

**District of Columbia Courts
 FY 2005 Budget Submission
 Explanation of Changes to Appropriations Language**

ACCOUNT: FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS	
Proposed change	Amended Language: "Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than [\$1,000,000] <i>4 percent</i> of the funds provided under this heading among the items and entities funded under such heading."
Purpose	Authorizes the Courts to transfer limited funds among entities and items within the Federal Payment to the District of Columbia Courts account.
Justification	In light of (1) the unified nature of the three entities of the D.C. Courts, in which the Court System administratively supports both the Superior Court and Court of Appeals and (2) the many changes underway to implement the District of Columbia Family Court of 2001, the Courts request this authority to enhance fiscal management within the Federal Payment. This language increases the amount of funds available for reallocation among the funds provided under the Federal Payment.

ACCOUNT: DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS	
Proposed change	Deletion of language: "That the funds provided in this Act under the heading 'Federal Payment to the District of Columbia Courts' (other than the \$35,597,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: <i>Provided further</i> , That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading 'Federal Payment to the District of Columbia Courts' (other than the \$35,597,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: <i>Provided further</i> ,"
Purpose	Deletes the authority to supplement the Defender Services appropriation with the Federal Payment appropriation.
Justification	The Courts cannot finance any potential shortfalls in the Defender Services appropriation with operating budget resources without severe long-term detrimental consequences.

ADMINISTRATIVE PROVISIONS

Proposed change New Language: “SEC. ____ . ELIMINATION OF SURETY BONDS.
‘(a) Section 11-1701(b)(5), District of Columbia Official Code, relating to the approval of bonds of fiduciary employees by the Joint Committee on Judicial Administration, is repealed.
‘(b) Section 11-1704(b), District of Columbia Official Code, relating to the bond required of the Executive Officer, is repealed.
‘(c) Section 11-1723(b), District of Columbia Official Code, relating to the bond required of the Fiscal Officer, is repealed.
‘(d) The second and third sentences of section 11-1724, District of Columbia Official Code, relating to the bond required of the Auditor-Master, are repealed.
‘(e) Section 11-2102(a)(2), District of Columbia Official Code, relating to the bond of the Register of Wills, is amended by striking “give bond, with two or more sureties, to be approved by the chief judge of the Superior Court, in the amount designated by the court, faithfully to discharge the duties of the office, and” and “The bond shall be entered in full upon the minutes of the Superior Court and the original filed with the records of the Superior Court.””

Purpose Eliminates the statutory requirement for bonding of court officers.

Justification The proposed amendments bring the D.C. Courts in line with the elimination of surety bonds for Federal employees and for District of Columbia government employees, and establishes a self-insurance program for the Courts’ fidelity losses by permitting the Courts to charge their appropriations for such losses.

Proposed change New language: “SEC. ____ . TRAVEL AT FEDERAL SUPPLY SCHEDULE RATES. Section 11-1728, District of Columbia Official Code, is amended to read as follows:
‘SEC. 11-1728. Recruitment and training of personnel; travel.
‘(a) The Executive Officer shall be responsible for recruiting such qualified personnel as may be necessary for the District of Columbia Courts and for providing in-service training for court personnel.
‘(b) *Travel under Federal supply schedules is authorized for the travel of court personnel on official business. The Joint Committee shall prescribe such requirements, conditions, and restrictions for such travel as it considers appropriate, and shall include policies and procedures for preventing abuses of that travel authority.*”

Purpose Amends title 11 of the D.C. Code to provide for the Courts’ participation in the City Pair Program. The language follows the general format used to provide city pair rates to military reservists in 10 U.S.C. § 12603.

Justification This authority will help contain costs by allowing the Courts to take advantage of the economies provided by the City Pair program of discounted air fares.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, [\$167,765,000] \$272,084,000, to be allocated as follows: for the District of Columbia Court of Appeals, [\$8,775,000] \$9,109,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, [\$83,387,000] \$88,714,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, [\$40,006,000] \$53,331,000, of which not to exceed \$1,500 is for official reception and representation expenses; and [\$35,597,000] \$120,930,000, to remain available until September 30, [2005] 2006, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That 30 days after providing notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than [\$1,000,000] 4 percent of the funds provided under this heading among the items and entities funded under such heading.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and/or such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), [\$32,000,000] \$50,500,000, to remain available until expended: *Provided*, [That the funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$35,597,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$35,597,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*,] That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Government Affairs of the Senate.

ADMINISTRATIVE PROVISIONS

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(d) The second and third sentences of section 11-1724, District of Columbia Official Code, relating to the bond required of the Auditor-Master, are repealed.

(e) Section 11-2102(a)(2), District of Columbia Official Code, relating to the bond of the Register of Wills, is amended by striking "give bond, with two or more sureties, to be approved by the chief judge of the Superior Court, in the amount designated by the court, faithfully to discharge the duties of the office, and" and "The bond shall be entered in full upon the minutes of the Superior Court and the original filed with the records of the Superior Court."

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