

# Union Calendar No. 146

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3508

[Report No. 109-267]

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON) introduced the following bill; which was referred to the Committee on Government Reform

NOVEMBER 3, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 28, 2005]

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## A BILL

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

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

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

4       (a) *SHORT TITLE.*—*This Act may be cited as the*  
5 *“2005 District of Columbia Omnibus Authorization Act”.*

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

*Sec. 1. Short title; table of contents.*

**TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA**

*Subtitle A—General District of Columbia Governance*

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

*Subtitle B—District of Columbia Courts*

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

*Subtitle C—Other Miscellaneous Technical Corrections*

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

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

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

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

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

*Sec. 308. Certifications for attorneys in cases brought under Individuals With Disabilities Education Act.*

1           **TITLE I—GOVERNANCE OF**  
 2           **DISTRICT OF COLUMBIA**  
 3           **Subtitle A—General District of**  
 4           **Columbia Governance**

5   **SEC. 101. BUDGET FLEXIBILITY.**

6           (a) *PERMITTING INCREASE IN AMOUNT APPRO-*  
 7   *PRIATED AS LOCAL FUNDS DURING A FISCAL YEAR.*—Sub-  
 8   *part 1 of part D of title IV of the District of Columbia*  
 9   *Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code)*  
 10   *is amended by inserting after section 446 the following new*  
 11   *section:*

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

14           “*SEC. 446A. (a) IN GENERAL.*—*Notwithstanding the*  
 15   *fourth sentence of section 446, to account for an unantici-*  
 16   *pated growth of revenue collections, the amount appro-*  
 17   *priated as District of Columbia funds under budget ap-*  
 18   *proved by Act of Congress as provided in such section may*  
 19   *be increased—*

20                   “*(1) by an aggregate amount of not more than*  
 21           *25 percent, in the case of amounts allocated under the*  
 22           *budget as ‘Other-Type Funds’; and*

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

4           “(b) *CONDITIONS.*—*The District of Columbia may ob-*  
5           *ligate and expend any increase in the amount of funds au-*  
6           *thorized under this section only in accordance with the fol-*  
7           *lowing conditions:*

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

10                   “(A) *the increase in revenue; and*

11                   “(B) *that the use of the amounts is not an-*  
12                   *ticipated to have a negative impact on the long-*  
13                   *term financial, fiscal, or economic health of the*  
14                   *District.*

15           “(2) *The amounts shall be obligated and ex-*  
16           *pended in accordance with laws enacted by the Coun-*  
17           *cil of the District of Columbia in support of each such*  
18           *obligation and expenditure, consistent with any other*  
19           *requirements under law.*

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

23           “(4) *The amounts may not be obligated or ex-*  
24           *pended unless the Mayor has notified the Committees*  
25           *on Appropriations of the House of Representatives*

1        *and Senate, the Committee on Government Reform of*  
 2        *the House of Representatives, and the Committee on*  
 3        *Homeland Security and Governmental Affairs of the*  
 4        *Senate not fewer than 30 days in advance of the obli-*  
 5        *gation or expenditure.*

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

8        *(b) CONFORMING AMENDMENT.—The fourth sentence of*  
 9        *section 446 of such Act (sec. 1–204.46, D.C. Official Code)*  
 10       *is amended by inserting “section 446A,” after “section*  
 11       *445A(b),”.*

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

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

15       **SEC. 102. ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS**  
 16       **IN RESERVE FUNDS.**

17       *(a) IN GENERAL.—Section 450A of the District of Co-*  
 18       *lumbia Home Rule Act (sec. 1–204.50A, D.C. Official Code)*  
 19       *is amended—*

20                *(1) by redesignating subsection (c) as subsection*  
 21                *(d); and*

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

1       “(c) *ADDITIONAL AUTHORITY TO ALLOCATE*  
2 *AMOUNTS.*—

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

11               “(2) *LIMITS ON AMOUNT ALLOCATED.*—

12                       “(A) *AMOUNT OF INDIVIDUAL ALLOCA-*  
13 *TION.*—*The amount of an allocation made from*  
14 *the emergency reserve fund or the contingency re-*  
15 *serve fund pursuant to the authority of this sub-*  
16 *section may not exceed 50 percent of the balance*  
17 *of the fund involved at the time the allocation is*  
18 *made.*

19                       “(B) *AGGREGATE AMOUNT ALLOCATED.*—  
20 *The aggregate amount allocated from the emer-*  
21 *gency reserve fund or the contingency reserve*  
22 *fund pursuant to the authority of this subsection*  
23 *during a fiscal year may not exceed 50 percent*  
24 *of the balance of the fund involved as of the first*  
25 *day of such fiscal year.*

1           “(3) *REPLENISHMENT.*—*If the District of Co-*  
 2           *lumbia allocates any amounts from a reserve fund*  
 3           *pursuant to the authority of this subsection during a*  
 4           *fiscal year, the District shall fully replenish the fund*  
 5           *for the amounts allocated not later than the earlier*  
 6           *of—*

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

10                   “(B) *the last day of the fiscal year.*”

11           “(4) *EFFECTIVE DATE.*—*This subsection shall*  
 12           *apply with respect to fiscal year 2006 and each suc-*  
 13           *ceeding fiscal year.”*

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

16                   (1) *EMERGENCY RESERVE FUND.*—*Section*  
 17                   *450A(a)(7) of such Act (sec. 1–204.50A(a)(7), D.C.*  
 18                   *Official Code) is amended—*

19                           (A) *by striking “(7) REPLENISHMENT.—*  
 20                           *The District of Columbia” and inserting the fol-*  
 21                           *lowing:*

22                           “(7) *REPLENISHMENT.*—

23                                   “(A) *IN GENERAL.*—*The District of Colum-*  
 24                                   *bia”; and*

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

3           “*(B) SPECIAL RULE FOR REPLENISHMENT*  
4           *AFTER ALLOCATION FOR CASH FLOW MANAGE-*  
5           *MENT.—*

6                   “*(i) IN GENERAL.—If the District allo-*  
7                   *cates amounts from the emergency reserve*  
8                   *fund during a fiscal year for cash flow*  
9                   *management purposes pursuant to the au-*  
10                   *thority of subsection (c) and at any time*  
11                   *afterwards during the year makes a subse-*  
12                   *quent allocation from the fund for purposes*  
13                   *of this subsection, and if as a result of the*  
14                   *subsequent allocation the balance of the*  
15                   *fund is reduced to an amount which is less*  
16                   *than 50 percent of the balance of the fund*  
17                   *as of the first day of the fiscal year, the Dis-*  
18                   *trict shall replenish the fund by such*  
19                   *amount as may be required to restore the*  
20                   *balance to an amount which is equal to 50*  
21                   *percent of the balance of the fund as of the*  
22                   *first day of the fiscal year.*

23                   “*(ii) DEADLINE.—The District shall*  
24                   *carry out any replenishment required under*  
25                   *clause (i) as a result of a subsequent alloca-*

1            *tion described in such clause not later than*  
2            *the expiration of the 60-day period which*  
3            *begins on the date of the subsequent alloca-*  
4            *tion.”.*

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

8                    (A) *by striking “(6) REPLENISHMENT.—*  
9                    *The District of Columbia” and inserting the fol-*  
10                   *lowing:*

11                   “(6) *REPLENISHMENT.—*

12                        (A) *IN GENERAL.—The District of Colum-*  
13                        *bia”; and*

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

16                        “(B) *SPECIAL RULE FOR REPLENISHMENT*  
17                        *AFTER ALLOCATION FOR CASH FLOW MANAGE-*  
18                        *MENT.—*

19                                (i) *IN GENERAL.—If the District allo-*  
20                                *cates amounts from the contingency reserve*  
21                                *fund during a fiscal year for cash flow*  
22                                *management purposes pursuant to the au-*  
23                                *thority of subsection (c) and at any time*  
24                                *afterwards during the year makes a subse-*  
25                                *quent allocation from the fund for purposes*

1           of this subsection, and if as a result of the  
2           subsequent allocation the balance of the  
3           fund is reduced to an amount which is less  
4           than 50 percent of the balance of the fund  
5           as of the first day of the fiscal year, the Dis-  
6           trict shall replenish the fund by such  
7           amount as may be required to restore the  
8           balance to an amount which is equal to 50  
9           percent of the balance of the fund as of the  
10          first day of the fiscal year.

11           “(ii) *DEADLINE.*—*The District shall*  
12          *carry out any replenishment required under*  
13          *clause (i) as a result of a subsequent alloca-*  
14          *tion described in such clause not later than*  
15          *the expiration of the 60-day period which*  
16          *begins on the date of the subsequent alloca-*  
17          *tion.”.*

18 **SEC. 103. AUTHORITY OF MAYOR OF DISTRICT OF COLUM-**  
19 **BIA TO APPOINT MEMBERS OF PUBLIC CHAR-**  
20 **TER SCHOOL BOARD.**

21           (a) *APPOINTMENT OF MEMBERS.*—*Section 2214(a)(2)*  
22 *of the District of Columbia School Reform Act of 1995 (sec.*  
23 *38–1802.14(a)(2), D.C. Official Code) is amended by strik-*  
24 *ing “The Secretary of Education” and all that follows*  
25 *through “represented on the Board:” and inserting the fol-*

1 *lowing: “The Board shall consist of 7 individuals appointed*  
2 *by the Mayor in consultation with the District of Columbia*  
3 *Council who are determined by the Mayor to be qualified*  
4 *to serve on the Board, so that a knowledge of each of the*  
5 *following areas is represented:”.*

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

9 “(3) *VACANCIES.*—When a vacancy occurs in the  
10 *membership of the Board for reasons other than the*  
11 *expiration of the term of a member, the Mayor, in*  
12 *consultation with the District of Columbia Council,*  
13 *shall appoint an individual to fill the vacancy taking*  
14 *into consideration the criteria described in paragraph*  
15 *(2). Any individual appointed to fill a vacancy occur-*  
16 *ring prior to the expiration of the term of a prede-*  
17 *cessor shall be appointed only for the remainder of*  
18 *that term.”.*

19 (c) *CONFORMING AMENDMENT.*—Section 2214(a) of  
20 *such Act (sec. 38–1802.14(a), D.C. Official Code) is amend-*  
21 *ed—*

22 (1) *by striking paragraph (4); and*

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



1 *Columbia for the purpose of establishing uniform insurance*  
 2 *product regulations among the participating states.*

3       (b) *DELEGATION.*—*Any insurance product regulation*  
 4 *compact that the Council of the District of Columbia au-*  
 5 *thorizes the Mayor to execute on behalf of the District may*  
 6 *contain provisions that delegate the requisite power and au-*  
 7 *thority to the joint state commission to achieve the purposes*  
 8 *for which the interstate compact is established.*

9       ***Subtitle B—District of Columbia***  
 10                                   ***Courts***

11 ***SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF***  
 12                                   ***WILLS.***

13       (a) *REVISION OF DUTIES.*—*Section 11–2104(b), Dis-*  
 14 *trict of Columbia Official Code, is amended to read as fol-*  
 15 *lows:*

16       “(b) *In matters over which the Superior Court has pro-*  
 17 *bate jurisdiction or powers, the Register of Wills shall—*

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

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

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

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

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

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

8           (b) *REPEAL OF PENALTIES.*—

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

11           (A) in the heading, by striking “; **pen-**  
12           **alties**”; and

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

14           (2) *CLERICAL AMENDMENT.*—The item relating  
15          to section 11–2104 in the table of sections for chapter  
16          21 of title 11, District of Columbia Official Code, is  
17          amended by striking “; penalties”.

18           (c) *RECORD OF CLAIMS AGAINST NONRESIDENT DECE-*  
19          *DENTS.*—Section 20–343(d), District of Columbia Official  
20          Code, is amended by striking the second sentence and insert-  
21          ing the following: “The Register shall record all such claims  
22          and releases.”.

1 **SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NON-**  
2 **JUDICIAL EMPLOYEES.**

3 (a) *IN GENERAL.*—The second sentence of section 11–  
4 1726(a), *District of Columbia Official Code*, is amended by  
5 striking “pay fixed by administrative action in section  
6 5373” and inserting “maximum pay in section 5382(a)”.

7 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
8 section (a) shall apply with respect to pay periods begin-  
9 ning on or after the date of the enactment of this Act.

10 **SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PRO-**  
11 **VIDING SERVICES TO INDIGENT DEFEND-**  
12 **ANTS.**

13 (a) *IN GENERAL.*—Section 11–2605, *District of Co-*  
14 *lumbia Official Code*, is amended—

15 (1) by striking subsection (b);

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

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

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

1 **SEC. 114. AUTHORITY OF COURTS TO CONDUCT PRO-**  
2 **CEEDINGS OUTSIDE OF DISTRICT OF COLUM-**  
3 **BIA DURING EMERGENCIES.**

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

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

8 **“§ 11–710. Emergency authority to conduct pro-**  
9 **ceedings outside District of Columbia.**

10 *“The court may hold special sessions at any place out-*  
11 *side the District of Columbia as the nature of the business*  
12 *may require and upon such notice as the court orders, upon*  
13 *a finding by either the chief judge of the court (or, if the*  
14 *chief judge is unavailable, the most senior available active*  
15 *judge of the court) or the Joint Committee on Judicial Ad-*  
16 *ministration of the District of Columbia that, because of*  
17 *emergency conditions, no location within the District of Co-*  
18 *lumbia is reasonably available where such special sessions*  
19 *could be held. The court may transact any business at a*  
20 *special session authorized pursuant to this section which*  
21 *it has the authority to transact at a regular session.”.*

22 (2) *CLERICAL AMENDMENT.*—The table of con-  
23 tents of chapter 7 of title 11, District of Columbia Of-  
24 ficial Code, is amended by adding at the end of the  
25 items relating to subchapter I the following:

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

1           (b) *SUPERIOR COURT OF THE DISTRICT OF COLUM-*  
2 *BIA.*—

3                   (1) *IN GENERAL.*—*Subchapter I of chapter 9 of*  
4 *title 11, District of Columbia Official Code, is amend-*  
5 *ed by adding at the end the following new section:*

6 **“§ 11–911. *Emergency authority to conduct pro-***  
7 ***ceedings outside District of Columbia.***

8           *“The Superior Court may hold special sessions at any*  
9 *place outside the District of Columbia as the nature of the*  
10 *business may require and upon such notice as the Superior*  
11 *Court orders, upon a finding by either the chief judge of*  
12 *the Superior Court (or, if the chief judge is unavailable,*  
13 *the most senior available active judge of the Superior Court)*  
14 *or the Joint Committee on Judicial Administration of the*  
15 *District of Columbia that, because of emergency conditions,*  
16 *no location within the District of Columbia is reasonably*  
17 *available where such special sessions could be held. The Su-*  
18 *perior Court may transact any business at a special session*  
19 *authorized pursuant to this section which it has the author-*  
20 *ity to transact at a regular session, including business re-*  
21 *quiring the summoning of jurors from within the District*  
22 *of Columbia to the location outside the District of Columbia*  
23 *at which the special session is held.”.*

1           (2) *CLERICAL AMENDMENT.*—*The table of con-*  
 2           *tents of chapter 9 of title 11, District of Columbia Of-*  
 3           *ficial Code, is amended by adding at the end of the*  
 4           *items relating to subchapter I the following:*

          “11–911. *Emergency authority to conduct proceedings outside District of Colum-*  
           *bia.*”.

5   **SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER**  
 6                           **SUPERVISION AGENCY TO USE SERVICES OF**  
 7                           **VOLUNTEERS.**

8           *Section 11233 of the National Capital Revitalization*  
 9           *and Self-Government Improvement Act of 1997 (sec. 24–*  
 10          *133, D.C. Official Code) is amended by adding at the end*  
 11          *the following new subsection:*

12          “(g) *AUTHORITY TO USE SERVICES OF VOLUN-*  
 13          *TEERS.*—

14                 “(1) *IN GENERAL.*—*The Agency (including any*  
 15                 *independent entity within the Agency) may accept the*  
 16                 *services of volunteers and provide for their incidental*  
 17                 *expenses to carry out any activity of the Agency ex-*  
 18                 *cept policy-making.*

19                 “(2) *APPLICABILITY OF WORKER’S COMPENSA-*  
 20                 *TION RULES TO VOLUNTEERS.*—*Any volunteer whose*  
 21                 *services are accepted pursuant to this subsection shall*  
 22                 *be considered an employee of the United States Gov-*  
 23                 *ernment in providing the services for purposes of*

1       *chapter 81 of title 5, United States Code (relating to*  
 2       *compensation for work injuries).’.*

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

4       *(a) CORRECTIONS RELATING TO DISTRICT OF COLUM-*  
 5       *BIA APPROPRIATIONS ACT, 2005.—*

6               *(1) IN GENERAL.—Section 329 of the District of*  
 7       *Columbia Appropriations Act, 2005 (Public Law*  
 8       *108–335; 118 Stat. 1345), is amended to read as fol-*  
 9       *lows:*

10       “*SEC. 329. (a) APPROVAL OF BONDS BY JOINT COM-*  
 11       *MITTEE ON JUDICIAL ADMINISTRATION.—Section 11–*  
 12       *1701(b), District of Columbia Official Code, is amended by*  
 13       *striking paragraph (5).*

14       “*(b) EXECUTIVE OFFICER.—*

15               “*(1) IN GENERAL.—Section 11–1704, District of*  
 16       *Columbia Official Code, is amended to read as fol-*  
 17       *lows:*

18       **‘§ 11–1704. Oath of Executive Officer.**

19       ‘*The Executive Officer shall take an oath or affirma-*  
 20       ‘*tion for the faithful and impartial discharge of the duties*  
 21       ‘*of that office.’.*

22               “*(2) CLERICAL AMENDMENT.—The table of sec-*  
 23       ‘*tions for chapter 17 of title 11, District of Columbia*  
 24       ‘*Official Code, is amended by amending the item re-*  
 25       ‘*lating to section 11–1704 to read as follows:*

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

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

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

4               “(2) by striking subsection (b); and

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

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

10       “(e) *REGISTER OF WILLS.*—

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

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

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

17                       “(C) by striking the third sentence of sub-  
18 section (a).

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

23               (2) *CLERICAL AMENDMENT.*—The table of sec-  
24 tions for chapter 17 of title 11, District of Columbia

1        *Official Code, is amended by amending the item re-*  
 2        *lating to section 11–1728 to read as follows:*

*“11–1728. Recruitment and training of personnel and travel.”.*

3            (3) *EFFECTIVE DATE.*—*The amendments made*  
 4        *by this subsection shall take effect as if included in*  
 5        *the enactment of the District of Columbia Appropria-*  
 6        *tions Act, 2005.*

7            (b) *CORRECTIONS RELATING TO DISTRICT OF COLUM-*  
 8        *BIA APPROPRIATIONS ACT, 2002.*—

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

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

16        ***Subtitle C—Other Miscellaneous***  
 17        ***Technical Corrections***

18        ***SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHOR-***  
 19        ***IZATION ACT.***

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



1           (1) *The second undesignated paragraph of the*  
2 *first section of the Federal Reserve Act (12 U.S.C.*  
3 *221) is amended by adding at the end the following:*  
4 *“For purposes of this Act, a State bank includes any*  
5 *bank which is operating under the Code of Law for*  
6 *the District of Columbia.”.*

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

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

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

17           (2) *by striking “, and (2) any bank or trust*  
18 *company located in the District of Columbia and op-*  
19 *erating under the supervision of the Comptroller of*  
20 *the Currency”.*

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

1           (1) in paragraph (1) of section 731 (12 U.S.C.  
2           216(1)) by striking “and closed banks in the District  
3           of Columbia”; and

4           (2) in paragraph (2) of section 732 (12 U.S.C.  
5           216a(2)) by striking “or closed banks in the District  
6           of Columbia”.

7           (d) *FEDERAL DEPOSIT INSURANCE ACT.*—Section  
8           3(a)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C.  
9           1813(a)(2)(B)) is amended by striking “(except a national  
10          bank)”.

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

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

22          (g) *FEDERAL TRADE COMMISSION ACT.*—Section  
23          18(f)(2) of the Federal Trade Commission Act (15 U.S.C.  
24          57a(f)(2)) is amended—



1           “(A) *OFFICE OF BUDGET AND PLANNING.*—  
2           *The name of the Office of Budget and Manage-*  
3           *ment, established by Commissioner’s Order 69–*  
4           *96, issued March 7, 1969, is changed to the Of-*  
5           *fice of Budget and Planning.*

6           “(B) *OFFICE OF TAX AND REVENUE.*—*The*  
7           *name of the Department of Finance and Rev-*  
8           *enue, established by Commissioner’s Order 69–*  
9           *96, issued March 7, 1969, is changed to the Of-*  
10          *fice of Tax and Revenue.*

11          “(C) *OFFICE OF FINANCE AND TREASURY.*—  
12          *The name of the Office of Treasurer, established*  
13          *by Mayor’s Order 89–244, dated October 23,*  
14          *1989, is changed to the Office of Finance and*  
15          *Treasury.*

16          “(D) *OFFICE OF FINANCIAL OPERATIONS*  
17          *AND SYSTEMS.*—*The Office of the Controller, es-*  
18          *tablished by Mayor’s Order 89–243, dated Octo-*  
19          *ber 23, 1989, and the Office of Financial Infor-*  
20          *mation Services, established by Mayor’s Order*  
21          *89–244, dated October 23, 1989, are consolidated*  
22          *into the Office of Financial Operations and Sys-*  
23          *tems.*

24          “(3) *TRANSFERS.*—*Effective with the appoint-*  
25          *ment of the first Chief Financial Officer under sub-*

1        *section (b), the functions and personnel of the fol-*  
2        *lowing offices are established as subordinate offices*  
3        *within the Office:*

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

7                *“(B) The Office of Tax and Revenue, headed*  
8                *by the Deputy Chief Financial Officer for the Of-*  
9                *fice of Tax and Revenue.*

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

13               *“(D) The Office of Financial Operations*  
14               *and Systems, headed by the Deputy Chief Finan-*  
15               *cial Officer for the Office of Financial Oper-*  
16               *ations and Systems.*

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

19               *“(F) The Lottery and Charitable Games*  
20               *Control Board, established by the Law to Legal-*  
21               *ize Lotteries, Daily Numbers Games, and Bingo*  
22               *and Raffles for Charitable Purposes in the Dis-*  
23               *trict of Columbia, effective March 10, 1981 (D.C.*  
24               *Law 3–172; D.C. Official Code § 3–1301 et seq.).*

1           “(4) *SUPERVISOR.*—*The heads of the offices list-*  
2           *ed in paragraph (3) of this section shall serve at the*  
3           *pleasure of the Chief Financial Officer.*

4           “(5) *APPOINTMENT AND REMOVAL OF OFFICE*  
5           *EMPLOYEES.*—*The Chief Financial Officer shall ap-*  
6           *point the heads of the subordinate offices designated*  
7           *in paragraph (3), after consultation with the Mayor*  
8           *and the Council. The Chief Financial Officer may re-*  
9           *move the heads of the offices designated in paragraph*  
10           *(3), after consultation with the Mayor and the Coun-*  
11           *cil.*

12           “(6) *ANNUAL BUDGET SUBMISSION.*—*The Chief*  
13           *Financial Officer shall prepare and annually submit*  
14           *to the Mayor of the District of Columbia, for inclu-*  
15           *sion in the annual budget of the District of Columbia*  
16           *government for a fiscal year, annual estimates of the*  
17           *expenditures and appropriations necessary for the*  
18           *year for the operation of the Office and all other Dis-*  
19           *trict of Columbia accounting, budget, and financial*  
20           *management personnel (including personnel of execu-*  
21           *tive branch independent agencies) that report to the*  
22           *Office pursuant to this Act.*

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

25           “(1) *APPOINTMENT.*—

1           “(A) *IN GENERAL.*—*The Chief Financial*  
2           *Officer shall be appointed by the Mayor with the*  
3           *advice and consent, by resolution, of the Council.*  
4           *Upon confirmation by the Council, the name of*  
5           *the Chief Financial Officer shall be submitted to*  
6           *the Committees on Appropriations of the House*  
7           *of Representatives and Senate, the Committee on*  
8           *Government Reform of the House of Representa-*  
9           *tives, and the Committee on Homeland Security*  
10           *and Governmental Affairs of the Senate for a 30-*  
11           *day period of review and comment before the ap-*  
12           *pointment takes effect.*

13           “(B) *SPECIAL RULE FOR CONTROL*  
14           *YEARS.*—*During a control year, the Chief Finan-*  
15           *cial Officer shall be appointed by the Mayor as*  
16           *follows:*

17                   “(i) *Prior to the appointment, the Au-*  
18                   *thority may submit recommendations for*  
19                   *the appointment to the Mayor.*

20                   “(ii) *In consultation with the Author-*  
21                   *ity and the Council, the Mayor shall nomi-*  
22                   *nate an individual for appointment and no-*  
23                   *tify the Council of the nomination.*

24                   “(iii) *After the expiration of the 7-day*  
25                   *period which begins on the date the Mayor*

1           *notifies the Council of the nomination*  
2           *under clause (ii), the Mayor shall notify the*  
3           *Authority of the nomination.*

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

7           “(2) *TERM.—*

8           “(A) *IN GENERAL.—All appointments made*  
9           *after June 30, 2007, shall be for a term of 5*  
10          *years, except for appointments made for the re-*  
11          *mainder of unexpired terms. The appointments*  
12          *shall have an anniversary date of July 1.*

13          “(B) *TRANSITION.—For purposes of this*  
14          *section, the individual serving as Chief Finan-*  
15          *cial Officer as of the date of enactment of the*  
16          *2005 District of Columbia Omnibus Authoriza-*  
17          *tion Act shall be deemed to have been appointed*  
18          *under this subsection, except that such individ-*  
19          *ual’s initial term of office shall begin upon such*  
20          *date and shall end on June 30, 2007.*

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

24          “(D) *VACANCIES.—Any vacancy in the Of-*  
25          *fice of Chief Financial Officer shall be filled in*

1           *the same manner as the original appointment*  
2           *under paragraph (1).*

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

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

8           “(1) *IN GENERAL.—The Chief Financial Officer*  
9           *may only be removed for cause by the Mayor, subject*  
10          *to the approval of the Council by a resolution ap-*  
11          *proved by not fewer than  $\frac{2}{3}$  of the members of the*  
12          *Council. After approval of the resolution by the Coun-*  
13          *cil, notice of the removal shall be submitted to the*  
14          *Committees on Appropriations of the House of Rep-*  
15          *resentatives and Senate, the Committee on Govern-*  
16          *ment Reform of the House of Representatives, and the*  
17          *Committee on Homeland Security and Governmental*  
18          *Affairs of the Senate for a 30-day period of review*  
19          *and comment before the removal takes effect.*

20          “(2) *SPECIAL RULE FOR CONTROL YEARS.—Dur-*  
21          *ing a control year, the Chief Financial Officer may*  
22          *be removed for cause by the Authority or by the*  
23          *Mayor with the approval of the Authority.*

24          “(d) *DUTIES OF THE CHIEF FINANCIAL OFFICER.—*

25          *Notwithstanding any provisions of this Act which grant au-*

1 *thority to other entities of the District government, the Chief*  
2 *Financial Officer shall have the following duties and shall*  
3 *take such steps as are necessary to perform these duties:*

4           “(1) *During a control year, preparing the finan-*  
5 *cial plan and the budget for the use of the Mayor for*  
6 *purposes of subtitle A of title II of the District of Co-*  
7 *lumbia Financial Responsibility and Management*  
8 *Assistance Act of 1995.*

9           “(2) *Preparing the budgets of the District of Co-*  
10 *lumbia for the year for the use of the Mayor for pur-*  
11 *poses of part D and preparing the 5-year financial*  
12 *plan based upon the adopted budget for submission*  
13 *with the District of Columbia budget by the Mayor to*  
14 *Congress.*

15           “(3) *During a control year, assuring that all fi-*  
16 *nancial information presented by the Mayor is pre-*  
17 *sented in a manner, and is otherwise consistent with,*  
18 *the requirements of the District of Columbia Finan-*  
19 *cial Responsibility and Management Assistance Act of*  
20 *1995.*

21           “(4) *Implementing appropriate procedures and*  
22 *instituting such programs, systems, and personnel*  
23 *policies within the Chief Financial Officer’s author-*  
24 *ity, to ensure that budget, accounting, and personnel*  
25 *control systems and structures are synchronized for*

1 *budgeting and control purposes on a continuing basis*  
2 *and to ensure that appropriations are not exceeded.*

3 *“(5) Preparing and submitting to the Mayor and*  
4 *the Council, with the approval of the Authority dur-*  
5 *ing a control year, and making public—*

6 *“(A) annual estimates of all revenues of the*  
7 *District of Columbia (without regard to the*  
8 *source of such revenues), including proposed rev-*  
9 *enues, which shall be binding on the Mayor and*  
10 *the Council for purposes of preparing and sub-*  
11 *mitting the budget of the District government for*  
12 *the year under part D of this title, except that*  
13 *the Mayor and the Council may prepare the*  
14 *budget based on estimates of revenues which are*  
15 *lower than those prepared by the Chief Financial*  
16 *Officer; and*

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

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

22 *“(7) Maintaining systems of accounting and in-*  
23 *ternal control designed to provide—*

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

1           “(B) adequate financial information needed  
2           by the District government for management pur-  
3           poses;

4           “(C) effective control over, and account-  
5           ability for, all funds, property, and other assets  
6           of the District of Columbia; and

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

11          “(8) Submitting to the Council a financial state-  
12          ment of the District government, containing such de-  
13          tails and at such times as the Council may specify.

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

20          “(10) Supervising and assuming responsibility  
21          for the levying and collection of all taxes, special as-  
22          sessments, licensing fees, and other revenues of the  
23          District of Columbia (as may be required by law),  
24          and receiving all amounts paid to the District of Co-  
25          lumbia from any source (including the Authority).

1           “(11) *Maintaining custody of all public funds*  
2           *belonging to or under the control of the District gov-*  
3           *ernment (or any department or agency of the District*  
4           *government), and depositing all amounts paid in*  
5           *such depositories and under such terms and condi-*  
6           *tions as may be designated by the Council (or by the*  
7           *Authority during a control year).*

8           “(12) *Maintaining custody of all investment and*  
9           *invested funds of the District government or in posses-*  
10          *sion of the District government in a fiduciary capac-*  
11          *ity, and maintaining the safekeeping of all bonds and*  
12          *notes of the District government and the receipt and*  
13          *delivery of District government bonds and notes for*  
14          *transfer, registration, or exchange.*

15          “(13) *Apportioning the total of all appropria-*  
16          *tions and funds made available during the year for*  
17          *obligation so as to prevent obligation or expenditure*  
18          *in a manner which would result in a deficiency or a*  
19          *need for supplemental appropriations during the*  
20          *year, and (with respect to appropriations and funds*  
21          *available for an indefinite period and all authoriza-*  
22          *tions to create obligations by contract in advance of*  
23          *appropriations) apportioning the total of such appro-*  
24          *priations, funds, or authorizations in the most effec-*  
25          *tive and economical manner.*

1           “(14) *Certifying all contracts and leases (wheth-*  
2           *er directly or through delegation) prior to execution*  
3           *as to the availability of funds to meet the obligations*  
4           *expected to be incurred by the District government*  
5           *under such contracts and leases during the year.*

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

9           “(16) *Certifying and approving prior to pay-*  
10          *ment of all bills, invoices, payrolls, and other evi-*  
11          *dences of claims, demands, or charges against the Dis-*  
12          *trict government, and determining the regularity, le-*  
13          *gality, and correctness of such bills, invoices, payrolls,*  
14          *claims, demands, or charges.*

15          “(17) *In coordination with the Inspector General*  
16          *of the District of Columbia, performing internal au-*  
17          *dits of accounts and operations and records of the*  
18          *District government, including the examination of*  
19          *any accounts or records of financial transactions, giv-*  
20          *ing due consideration to the effectiveness of account-*  
21          *ing systems, internal control, and related administra-*  
22          *tive practices of the departments and agencies of the*  
23          *District government.*

1           “(18) *Exercising responsibility for the adminis-*  
2           *tration and supervision of the District of Columbia*  
3           *Treasurer.*

4           “(19) *Supervising and administering all bor-*  
5           *rowing programs for the issuance of long-term and*  
6           *short-term indebtedness, as well as other financing-re-*  
7           *lated programs of the District government.*

8           “(20) *Administering the cash management pro-*  
9           *gram of the District government, including the invest-*  
10          *ment of surplus funds in governmental and non-gov-*  
11          *ernmental interest-bearing securities and accounts.*

12          “(21) *Administering the centralized District gov-*  
13          *ernment payroll and retirement systems (other than*  
14          *the retirement system for police officers, fire fighters,*  
15          *and teachers).*

16          “(22) *Governing the accounting policies and sys-*  
17          *tems applicable to the District government.*

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

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

1           “(25) *Preparing fiscal impact statements on reg-*  
2           *ulations, multiyear contracts, contracts over*  
3           *\$1,000,000 and on legislation, as required by section*  
4           *4a of the General Legislative Procedures Act of 1975.*

5           “(26) *Preparing under the direction of the*  
6           *Mayor, who has the specific responsibility for formu-*  
7           *lating budget policy using Chief Financial Officer*  
8           *technical and human resources, the budget for submis-*  
9           *sion by the Mayor to the Council and to the public*  
10          *and upon final adoption to Congress and to the pub-*  
11          *lic.*

12          “(27) *Certifying all collective bargaining agree-*  
13          *ments and nonunion pay proposals prior to submis-*  
14          *sion to the Council for approval as to the availability*  
15          *of funds to meet the obligations expected to be in-*  
16          *curring by the District government under such collec-*  
17          *tive bargaining agreements and nonunion pay pro-*  
18          *posals during the year.*

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

21                 “(1) *Assisting the Chief Financial Officer in re-*  
22                 *porting revenues received by the District government,*  
23                 *including submitting annual and quarterly reports*  
24                 *concerning the cash position of the District govern-*  
25                 *ment not later than 60 days after the last day of the*

1        *quarter (or year) involved. Each such report shall in-*  
2        *clude the following:*

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

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

19                *“(C) Quarterly cash flow forecast for the*  
20                *quarter or year involved, reflecting receipts, dis-*  
21                *bursements, net change in cash inclusive of the*  
22                *beginning balance, cash and investment, and the*  
23                *ending balance, inclusive of cash and investment*  
24                *with respect to the actual dollar amounts for the*

1           *quarter or year, and projected dollar amounts*  
2           *for each of the 3 succeeding quarters.*

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

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

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

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

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

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

23                             “(I) *comparisons of budgeted per-*  
24                             *centages of total cash to be invested*

1                   *with actual percentages of cash in-*  
2                   *vested and the dollar amounts;*

3                   “*(II) comparisons of the next re-*  
4                   *turn on invested cash expressed in per-*  
5                   *centages (yield) with comparable mar-*  
6                   *ket indicators and established District*  
7                   *of Columbia government yield objec-*  
8                   *tives; and*

9                   “*(III) comparisons of estimated*  
10                  *dollar return against actual dollar*  
11                  *yield.*

12                  “*(E) Monthly reports reflecting a detailed*  
13                  *summary analysis of long-term and short-term*  
14                  *borrowings inclusive of debt as authorized by sec-*  
15                  *tion 603, 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 re-*  
18                  *flect—*

19                  “*(i) the amount of debt outstanding by*  
20                  *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 require-  
5                   ments and related debt service reserves.

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

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

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

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

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

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

23                   (1) RELATION TO FINANCIAL DUTIES OF  
24                   MAYOR.—Section 448(a) of such Act (section 1–  
25                   204.48(a), D.C. Official Code) is amended by striking

1       “section 603,” and inserting “section 603 and except  
2       to the extent provided under section 424(d),”.

3               (2) *RELATION TO MAYOR’S DUTIES REGARDING*  
4       *ACCOUNTING SUPERVISION AND CONTROL.*—Section  
5       449 of such Act (section 1–204.49, D.C. Official Code)  
6       is amended by striking “The Mayor” and inserting  
7       “Except to the extent provided under section 424(d),  
8       the Mayor”.

9       **SEC. 202. PERSONNEL AUTHORITY.**

10       (a) *PROVIDING INDEPENDENT PERSONNEL AUTHOR-*  
11       *ITY.*—

12               (1) *IN GENERAL.*—Part B of title IV of the Dis-  
13       trict of Columbia Home Rule Act is amended by add-  
14       ing at the end the following new section:

15       “*AUTHORITY OF CHIEF FINANCIAL OFFICER OVER*  
16       *PERSONNEL OF OFFICE AND OTHER FINANCIAL PERSONNEL*  
17       “*SEC. 424a. (a) IN GENERAL.*—Notwithstanding any  
18       provision of law or regulation (including any law or regu-  
19       lation providing for collective bargaining or the enforce-  
20       ment of any collective bargaining agreement), employees of  
21       the Office of the Chief Financial Officer of the District of  
22       Columbia, including personnel described in subsection (b),  
23       shall be appointed by, shall serve at the pleasure of, and  
24       shall act under the direction and control of the Chief Finan-  
25       cial Officer of the District of Columbia, and shall be consid-  
26       ered at-will employees not covered by the District of Colum-

1 *bia Merit Personnel Act of 1978, except that nothing in this*  
2 *section may be construed to prohibit the Chief Financial*  
3 *Officer from entering into a collective bargaining agreement*  
4 *governing such employees and personnel or to prohibit the*  
5 *enforcement of such an agreement as entered into by the*  
6 *Chief Financial Officer.*

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

9               “(1) *The General Counsel to the Chief Financial*  
10 *Officer and all other attorneys in the Office of the*  
11 *General Counsel within the Office of the Chief Finan-*  
12 *cial Officer of the District of Columbia, together with*  
13 *all other personnel of the Office.*

14               “(2) *All other individuals hired or retained as*  
15 *attorneys by the Chief Financial Officer or any office*  
16 *under the personnel authority of the Chief Financial*  
17 *Officer, each of whom shall act under the direction*  
18 *and control of the General Counsel to the Chief Fi-*  
19 *nancial Officer.*

20               “(3) *The heads and all personnel of the subordi-*  
21 *nate offices of the Office (as described in section*  
22 *424(a)(2) and established as subordinate offices in*  
23 *section 424(a)(3)) and the Chief Financial Officers,*  
24 *Agency Fiscal Officers, and Associate Chief Financial*  
25 *Officers of all District of Columbia executive branch*

1        *subordinate and independent agencies (in accordance*  
2        *with subsection (c)), together with all other District of*  
3        *Columbia accounting, budget, and financial manage-*  
4        *ment personnel (including personnel of executive*  
5        *branch independent agencies, but not including per-*  
6        *sonnel of the legislative or judicial branches of the*  
7        *District government).*

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

10            *“(1) IN GENERAL.—The Chief Financial Officers*  
11            *and Associate Chief Financial Officers of all District*  
12            *of Columbia executive branch subordinate and inde-*  
13            *pendent agencies (other than those of a subordinate*  
14            *office of the Office) shall be appointed by the Chief Fi-*  
15            *nancial Officer, in consultation with the agency head,*  
16            *where applicable. The appointment shall be made*  
17            *from a list of qualified candidates developed by the*  
18            *Chief Financial Officer.*

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

24            *“(d) INDEPENDENT AUTHORITY OVER LEGAL PER-*  
25            *SONNEL.—Title VIII–B of the District of Columbia Govern-*

1 *ment Comprehensive Merit Personnel Act of 1978 (sec. 1–*  
 2 *608.51 et seq., D.C. Official Code) shall not apply to the*  
 3 *Office of the Chief Financial Officer or to attorneys em-*  
 4 *ployed by the Office.”.*

5 (2) *CLERICAL AMENDMENT.—The table of con-*  
 6 *tents of part B of title IV of the District of Columbia*  
 7 *Home Rule Act is amended by adding at the end the*  
 8 *following new item:*

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

9 (b) *CONFORMING AMENDMENT.—Section 862 of the*  
 10 *District of Columbia Government Comprehensive Merit*  
 11 *Personnel Act of 1978 (D.C. Law 2–260; D.C. Official Code*  
 12 *§ 1–608.62) is amended by striking paragraph (2).*

13 **SEC. 203. PROCUREMENT AUTHORITY.**

14 (a) *PROVIDING INDEPENDENT AUTHORITY TO PRO-*  
 15 *CURE GOODS AND SERVICES.—*

16 (1) *IN GENERAL.—Part B of title IV of the Dis-*  
 17 *trict of Columbia Home Rule Act, as amended by sec-*  
 18 *tion 203(a)(1), is further amended by adding at the*  
 19 *end the following new section:*

20 *“PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL*  
 21 *OFFICER*

22 *“SEC. 424b. The Chief Financial Officer shall carry*  
 23 *out procurement of goods and services for the Office of the*  
 24 *Chief Financial Officer through a procurement office or di-*

1 *vision which shall operate independently of, and shall not*  
2 *be governed by, the Office of Contracting and Procurement*  
3 *established under the District of Columbia Procurement*  
4 *Practices Act of 1985 or any successor office, except the pro-*  
5 *visions applicable under such Act to procurement carried*  
6 *out by the Chief Procurement Officer established by section*  
7 *105 of such Act or any successor office shall apply with*  
8 *respect to the procurement carried out by the Chief Finan-*  
9 *cial Officer’s procurement office or division.”.*

10 (2) *CLERICAL AMENDMENT.—The table of con-*  
11 *tents of part B of title IV of the District of Columbia*  
12 *Home Rule Act, as amended by section 203(a)(2), is*  
13 *further amended by adding at the end following new*  
14 *item:*

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

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

18 (1) *in subsection (a), by striking “and District*  
19 *of Columbia Advisory Neighborhood Commissions”*  
20 *and inserting the following: “District of Columbia*  
21 *Advisory Neighborhood Commissions, and (to the ex-*  
22 *tent described in section 424b of the District of Co-*  
23 *lumbia Home Rule Act) the Office of the Chief Finan-*  
24 *cial Officer of the District of Columbia”;* and

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

3           (c) *EFFECTIVE DATE.—This section and the amend-*  
4           *ments made by this section shall take effect 6 months after*  
5           *the date of enactment of this Act.*

6   **SEC. 204. FISCAL IMPACT STATEMENTS.**

7           *The General Legislative Procedures Act of 1975 (sec.*  
8           *1–301.45 et seq., D.C. Official Code) is amended by adding*  
9           *at the end the following new section:*

10                    “*FISCAL IMPACT STATEMENTS*

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

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

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

24                    “*(b) APPROPRIATIONS.—Permanent and emergency*  
25            *acts which are accompanied by fiscal impact statements*

1 *which reflect unbudgeted costs, shall be subject to appropri-*  
 2 *tions prior to becoming effective.*

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

6 **TITLE III—AUTHORIZATION OF**  
 7 **CERTAIN GENERAL APPRO-**  
 8 **PRIATIONS PROVISIONS**

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

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

16 “(3) *ACCEPTANCE OF GIFTS.—*

17 “(A) *AUTHORITY TO ACCEPT GIFTS.—Dur-*  
 18 *ing fiscal years 2006 through 2008, the Director*  
 19 *may accept and use gifts in the form of—*

20 “(i) *in-kind contributions of space and*  
 21 *hospitality to support offender and defend-*  
 22 *ant programs; and*

23 “(ii) *equipment and vocational train-*  
 24 *ing services to educate and train offenders*  
 25 *and defendants.*

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

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

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

16               “(d) *During fiscal years 2006 through 2008, the Serv-*  
17          *ice may charge fees to cover the costs of materials distrib-*  
18          *uted to attendees of educational events, including con-*  
19          *ferences, sponsored by the Service. Notwithstanding section*  
20          *3302 of title 31, United States Code, any amounts received*  
21          *as fees under this subsection shall be credited to the Service*  
22          *and available for use without further appropriation.*”

1 **SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EM-**  
2 **PLOYEES.**

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

6 **“SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL**  
7 **EMPLOYEES.**

8 *“Notwithstanding any other provision of law, rule, or*  
9 *regulation, during fiscal year 2006 and each succeeding fis-*  
10 *cal year the evaluation process and instruments for evalu-*  
11 *ating District of Columbia Public Schools employees shall*  
12 *be a non-negotiable item for collective bargaining pur-*  
13 *poses.”.*

14 **SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVI-**  
15 **SIONS OF MERIT PERSONNEL SYSTEM TO ALL**  
16 **DISTRICT EMPLOYEES.**

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

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

4           “(e) *Except as may be specifically provided, this chap-*  
 5 *ter does not apply for pay purposes to any employee of the*  
 6 *government of the District of Columbia during fiscal year*  
 7 *2006 or any succeeding fiscal year.”.*

8           **SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE**  
 9                                           **SOURCE CONTRACTS.**

10           *Section 305 of the District of Columbia Procurement*  
 11 *Practices Act of 1985 (sec. 2–303.05, D.C. Official Code)*  
 12 *is amended by adding at the end the following new sub-*  
 13 *section:*

14           “(b) *During fiscal years 2006 through 2008, a procure-*  
 15 *ment contract awarded through noncompetitive negotia-*  
 16 *tions in accordance with subsection (a) may be renewed or*  
 17 *extended only if the Chief Financial Officer of the District*  
 18 *of Columbia reviews the contract and certifies that the con-*  
 19 *tract was renewed or extended in accordance with duly pro-*  
 20 *mulgated rules and procedures.”.*

21           **SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT IN-**  
 22                                           **CLUDED IN ANNUAL BUDGET.**

23           (a) *AUTHORITY TO ACCEPT, OBLIGATE, AND EXPEND*  
 24 *AMOUNTS.*—*Subpart 1 of part D of title IV of the District*  
 25 *of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Of-*



1        *deemed to have reviewed and approved the acceptance,*  
2        *obligation, and expenditure of a grant if—*

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

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

14                *“(c) NO OBLIGATION OR EXPENDITURE PERMITTED IN*  
15                *ANTICIPATION OF RECEIPT OR APPROVAL.—No amount*  
16                *may be obligated or expended from the general fund or other*  
17                *funds of the District of Columbia government in anticipa-*  
18                *tion of the approval or receipt of a grant under subsection*  
19                *(b)(2) or in anticipation of the approval or receipt of a*  
20                *Federal, private, or other grant not subject to such sub-*  
21                *section.*

22                *“(d) ADJUSTMENTS TO ANNUAL BUDGET.—The Chief*  
23                *Financial Officer may adjust the budget for Federal, pri-*  
24                *vate, and other grants received by the District government*  
25                *reflected in the amounts provided in the budget approved*

1 *by Act of Congress under section 446, or approved and re-*  
 2 *ceived under subsection (b)(2) to reflect a change in the ac-*  
 3 *tual amount of the grant.*

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

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

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

17       “(c) *CLERICAL AMENDMENT.*—*The table of contents of*  
 18 *such Act, as amended by section 101(c), is amended by in-*  
 19 *serting after the item relating to section 446A the following*  
 20 *new item:*

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

21 **SEC. 306. STANDARDS FOR ANNUAL INDEPENDENT AUDIT.**

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

24           (1) *in subsection (a)(4), by striking the semi-*  
 25 *colon at the end and inserting the following: “, as au-*

1        *dated by the Inspector General of the District of Co-*  
2        *lumbia in accordance with subsection (c) in the case*  
3        *of fiscal years 2006 through 2008;”;* and

4                (2) *by adding at the end the following new sub-*  
5        *section:*

6                “(c) *The financial statement and report for a fiscal*  
7        *year prepared and submitted for purposes of subsection*  
8        *(a)(4) shall be audited by the Inspector General of the Dis-*  
9        *trict of Columbia (in coordination with the Chief Financial*  
10        *Officer of the District of Columbia) pursuant to section*  
11        *208(a)(4) of the District of Columbia Procurement Prac-*  
12        *tices Act of 1985, and shall include as a basic financial*  
13        *statement a comparison of audited actual year-end results*  
14        *with the revenues submitted in the budget document for such*  
15        *year and the appropriations enacted into law for such year*  
16        *using the format, terminology, and classifications contained*  
17        *in the law making the appropriations for the year and its*  
18        *legislative history.”.*

19        **SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAF-**  
20                                **FIC ALCOHOL LAWS FOR ENFORCEMENT AND**  
21                                **PROSECUTION OF LAWS.**

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

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

8 **SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES**  
9                   **BROUGHT UNDER INDIVIDUALS WITH DIS-**  
10                   **ABILITIES EDUCATION ACT.**

11       (a) *RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-*  
12 *CER.—Section 424(d) of the District of Columbia Home*  
13 *Rule Act (sec. 1–204.24(d), D.C. Official Code), as amended*  
14 *by section 201(a), is amended by adding at the end the fol-*  
15 *lowing new paragraph:*

16               “(28) *With respect to attorneys in special edu-*  
17 *cation cases brought under the Individuals with Dis-*  
18 *abilities Education Act in the District of Columbia*  
19 *during fiscal year 2006 and each succeeding fiscal*  
20 *year—*

21                   “(A) *requiring such attorneys to certify in*  
22 *writing that the attorney or representative of the*  
23 *attorney rendered any and all services for which*  
24 *the attorney received an award in such a case,*  
25 *including those received under a settlement*

1           *agreement or as part of an administrative pro-*  
2           *ceeding, from the District of Columbia;*

3           “(B) *requiring such attorneys, as part of*  
4           *the certification under subparagraph (A), to dis-*  
5           *close any financial, corporate, legal, membership*  
6           *on boards of directors, or other relationships*  
7           *with any special education diagnostic services,*  
8           *schools, or other special education service pro-*  
9           *viders to which the attorneys have referred any*  
10          *clients in any such cases; and*

11          “(C) *preparing and submitting quarterly*  
12          *reports to the Committees on Appropriations of*  
13          *the House of Representatives and Senate on the*  
14          *certification of and the amount paid by the gov-*  
15          *ernment of the District of Columbia, including*  
16          *the District of Columbia Public Schools, to such*  
17          *attorneys.”.*

18          **(b) INVESTIGATIONS BY INSPECTOR GENERAL.**—*Sec-*  
19          *tion 208(a)(3) of the District of Columbia Procurement*  
20          *Practices Act of 1985 (sec. 2–302.08(a)(3), D.C. Official*  
21          *Code) is amended by adding at the end the following new*  
22          *subparagraph:*

23          “(J) *During fiscal year 2006 and each suc-*  
24          *ceeding fiscal year, conduct investigations to deter-*  
25          *mine the accuracy of certifications made to the Chief*

1        *Financial Officer of the District of Columbia under*  
2        *section 424(d)(28) of the District of Columbia Home*  
3        *Rule Act of attorneys in special education cases*  
4        *brought under the Individuals with Disabilities Edu-*  
5        *cation Act in the District of Columbia.”.*

Calendar No. 146

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3508**

[Report No. 109-267]

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## **A BILL**

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

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NOVEMBER 3, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed