

108TH CONGRESS
1ST SESSION

S. 1267

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

JUNE 16, 2003

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. STEVENS, Mr. VOINOVICH, Mr. DURBIN, Mr. DEWINE, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on 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 **SECTION 1. SHORT TITLE.**

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

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

3 (a) IN GENERAL.—Section 446 of the District of Co-
 4 lumbia Home Rule Act (sec. 1–204.46, D.C. Official Code)
 5 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 50 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 (sec. 1–
3 206.02(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 (sec. 1–204.12(a), D.C. Official Code) is amended by in-
17 serting “for a fiscal year which is a control year described
18 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 (sec. 47–392.02(c)(2), D.C. Official Code) is amend-
22 ed by striking “the first sentence of section 446” and in-
23 serting “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 (sec. 47–392.02(d)(3)(A), D.C. Official Code) is
 2 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 24–106, D.C. Official Code) is amended by striking “the
 7 fourth sentence of section 446” and inserting “section
 8 446(e)”.

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. 3. 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 (sec. 1–204.4(f), D.C. Official
 17 Code) is amended by striking “transmitted by the Chair-
 18 man to the President of the United States” both places
 19 it appears and inserting the following: “incorporated in
 20 such Act (or, in the case of an item or provision contained
 21 in a budget act for a control year, transmitted by the
 22 Chairman to the President)”.

1 (b) CONFORMING AMENDMENT.—Section 404(f) of
 2 such Act (sec. 1–204.04(f), D.C. Official Code) is amend-
 3 ed—

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

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

10 (3) by adding at the end the following new
 11 paragraph:

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

16 **SEC. 4. PERMITTING EMPLOYEES TO BE HIRED IF POSI-**
 17 **TION AUTHORIZED BY ACT OF THE COUNCIL.**

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

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

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

4 **SEC. 5. OTHER CONFORMING AMENDMENTS RELATING TO**
5 **CHANGES IN FEDERAL ROLE IN BUDGET**
6 **PROCESS.**

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

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

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

22 (c) **DEFINITION.**—Section 603(f) of such Act (sec. 1–
23 206.03(f), D.C. Official Code) is amended to read as fol-
24 lows:

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

5 **SEC. 6. CONTINUATION OF GENERAL PROVISIONS IN AP-**
6 **PROPRIATIONS ACTS AND TREATMENT OF**
7 **AMENDMENTS.**

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

19 (b) AMENDMENTS IN THE SENATE.—In the case of
20 the consideration in the Senate of a general appropriations
21 bill that includes the appropriations of Federal payments
22 to the District of Columbia, an amendment proposing a
23 limitation on the use of any District of Columbia funds
24 by the District of Columbia shall not constitute general

1 legislation under paragraphs 2 and 4 of Rule XVI of the
2 Standing Rules of the Senate.

3 **SEC. 7. EFFECTIVE DATE.**

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

○