

109TH CONGRESS
1ST SESSION

S. 800

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

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2005

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. AKAKA, Ms. LANDRIEU, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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,*

3 **TITLE I—DISTRICT OF COLUM-**
4 **BIA BUDGET AUTONOMY ACT**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “District of Columbia
7 Budget Autonomy Act of 2005”.

1 **SEC. 102. ENACTMENT OF DISTRICT OF COLUMBIA LOCAL**
 2 **BUDGET.**

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

6 “ENACTMENT OF LOCAL BUDGET

7 “SEC. 446. (a) ADOPTION OF BUDGETS AND SUP-
 8 PLEMENTS.—The Council, within 56 calendar days after
 9 receipt of the budget proposal from the Mayor, and after
 10 public hearing, shall by Act adopt the annual budget for
 11 the District of Columbia government. Any supplements
 12 thereto shall also be adopted by Act by the Council after
 13 public hearing.

14 “(b) TRANSMISSION TO PRESIDENT DURING CON-
 15 TROL YEARS.—In the case of a budget for a fiscal year
 16 which is a control year, the budget so adopted shall be
 17 submitted by the Mayor to the President for transmission
 18 by him to the Congress, except that the Mayor shall not
 19 transmit any such budget, or amendments or supplements
 20 thereto, to the President until the completion of the budg-
 21 et procedures contained in this Act and the District of
 22 Columbia Financial Responsibility and Management As-
 23 sistance Act of 1995.

24 “(c) PROHIBITING OBLIGATIONS AND EXPENDI-
 25 TURES NOT AUTHORIZED UNDER BUDGET.—Except as
 26 provided in section 445A(b), section 467(d), section

1 471(c), section 472(d), section 475(e), section 483(d), and
2 subsections (f), (g), (h)(3), and (i)(3) of section 490, no
3 amount may be obligated or expended by any officer or
4 employee of the District of Columbia government unless—

5 “(1) such amount has been approved by an Act
6 of the Council (and then only in accordance with
7 such authorization) and a copy of such Act has been
8 transmitted by the Chairman to the Congress; or

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

13 “(d) RESTRICTIONS ON REPROGRAMMING OF
14 AMOUNTS.—After the adoption of the annual budget for
15 a fiscal year (beginning with the annual budget for fiscal
16 year 1995), no reprogramming of amounts in the budget
17 may occur unless the Mayor submits to the Council a re-
18 quest for such reprogramming and the Council approves
19 the request, but only if any additional expenditures pro-
20 vided under such request for an activity are offset by re-
21 ductions in expenditures for another activity.

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

1 (b) LENGTH OF CONGRESSIONAL REVIEW PERIOD
2 FOR BUDGET ACTS.—Section 602(c) of such Act (section
3 1–206.02(c), D.C. Official Code) is amended—

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

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

9 “(4) In the case of any Act transmitted under the
10 first sentence of paragraph (1) to which section 446 ap-
11 plies and for which the fiscal year involved is not a control
12 year, such Act shall take effect upon the expiration of the
13 30-calendar-day period beginning on the day such Act is
14 transmitted, or upon the date prescribed by such Act,
15 whichever is later, unless during such 30-day period, there
16 has been enacted into law a joint resolution disapproving
17 such Act. If such 30-day period expires on any day on
18 which neither House is in session because of an adjourn-
19 ment sine die, a recess of more than three days, or an
20 adjournment of more than three days, the period applica-
21 ble under the previous sentence shall be extended for 5
22 additional days (excluding Saturdays, Sundays, and holi-
23 days, and any day on which neither House is in session
24 because of an adjournment sine die, a recess of more than
25 three days, or an adjournment of more than three days).

1 In any case in which any such joint resolution dis-
2 approving such an Act has, within the applicable period,
3 passed both Houses of Congress and has been transmitted
4 to the President, such resolution, upon becoming law, sub-
5 sequent to the expiration of such period, shall be deemed
6 to have repealed such Act, as of the date such resolution
7 becomes law. The provisions of section 604 shall apply
8 with respect to any joint resolution disapproving any Act
9 pursuant to this paragraph.”.

10 (c) CONFORMING AMENDMENTS.—(1) Sections
11 467(d), 471(c), 472(d)(2), 475(e)(2), and 483(d), and
12 subsections (f), (g)(3), (h)(3), and (i)(3) of section 490
13 of such Act are each amended by striking “The fourth
14 sentence of section 446” and inserting “Section 446(e)”.

15 (2) The third sentence of section 412(a) of such Act
16 (section 1–204.12(a), D.C. Official Code) is amended by
17 inserting “for a fiscal year which is a control year de-
18 scribed in such section” after “section 446 applies”.

19 (3) Section 202(c)(2) of the District of Columbia Fi-
20 nancial Responsibility and Management Assistance Act of
21 1995 (section 47–392.02(c)(2), D.C. Official Code) is
22 amended by striking “the first sentence of section 446”
23 and inserting “section 446(a)”.

24 (4) Section 202(d)(3)(A) of the District of Columbia
25 Financial Responsibility and Management Assistance Act

1 of 1995 (section 47–392.02(d)(3)(A), D.C. Official Code)
 2 is amended by striking “the first sentence of section 446”
 3 and inserting “section 446(a)”.

4 (5) Section 11206 of the National Capital Revitaliza-
 5 tion and Self-Government Improvement Act of 1997 (sec-
 6 tion 24–106, D.C. Official Code) is amended by striking
 7 “the fourth sentence of section 446” and inserting “sec-
 8 tion 446(c)”.

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

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

12 **SEC. 103. ACTION BY COUNCIL OF DISTRICT OF COLUMBIA**
 13 **ON LINE-ITEM VETOES BY MAYOR OF PROVI-**
 14 **SIONS OF BUDGET ACTS.**

15 (a) IN GENERAL.—Section 404(f) of the District of
 16 Columbia Home Rule Act (section 1–204.4(f), D.C. Offi-
 17 cial Code) is amended by striking “transmitted by the
 18 Chairman to the President of the United States” both
 19 places it appears and inserting the following: “incor-
 20 porated in such Act (or, in the case of an item or provision
 21 contained in a budget act for a control year, transmitted
 22 by the Chairman to the President)”.

23 (b) CONFORMING AMENDMENTS.—Section 404(f) of
 24 such Act (section 1–204.04(f), D.C. Official Code) is
 25 amended—

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

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

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

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

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

15 Section 447 of the District of Columbia Home Rule
16 Act (section 1–204.47, D.C. Official Code) is amended—

17 (1) by striking “Act of Congress” each place it
18 appears and inserting “act of the Council (or Act of
19 Congress, in the case of a year which is a control
20 year)”; and

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

1 **SEC. 105. OTHER CONFORMING AMENDMENTS RELATING**
2 **TO CHANGES IN FEDERAL ROLE IN BUDGET**
3 **PROCESS.**

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

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

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

19 (c) **DEFINITION.**—Section 603(f) of such Act (section
20 1–206.03(f), D.C. Official Code) is amended to read as
21 follows:

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

1 **SEC. 106. CONTINUATION OF GENERAL PROVISIONS IN AP-**
2 **PROPRIATIONS ACTS AND TREATMENT OF**
3 **AMENDMENTS.**

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

15 (b) AMENDMENTS IN THE SENATE.—In the case of
16 the consideration in the Senate of a general appropriations
17 bill that includes the appropriations of Federal payments
18 to the District of Columbia, an amendment proposing a
19 limitation on the use of any District of Columbia funds
20 by the District of Columbia shall not constitute general
21 legislation under paragraphs 2 and 4 of Rule XVI of the
22 Standing Rules of the Senate.

23 **SEC. 107. EFFECTIVE DATE.**

24 The amendments made by this Act shall apply to
25 budgets of the District of Columbia for fiscal years begin-
26 ning on or after October 1, 2006.

1 **TITLE II—DISTRICT OF COLUM-**
 2 **BIA INDEPENDENCE OF THE**
 3 **CHIEF FINANCIAL OFFICER**
 4 **ACT OF 2005**

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 2005”.

8 **SEC. 202. PROMOTING INDEPENDENCE OF CHIEF FINAN-**
 9 **CIAL OFFICER.**

10 (a) IN GENERAL.—Section 424 of the District of Co-
 11 lumbia Home Rule Act (section 1–204.24a et seq., D.C.
 12 Official Code) is amended to read as follows:

13 “CHIEF FINANCIAL OFFICER OF THE DISTRICT OF
 14 COLUMBIA

15 “SEC. 424. (a) IN GENERAL.—

16 “(1) ESTABLISHMENT.—There is hereby estab-
 17 lished within the executive branch of the government
 18 of the District of Columbia an Office of the Chief
 19 Financial Officer of the District of Columbia (here-
 20 after referred to as the ‘Office’), which shall be
 21 headed by the Chief Financial Officer of the District
 22 of Columbia (hereafter referred to as the ‘Chief Fi-
 23 nancial Officer’).

24 “(2) ORGANIZATIONAL ANALYSIS.—

1 “(A) OFFICE OF BUDGET AND PLAN-
2 NING.—The name of the Office of Budget and
3 Management, established by Commissioner’s
4 Order 69–96, issued March 7, 1969, is changed
5 to the Office 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 TREAS-
12 URY.—The name of the Office of Treasurer, es-
13 tablished by Mayor’s Order 89–244, dated Oc-
14 tober 23, 1989, is changed to the Office of Fi-
15 nance and Treasury.

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

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
6 for the Office of Budget and Planning.

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

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

13 “(D) The Office of Financial Operations
14 and Systems, headed by the Deputy Chief Fi-
15 nancial 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 Le-
21 galize Lotteries, Daily Numbers Games, and
22 Bingo and Raffles for Charitable Purposes in
23 the District of Columbia, effective March 10,
24 1981 (D.C. Law 3-172; D.C. Official Code §
25 3-1301 et seq.).

1 “(4) SUPERVISOR.—The heads of the offices
2 listed in paragraph (3) of this section shall serve at
3 the 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
9 remove the heads of the offices designated in para-
10 graph (3), after consultation with the Mayor and the
11 Council.

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 Colum-
16 bia government for a fiscal year, annual estimates of
17 the expenditures and appropriations necessary for
18 the year for the operation of the Office and all other
19 District of Columbia accounting, budget, and finan-
20 cial management personnel (including personnel of
21 executive branch independent agencies) that report
22 to the Office pursuant to this Act.

23 “(7) DELEGATION.—The Chief Financial Offi-
24 cer may delegate any of his functions to any officers,
25 executive, employee, or office of the Office of the

1 Chief Financial Officer who may, with approval of
2 the Chief Financial Officer, make further delegation
3 of all or part of such functions to subordinates
4 under his, her, or the office's jurisdiction.

5 “(b) APPOINTMENT OF THE CHIEF FINANCIAL OFFI-
6 CER.—

7 “(1) APPOINTMENT.—

8 “(A) IN GENERAL.—The Chief Financial
9 Officer shall be appointed by the Mayor with
10 the advice and consent, by resolution, of the
11 Council.

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

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

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

23 “(iii) After the expiration of the 7-day
24 period which begins on the date the Mayor
25 notifies the Council of the nomination

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

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

6 “(2) TERM.—

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

12 “(B) TRANSITION.—For purposes of this
13 section, the individual serving as Chief Finan-
14 cial Officer as of the date of enactment of the
15 District of Columbia Independence of the Chief
16 Financial Officer Act of 2005 shall be deemed
17 to have been appointed under this subsection,
18 except that such individual’s initial term of of-
19 fice shall begin upon such date and shall end on
20 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 OFFI-
8 CER.—

9 “(1) IN GENERAL.—The Chief Financial Officer
10 may only be removed for cause by the Mayor.

11 “(2) SPECIAL RULE FOR CONTROL YEARS.—
12 During a control year, the Chief Financial Officer
13 may be removed for cause by the Authority or by the
14 Mayor with the approval of the Authority.

15 “(d) DUTIES OF THE CHIEF FINANCIAL OFFICER.—
16 Notwithstanding any other authority vested by this Act,
17 the Chief Financial Officer shall have the following duties
18 and shall take such steps as are necessary to perform
19 these duties:

20 “(1) During a control year, preparing the finan-
21 cial plan and the budget for the use of the Mayor
22 for purposes of subtitle A of title II of the District
23 of Columbia Financial Responsibility and Manage-
24 ment Assistance Act of 1995.

1 “(2) Preparing the budgets of the District of
2 Columbia for the year for the use of the Mayor for
3 purposes of part D and preparing the 5-year finan-
4 cial plan based upon the adopted budget for submis-
5 sion with the District of Columbia budget by the
6 Mayor to Congress.

7 “(3) During a control year, assuring that all fi-
8 nancial information presented by the Mayor is pre-
9 sented in a manner, and is otherwise consistent
10 with, the requirements of the District of Columbia
11 Financial Responsibility and Management Assistance
12 Act of 1995.

13 “(4) Implementing appropriate procedures and
14 instituting such programs, systems, and personnel
15 policies within the Chief Financial Officer’s author-
16 ity, to ensure that budget, accounting, and personnel
17 control systems and structures are synchronized for
18 budgeting and control purposes on a continuing
19 basis and to ensure that appropriations are not ex-
20 ceeded.

21 “(5) Preparing and submitting to the Mayor
22 and the Council, with the approval of the Authority
23 during a control year, and making public—

24 “(A) annual estimates of all revenues of
25 the District of Columbia (without regard to the

1 source of such revenues), including proposed
2 revenues, which shall be binding on the Mayor
3 and the Council for purposes of preparing and
4 submitting the budget of the District govern-
5 ment for the year under part D of this title, ex-
6 cept that the Mayor and the Council may pre-
7 pare the budget based on estimates of revenues
8 which are lower than those prepared by the
9 Chief Financial Officer; and

10 “(B) quarterly re-estimates of the revenues
11 of the District of Columbia during the year.

12 “(6) Supervising and assuming responsibility
13 for financial transactions to ensure adequate control
14 of revenues and resources.

15 “(7) Maintaining systems of accounting and in-
16 ternal control designed to provide—

17 “(A) full disclosure of the financial impact
18 of the activities of the District government;

19 “(B) adequate financial information need-
20 ed by the District government for management
21 purposes;

22 “(C) effective control over, and account-
23 ability for all funds, property, and other assets
24 of the District of Columbia; and

1 “(D) reliable accounting results to serve as
2 the basis for preparing and supporting agency
3 budget requests and controlling the execution of
4 the budget.

5 “(8) Submitting to the Council a financial
6 statement of the District government, containing
7 such details and at such times as the Council may
8 specify.

9 “(9) Supervising and assuming responsibility
10 for the assessment of all property subject to assess-
11 ment and special assessments within the corporate
12 limits of the District of Columbia for taxation, pre-
13 paring tax maps, and providing such notice of taxes
14 and special assessments (as may be required by
15 law).

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

22 “(11) Maintaining custody of all public funds
23 belonging to or under the control of the District gov-
24 ernment (or any department or agency of the Dis-
25 trict government), and depositing all amounts paid

1 in such depositories and under such terms and con-
2 ditions as may be designated by the Council (or by
3 the Authority during a control year).

4 “(12) Maintaining custody of all investment
5 and invested funds of the District government or in
6 possession of the District government in a fiduciary
7 capacity, and maintaining the safekeeping of all
8 bonds and notes of the District government and the
9 receipt and delivery of District government bonds
10 and notes for transfer, registration, or exchange.

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

22 “(14) Certifying all contracts and leases
23 (whether directly or through delegation) prior to exe-
24 cution as to the availability of funds to meet the ob-
25 ligations expected to be incurred by the District gov-

1 ernment under such contracts and leases during the
2 year.

3 “(15) Prescribing the forms of receipts, vouch-
4 ers, bills, and claims to be used by all agencies, of-
5 fices, and instrumentalities of the District govern-
6 ment.

7 “(16) Certifying and approving prior to pay-
8 ment of all bills, invoices, payrolls, and other evi-
9 dences of claims, demands, or charges against the
10 District government, and determining the regularity,
11 legality, and correctness of such bills, invoices, pay-
12 rolls, claims, demands, or charges.

13 “(17) In coordination with the Inspector Gen-
14 eral of the District of Columbia, performing internal
15 audits of accounts and operations and records of the
16 District government, including the examination of
17 any accounts or records of financial transactions,
18 giving due consideration to the effectiveness of ac-
19 counting systems, internal control, and related ad-
20 ministrative practices of the departments and agen-
21 cies of the District government.

22 “(18) Exercising responsibility for the adminis-
23 tration and supervision of the District of Columbia
24 Treasurer.

1 “(19) Supervising and administering all bor-
2 rowing programs for the issuance of long-term and
3 short-term indebtedness as well as other financing
4 related programs of the District government.

5 “(20) Administering the cash management pro-
6 gram of the District government, including the in-
7 vestment of surplus funds in governmental and non-
8 governmental interest-bearing securities and ac-
9 counts.

10 “(21) Administering the centralized District
11 government payroll and retirement systems (other
12 than retirement systems for police officers, fire-
13 fighters, and teachers).

14 “(22) Governing the accounting policies and
15 systems applicable to the District government.

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

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

24 “(25) Preparing fiscal impact statements on
25 regulations, multiyear contracts, contracts over

1 \$1,000,000 and on legislation, as required by section
2 4a of the General Legislative Procedures Act of
3 1975.

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

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

18 “(e) FUNCTIONS OF TREASURER.—The Treasurer
19 shall have the following duties:

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

1 of the quarter (or year) involved. Each such report
2 shall include 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
10 District government for the preceding quarter
11 or 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, bet-
16 ter or worse dollar amounts and the percentage
17 change with respect to the current quarter,
18 year-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
23 the ending balance, inclusive of cash and invest-
24 ment with respect to the actual dollar amounts

1 for the quarter or year, and projected dollar
2 amounts 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, in-
22 cluding—

23 “(I) comparisons of budgeted
24 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.

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

12 “(1) the term ‘Authority’ means the District of
13 Columbia Financial Responsibility and Management
14 Assistance Authority established under section
15 101(a) of the District of Columbia Financial Re-
16 sponsibility and Management Assistance Act of
17 1995;

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

21 “(3) the term ‘District government’ has the
22 meaning given such term under section 305(5) of
23 such Act.”.

24 (b) CLARIFICATION OF DUTIES OF CHIEF FINANCIAL
25 OFFICER AND MAYOR.—

1 (1) RELATION TO FINANCIAL DUTIES OF
 2 MAYOR.—Section 448(a) of such Act (section 1–
 3 204.48(a), D.C. Official Code) is amended by strik-
 4 ing “section 603,” and inserting “section 603 and
 5 except to the extent provided under section 424(d),”.

6 (2) RELATION TO MAYOR’S DUTIES REGARDING
 7 ACCOUNTING SUPERVISION AND CONTROL.—Section
 8 449 of such Act (section 1–204.49, D.C. Official
 9 Code) is amended by striking “The Mayor” and in-
 10 serting “Except to the extent provided under section
 11 424(d), the Mayor”.

12 **SEC. 203. PERSONNEL AUTHORITY.**

13 (a) PROVIDING INDEPENDENT PERSONNEL AUTHOR-
 14 ITY.—

15 (1) IN GENERAL.—Part B of title IV of the
 16 District of Columbia Home Rule Act is amended by
 17 adding by adding at the end the following new sec-
 18 tion:

19 “AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PER-
 20 SONNEL OF OFFICE AND OTHER FINANCIAL PER-
 21 SONNEL

22 “SEC. 424a. (a) IN GENERAL.—Notwithstanding any
 23 provision of law or regulation (including any law or regula-
 24 tion providing for collective bargaining or the enforcement
 25 of any collective bargaining agreement), employees of the
 26 Office of the Chief Financial Officer of the District of Co-

1 lumbia, including personnel described in subsection (b),
2 shall be appointed by, shall serve at the pleasure of, and
3 shall act under the direction and control of the Chief Fi-
4 nancial Officer of the District of Columbia, and shall be
5 considered at-will employees not covered by the District
6 of Columbia Merit Personnel Act of 1978, except that
7 nothing in this section may be construed to prohibit the
8 Chief Financial Officer from entering into a collective bar-
9 gaining agreement governing such employees and per-
10 sonnel or to prohibit the enforcement of such an agree-
11 ment as entered into by the Chief Financial Officer.

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

14 “(1) The General Counsel to the Chief Finan-
15 cial Officer and all other attorneys in the Office of
16 the General Counsel within the Office of the Chief
17 Financial Officer of the District of Columbia.

18 “(2) All other individuals hired or retained as
19 attorneys by the Chief Financial Officer or any of-
20 fice under the personnel authority of the Chief Fi-
21 nancial Officer, each of whom shall act under the di-
22 rection and control of the General Counsel to the
23 Chief Financial Officer.

24 “(3) Personnel of the Office not described in
25 paragraph (1).

1 “(4) The heads and all personnel of the subor-
2 dinate offices of the Office (as described in section
3 424(a)(2) and established as subordinate offices in
4 section 424(a)(3)) and the Chief Financial Officers,
5 Agency Fiscal Officers, and Associate Chief Finan-
6 cial Officers of all District of Columbia executive
7 branch subordinate and independent agencies (in ac-
8 cordance with subsection (c)), together with all other
9 District of Columbia accounting, budget, and finan-
10 cial management personnel (including personnel of
11 executive branch independent agencies but not in-
12 cluding personnel of the legislative or judicial
13 branches of the District government).

14 “(c) APPOINTMENT OF CERTAIN EXECUTIVE
15 BRANCH AGENCY CHIEF FINANCIAL OFFICERS.—

16 “(1) IN GENERAL.—The Chief Financial Offi-
17 cers and Associate Chief Financial Officers of all
18 District of Columbia executive branch subordinate
19 and independent agencies (other than those of a sub-
20 ordinate office of the Office) shall be appointed by
21 the Chief Financial Officer, in consultation with the
22 agency head, where applicable. The appointment
23 shall be made from a list of qualified candidates de-
24 veloped by the Chief Financial Officer.

1 “(2) TRANSITION.—Any executive branch agen-
 2 cy Chief Financial Officer appointed prior to the
 3 date of enactment of the District of Columbia Inde-
 4 pendence of the Chief Financial Officer Act of 2005
 5 may continue to serve in that capacity without re-
 6 appointment.

7 “(d) INDEPENDENT AUTHORITY OVER LEGAL PER-
 8 SONNEL.—Title VIII–B of the District of Columbia Gov-
 9 ernment Comprehensive Merit Personnel Act of 1978 (sec-
 10 tion 1–608.51 et seq., D.C. Official Code) shall not apply
 11 to the Office of the Chief Financial Officer or to attorneys
 12 employed by the Office.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
 14 tents of part B of title IV of the District of Colum-
 15 bia Home Rule Act is amended by adding at the end
 16 the following new item:

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

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

21 **SEC. 204. PROCUREMENT AUTHORITY.**

22 (a) PROVIDING INDEPENDENT AUTHORITY TO PRO-
 23 CURE GOODS AND SERVICES.—

1 (b) CONFORMING AMENDMENT.—Section 104 of the
 2 District of Columbia Procurement Practices Act of 1986
 3 (section 2–301.04, D.C. Official Code) is amended—

4 (1) in subsection (a), by striking “, and the
 5 District of Columbia Financial Responsibility and
 6 Management Assistance Authority” and inserting
 7 the following: “the District of Columbia Financial
 8 Responsibility and Management Assistance Author-
 9 ity, and (to the extent described in section 424b of
 10 the District of Columbia Home Rule Act) the Office
 11 of the Chief Financial Officer of the District of Co-
 12 lumbia”; and

13 (2) in subsection (c), by striking the second and
 14 third sentences.

15 (c) EFFECT DATE.—This section and the amend-
 16 ments made by this section shall take effect 6 months
 17 after the date of enactment of this Act.

18 **SEC. 205. FISCAL IMPACT STATEMENTS.**

19 The General Legislative Procedures Act of 1975 (sec-
 20 tion 1–301.45 et seq., D.C. Official Code) is amended by
 21 adding at the end the following new section:

22 “FISCAL IMPACT STATEMENTS

23 “SEC. 4a. (a) BILLS AND RESOLUTIONS.—

24 “(1) IN GENERAL.—Notwithstanding any other
 25 law, except as provided in subsection (c), all perma-
 26 nent bills and resolutions shall be accompanied by a

1 fiscal impact statement before final adoption by the
2 Council.

3 “(2) CONTENTS.—The fiscal impact statement
4 shall include the estimate of the costs which will be
5 incurred by the District as a result of the enactment
6 of the measure in the current and each of the first
7 four fiscal years for which the act or resolution is in
8 effect, together with a statement of the basis for
9 such estimate.

10 “(b) APPROPRIATIONS.—Permanent and emergency
11 acts which are accompanied by fiscal impact statements
12 which reflect unbudgeted costs, shall be subject to appro-
13 priations prior to becoming effective.

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

○