. If such 30-day period expires on any day on
24 which neither House is in session because of an adjourn-
25 ment sine die, a recess of more than three days, or an

1 adjournment of more than three days, the period applica-
2 ble under the previous sentence shall be extended for 5
3 additional days (excluding Saturdays, Sundays, and holi-
4 days, and any day on which neither House is in session
5 because of an adjournment sine die, a recess of more than
6 three days, or an adjournment of more than three days).
7 In any case in which any such joint resolution dis-
8 approving such an Act has, within the applicable period,
9 passed both Houses of Congress and has been transmitted
10 to the President, such resolution, upon becoming law, sub-
11 sequent to the expiration of such period, shall be deemed
12 to have repealed such Act, as of the date such resolution
13 becomes law. The provisions of section 604 shall apply
14 with respect to any joint resolution disapproving any Act
15 pursuant to this paragraph.”.

16 (c) CONFORMING AMENDMENTS.—(1) Sections
17 467(d), 471(c), 472(d)(2), 475(e)(2), and 483(d), and
18 subsections (f), (g)(3), (h)(3), and (i)(3) of section 490
19 of such Act are each amended by striking “The fourth
20 sentence of section 446” and inserting “Section 446(e)”.

21 (2) The third sentence of section 412(a) of such Act
22 (sec. 1–204.12(a), D.C. Official Code) is amended by in-
23 serting “for a fiscal year which is a control year described
24 in such section” after “section 446 applies”.

1 (3) Section 202(c)(2) of the District of Columbia Fi-
 2 nancial Responsibility and Management Assistance Act of
 3 1995 (sec. 47–392.02(c)(2), D.C. Official Code) is amend-
 4 ed by striking “the first sentence of section 446” and in-
 5 serting “section 446(a)”.

6 (4) Section 202(d)(3)(A) of the District of Columbia
 7 Financial Responsibility and Management Assistance Act
 8 of 1995 (sec. 47–392.02(d)(3)(A), D.C. Official Code) is
 9 amended by striking “the first sentence of section 446”
 10 and inserting “section 446(a)”.

11 (5) Section 11206 of the National Capital Revitaliza-
 12 tion and Self-Government Improvement Act of 1997 (sec.
 13 24–106, D.C. Official Code) is amended by striking “the
 14 fourth sentence of section 446” and inserting “section
 15 446(e)”.

16 (d) CLERICAL AMENDMENT.—The item relating to
 17 section 446 in the table of contents of such Act is amended
 18 to read as follows:

“Sec. 446. Enactment of local budget.”.

19 **SEC. 103. ACTION BY COUNCIL OF DISTRICT OF COLUMBIA**
 20 **ON LINE-ITEM VETOES BY MAYOR OF PROVI-**
 21 **SIONS OF BUDGET ACTS.**

22 (a) IN GENERAL.—Section 404(f) of the District of
 23 Columbia Home Rule Act (sec. 1–204.4(f), D.C. Official
 24 Code) is amended by striking “transmitted by the Chair-
 25 man to the President of the United States” both places

1 it appears and inserting the following: “incorporated in
 2 such Act (or, in the case of an item or provision contained
 3 in a budget act for a control year, transmitted by the
 4 Chairman to the President)”.

5 (b) CONFORMING AMENDMENT.—Section 404(f) of
 6 such Act (sec. 1–204.04(f), D.C. Official Code) is
 7 amended—

8 (1) by striking “(f)” and inserting “(f)(1)”;

9 (2) in the fifth sentence, by striking “(as de-
 10 fined in section 305(4) of the District of Columbia
 11 Financial Responsibility and Management Assistance
 12 Act of 1995), this subsection” and inserting “this
 13 paragraph”; and

14 (3) by adding at the end the following new
 15 paragraph:

16 “(2) In this subsection, the term ‘control year’ has
 17 the meaning given such term in section 305(4) of the Dis-
 18 trict of Columbia Financial Responsibility and Manage-
 19 ment Assistance Act of 1995.”.

20 **SEC. 104. PERMITTING EMPLOYEES TO BE HIRED IF POSI-**
 21 **TION AUTHORIZED BY ACT OF THE COUNCIL.**

22 Section 447 of the District of Columbia Home Rule
 23 Act (sec. 1–204.47, D.C. Official Code) is amended—

24 (1) by striking “Act of Congress” each place it
 25 appears and inserting “act of the Council (or Act of

1 Congress, in the case of a year which is a control
2 year)”; and

3 (2) by striking “Acts of Congress” and insert-
4 ing “acts of the Council (or Acts of Congress, in the
5 case of a year which is a control year)”.

6 **SEC. 105. OTHER CONFORMING AMENDMENTS RELATING**
7 **TO CHANGES IN FEDERAL ROLE IN BUDGET**
8 **PROCESS.**

9 (a) **FEDERAL AUTHORITY OVER BUDGET-MAKING**
10 **PROCESS.**—Section 603(a) of the District of Columbia
11 Home Rule Act (sec. 1–206.03, D.C. Official Code) is
12 amended by inserting before the period at the end the fol-
13 lowing: “for a fiscal year which is a control year”.

14 (b) **RESTRICTIONS APPLICABLE DURING CONTROL**
15 **YEARS.**—Section 603(d) of such Act (sec. 1–206.03(d),
16 D.C. Official Code) is amended to read as follows:

17 “(d) In the case of a fiscal year which is a control
18 year, the Council may not approve, and the Mayor may
19 not forward to the President, any budget which is not con-
20 sistent with the financial plan and budget established for
21 the fiscal year under subtitle A of title II of the District
22 of Columbia Financial Responsibility and Management
23 Assistance Act of 1995.”.

1 (c) DEFINITION.—Section 603(f) of such Act (sec. 1–
 2 206.03(f), D.C. Official Code) is amended to read as fol-
 3 lows:

4 “(f) In this section, the term ‘control year’ has the
 5 meaning given such term in section 305(4) of the District
 6 of Columbia Financial Responsibility and Management
 7 Assistance Act of 1995.”.

8 **SEC. 106. CONTINUATION OF GENERAL PROVISIONS IN AP-**
 9 **PROPRIATIONS ACTS AND TREATMENT OF**
 10 **AMENDMENTS.**

11 (a) CONTINUATION.—Any general provision con-
 12 tained in a general appropriation bill which includes the
 13 appropriation of Federal payments to the District of Co-
 14 lumbia for a fiscal year (or, in the case of such a bill which
 15 is included as a division, title, or other portion of another
 16 general appropriation bill, any general provision contained
 17 in such division, title, or other portion) in effect on the
 18 date of enactment of this Act shall remain in effect until
 19 the date of the enactment of a general appropriation bill
 20 which includes the appropriation of Federal payments to
 21 the District of Columbia for the following fiscal year.

22 (b) AMENDMENTS IN THE SENATE.—In the case of
 23 the consideration in the Senate of a general appropriations
 24 bill that includes the appropriations of Federal payments
 25 to the District of Columbia, an amendment proposing a

1 limitation on the use of any District of Columbia funds
2 by the District of Columbia shall not constitute general
3 legislation under paragraphs 2 and 4 of Rule XVI of the
4 Standing Rules of the Senate.

5 **SEC. 107. METERED CABS IN THE DISTRICT OF COLUMBIA.**

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

11 (b) DISTRICT OF COLUMBIA OPT OUT.—The District
12 of Columbia may cancel the requirements of subsection (a)
13 by adopting an ordinance that specifically states that the
14 District of Columbia opts out of the requirement to imple-
15 ment a metered system under subsection (a).

16 **SEC. 108. EFFECTIVE DATE.**

17 The amendments made by this Act shall apply to
18 budgets of the District of Columbia for fiscal years begin-
19 ning on or after October 1, 2004.

1 **TITLE II—DISTRICT OF COLUM-**
 2 **BIA INDEPENDENCE OF THE**
 3 **CHIEF FINANCIAL OFFICER**
 4 **ACT OF 2003**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “District of Columbia
 7 Independence of the Chief Financial Officer Act of 2003”.

8 **SEC. 202. AMENDMENTS TO THE HOME RULE ACT.**

9 (a) IN GENERAL.—Part B of title IV section 424 of
 10 the District of Columbia Home Rule Act is amended to
 11 read as follows:

12 “OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE
 13 DISTRICT OF COLUMBIA

14 “SEC. 424. (a) IN GENERAL.—

15 “(1) ESTABLISHMENT.—There is hereby estab-
 16 lished within the executive branch of the government
 17 of the District of Columbia an Office of the Chief
 18 Financial Officer of the District of Columbia (‘Of-
 19 fice’), which shall be headed by the Chief Financial
 20 Officer of the District of Columbia (‘Chief Financial
 21 Officer’).

22 “(2) ORGANIZATIONAL ANALYSIS.—

23 “(A) OFFICE OF BUDGET AND PLAN-
 24 NING.—The name of the Office of Budget and
 25 Management, established by Commissioner’s

1 Order 69–96, issued March 7, 1969, is changed
2 to the Office of Budget and Planning.

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

8 “(C) OFFICE OF FINANCE AND TREAS-
9 URY.—The name of the Office of Treasurer, es-
10 tablished by Mayor’s Order 89–244, dated Oc-
11 tober 23, 1989, is changed to the Office of Fi-
12 nance and Treasury.

13 “(D) OFFICE OF FINANCIAL OPERATIONS
14 AND SYSTEMS.—The Office of the Controller,
15 established by Mayor’s Order 89–243, dated
16 October 23, 1989, and the Office of Financial
17 Information Services, established by Mayor’s
18 Order 89–244, dated October 23, 1989, are
19 consolidated into the Office of Financial Oper-
20 ations and Systems.

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

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

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

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

10 “(D) The Office of Financial Operations
11 and Systems, headed by the Deputy Chief Fi-
12 nancial Officer for the Office of Financial Oper-
13 ations and Systems.

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

16 “(F) The Lottery and Charitable Games
17 Control Board, established by the Law to Le-
18 galize Lotteries, Daily Numbers Games, and
19 Bingo and Raffles for Charitable Purposes in
20 the District of Columbia, effective March 10,
21 1981 (D.C. Law 3–172; D.C. Official Code § 3–
22 1301 et seq.).

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

1 “(5) APPOINTMENT AND REMOVAL OF OFFICE
2 EMPLOYEES.—The Chief Financial Officer shall ap-
3 point the heads of the subordinate offices designated
4 in paragraph (3), after consultation with the Mayor
5 and the Council. The Chief Financial Officer may
6 remove the heads of the offices designated in para-
7 graph (3), after consultation with the Mayor and the
8 Council.

9 “(6) ANNUAL BUDGET SUBMISSION.—The Chief
10 Financial Officer of the District of Columbia shall
11 prepare and annually submit to the Mayor of the
12 District of Columbia, for inclusion in the annual
13 budget of the District of Columbia government for
14 a fiscal year, annual estimates of the expenditures
15 and appropriations necessary for the year for the op-
16 eration of the Office of the Chief Financial Officer
17 and all other District of Columbia accounting, budg-
18 et, and financial management personnel (including
19 personnel of executive branch independent agencies)
20 that report to the Office of the Chief Financial Offi-
21 cer pursuant to this Act.

22 “(b) APPOINTMENT OF THE CHIEF FINANCIAL OFFI-
23 CER.—

1 “(1) IN GENERAL.—The Chief Financial Officer
2 shall be appointed by the Mayor with the advice and
3 consent, by resolution, of the Council.

4 “(2) TERM.—

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

10 “(B) TEMPORARY.—The term of office of
11 the Chief Financial Officer first appointed pur-
12 suant to subsection (a) shall begin upon the
13 date of enactment of the District of Columbia
14 Independence of the Chief Financial Officer Act
15 of 2003. The initial term shall end on June 30,
16 2007.

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

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

24 “(E) PAY.—The Chief Financial Officer
25 shall be paid at an annual rate equal to the rate

1 of basic pay payable for level I of the Executive
2 Schedule.

3 “(c) REMOVAL OF THE CHIEF FINANCIAL OFFI-
4 CER.—The Chief Financial Officer may only be removed
5 for cause by the Mayor.

6 “(d) DUTIES OF THE CHIEF FINANCIAL OFFICER.—
7 The Chief Financial Officer shall have the following duties
8 and shall take such steps as are necessary to perform
9 these duties:

10 “(1) Preparing the financial plan and the budg-
11 et for the use of the Mayor for purposes of subpart
12 B of subchapter VII of chapter 3 of title 47 of the
13 D.C. Code and preparing the 5-year financial plan
14 based upon the adopted budget for submission with
15 the District of Columbia budget by the Mayor to
16 Congress.

17 “(2) Preparing the budgets of the District of
18 Columbia for the year for the use of the Mayor for
19 purposes of sections 441–444, 446, 448–452, 455 of
20 the District of Columbia Home Rule Act, approved
21 (87 Stat. 798–803; D.C. Official Code §§ 1–204.41
22 through 1–204.44, 1–204.46, 1–204.48 through 1–
23 204.52, 1–204.55), section 445a of the District of
24 Columbia Home Rule Act, approved August 6, 1996
25 (110 Stat. 1698; D.C. Official Code § 1–204.45a),

1 section 453 of the District of Columbia Home Rule
2 Act, approved April 17, 1991 (105 Stat. 539; D.C.
3 Official Code § 1–204.53), sections 456(a) through
4 456(d) of the District of Columbia Home Rule Act,
5 approved October 19, 1994 (108 Stat. 3488; D.C.
6 Official Code §§ 1–204.56a through 1–204.56d), and
7 section 456(e) of the District of Columbia Home
8 Rule Act, approved April 17, 1995 (109 Stat. 140;
9 D.C. Official Code § 1–204.56e).

10 “(3) Implementing appropriate procedures and
11 instituting such programs, systems, and personnel
12 policies within the Officer’s authority, to ensure that
13 budget, accounting, and personnel control systems
14 and structures are synchronized for budgeting and
15 control purposes on a continuing basis and to ensure
16 that appropriations are not exceeded.

17 “(4) Preparing and submitting to the Mayor
18 and the Council and making public—

19 “(A) annual estimates of all revenues of
20 the District of Columbia (without regard to the
21 source of such revenues), including proposed
22 revenues, which shall be binding on the Mayor
23 and the Council for purposes of preparing and
24 submitting the budget of the District govern-
25 ment for the year under sections 441 through

1 444, 446, 448 through 452, and 455 of the
2 District of Columbia Home Rule Act, approved
3 December 24, 1973 (87 Stat. 798–803; D.C.
4 Official Code §§ 1–204.41 through 1–204.44,
5 1–204.46, 1–204.48 through 1–204.52, 1–
6 204.55), section 445a of the District of Colum-
7 bia Home Rule Act, approved August 6, 1996
8 (110 Stat. 1698; D.C. Official Code § 1–
9 204.45a), section 453 of the District of Colum-
10 bia Home Rule Act, approved April 17, 1991
11 (105 Stat. 539; D.C. Official Code § 1–204.53),
12 sections 456(a) through 456(d) of the District
13 of Columbia Home Rule Act, approved October
14 19, 1994 (108 Stat. 3488; D.C. Official Code
15 §§ 1–204.56a through 1–204.56d), and section
16 456(e) of the District of Columbia Home Rule
17 Act, approved April 17, 1995 (109 Stat. 140;
18 D.C. Official Code § 1–204.56e), except that
19 the Mayor and the Council may prepare the
20 budget based on estimates of revenues which
21 are lower than those prepared by the Chief Fi-
22 nancial Officer; and
23 “(B) quarterly re-estimates of the revenues
24 of the District of Columbia during the year.

1 “(5) Supervising and assuming responsibility
2 for financial transactions to ensure adequate control
3 of revenues and resources.

4 “(6) Maintaining systems of accounting and in-
5 ternal control designed to provide—

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

8 “(B) adequate financial information need-
9 ed by the District government for management
10 purposes;

11 “(C) accounting for all funds, property,
12 and other assets of the District of Columbia;
13 and

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

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

22 “(8) Supervising and assuming responsibility
23 for the assessment of all property subject to assess-
24 ment and special assessments within the corporate
25 limits of the District of Columbia for taxation, pre-

1 paring tax maps, and providing such notice of taxes
2 and special assessments (as may be required by
3 law).

4 “(9) Supervising and assuming responsibility
5 for the levying and collection of all taxes, special as-
6 sessments, licensing fees, and other revenues of the
7 District of Columbia (as may be required by law),
8 and receiving all amounts paid to the District of Co-
9 lumbia from any source (including the District of
10 Columbia Financial Responsibility and Management
11 Assistance Authority).

12 “(10) Maintaining custody of all public funds
13 belonging to or under the control of the District gov-
14 ernment (or any department or agency of the Dis-
15 trict government), and depositing all amounts paid
16 in such depositories and under such terms and con-
17 ditions as may be designated by the Council.

18 “(11) Maintaining custody of all investment
19 and invested funds of the District government or in
20 possession of the District government in a fiduciary
21 capacity, and maintaining the safekeeping of all
22 bonds and notes of the District government and the
23 receipt and delivery of District government bonds
24 and notes for transfer, registration, or exchange.

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

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

18 “(14) Prescribing the forms of receipts, vouch-
19 ers, bills, and claims to be used by all agencies, of-
20 fices, and instrumentalities of the District govern-
21 ment.

22 “(15) Certifying and approving prior to pay-
23 ment of all bills, invoices, payrolls, and other evi-
24 dences of claims, demands, or charges against the
25 District government, and determining the regularity,

1 legality, and correctness of such bills, invoices, pay-
2 rolls, claims, demands, or charges.

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

12 “(17) Exercising responsibility for the adminis-
13 tration and supervision of the District of Columbia
14 Treasurer (except that the Chief Financial Officer
15 may delegate any portion of such responsibility as
16 the Chief Financial Officer considers appropriate
17 and consistent with efficiency).

18 “(18) Supervising and administering all bor-
19 rowing programs secured by the full faith and credit
20 of the District government for the issuance of long-
21 term and short-term indebtedness.

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

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

3 “(20) Administering the centralized District
4 government payroll and retirement systems.

5 “(21) Governing the accounting policies and
6 systems applicable to the District government.

7 “(22) Preparing appropriate annual, quarterly,
8 and monthly financial reports of the accounting and
9 financial operations of the District government.

10 “(23) Not later than 120 days after the end of
11 each fiscal year, preparing the complete financial
12 statement and report on the activities of the District
13 government for such fiscal year, for the use of the
14 Mayor under section 448(a)(4) of the District of Co-
15 lumbia Home Rule Act, approved December 24,
16 1973 (87 Stat. 801; D.C. Official Code §1-
17 204.48(a)(4)).

18 “(24) Preparing fiscal impact statements on
19 regulations, multiyear contracts, contracts over
20 \$1,000,000 and on legislation, as required by section
21 4a of the General Legislative Procedures Act of
22 1975.

23 “(25) Preparing under the direction of the
24 Mayor, who has the specific responsibility for formu-
25 lating budget policy using Chief Financial Officer

1 technical and human resources, the budget for sub-
 2 mission by the Mayor to the Council and to the pub-
 3 lic and upon final adoption to Congress and to pub-
 4 lic.

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

12 “(e) APPOINTMENT OF CERTAIN EXECUTIVE
 13 BRANCH AGENCY CHIEF FINANCIAL OFFICERS.—The
 14 chief financial officers of all District of Columbia executive
 15 branch subordinate and independent agencies not included
 16 in subsection a(3) and associate chief financial officers
 17 shall be appointed by the Chief Financial Officer, in con-
 18 sultation with the agency head, where applicable. The ap-
 19 pointment shall be made from a list of qualified candidates
 20 developed by the Chief Financial Officer.

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

23 “(1) Assisting the Chief Financial Officer in re-
 24 porting revenues received by the District govern-
 25 ment, including submitting annual and quarterly re-

1 ports concerning the cash position of the District
2 government not later than 60 days after the last day
3 of the quarter (or year) involved which shall
4 include—

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

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

21 “(C) quarterly cash flow forecast for the
22 quarter or year involved, reflecting receipts, dis-
23 bursements, net change in cash inclusive of the
24 beginning balance, cash and investment, and
25 the ending balance, inclusive of cash and invest-

1 ment with respect to the actual dollar amounts
2 for the quarter or year, and projected dollar
3 amounts for each of the 3 succeeding quarters;

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

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

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

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

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

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

24 “(I) comparisons of budgeted
25 percentages of total cash to be in-

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

3 “(II) comparisons of the next re-
4 turn on invested cash expressed in
5 percentages (yield) with comparable
6 market indicators and established Dis-
7 trict of Columbia government yield ob-
8 jectives; and

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

12 “(E) monthly reports reflecting a detailed
13 summary analysis of long-term and short-term
14 borrowings inclusive of debt as authorized by
15 § 1–206.03, in the current fiscal year and the
16 amount of debt for each succeeding fiscal year
17 not to exceed 5 years; all such reports shall
18 reflect—

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

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

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

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

4 “(v) the amount of debt service re-
5 quirements and related debt service re-
6 serves.

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

10 “(g) TRANSITION PROVISIONS.—

11 “(1) CFO.—Any Chief Financial Officer ap-
12 pointed by the Mayor prior to the date of enactment
13 of the District of Columbia Independence of the
14 Chief Financial Officer Act of 2003 may continue to
15 serve in that capacity without reappointment until a
16 new appointment under subsection (a) becomes ef-
17 fective.

18 “(2) EXECUTIVE BRANCH CFO.—Any executive
19 branch agency chief financial officer appointed prior
20 to the date of enactment of the District of Columbia
21 Independence of the Chief Financial Officer Act of
22 2003 may continue to serve in that capacity without
23 reappointment.”.

1 **SEC. 203. CLARIFICATION OF DUTIES OF CHIEF FINANCIAL**
 2 **OFFICER AND MAYOR.**

3 (a) RELATION TO FINANCIAL DUTIES OF MAYOR.—
 4 Section 448(a) of such Act (section 1–204.48(a), D.C. Of-
 5 ficial Code) is amended by striking “section 603,” and in-
 6 serting “section 603 and except to the extent provided
 7 under section 424(d),”.

8 (b) RELATION TO MAYOR’S DUTIES REGARDING AC-
 9 COUNTING SUPERVISION AND CONTROL.—Section 449 of
 10 such Act (section 1–204.49, D.C. Official Code) is amend-
 11 ed by striking “The Mayor” and inserting “Except to the
 12 extent provided under section 424(d), the Mayor”.

13 **SEC. 204. RULE REGARDING PERSONNEL AUTHORITY.**

14 (a) IN GENERAL.—The Home Rule Act is amended
 15 by adding by adding after section 424g the following:

16 “AUTHORITY OVER PERSONNEL OF OFFICE AND OTHER
 17 FINANCIAL PERSONNEL

18 “SEC. 424h. (a) IN GENERAL.—Notwithstanding any
 19 provision of law or regulation, employees of the Office of
 20 the Chief Financial Officer, including personnel described
 21 in subsection (b), shall be appointed by, shall serve at the
 22 pleasure of, and shall act under the direction and control
 23 of the Chief Financial Officer of the District of Columbia,
 24 and shall be considered at-will employees, except that the
 25 Chief Financial Officer shall comply with any collective

1 bargaining agreement entered into by the Office of the
2 Chief Financial Officer.

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

5 “(1) The Office of the General Counsel within
6 the Office of the Chief Financial Officer of the Dis-
7 trict of Columbia, such office shall include the Gen-
8 eral Counsel to the Chief Financial Officer and indi-
9 viduals hired or retained as attorneys by the Chief
10 Financial Officer or any office under the personnel
11 authority of the Office of the Chief Financial Offi-
12 cer, all such attorneys shall act under the direction
13 and control of the General Counsel to the Chief Fi-
14 nancial Officer.

15 “(2) Personnel of the Office not described in
16 paragraph (1).

17 “(3) The heads and all personnel of the offices
18 described in subsection (c) and the Chief Financial
19 Officers of all District of Columbia executive branch
20 subordinate and independent agencies, Associate
21 chief financial officers, together with all other Dis-
22 trict of Columbia accounting, budget, and financial
23 management personnel (including personnel of exec-
24 utive branch independent agencies).

1 “(c) OFFICES DESCRIBED.—The offices referred to
2 in this subsection are as follows:

3 “(1) The Office of Finance and Treasury (or
4 any successor office).

5 “(2) The Office of Financial Operations and
6 Systems (or any successor office).

7 “(3) The Office of the Budget and Planning (or
8 any successor office).

9 “(4) The Office of Tax and Revenue (or any
10 successor office).

11 “(5) The District of Columbia Lottery and
12 Charitable Games Control Board.

13 “(d) INDEPENDENT AUTHORITY OVER LEGAL PER-
14 SONNEL.—Sections 851 through 862 of the District of Co-
15 lumbia Government Comprehensive Merit Personnel Act
16 of 1978, effective March 3, 1979 (D.C. Law 2–260; D.C.
17 Official Code § 1–608.51–1–608.62) shall not apply to at-
18 torneys employed by the Office of the Chief Financial Offi-
19 cer.”

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

1 **SEC. 205. PROCUREMENT AUTHORITY.**

2 (a) MAINTENANCE OF A PROCUREMENT OFFICE
 3 INDEPENDENT OF THE MAYOR'S PROCUREMENT OF-
 4 FICE.—Section 104(c) of the District of Columbia Pro-
 5 curement Practices Act of 1986, effective February 21,
 6 1986 (D.C. Law 6–85; D.C. Official Code § 2–301.04), is
 7 amended by striking beginning with “During a control
 8 year, as defined by § 47–393(4),” through “Chief Finan-
 9 cial Officer shall be bound by the provisions contained in
 10 this Act.”.

11 (b) HOME RULE ACT.—The Home Rule Act is
 12 amended by adding after section 424h the following:

13 “PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL
 14 OFFICER

15 “SEC. 424i. The Office of the Chief Financial Offi-
 16 cer's procurement practices shall be governed by the provi-
 17 sions of chapter 3 of title 2 of the D.C. Official Code,
 18 except that the Office of the Chief Financial Officer shall
 19 maintain a procurement office or division that shall oper-
 20 ate independent of, and shall not be governed by, the Of-
 21 fice of Contracting and Procurement, established by sec-
 22 tion 2–301.05, or its successor office.”.

23 (c) EFFECTIVE DATE.—This section and the amend-
 24 ments made by this section shall take effect 6 months
 25 after the date of enactment of this Act.

1 **SEC. 206. FISCAL IMPACT STATEMENTS.**

2 The General Legislative Procedures Act of 1975, ef-
3 fective September 23, 1975 (D.C. Law 1–17; D.C. Official
4 §§ Code 1–301.45 through 1–301.47), is amended by add-
5 ing after section 4 the following:

6 “FISCAL IMPACT STATEMENTS

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

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

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

20 “(b) **APPROPRIATIONS.**—Permanent and emergency
21 acts which are accompanied by fiscal impact statements
22 which reflect unbudgeted costs, shall be subject to appro-
23 priations prior to becoming effective.

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

Passed the Senate December 9, 2003.

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

S. 1267

AN ACT

To amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes.