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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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

(a) In General.—Section 446 of the District of Columbia Home Rule Act (sec. 1–204.46, D.C. Official Code) is amended to read as follows:

"ENACTMENT OF LOCAL BUDGET

"SEC. 446. (a) ADOPTION OF BUDGETS AND SUPPLEMENTS.—The Council, within 50 calendar days after receipt of the budget proposal from the Mayor, and after public hearing, shall by Act adopt the annual budget for the District of Columbia government. Any supplements thereto shall also be adopted by Act by the Council after public hearing.

"(b) TRANSMISSION TO PRESIDENT DURING CONTROL YEARS.—In the case of a budget for a fiscal year which is a control year, the budget so adopted shall be submitted by the Mayor to the President for transmission by him to the Congress, except that the Mayor shall not transmit any such budget, or amendments or supplements thereto, to the President until the completion of the budget procedures contained in this Act and the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

"(c) PROHIBITING OBLIGATIONS AND EXPENDITURES NOT AUTHORIZED UNDER BUDGET.—Except as provided in section 445A(b), section 467(d), section
471(e), section 472(d), section 475(e), section 483(d), and subsections (f), (g), (h)(3), and (i)(3) of section 490, no amount may be obligated or expended by any officer or employee of the District of Columbia government unless—

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

“(2) in the case of an amount obligated or expended during a control year, such amount has been approved by an Act of Congress (and then only in accordance with such authorization).

“(d) **RESTRICTIONS ON REPROGRAMMING OF AMOUNTS.**—After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

“(e) **DEFINITION.**—In this part, the term ‘control year’ has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”.
(b) LENGTH OF CONGRESSIONAL REVIEW PERIOD

FOR BUDGET ACTS.—Section 602(e) of such Act (sec. 1–206.02(c), D.C. Official Code) is amended—

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

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

“(4) In the case of any Act transmitted under the first sentence of paragraph (1) to which section 446 applies and for which the fiscal year involved is not a control year, such Act shall take effect upon the expiration of the 30-calendar-day period beginning on the day such Act is transmitted, or upon the date prescribed by such Act, whichever is later, unless during such 30-day period, there has been enacted into law a joint resolution disapproving such Act. If such 30-day period expires on any day on which neither House is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days, the period applicable under the previous sentence shall be extended for 5 additional days (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days).
In any case in which any such joint resolution disapproving such an Act has, within the applicable period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law, subsequent to the expiration of such period, shall be deemed to have repealed such Act, as of the date such resolution becomes law. The provisions of section 604 shall apply with respect to any joint resolution disapproving any Act pursuant to this paragraph.”.

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

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

(3) Section 202(c)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.02(c)(2), D.C. Official Code) is amended by striking “the first sentence of section 446” and inserting “section 446(a)”.

(4) Section 202(d)(3)(A) of the District of Columbia Financial Responsibility and Management Assistance Act
of 1995 (sec. 47–392.02(d)(3)(A), D.C. Official Code) is amended by striking “the first sentence of section 446” and inserting “section 446(a)”.

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

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

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

SEC. 3. ACTION BY COUNCIL OF DISTRICT OF COLUMBIA ON LINE-ITEM VETOES BY MAYOR OF PROVISIONS OF BUDGET ACTS.

(a) IN GENERAL.—Section 404(f) of the District of Columbia Home Rule Act (sec. 1–204.4(f), D.C. Official Code) is amended by striking “transmitted by the Chairman to the President of the United States” both places it appears and inserting the following: “incorporated in such Act (or, in the case of an item or provision contained in a budget act for a control year, transmitted by the Chairman to the President)”.
(b) **CONFORMING AMENDMENT.**—Section 404(f) of such Act (sec. 1–204.04(f), D.C. Official Code) is amended—

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

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

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

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

**SEC. 4. PERMITTING EMPLOYEES TO BE HIRED IF POSITION AUTHORIZED BY ACT OF THE COUNCIL.**

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

(1) by striking “Act of Congress” each place it appears and inserting “act of the Council (or Act of Congress, in the case of a year which is a control year)”; and
(2) by striking “Acts of Congress” and inserting “acts of the Council (or Acts of Congress, in the case of a year which is a control year)”.

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

(a) Federal Authority Over Budget-Making Process.—Section 603(a) of the District of Columbia Home Rule Act (sec. 1–206.03, D.C. Official Code) is amended by inserting before the period at the end the following: “for a fiscal year which is a control year”.

(b) Restrictions Applicable During Control Years.—Section 603(d) of such Act (sec. 1–206.03(d), D.C. Official Code) is amended to read as follows:

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

(c) Definition.—Section 603(f) of such Act (sec. 1–206.03(f), D.C. Official Code) is amended to read as follows:
“(f) In this section, the term ‘control year’ has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”.

SEC. 6. CONTINUATION OF GENERAL PROVISIONS IN APPROPRIATIONS ACTS AND TREATMENT OF AMENDMENTS.

(a) CONTINUATION.—Any general provision contained in a general appropriation bill which includes the appropriation of Federal payments to the District of Columbia for a fiscal year (or, in the case of such a bill which is included as a division, title, or other portion of another general appropriation bill, any general provision contained in such division, title, or other portion) in effect on the date of enactment of this Act shall remain in effect until the date of the enactment of a general appropriation bill which includes the appropriation of Federal payments to the District of Columbia for the following fiscal year.

(b) AMENDMENTS IN THE SENATE.—In the case of the consideration in the Senate of a general appropriations bill that includes the appropriations of Federal payments to the District of Columbia, an amendment proposing a limitation on the use of any District of Columbia funds 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.