



## Legislative Bulletin.....December 14, 2005

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H.R. 3508 — 2005 District of Columbia Omnibus Authorization Act (as amended)

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### H.R. 3508 — 2005 District of Columbia Omnibus Authorization Act—*as amended* (Tom Davis, R-VA)

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

NOTE: changes to the bill, relative to how it was to be considered on the House floor yesterday, are indicated in **red bold** below:

**Summary:** H.R. 3508 would amend various federal laws applicable to the operation of the District of Columbia (DC) government. Highlights of the bill are as follows:

- Authorizes DC, subject to certain conditions, to spend up to 6% of unappropriated local funds during the 2006-2007 fiscal years, to allow DC to respond to unforeseen budget circumstances.
- Allows DC to tap into reserve funds **in FY2006 and FY2007**, under certain circumstances and only if they replenish such funds before the end of the fiscal year or within nine months (whichever is sooner). No more than 50% of any funds could be utilized in any fiscal year.
- ~~Terminates the authority of the U.S. Secretary of Education to appoint people to the DC Public Charter School Board.~~
- Allows DC to enter into an interstate insurance compact.
- Increases the pay cap available for non-judicial employees in DC courts from Executive Schedule IV to Executive Schedule III. According to the Government Reform Committee, this provision would “put the non-judicial personnel of the DC Courts on par with the non-judicial employees of the federal courts in the District.”
- Provides the DC Court of Appeals and the DC Superior Court with the authority to conduct business outside DC, in the event of an emergency.
- Allows the Court Services and Offender Supervision Agency to use volunteers in administering its services. Such volunteers would be treated as federal employees for the purposes of workers’ compensation.

- Permanently establishes the existing DC Chief Financial Officer (CFO) and details various procedures and duties for the CFO. The bill would also rename various finance-related entities in the DC Government and place them under the authority of the CFO. The Mayor would nominate the CFO, subject to the DC Council's advice and consent, for five-year terms. Congress would not have to approve the appointment. The CFO would have independent authority to make personnel and procurement decisions.
- Requires that all of the DC Council's permanent bills and resolutions be accompanied by a fiscal impact statement before final passage. Permanent and emergency acts that are accompanied by a fiscal impact statement reflecting unbudgeted costs would be subject to federal appropriations before becoming effective.
- Authorizes the Court Services and Offender Supervision Agency to accept gifts of space and training (during fiscal years 2006 through 2008) to support offender and defendant programs. The bill would also authorize the Public Defender Service to charge fees (during fiscal years 2006 through 2008) to cover the costs of materials distributed to attendees of educational events.
- Exempts the evaluation process for DC public school employees from collective bargaining.
- Permanently exempts DC government employees from federal civil service laws.
- Prohibits the CFO from renewing or extending a noncompetitively bid contract (during fiscal years 2006 through 2008), unless done so in accordance with duly promulgated rules and procedures.
- Authorizes the Mayor, **during FY2006-FY2008**, to accept, obligate, and expend federal, private, or other grants received by DC that are not reflected in the District's congressionally-approved budget, provided that certain reporting requirements are met.
- Requires DC to use any fines generated from violations of DC's alcohol-related traffic laws exclusively for the enforcement and prosecution of such laws.
- Requires the CFO to establish certification procedures for attorneys in cases brought under the Individuals with Disabilities Education Act (IDEA).

The bill contains a variety of purely technical and conforming amendments to various statutes related to the federal role in DC government operations.

**Committee Action:** The bill was referred to the Government Reform Committee on July 28, 2005. On September 15<sup>th</sup>, the Committee marked up and ordered the bill reported to the full House by voice vote.

**Cost to Taxpayers:** CBO estimates that this bill would have no impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**

CBO reports: “Because most provisions of H.R. 3508 would codify current law and practice, the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the District of Columbia.”

**Constitutional Authority:** The Government Reform Committee, in House Report 109-267, cites constitutional authority in Article I, Section 8, Clause 17 (the power of Congress “to exercise exclusive Legislation in all Cases whatsoever, over such District”).

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