

112TH CONGRESS
2D SESSION

S. 2345

To amend the District of Columbia Home Rule Act to permit the Government of the District of Columbia to determine the fiscal year period, to make local funds of the District of Columbia for a fiscal year available for use by the District upon enactment of the local budget act for the year subject to a period of Congressional review, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 24 (legislative day, APRIL 23), 2012

Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the District of Columbia Home Rule Act to permit the Government of the District of Columbia to determine the fiscal year period, to make local funds of the District of Columbia for a fiscal year available for use by the District upon enactment of the local budget act for the year subject to a period of Congressional review, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “District of Columbia
3 Local Budget Autonomy Act of 2012”.

4 **SEC. 2. FISCAL YEAR FOR DISTRICT OF COLUMBIA.**

5 Section 441(b) of the District of Columbia Home
6 Rule Act (sec. 1–204.41, D.C. Official Code) is amended
7 to read as follows:

8 “(b) AUTHORIZATION TO ESTABLISH FISCAL YEAR
9 BY ACT OF COUNCIL.—The District may change the fiscal
10 year of the District by an Act of the Council. If a change
11 occurs, such fiscal year shall also constitute the budget
12 and accounting year.”.

13 **SEC. 3. ENACTMENT OF DISTRICT OF COLUMBIA LOCAL**
14 **BUDGET.**

15 (a) IN GENERAL.—Section 446 of the District of Co-
16 lumbia Home Rule Act (sec. 1–204.46, D.C. Official Code)
17 is amended to read as follows:

18 “ENACTMENT OF LOCAL BUDGET BY DISTRICT OF
19 COLUMBIA

20 “SEC. 446. (a) ADOPTION OF BUDGETS AND SUP-
21 PLEMENTS.—The Council, within 56 calendar days after
22 receipt of the budget proposal from the Mayor, and after
23 public hearing, shall by Act adopt the annual budget for
24 the District of Columbia government. Any supplements
25 thereto shall also be adopted by Act of the Council after
26 public hearing.

1 “(b) TRANSMISSION TO PRESIDENT DURING CON-
2 TROL YEARS.—In the case of a budget for a fiscal year
3 which is a control year, the budget so adopted shall be
4 submitted by the Mayor to the President for transmission
5 by the President to the Congress, except that the Mayor
6 shall not transmit any such budget, or amendments or
7 supplements thereto, to the President until the completion
8 of the budget procedures contained in this Act and the
9 District of Columbia Financial Responsibility and Man-
10 agement Assistance Act of 1995.

11 “(c) PROHIBITING OBLIGATIONS AND EXPENDI-
12 TURES NOT AUTHORIZED UNDER BUDGET.—Except as
13 provided in section 445A(b), section 446B, section 467(d),
14 section 471(c), section 472(d)(2), section 475(e)(2), sec-
15 tion 483(d), and subsections (f), (g), (h)(3), and (i)(3) of
16 section 490, no amount may be obligated or expended by
17 any officer or employee of the District of Columbia govern-
18 ment unless—

19 “(1) such amount has been approved by an Act
20 of the Council (and then only in accordance with
21 such authorization) and such Act has been trans-
22 mitted by the Chairman to the Congress and has
23 completed the review process under section
24 602(c)(3); or

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

5 “(d) RESTRICTIONS ON REPROGRAMMING OF
 6 AMOUNTS.—After the adoption of the annual budget for
 7 a fiscal year (beginning with the annual budget for fiscal
 8 year 1995), no reprogramming of amounts in the budget
 9 may occur unless the Mayor submits to the Council a re-
 10 quest for such reprogramming and the Council approves
 11 the request, but only if any additional expenditures pro-
 12 vided under such request for an activity are offset by re-
 13 ductions in expenditures for another activity.

14 “(e) DEFINITION.—In this part, the term ‘control
 15 year’ has the meaning given such term in section 305(4)
 16 of the District of Columbia Financial Responsibility and
 17 Management Assistance Act of 1995.”.

18 (b) CONFORMING AMENDMENTS.—(1) Sections
 19 467(d), 471(c), 472(d)(2), 475(e)(2), and 483(d), and
 20 subsections (f), (g)(3), (h)(3), and (i)(3) of section 490
 21 of such Act are each amended by striking “The fourth
 22 sentence of section 446” and inserting “Section 446(c)”.

23 (2) The third sentence of section 412(a) of such Act
 24 (sec. 1–204.12(a), D.C. Official Code) is amended by in-

1 serting “for a fiscal year which is a control year described
2 in such section” after “section 446 applies”.

3 (3) Section 202(c)(2) of the District of Columbia Fi-
4 nancial Responsibility and Management Assistance Act of
5 1995 (sec. 47–392.02(c)(2), D.C. Official Code) is amend-
6 ed by striking “the first sentence of section 446” and in-
7 serting “section 446(a)”.

8 (4) Section 202(c)(4)(A)(ii) of the District of Colum-
9 bia Financial Responsibility and Management Assistance
10 Act of 1995 (sec. 47–392.02 (c)(4)(A)(ii), D.C. Official
11 Code) is amended by striking “446” and inserting
12 “446(b)”.

13 (5) Section 202(c)(5)(C)(ii) of the District of Colum-
14 bia Financial Responsibility and Management Assistance
15 Act of 1995 (sec. 47–392.02 (c)(5)(C)(ii), D.C. Official
16 Code) is amended by striking “446” and inserting
17 “446(b)”.

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

23 (7) Section 11206 of the National Capital Revitaliza-
24 tion and Self-Government Improvement Act of 1997 (sec.
25 24–106, D.C. Official Code) is amended by striking “the

1 fourth sentence of section 446” and inserting “section
2 446(c)”.

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

“Sec. 446. Enactment of local budget by District of Columbia.”.

6 **SEC. 4. ACTION BY COUNCIL OF DISTRICT OF COLUMBIA**
7 **ON LINE-ITEM VETOES BY MAYOR OF PROVI-**
8 **SIONS OF BUDGET ACTS.**

9 Section 404(f) of the District of Columbia Home Rule
10 Act (sec. 1–204.4(f), D.C. Official Code) is amended by
11 striking “transmitted by the Chairman to the President
12 of the United States” both places it appears and inserting
13 the following: “incorporated in such Act”.

14 **SEC. 5. PERMITTING EMPLOYEES TO BE HIRED IF POSI-**
15 **TION AUTHORIZED BY ACT OF THE COUNCIL.**

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

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

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

1 **SEC. 6. OTHER CONFORMING AMENDMENTS TO HOME**
 2 **RULE ACT RELATING TO CHANGES IN FED-**
 3 **ERAL ROLE IN BUDGET PROCESS.**

4 Section 603 of the District of Columbia Home Rule
 5 Act (sec. 1–206.03, D.C. Official Code) is amended—

6 (1) in subsection (a), by inserting before the pe-
 7 riod at the end the following: “for a fiscal year
 8 which is a control year”; and

9 (2) by striking subsection (d) and inserting the
 10 following:

11 “(d) Except as provided in subsection (f), the Council
 12 shall not transmit an Act under section 446(a) which is
 13 not balanced according to the provisions of subsection
 14 (c).”.

15 **SEC. 7. CONGRESSIONAL REVIEW.**

16 Section 602(c) of the District of Columbia Home
 17 Rule Act (sec. 1–206.02, D.C. Official Code) is amend-
 18 ed—

19 (1) by redesignating paragraph (3) as para-
 20 graph (4); and

21 (2) by inserting after paragraph (2) the fol-
 22 lowing:

23 “(3) In the case of any Act transmitted under the
 24 first sentence of paragraph (1) to which section 446 ap-
 25 plies and for which the fiscal year involved is not a control
 26 year, such Act shall take effect upon the expiration of the

1 30-calendar-day period beginning on the day such Act is
 2 transmitted, or upon the date prescribed by such Act,
 3 whichever is later, except as follows:

4 “(A) If such 30-day period expires and if either
 5 chamber has not been in session for at least 5 cal-
 6 endar days during such period, the effective date pe-
 7 riod applicable under this paragraph shall be ex-
 8 tended for 5 additional days.

9 “(B) If during the period described in subpara-
 10 graph (A), a joint resolution disapproving such Act
 11 has passed both Houses of Congress and has been
 12 transmitted to the President, such resolution, upon
 13 becoming law, subsequent to the expiration of such
 14 period, shall be deemed to have repealed such Act,
 15 as of the date such resolution becomes law. The pro-
 16 visions of section 604 shall apply with respect to any
 17 joint resolution disapproving any Act pursuant to
 18 this subparagraph.”.

19 **SEC. 8. CONFORMING AMENDMENTS RELATING TO FEDER-**
 20 **ALLY AUTHORIZED ADJUSTMENTS TO LOCAL**
 21 **APPROPRIATIONS.**

22 (a) ACCEPTANCE OF GRANTS NOT INCLUDED IN
 23 ADOPTED BUDGET.—

24 (1) AUTHORITY TO ACCEPT AMOUNTS.—Section
 25 446B(a) of the District of Columbia Home Rule Act

1 (sec. 1–204.46B(a), D.C. Official Code) is amend-
 2 ed—

3 (A) by striking “the fourth sentence of sec-
 4 tion 446” and inserting “section 446(c)”; and

5 (B) by striking “approved by Act of Con-
 6 gress”.

7 (2) REPORTS TO CONGRESS.—Section 446B(e)
 8 of such Act (sec. 1–204.46B(e), D.C. Official Code)
 9 is amended by striking “submitted to the Council
 10 and to the” and inserting “submitted to the Council,
 11 the Committee on Oversight and Government Re-
 12 form of the House of Representatives, the Com-
 13 mittee on Homeland Security and Governmental Af-
 14 fairs of the Senate, and the”.

15 (b) AUTHORITY TO INCREASE SPENDING IN CASE OF
 16 GENERAL FUND SURPLUS.—Section 816 of the Financial
 17 Services and General Government Appropriations Act,
 18 2009 (sec. 47–369.01, D.C. Official Code), is amended—

19 (1) by striking “the amount appropriated to the
 20 District of Columbia” and inserting the following:
 21 “the amount of local funds under the budget of the
 22 District of Columbia”; and

23 (2) in paragraph (5), by striking “the Mayor
 24 notifies” and inserting the following: “the Mayor no-
 25 tifies the Committee on Oversight and Government

1 Reform of the House of Representatives, the Com-
 2 mittee on Homeland Security and Governmental Af-
 3 fairs of the Senate, and”.

4 (c) AUTHORITY TO INCREASE SPENDING IN CASE OF
 5 INCREASED REVENUE COLLECTIONS.—

6 (1) AUTHORITY TO INCREASE SPENDING.—Sec-
 7 tion 817(a) of such Act (sec. 47–369.02(a), D.C. Of-
 8 ficial Code) is amended—

9 (A) in the matter preceding paragraph (1),
 10 by striking “the amount appropriated as Dis-
 11 trict of Columbia funds” and inserting the fol-
 12 lowing: “the amount of local funds under the
 13 budget for the District of Columbia”;

14 (B) in paragraph (1), by striking “in the
 15 annual Proposed Budget and Financial Plan
 16 submitted to Congress by the District of Co-
 17 lumbia” and inserting the following: “in such
 18 budget (or, in the case of a fiscal year which is
 19 a control year, as defined in section 305(4) of
 20 the District of Columbia Financial Responsi-
 21 bility and Management Assistance Act of 1995,
 22 in the annual Proposed Budget and Financial
 23 Plan submitted to Congress by the District of
 24 Columbia)”; and

1 (C) in paragraph (2), by striking “in such
 2 Proposed Budget and Financial Plan” and in-
 3 serting “in such budget (or such Proposed
 4 Budget and Financial Plan)”.

5 (2) REPORTS TO CONGRESS.—Section
 6 817(b)(4) of such Act (sec. 47–369.02(b)(4), D.C.
 7 Official Code) is amended by striking “the Mayor
 8 has notified” and inserting the following: “the
 9 Mayor has notified the Committee on Oversight and
 10 Government Reform of the House of Representa-
 11 tives, the Committee on Homeland Security and
 12 Governmental Affairs of the Senate, and”.

13 **SEC. 9. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply with
 15 respect to fiscal year 2013 (as described in section 441(a)
 16 of the District of Columbia Home Rule Act, as amended
 17 by section 2) and each succeeding fiscal year.

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