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Final version (Enrolled Bill) as passed by both Houses. There are 5 other versions of this bill.

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## H.R.1345

### District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Enrolled Bill)

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**H.R.1345**

Sponsor: Rep Davis, Thomas M.(introduced 3/29/1995)

Latest Major Action: 4/17/1995 Became Public Law No: 104-8.

Title: To eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

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**SUMMARY AS OF:**

4/6/1995--Passed Senate, amended. (There are 2 [other summaries](#))

**TABLE OF CONTENTS:**

Title I: Establishment and Organization of Authority

Title II: Responsibilities of Authority

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Plan and Budget for District Government

Subtitle B: Issuance of Bonds

Subtitle C: Other Duties of Authority

Title III: Miscellaneous Provisions

District of Columbia Financial Responsibility and Management Assistance Act of 1995 - **Title I: Establishment and Organization of Authority** - Establishes the District of Columbia Financial Responsibility and Management Assistance Authority as an entity within the District of Columbia government.

(Sec. 102) Authorizes Federal employees who become employed by the Authority within two months of separation from Federal service to have their Authority service treated as comparable to Federal service with respect to the Federal retirement system. Makes employees who elect the Federal system ineligible to participate in the District government retirement system.

(Sec. 103) Authorizes the Authority, notwithstanding the Freedom of Information Act and the Government in the Sunshine Act, to secure information necessary to carry out this Act from Federal agencies.

Permits the Authority to seek judicial enforcement of its authority to carry out its responsibilities under this Act. Makes District employees who violate Authority orders or present or certify false or misleading information guilty of a misdemeanor as well as subject to administrative discipline.

(Sec. 104) Exempts the Authority from liability for obligations of or claims against the District resulting  
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from actions taken to carry out this Act.

(Sec. 105) Requires actions against the Authority to be brought in the U.S. District Court for the District. Provides for expedited consideration of such actions in the courts involved.

(Sec. 106) Requires the Authority to submit a proposed budget for each fiscal year to the President for inclusion in the annual budget for the District. Prohibits any amount from being obligated or expended by the Authority unless such amount has been approved by an Act of the Congress.

Directs the Authority, as soon as practicable after the appointment of its members, to submit to the Mayor of the District and the President a request for reprogramming of funds previously appropriated for the District for auditing and consulting services and a description of anticipated Authority expenditures for FY 1995. Requires the Mayor to transfer such funds to the Authority for its activities.

(Sec. 107) Suspends the Authority's activities upon the expiration of the 12-month period beginning on the date the Authority certifies that all obligations arising from the issuance by the Authority of bonds, notes, or other obligations have been discharged and all borrowings for short-term advances from the Treasury have been repaid. Reactivates the Authority upon initiation of a control period (as described by section 209) by the Appropriations Committees.

(Sec. 108) Applies provisions of specified laws regarding open meetings, freedom of information, and conflict of interest to the Authority.

Prohibits the District Mayor and the Council from exercising any control, oversight, or review over the Authority. Amends the District of Columbia Self-Government and Governmental Reorganization Act to bar the Council from enacting any act, resolution, or rule with respect to the Authority.

**Title II: Responsibilities of Authority - Subtitle A: Establishment and Enforcement of Financial Plan and Budget for District Government** - Directs the Mayor, for each fiscal year for which the District government is in a control period, to submit a financial plan and budget for the District to the Authority.

Lists requirements for the financial plan and budget, including that they be submitted for the applicable fiscal year and next three fiscal years and that they meet standards to promote the financial stability of the District government. Describes such standards as follows: (1) in the case of the financial plan and budget for FY 1996, the District's expenditures for each fiscal year (beginning with FY 1999) may not exceed the District's revenues for such year; (2) during FY 1996 through 1998, the government shall make substantial progress towards equalizing its expenditures and revenues; (3) the government shall provide for the liquidation of the cumulative fund balance deficit; (4) if funds in government accounts dedicated for specific purposes have been withdrawn for other purposes, the government shall fully restore the funds to such accounts; and (5) the financial plan and budget shall assure the continuing long-term financial stability of the government.

Repeals a provision of the District of Columbia Appropriations Act, 1995 that requires the District to place portions of Federal payments in escrow to enforce certain spending reductions.

(Sec. 202) Sets forth the process for the submission and approval of the financial plan and budget. Provides for review of the financial plan and budget by the Authority. Authorizes the Mayor to submit proposed revisions to the financial plan and budget for a control year (a year in which a financial plan and budget approved by the Authority is in effect) to the Authority at any time during the year.

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Makes certain requirements under the District of Columbia Self-Government and Governmental Reorganization Act which bar the approval and submission of an unbalanced budget inapplicable in fiscal years which are control years. Permits the separation of employees in the implementation of a financial plan and budget approved under this Act.

(Sec. 203) Requires the Council to submit to the Authority each Act passed by the Council during a control year, together with an estimate of costs to be incurred by the District during the first four years in which the Act is effective. Directs the Authority to review the Act to determine consistency with the approved financial plan and budget and, if consistent, provides for submission of the Act to the Congress for review.

Sets forth review and approval procedures with respect to contracts and leases. Directs the Mayor to submit any requests for the reprogramming of amounts provided in an adopted budget for a control year to the Authority for analysis of effects on the financial plan and budget. Prohibits the Council from carrying out such reprogramming until the Authority has provided such analysis.

(Sec. 204) Bars the District from borrowing money during a control year unless the Authority provides prior certification that the borrowing and the repayment of obligations are consistent with the financial plan and budget. Applies this section to any borrowing, including borrowing through the issuance of bonds and the authority to obtain funds from the Treasury.

Authorizes the District, without prior Authority approval, to requisition advances from the Treasury during a specified period following appointment of Authority members.

Amends the District of Columbia Revenue Act of 1939 to set forth provisions and conditions regarding short-term advances from the Treasury to the District for meeting its general expenditures.

Directs the Secretary of the Treasury to require the District to provide security for such advances, including a pledge of specific taxes and revenues and a debt service reserve fund.

Sets forth remedies for the District's failure to reimburse the Treasury for advances, including the withholding of annual Federal payments or Federal grants, entitlements, loans, or other payments (other than entitlement or benefit payments to individuals) and the attachment of District revenues.

Prohibits the Mayor from requisitioning Treasury advances if the Mayor or the Council has an action pending against the Authority.

(Sec. 205) Requires the Secretary, in a control year, to deposit the annual Federal payment to the District into an escrow account held by the Authority which shall allocate funds to the Mayor in accordance with terms appropriate to the implementation of the financial plan. Gives priority to using the payment for cash flow management and the payment of outstanding bills owed by the District.

(Sec. 206) Provides for withholding of Federal payments and funding for other Federal programs for the District if the Authority finds that the District's revenues and expenditures during a control year are inconsistent with the financial plan and budget.

(Sec. 207) Authorizes the Authority to submit recommendations on actions the District government or the Federal Government may take to ensure compliance with a financial plan and budget or to promote the financial stability, management responsibility, and service delivery efficiency of the District government. Sets forth requirements for the implementation of adopted recommendations.

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(Sec. 208) Sets forth special procedures for the review and submission of the budget and financial plan for FY 1996.

(Sec. 209) Declares that a control period is initiated upon the occurrence of any of the following events: (1) the requisitioning by the Mayor of Treasury advances or the existence of any unreimbursed amounts obtained pursuant to such authority; (2) the failure of the District to provide sufficient revenue to a debt service reserve fund of the Authority; (3) the default by the District with respect to loans, bonds, notes, or other forms of borrowing; (4) the failure of the District to meet its payroll for any pay period; (5) the existence of a cash deficit of the District at the end of any quarter of the fiscal year in excess of the difference between the District's estimated revenues and expenditures during the remainder of the fiscal year or such remainder together with the first six months of the succeeding fiscal year; or (6) the failure of the District to make required payments relating to pensions and benefits for current and former employees or to any entity established under an interstate compact to which the District is a signatory.

Terminates a control period upon certification by the Authority that: (1) the District has adequate access to short- and long-term credit markets at reasonable interest rates to meet its borrowing needs; and (2) for four consecutive fiscal years, the District's expenditures did not exceed its revenues.

Deems a control period to exist upon this Act's enactment date.

**Subtitle B: Issuance of Bonds** - Authorizes the Authority, at the request of the Mayor pursuant to an act of the Council, to issue bonds, notes, or other obligations to borrow funds to obtain funds for the District's use. Permits the Authority to issue such obligations for the use of District agencies with independent borrowing authority. Provides for the deposit of borrowed funds into an escrow account and requires the Authority to allocate such funds to the District.

(Sec. 212) Authorizes the Authority to pledge or grant a security interest in revenues to individuals or entities purchasing bonds, notes, or other obligations issued pursuant to this subtitle. Directs the Authority to require the Mayor to: (1) pledge or direct taxes or other revenues payable to the District to the Authority for purposes of securing repayments of such obligations; and (2) transfer the proceeds of any tax levied for purposes of securing such obligations to the Authority immediately upon collection.

(Sec. 213) Requires the Authority to establish a debt service reserve fund as a condition for the issuance of such obligations. Permits amounts in the fund to be used solely for the payment of principal of bonds secured by such fund, the purchase or redemption of bonds, the payment of interest on bonds, or the payment of any redemption premium required to be paid when such bonds and notes are redeemed prior to maturity. Sets forth restrictions on withdrawals and issuance of obligations from the fund to prohibit the fund from falling below a minimum reserve requirement.

(Sec. 215) Exempts the United States from liability for the payment of principal or interest on any obligation issued pursuant to this subtitle.

**Subtitle C: Other Duties of Authority** - Lists duties of the Authority beginning on the termination of a control period and ending with the suspension of its activities, including review of District budgets, reporting budget analyses, monitoring and reporting on the District's financial status, and carrying out activities with respect to outstanding obligations.

Requires the Mayor to submit budgets for fiscal years occurring during such period to the President and the Authority.



(Sec. 222) Permits the Authority to undertake cooperative efforts to assist the District government in achieving financial stability and management efficiency.

Sets forth miscellaneous reporting requirements.

**Title III: Miscellaneous Provisions** - Includes within the definition of "District revenues" under the District of Columbia Self-Government and Governmental Reorganization Act grants and other financial assistance and any funds administered by the District under cost sharing arrangements.

Prohibits reprogramming of amounts in an adopted budget unless the Mayor requests reprogramming from the Council and additional expenditures provided under the request are offset by reductions in expenditures for another activity.

Extends the authorization of appropriations for the annual Federal payment to the District through FY 1999.

(Sec. 302) Establishes within the executive branch of the District government an Office of the Chief Financial Officer of the District of Columbia. Includes the Office of the Treasurer within the Office. Transfers the functions and personnel of the District Controller, Office of the Budget, Office of Financial Information Services, and Department of Finance and Revenue to the Office. Sets forth duties of the Chief Financial Officer and the Treasurer. Repeals provisions that establish the Office of Financial Management and list the duties of the Treasurer.

(Sec. 303) Amends the District of Columbia Procurement Practices Act of 1985 to revise provisions regarding the appointment and duties of the District Inspector General, including to extend the term of office to six years.

(Sec. 304) Bars the making of any contract involving expenditures exceeding \$1 million in a 12-month period unless the contract is approved by the Council.

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## **H.R.1345**

### **District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Enrolled Bill (Sent to President))**

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#### **SEC. 101. DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.**

(a) ESTABLISHMENT- Pursuant to Article I, section 8, clause 17 of the Constitution of the United States, there is hereby established the District of Columbia Financial Responsibility and Management Assistance Authority, consisting of members appointed by the President in accordance with subsection (b). Subject to the conditions described in section 108 and except as otherwise provided in this Act, the Authority is established as an entity within the government of the District of Columbia, and is not established as a department, agency, establishment, or instrumentality of the United States Government.

(b) MEMBERSHIP-

(1) IN GENERAL- The Authority shall consist of 5 members appointed by the President who meet the qualifications described in subsection (c), except that the Authority may take any action under this Act (or any amendments made by this Act) at any time after the President has appointed 3 of its members.

(2) CONSULTATION WITH CONGRESS- The President shall appoint the members of the Authority after consulting with the Chair of the Committee on Appropriations and the Chair of the Committee on Government Reform and Oversight of the House of Representatives, the Chair of the Committee on Appropriations and the Chair of the Committee on Governmental Affairs of the Senate, and the Delegate to the House of Representatives from the District of Columbia.

(3) CHAIR- The President shall designate one of the members of the Authority as the Chair of the Authority.

(4) SENSE OF CONGRESS REGARDING DEADLINE FOR APPOINTMENT- It is the sense of Congress that the President should appoint the members of the Authority as soon as practicable after the date of the enactment of this Act, but in no event later than 25 days after the date of the enactment of this Act.

(5) TERM OF SERVICE-

(A) IN GENERAL- Except as provided in subparagraph (B), each member of the Authority shall be appointed for a term of 3 years.

(B) APPOINTMENT FOR TERM FOLLOWING INITIAL TERM- As designated by the President at the time of appointment for the term immediately following the initial term, of the members appointed for the term immediately following the initial term--

(i) 1 member shall be appointed for a term of 1 year;

(ii) 2 members shall be appointed for a term of 2 years; and

(iii) 2 members shall be appointed for a term of 3 years.

(C) REMOVAL- The President may remove any member of the Authority only for cause.

(c) QUALIFICATIONS FOR MEMBERSHIP- An individual meets the qualifications for membership on the Authority if the individual--

(1) has knowledge and expertise in finance, management, and the organization or operation of business or government;

(2) does not provide goods or services to the District government (and is not the spouse, parent, child, or sibling of an individual who provides goods and services to the District government);

(3) is not an officer or employee of the District government; and

(4) maintains a primary residence in the District of Columbia or has a primary place of business in the District of Columbia.

(d) NO COMPENSATION FOR SERVICE- Members of the Authority shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Authority.

(e) ADOPTION OF BY-LAWS FOR CONDUCTING BUSINESS OF AUTHORITY-

(1) IN GENERAL- As soon as practicable after the appointment of its members, the Authority shall adopt by-laws, rules, and procedures governing its activities under this Act, including procedures for hiring experts and consultants. Such by-laws, rules, and shall be public documents, and shall be submitted by the Authority upon adoption to the Mayor, the Council, the President, and Congress.

(2) CERTAIN ACTIVITIES REQUIRING APPROVAL OF MAJORITY OF MEMBERS- Under the by-laws adopted pursuant to paragraph (1), the Authority may conduct its operations under such procedures as it considers appropriate, except that an affirmative vote of a majority of the members of the Authority shall be required in order for the Authority to--

(A) approve or disapprove a financial plan and budget under subtitle A of title II;

(B) implement recommendations on financial stability and management responsibility under section 207;

(C) give consent to the appointment of the Chief Financial Officer of the District of Columbia under section 424 of the District of Columbia Self-Government and Governmental Reorganization Act (as added by section 302); and

(D) give consent to the appointment of the Inspector General of the District of Columbia under section 208(a) of the District of Columbia Procurement Practices Act of 1985 (as amended by section 303(a)).

(3) ADOPTION OF RULES AND REGULATIONS OF DISTRICT OF COLUMBIA- The Authority may incorporate in its by-laws, rules, and procedures under this subsection such rules and regulations of the District government as it considers appropriate to enable it to carry out its activities under this Act with the greatest degree of independence practicable.

## **SEC. 102. EXECUTIVE DIRECTOR AND STAFF OF AUTHORITY.**

(a) EXECUTIVE DIRECTOR- The Authority shall have an Executive Director who shall be appointed by the Chair with the consent of the Authority. The Executive Director shall be paid at a rate determined by the Authority, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF- With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS-

(1) CIVIL SERVICE LAWS- The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) DISTRICT EMPLOYMENT AND PROCUREMENT LAWS- The Executive Director and staff of the Authority may be appointed and paid without regard to the provisions of the District of Columbia Code governing appointments and salaries. The provisions of the District of Columbia Code governing procurement shall not apply to the Authority.

(d) STAFF OF FEDERAL AGENCIES- Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Authority to assist it in carrying out its duties under this Act.

(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY-

(1) IN GENERAL- A Federal employee who, within 2 months after separating from the

Federal Government, becomes employed by the Authority--

(A) may elect, for purposes of the retirement system in which that individual last participated before so separating, to have such individual's period of service with the Authority treated in the same way as if performed in the position within the Federal Government from which separated, subject to the requisite employee deductions and agency contributions being currently deposited in the appropriate fund; and

(B) if, after serving with the Authority, such employee becomes reemployed by the Federal Government, shall be entitled to credit, for the full period of such individual's service with the Authority, for purposes of determining the applicable leave accrual rate.

## (2) RETIREMENT-

(A) CONTRIBUTIONS- For purposes of subparagraph (A) of paragraph (1)--

(i) the employee deductions referred to in such paragraph shall be made from basic pay for service with the Authority, and shall be computed using the same percentage as would then apply if the individual were instead serving in the position within the Federal Government from which separated; and

(ii) the agency contributions referred to in such paragraph shall be made by the Authority.

(B) DOUBLE COVERAGE NOT PERMITTED- An individual who makes an election under paragraph (1)(A) shall be ineligible, while such election remains in effect, to participate in any retirement system for employees of the government of the District of Columbia.

(3) REGULATIONS- The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this subsection. Regulations to carry out paragraph (1)(A) shall be prescribed in consultation with the office or agency of the government of the District of Columbia having jurisdiction over any retirement system referred to in paragraph (2)(B).

## **SEC. 103. POWERS OF AUTHORITY.**

(a) HEARINGS AND SESSIONS- The Authority may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Authority considers appropriate. The Authority may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS- Any member or agent of the Authority may, if authorized by the Authority, take any action which the Authority is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA-

(1) FROM FEDERAL GOVERNMENT- Notwithstanding sections 552 (commonly known

as the Freedom of Information Act) and 552b (the Government in the Sunshine Act) of title 5, United States Code, the Authority may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act, with the approval of the head of that department or agency.

(2) FROM DISTRICT GOVERNMENT- Notwithstanding any other provision of law, the Authority shall have the right to secure copies of such records, documents, information, or data from any entity of the District government necessary to enable the Authority to carry out its responsibilities under this Act. At the request of the Authority, the Authority shall be granted direct access to such information systems, records, documents or information or data as will enable the Authority to carry out its responsibilities under this Act. The head of the entity of the District government responsible shall provide the Authority with such information and assistance (including granting the Authority direct access to automated or other information systems) as the Authority requires under this paragraph.

(d) GIFTS, BEQUESTS, AND DEVISES- The Authority may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Authority. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in such account as the Authority may establish and shall be available for disbursement upon order of the Chair.

(e) SUBPOENA POWER-

(1) IN GENERAL- The Authority may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Authority. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA- If a person refuses to obey a subpoena issued under paragraph (1), the Authority may apply to a United States district court for an order requiring that person to appear before the Authority to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS- The subpoenas of the Authority shall be served in the manner provided for subpoenas issued by United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS- All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) ADMINISTRATIVE SUPPORT SERVICES- Upon the request of the Authority, the Administrator of General Services may provide to the Authority, on a reimbursable basis, the administrative support services necessary for the Authority to carry out its responsibilities under this Act.

(g) **AUTHORITY TO ENTER INTO CONTRACTS-** The Executive Director may enter into such contracts as the Executive Director considers appropriate (subject to the approval of the Chair) to carry out the Authority's responsibilities under this Act.

(h) **CIVIL ACTIONS TO ENFORCE POWERS-** The Authority may seek judicial enforcement of its authority to carry out its responsibilities under this Act.

(i) **PENALTIES-**

(1) **ACTS PROHIBITED-** Any officer or employee of the District government who--

(A) takes any action in violation of any valid order of the Authority or fails or refuses to take any action required by any such order; or

(B) prepares, presents, or certifies any information (including any projections or estimates) or report for the Board or any of its agents that is false or misleading, or, upon learning that any such information is false or misleading, fails to immediately advise the Board or its agents thereof in writing,

shall be guilty of a misdemeanor.

(2) **ADMINISTRATIVE DISCIPLINE-** In addition to any other applicable penalty, any officer or employee of the District government who knowingly and willfully violates paragraph (1) shall be subject to appropriate administrative discipline, including (when appropriate) suspension from duty without pay or removal from office by order of either the Mayor or Authority.

(3) **REPORT BY MAYOR ON DISCIPLINARY ACTIONS TAKEN-** In the case of a violation of paragraph (1) by an officer or employee of the District government, the Mayor shall immediately report to the Board all pertinent facts together with a statement of the action taken thereon.

#### **SEC. 104. EXEMPTION FROM LIABILITY FOR CLAIMS.**

The Authority and its members may not be liable for any obligation of or claim against the District of Columbia resulting from actions taken to carry out this Act.

#### **SEC. 105. TREATMENT OF ACTIONS ARISING FROM ACT.**

(a) **JURISDICTION ESTABLISHED IN DISTRICT COURT FOR DISTRICT OF COLUMBIA-** Except as provided in section 103(e)(2) (relating to the issuance of an order enforcing a subpoena), any action against the Authority or any action otherwise arising out of this Act, in whole or in part, shall be brought in the United States District Court for the District of Columbia.

(b) **PROMPT APPEAL-**

(1) **COURT OF APPEALS-** Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable only pursuant to a notice of appeal to the United States Court of Appeals for the District of Columbia Circuit.

(2) SUPREME COURT- Notwithstanding any other provision of law, review by the Supreme Court of the United States of a decision of the Court of Appeals which is issued pursuant to paragraph (1) may be had only if the petition for such review is filed within 10 days after the entry of such decision.

(c) TIMING OF RELIEF- No order of any court granting declaratory or injunctive relief against the Authority, including relief permitting or requiring the obligation, borrowing, or expenditure of funds, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or (if appeal is taken) during the period before the court has entered its final order disposing of such action.

(d) EXPEDITED CONSIDERATION- It shall be the duty of the United States District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

## **SEC. 106. FUNDING FOR OPERATION OF AUTHORITY.**

### **(a) ANNUAL BUDGETING PROCESS-**

(1) SUBMISSION OF BUDGET- The Authority shall submit a proposed budget for each fiscal year to the President for inclusion in the annual budget for the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act not later than the May 1 prior to the first day of the fiscal year. In the case of the budget for fiscal year 1996, the Authority shall submit its proposed budget not later than July 15, 1995.

(2) CONTENTS OF BUDGET- The budget shall describe--

(A) expenditures of the Authority by each object class, including expenditures for staff of the Authority;

(B) services of personnel and other services provided by or on behalf of the Authority for which the Authority made no reimbursement; and

(C) any gifts or bequests made to the authority during the previous fiscal year.

(3) APPROPRIATIONS REQUIRED- No amount may be obligated or expended by the Authority for a fiscal year (beginning with fiscal year 1996) unless such amount has been approved by Act of Congress, and then only according to such Act.

(4) CONFORMING AMENDMENT- Section 453(c) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-304.1(c), D.C. Code) is amended by striking the period at the end and inserting the following: `, or to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.'.

(b) SPECIAL RULE FOR FUNDING OF OPERATIONS DURING FISCAL YEAR 1995- As soon as practicable after the appointment of its members, the Authority shall submit to the Mayor



and the President--

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**Bill Summary & Status for the 104th Congress**

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**H.R.1345**

Sponsor: Rep Davis, Thomas M.(introduced 3/29/1995)

Latest Major Action: 4/17/1995 Became Public Law No: 104-8.

Title: To eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

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Jump to: [Titles](#), [Status](#), [Committees](#), [Related Bill Details](#), [Amendments](#), [Cosponsors](#), [Summary](#)

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**TITLE(S):** (*italics indicate a title for a portion of a bill*)

- **SHORT TITLE(S) AS INTRODUCED:**  
District of Columbia Financial Responsibility and Management Assistance Act of 1995
  - **SHORT TITLE(S) AS PASSED HOUSE:**  
District of Columbia Financial Responsibility and Management Assistance Act of 1995
  - **SHORT TITLE(S) AS PASSED SENATE:**  
District of Columbia Financial Responsibility and Management Assistance Act of 1995
  - **SHORT TITLE(S) AS ENACTED:**  
District of Columbia Financial Responsibility and Management Assistance Act of 1995
  - **OFFICIAL TITLE AS INTRODUCED:**  
To eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.
- 

**STATUS:** (*color indicates Senate actions*) ([Floor Actions/Congressional Record Page References](#))**3/29/1995:**

Referred to the House Committee on Government Reform and Oversight.

**3/29/1995:**

Referred to the Subcommittee on District of Columbia.

**3/29/1995:**

Subcommittee Consideration and Mark-up Session Held.

**3/29/1995:**

Forwarded by Subcommittee to Full Committee.

**3/30/1995:**

Committee Consideration and Mark-up Session Held.

**3/30/1995:**

Ordered to be Reported by Voice Vote.

**3/30/1995 8:14pm:**Reported by the Committee on Government Reform. H. Rept. [104-96](#). Filed late, pursuant to previous special order.

**3/30/1995 8:16pm:**

Placed on the Union Calendar, Calendar No. 47.

**4/3/1995 3:02pm:**

Mr. Clinger moved to suspend the rules and pass the bill, as amended.

**4/3/1995 3:02pm:**

Considered under suspension of the rules.

**4/3/1995 3:58pm:**

On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.

**4/3/1995 3:58pm:**

Motion to reconsider laid on the table Agreed to without objection.

**4/4/1995:**

Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 49.

**4/6/1995:**

Measure laid before Senate by unanimous consent.

**4/6/1995:**

Amendment SP 593 proposed by Senator Thompson for Senator Cohen.

**4/6/1995:**

S.AMDT.593 Proposed by Senator Thompson for Senator Cohen.

To amend the bill in several aspects.

**4/6/1995:**

Amendment SP 593 agreed to in Senate by Voice Vote.

**4/6/1995:**

S.AMDT.593 Amendment SP 593 agreed to in Senate by Voice Vote.

**4/6/1995:**

Passed Senate with amendments by Voice Vote.

**4/7/1995:**

Message on Senate action sent to the House.

**4/7/1995 11:28am:**

Mr. Davis asked unanimous consent that the House agree to the Senate amendments.

**4/7/1995 11:31am:**

On motion that the House agree to the Senate amendments Agreed to without objection.

**4/7/1995 11:31am:**

Motion to reconsider laid on the table Agreed to without objection.

**4/7/1995:**

Cleared for White House.

**4/12/1995:**

Presented to President.

**4/17/1995:**

Signed by President.

**4/17/1995:**

Became Public Law No: 104-8.

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## COMMITTEE(S):

**Committee/Subcommittee:**

**Activity:**

House Government Reform and Oversight

Referral, Reporting

Subcommittee on District of

Columbia

## Referral, Reporting

**RELATED BILL DETAILS:**

\*\*\*NONE\*\*\*

**AMENDMENT(S):**

1. S.AMDT.593 to H.R.1345 To amend the bill in several aspects.

**Sponsor:** Sen Cohen, William S.- **Latest Major Action:** 4/6/1995 Senate amendment agreed to**COSPONSORS(15), ALPHABETICAL** [followed by Cosponsors withdrawn]: (Sort: by date)

Rep Clinger, William F., Jr. - 3/29/1995	Rep Collins, Barbara-Rose - 3/29/1995
Rep Collins, Cardiss - 3/29/1995	Rep Dixon, Julian C. - 3/29/1995
Rep Fattah, Chaka - 3/29/1995	Rep Flanagan, Michael Patrick - 3/29/1995
Rep Gutknecht, Gil - 3/29/1995	Rep LaTourette, Steve C. - 3/29/1995
Rep McHugh, John M. - 3/29/1995	Rep Moran, James P. - 3/29/1995
Rep Morella, Constance A. - 3/29/1995	Rep Norton, Eleanor Holmes - 3/29/1995
Rep Walsh, James T. - 3/29/1995	Rep Wolf, Frank R. - 3/29/1995
Rep Wynn, Albert Russell - 3/29/1995	

**SUMMARY AS OF:**4/6/1995--Passed Senate, amended. (There are 2 other summaries)**TABLE OF CONTENTS:**

Title I: Establishment and Organization of Authority

Title II: Responsibilities of Authority

Subtitle A: Establishment and Enforcement of Financial

Plan and Budget for District Government

Subtitle B: Issuance of Bonds

Subtitle C: Other Duties of Authority

Title III: Miscellaneous Provisions

District of Columbia Financial Responsibility and Management Assistance Act of 1995 - **Title I: Establishment and Organization of Authority** - Establishes the District of Columbia Financial Responsibility and Management Assistance Authority as an entity within the District of Columbia government.

(Sec. 102) Authorizes Federal employees who become employed by the Authority within two months of

<http://thomas.loc.gov/cgi-bin/bdquerytr/z?d104:HR01345:@@@L&summ2=m&TOM:/bss/d1...> 4/2/02

separation from Federal service to have their Authority service treated as comparable to Federal service with respect to the Federal retirement system. Makes employees who elect the Federal system ineligible to participate in the District government retirement system.

(Sec. 103) Authorizes the Authority, notwithstanding the Freedom of Information Act and the Government in the Sunshine Act, to secure information necessary to carry out this Act from Federal agencies.

Permits the Authority to seek judicial enforcement of its authority to carry out its responsibilities under this Act. Makes District employees who violate Authority orders or present or certify false or misleading information guilty of a misdemeanor as well as subject to administrative discipline.

(Sec. 104) Exempts the Authority from liability for obligations of or claims against the District resulting from actions taken to carry out this Act.

(Sec. 105) Requires actions against the Authority to be brought in the U.S. District Court for the District. Provides for expedited consideration of such actions in the courts involved.

(Sec. 106) Requires the Authority to submit a proposed budget for each fiscal year to the President for inclusion in the annual budget for the District. Prohibits any amount from being obligated or expended by the Authority unless such amount has been approved by an Act of the Congress.

Directs the Authority, as soon as practicable after the appointment of its members, to submit to the Mayor of the District and the President a request for reprogramming of funds previously appropriated for the District for auditing and consulting services and a description of anticipated Authority expenditures for FY 1995. Requires the Mayor to transfer such funds to the Authority for its activities.

(Sec. 107) Suspends the Authority's activities upon the expiration of the 12-month period beginning on the date the Authority certifies that all obligations arising from the issuance by the Authority of bonds, notes, or other obligations have been discharged and all borrowings for short-term advances from the Treasury have been repaid. Reactivates the Authority upon initiation of a control period (as described by section 209) by the Appropriations Committees.

(Sec. 108) Applies provisions of specified laws regarding open meetings, freedom of information, and conflict of interest to the Authority.

Prohibits the District Mayor and the Council from exercising any control, oversight, or review over the Authority. Amends the District of Columbia Self-Government and Governmental Reorganization Act to bar the Council from enacting any act, resolution, or rule with respect to the Authority.

**Title II: Responsibilities of Authority - Subtitle A: Establishment and Enforcement of Financial Plan and Budget for District Government** - Directs the Mayor, for each fiscal year for which the District government is in a control period, to submit a financial plan and budget for the District to the Authority.

Lists requirements for the financial plan and budget, including that they be submitted for the applicable fiscal year and next three fiscal years and that they meet standards to promote the financial stability of the District government. Describes such standards as follows: (1) in the case of the financial plan and budget for FY 1996, the District's expenditures for each fiscal year (beginning with FY 1999) may not exceed the District's revenues for such year; (2) during FY 1996 through 1998, the government shall

make substantial progress towards equalizing its expenditures and revenues; (3) the government shall provide for the liquidation of the cumulative fund balance deficit; (4) if funds in government accounts dedicated for specific purposes have been withdrawn for other purposes, the government shall fully restore the funds to such accounts; and (5) the financial plan and budget shall assure the continuing long-term financial stability of the government.

Repeals a provision of the District of Columbia Appropriations Act, 1995 that requires the District to place portions of Federal payments in escrow to enforce certain spending reductions.

(Sec. 202) Sets forth the process for the submission and approval of the financial plan and budget. Provides for review of the financial plan and budget by the Authority. Authorizes the Mayor to submit proposed revisions to the financial plan and budget for a control year (a year in which a financial plan and budget approved by the Authority is in effect) to the Authority at any time during the year.

Makes certain requirements under the District of Columbia Self-Government and Governmental Reorganization Act which bar the approval and submission of an unbalanced budget inapplicable in fiscal years which are control years. Permits the separation of employees in the implementation of a financial plan and budget approved under this Act.

(Sec. 203) Requires the Council to submit to the Authority each Act passed by the Council during a control year, together with an estimate of costs to be incurred by the District during the first four years in which the Act is effective. Directs the Authority to review the Act to determine consistency with the approved financial plan and budget and, if consistent, provides for submission of the Act to the Congress for review.

Sets forth review and approval procedures with respect to contracts and leases. Directs the Mayor to submit any requests for the reprogramming of amounts provided in an adopted budget for a control year to the Authority for analysis of effects on the financial plan and budget. Prohibits the Council from carrying out such reprogramming until the Authority has provided such analysis.

(Sec. 204) Bars the District from borrowing money during a control year unless the Authority provides prior certification that the borrowing and the repayment of obligations are consistent with the financial plan and budget. Applies this section to any borrowing, including borrowing through the issuance of bonds and the authority to obtain funds from the Treasury.

Authorizes the District, without prior Authority approval, to requisition advances from the Treasury during a specified period following appointment of Authority members.

Amends the District of Columbia Revenue Act of 1939 to set forth provisions and conditions regarding short-term advances from the Treasury to the District for meeting its general expenditures.

Directs the Secretary of the Treasury to require the District to provide security for such advances, including a pledge of specific taxes and revenues and a debt service reserve fund.

Sets forth remedies for the District's failure to reimburse the Treasury for advances, including the withholding of annual Federal payments or Federal grants, entitlements, loans, or other payments (other than entitlement or benefit payments to individuals) and the attachment of District revenues.

Prohibits the Mayor from requisitioning Treasury advances if the Mayor or the Council has an action pending against the Authority.

(Sec. 205) Requires the Secretary, in a control year, to deposit the annual Federal payment to the District into an escrow account held by the Authority which shall allocate funds to the Mayor in accordance with terms appropriate to the implementation of the financial plan. Gives priority to using the payment for cash flow management and the payment of outstanding bills owed by the District.

(Sec. 206) Provides for withholding of Federal payments and funding for other Federal programs for the District if the Authority finds that the District's revenues and expenditures during a control year are inconsistent with the financial plan and budget.

(Sec. 207) Authorizes the Authority to submit recommendations on actions the District government or the Federal Government may take to ensure compliance with a financial plan and budget or to promote the financial stability, management responsibility, and service delivery efficiency of the District government. Sets forth requirements for the implementation of adopted recommendations.

(Sec. 208) Sets forth special procedures for the review and submission of the budget and financial plan for FY 1996.

(Sec. 209) Declares that a control period is initiated upon the occurrence of any of the following events: (1) the requisitioning by the Mayor of Treasury advances or the existence of any unreimbursed amounts obtained pursuant to such authority; (2) the failure of the District to provide sufficient revenue to a debt service reserve fund of the Authority; (3) the default by the District with respect to loans, bonds, notes, or other forms of borrowing; (4) the failure of the District to meet its payroll for any pay period; (5) the existence of a cash deficit of the District at the end of any quarter of the fiscal year in excess of the difference between the District's estimated revenues and expenditures during the remainder of the fiscal year or such remainder together with the first six months of the succeeding fiscal year; or (6) the failure of the District to make required payments relating to pensions and benefits for current and former employees or to any entity established under an interstate compact to which the District is a signatory.

Terminates a control period upon certification by the Authority that: (1) the District has adequate access to short- and long-term credit markets at reasonable interest rates to meet its borrowing needs; and (2) for four consecutive fiscal years, the District's expenditures did not exceed its revenues.

Deems a control period to exist upon this Act's enactment date.

**Subtitle B: Issuance of Bonds** - Authorizes the Authority, at the request of the Mayor pursuant to an act of the Council, to issue bonds, notes, or other obligations to borrow funds to obtain funds for the District's use. Permits the Authority to issue such obligations for the use of District agencies with independent borrowing authority. Provides for the deposit of borrowed funds into an escrow account and requires the Authority to allocate such funds to the District.

(Sec. 212) Authorizes the Authority to pledge or grant a security interest in revenues to individuals or entities purchasing bonds, notes, or other obligations issued pursuant to this subtitle. Directs the Authority to require the Mayor to: (1) pledge or direct taxes or other revenues payable to the District to the Authority for purposes of securing repayments of such obligations; and (2) transfer the proceeds of any tax levied for purposes of securing such obligations to the Authority immediately upon collection.

(Sec. 213) Requires the Authority to establish a debt service reserve fund as a condition for the issuance of such obligations. Permits amounts in the fund to be used solely for the payment of principal of bonds secured by such fund, the purchase or redemption of bonds, the payment of interest on bonds, or the payment of any redemption premium required to be paid when such bonds and notes are redeemed prior

to maturity. Sets forth restrictions on withdrawals and issuance of obligations from the fund to prohibit the fund from falling below a minimum reserve requirement.

(Sec. 215) Exempts the United States from liability for the payment of principal or interest on any obligation issued pursuant to this subtitle.

**Subtitle C: Other Duties of Authority** - Lists duties of the Authority beginning on the termination of a control period and ending with the suspension of its activities, including review of District budgets, reporting budget analyses, monitoring and reporting on the District's financial status, and carrying out activities with respect to outstanding obligations.

Requires the Mayor to submit budgets for fiscal years occurring during such period to the President and the Authority.

(Sec. 222) Permits the Authority to undertake cooperative efforts to assist the District government in achieving financial stability and management efficiency.

Sets forth miscellaneous reporting requirements.

**Title III: Miscellaneous Provisions** - Includes within the definition of "District revenues" under the District of Columbia Self-Government and Governmental Reorganization Act grants and other financial assistance and any funds administered by the District under cost sharing arrangements.

Prohibits reprogramming of amounts in an adopted budget unless the Mayor requests reprogramming from the Council and additional expenditures provided under the request are offset by reductions in expenditures for another activity.

Extends the authorization of appropriations for the annual Federal payment to the District through FY 1999.

(Sec. 302) Establishes within the executive branch of the District government an Office of the Chief Financial Officer of the District of Columbia. Includes the Office of the Treasurer within the Office. Transfers the functions and personnel of the District Controller, Office of the Budget, Office of Financial Information Services, and Department of Finance and Revenue to the Office. Sets forth duties of the Chief Financial Officer and the Treasurer. Repeals provisions that establish the Office of Financial Management and list the duties of the Treasurer.

(Sec. 303) Amends the District of Columbia Procurement Practices Act of 1985 to revise provisions regarding the appointment and duties of the District Inspector General, including to extend the term of office to six years.

(Sec. 304) Bars the making of any contract involving expenditures exceeding \$1 million in a 12-month period unless the contract is approved by the Council.





D.C. Financial Responsibility Management Administration (Control Board)

This document details the accession locations for the DCFRMA. The accessions at stored DC Records Center, 1300 Naylor Court, N.W., Washington, D.C.

DC Archives Division: Bob Nelson, Archivist for DC

Accession Group # 1

800-01-0001	68	DCFRMA Contract Files Begin Loc: 2-2-18-03-1-1    Ending Loc: 2-2-18-04-3-2
800-01-0002	30	Reports and Hearing Transcript Files Begin Loc: 2-2-18-04-3-3    Ending Loc: 2-2-18-04-8-2
800-01-0003	12	Docket Files – Incoming Correspondence Issues Begin Loc: 2-2-18-04-8-3    Ending Loc: 2-2-18-05-1-2
800-01-0004	15	Document Transaction Files Begin Loc: 2-2-18-05-1-3    Ending Loc: 2-2-18-05-3-5
800-01-0005	4	1996 –1998 Financial Records – Bank Statements Begin Loc: 2-2-18-05-4-6    Ending Loc: 2-2-18-05-4-3
800-01-0006	9	Miscellaneous Files (Unspecified) Begin Loc: 2-2-18-05-4-4    Ending Loc: 2-2-18-05-5-6
800-01-0007	48	Executive Director & Board Subject Files Begin Loc: 2-2-18-05-6-1    Ending Loc: 2-2-19-06-4-6
800-01-0008	12	DCFRMA Contract Files – 1997-1998 Begin Loc: 2-2-18-006-5-1    Ending Loc: 2-2-18-06-6-6
800-01-0009	28	Chief Financial Officer Files Begin Loc: 2-2-18-06-7-1    Ending Loc: 2-2-18-07-2-4
800-01-0010	42	Administration & Case Files Begin Loc: 2-2-18-07-2-5    Ending Loc: 2-2-18-07-9-4

Accession Group # 2

800-02-0001	306	DCFRMA Begin Loc: 2-2-17-02-1-1    Ending Loc: 2-2-17-07-6-6
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Accession Group # 3

800-02-0002	29	DCFRMA Begin Loc: 2-2-17-07-7-1    Ending Loc: 2-2-17-08-2-5
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D.C. Financial Responsibility Management Administration (Control Board)

Accession Group # 1

Box List – Document Type

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800-01-0002	30	Reports and Hearing Transcript Files
800-01-0003	12	Docket Files – Incoming Correspondence Issues
800-01-0004	15	Document Transaction Files
800-01-0005	4	1996 –1998 Financial Records – Bank Statements
800-01-0006	9	Miscellaneous Files (Unspecified)
800-01-0007	48	Executive Director & Board Subject Files
800-01-0008	12	DCFRMA Contract Files – 1997-1998
800-01-0009	28	Chief Financial Officer Files
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	76 - 81	Contract Spec., Alex Peacock - Subject Files
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	86	Program Analysis, Marquerite Owens - Subject Files
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	93 - 117	Departmental Files
	118 - 130	Financial Reference Files
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	8	Director, Andrew Brimmer - Subject Files	P
	9	Director, Andrew Brimmer - Subject Files	P-U
	10	Director, Andrew Brimmer - Subject Files	V-W
	11	Director, Andrew Brimmer - Subject Files	Final Reports
	12	Director, Andrew Brimmer - Subject Files	DC School Public Hearings
	13	Director, Andrew Brimmer - Subject Files	Hearing Transcripts
	14	Director, James W. Hill - Subject Files	ref. FA - 317-1
	15	Director, James W. Hill - Subject Files	ref. FA - 317-2
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	17	Director, James W. Hill - Subject Files	ref. FA - 319
	18	Director, James W. Hill - Subject Files	ref. FA - 320
	19	Director, James W. Hill - Subject Files	ref. FA - 321-1
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	21	Director, James W. Hill - Subject Files	ref. FA - 322-1
	22	Director, James W. Hill - Subject Files	ref. FA - 322-2
	23	Timothy Leeth - Subject Files	files arrangement - random
	24	Timothy Leeth - Subject Files	files arrangement - random
	25	Timothy Leeth - Subject Files	files arrangement - random
	26	Timothy Leeth - Subject Files	files arrangement - random
	27	Timothy Leeth - Subject Files	files arrangement - random
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46	Frances Smith - Subject Files	files arrangement - random
47	Frances Smith - Subject Files	files arrangement - random
48	Frances Smith - Subject Files	Special Reference Files
49	Frances Smith - Subject Files	FY 1999 Budget Files
50	Frances Smith - Subject Files	FY 2000 Budget Files
51	Frances Smith - Subject Files	FY 2001 Budget Files
52	Frances Smith - Subject Files	Correspondence
53	Frances Smith - Subject Files	O&PL / Workers' Comp
54	Frances Smith - Subject Files	Working Files - Budget
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58	Dan Rezneck - Subject Files	Regulatory Reform Files
59	Dan Rezneck - Subject Files	Regulatory Reform Files
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61	Dan Rezneck - Subject Files	Fact Books
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65	Dan Rezneck - Subject Files	Karen Shock Case (conf)
66	Dan Rezneck - Subject Files	Correspondence
67	Sam Kaiser - Subject Files	files arrangement - random
68	Sam Kaiser - Subject Files	files arrangement - random
69	Sam Kaiser - Subject Files	files arrangement - random
70	Sam Kaiser - Subject Files	files arrangement - random
71	Sam Kaiser - Subject Files	files arrangement - random
72	Sam Kaiser - Subject Files	files arrangement - random
73	Constance Newman - Subject Files	files arrangement - random
74	Constance Newman - Subject Files	files arrangement - random
75	Constance Newman - Subject Files	files arrangement - random
76	Alex Peacock - Subject Files	Special Reference Files
77	Alex Peacock - Subject Files	Special Reference Files
78	Alex Peacock - Subject Files	Contract 97-031 reports
79	Alex Peacock - Subject Files	Contract notes
80	Alex Peacock - Subject Files	Contract notes
81	Alex Peacock - Subject Files	Contract notes
82	Doneg McDonough - Subject Files	Contract notes
83	Doneg McDonough - Subject Files	Special Attention Contracts
84	Doneg McDonough - Subject Files	Special Attention Contracts
85	Doneg McDonough - Subject Files	Special Attention Contracts
86	Marquerite Owens - Subject Files	files arrangement - random
87	Agency Special Subject Files	files arrangement - random
88	Agency Special Subject Files	files arrangement - random
89	Agency Special Subject Files	files arrangement - random
90	Agency Special Subject Files	files arrangement - random
91	Agency Special Subject Files	files arrangement - random
92	Agency Special Subject Files	files arrangement - random