

**Union Calendar No. 205**

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2661**

**[Report No. 104-408]**

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**A BILL**

To amend the District of Columbia Self-Government and Governmental Reorganization Act to permit the District of Columbia to expend its own funds during any portion of a fiscal year for which Congress has not enacted the budget of the District of Columbia for the fiscal year, and to provide for the appropriation of a monthly pro-rated portion of the annual Federal payment to the District of Columbia for such fiscal year during such portion of the year.

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DECEMBER 14, 1995

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1995

Ms. NORTON introduced the following bill; which was referred to the Committee on Government Reform and Oversight

DECEMBER 14, 1995

Additional sponsor: Mr. DAVIS

DECEMBER 14, 1995

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on November 17, 1995]

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## A BILL

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of a fiscal year for which Congress has not enacted the budget of the District of Columbia for the fiscal year, and to provide for the appropriation of a monthly pro-rated portion of the annual Federal payment to the District of Columbia for such fiscal year during such portion of the year.

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 *Fiscal Protection Act of 1995”.*

6 **SEC. 2. PERMITTING DISTRICT OF COLUMBIA TO EXPEND**  
 7 **DISTRICT FUNDS DURING PERIOD OF DELAY**  
 8 **IN CONGRESSIONAL ENACTMENT OF DIS-**  
 9 **TRICT OF COLUMBIA APPROPRIATIONS ACT.**

10 *(a) IN GENERAL.—Subpart 1 of part D of title IV of*  
 11 *the District of Columbia Self-Government and Govern-*  
 12 *mental Reorganization Act is amended by inserting after*  
 13 *section 446 (sec. 47–304, D.C. Code) the following new sec-*  
 14 *tion:*

15 *“EXPENDITURE OF DISTRICT FUNDS DURING DELAY IN*  
 16 *CONGRESSIONAL ENACTMENT OF BUDGET*

17 *“SEC. 446A. (a) EXPENDITURE PERMITTED.—*

18 *“(1) IN GENERAL.—Notwithstanding section 446,*  
 19 *if the District of Columbia Appropriations Act for a*  
 20 *fiscal year has not been enacted by the first day of*  
 21 *the fiscal year, during the period described in sub-*

1 *section (c) an authorized officer or employee of the*  
2 *District of Columbia government may obligate or ex-*  
3 *pend any amounts available in the general fund, en-*  
4 *terprise funds, and other non-Federal funds of the*  
5 *District of Columbia for such fiscal year to continue*  
6 *the operations of the government of the District of Co-*  
7 *lumbia.*

8           “(2) *REQUIREMENTS FOR NOTIFICATION.*—No  
9 *obligations or expenditures may be made pursuant to*  
10 *this subsection until the Mayor of the District of Co-*  
11 *lumbia has provided to the Council, the District of*  
12 *Columbia Financial Responsibility and Management*  
13 *Assistance Authority, the President, the Committees*  
14 *on Appropriations of the House of Representatives*  
15 *and the Senate prior written notification (prepared*  
16 *by the Chief Financial Officer of the District of Co-*  
17 *lumbia) containing a description of such obligations*  
18 *and expenditures and a description of the effect of*  
19 *such obligations and expenditures on the spending*  
20 *plans in effect prior to the making of obligations and*  
21 *expenditures pursuant to this subsection.*

22           “(b) *APPLICABLE RATE OF OBLIGATIONS AND EX-*  
23 *PENDITURES.*—*The amount made available for obligation*  
24 *or expenditure for a project or activity under subsection (a)*  
25 *for a fiscal year shall be equal to the lesser of—*

1           “(1) the amount or authority made available  
2           under the District of Columbia Appropriations Act  
3           for the fiscal year as passed by the House of Rep-  
4           resentatives;

5           “(2) the amount or authority made available  
6           under the District of Columbia Appropriations Act  
7           for the fiscal year as passed by the Senate; or

8           “(3) the amount or authority provided in the  
9           previous fiscal year.

10          “(c) *PERIOD DESCRIBED.*—The period described in  
11 this subsection with respect to a fiscal year is the period  
12 which begins on the first day of the fiscal year and ends  
13 on the date of enactment of the District of Columbia Appro-  
14 priations Act for the fiscal year.”.

15          (b) *CONFORMING AMENDMENT.*—The fourth sentence of  
16 section 446 of such Act (sec. 47–304, D.C. Code) is amend-  
17 ed—

18           (1) by striking “and subsections” and inserting  
19           “subsections”; and

20           (2) by inserting “and section 446A,” after “sec-  
21           tion 490,”.

22          (c) *CLERICAL AMENDMENT.*—The table of contents for  
23 subpart 1 of part D of title IV of such Act is amended by

1 *inserting after the item relating to section 446 the following*  
 2 *new item:*

*“Sec. 446A. Expenditure of District funds during delay in Congressional enactment of budget.”.*

3 **SEC. 3. SENSE OF CONGRESS REGARDING FEDERAL PAY-**  
 4 **MENT UNDER CONTINUING RESOLUTION.**

5 *It is the sense of Congress that the financial condition*  
 6 *of the District of Columbia should be the primary factor*  
 7 *taken into account in determining the amount of any Fed-*  
 8 *eral payment made to the District of Columbia under any*  
 9 *continuing resolution providing for appropriations during*  
 10 *any portion of a fiscal year for which Congress has not en-*  
 11 *acted the budget of the District of Columbia for the fiscal*  
 12 *year, and that (notwithstanding any amendment made by*  
 13 *this Act) a continuing resolution providing for such a Fed-*  
 14 *eral payment should be enacted prior to the first day of*  
 15 *such a fiscal year.*

16 **SEC. 4. EFFECTIVE DATE.**

17 *The amendments made by this Act shall apply with*  
 18 *respect to fiscal years beginning with fiscal year 1996.*

Amend the title so as to read: “A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to permit the District of Columbia to expend its own funds during any portion of a fiscal year for which Congress has not enacted the budget of the District of Columbia for the fiscal year.”.