

Public Law 104-21  
104th Congress

An Act

To authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

Aug. 4, 1995  
[H.R. 2017]

*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 Emergency Highway Relief Act”.

District of  
Columbia  
Emergency  
Highway  
Relief Act.

**SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.**

(a) **TEMPORARY WAIVER OF NON-FEDERAL SHARE.**—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of an eligible project shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) **ELIGIBLE PROJECTS.**—In this section, the term “eligible project” means a highway project in the District of Columbia—

(1) for which the United States—

(A) is obligated to pay the Federal share of the costs of the project under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay the Federal share of the costs of the project under title 23, United States Code, during the period beginning on the date of the enactment of this Act and ending September 30, 1996;

(2) which is—

(A) for a route proposed for inclusion on or designated as part of the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation); and

(3) with respect to which the District of Columbia certifies that sufficient funds are not available to pay the non-Federal share of the costs of the project.

**SEC. 3. DEDICATED HIGHWAY FUND AND REPAYMENT OF TEMPORARY WAIVER AMOUNTS.**

(a) **ESTABLISHMENT OF FUND.**—Not later than December 31, 1995, the District of Columbia shall establish a dedicated highway fund to be comprised, at a minimum, of amounts equivalent to receipts from motor fuel taxes and, if necessary, motor vehicle taxes and fees collected by the District of Columbia to pay in accordance with this section the cost-sharing requirements established under title 23, United States Code, and to repay the United

States for increased Federal shares of eligible projects paid pursuant to section 2(a). The fund shall be separate from the general fund of the District of Columbia.

(b) **PAYMENT OF NON-FEDERAL SHARE.**—For fiscal year 1997 and each fiscal year thereafter, amounts in the fund shall be sufficient to pay, at a minimum, the cost-sharing requirements established under title 23, United States Code, for such fiscal year.

(c) **REPAYMENT REQUIREMENTS.**—

(1) **FISCAL YEAR 1996.**—By September 30, 1996, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid by the United States in such fiscal year pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(2) **FISCAL YEAR 1997.**—By September 30, 1997, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a) and with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(3) **FISCAL YEAR 1998.**—By September 30, 1998, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(4) **DEPOSIT OF REPAYED FUNDS.**—Repayments made under paragraphs (1), (2), and (3) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(d) **ENFORCEMENT.**—If the District of Columbia does not meet any requirement established by subsection (a), (b), or (c) and applicable in a fiscal year, the Secretary of Transportation shall not approve any highway project in the District of Columbia under title 23, United States Code, until the requirement is met.

(e) GAO AUDIT.—Not later than December 31, 1996, and each December 31 thereafter, the Comptroller General of the United States shall audit the financial condition and the operations of the fund established under this section and shall submit to Congress a report on the results of such audit and on the financial condition and the results of the operation of the fund during the preceding fiscal year and on the expected condition and operations of the fund during the next 5 fiscal years. Reports.

**SEC. 4. ADDITIONAL REQUIREMENTS.**

(a) EXPEDITIOUS PROCESSING AND EXECUTION OF CONTRACTS.—The District of Columbia shall expeditiously process and execute contracts to implement the Federal-aid highway program in the District of Columbia.

(b) REVOLVING FUND ACCOUNT.—The District of Columbia shall establish an independent revolving fund account for Federal-aid highway projects. The account shall be separate from the capital account of the Department of Public Works of the District of Columbia and shall be reserved for the prompt payment of contractors completing highway projects in the District of Columbia under title 23, United States Code.

(c) HIGHWAY PROJECT EXPERTISE AND RESOURCES.—The District of Columbia shall ensure that necessary expertise and resources are available for planning, design, and construction of Federal-aid highway projects in the District of Columbia.

(d) PROGRAMMATIC REFORMS.—The Secretary of Transportation, in consultation with the District of Columbia Financial Responsibility and Management Assistance Authority, may require administrative and programmatic reforms by the District of Columbia to ensure efficient management of the Federal-aid highway program in the District of Columbia.

(e) GAO AUDIT.—The Comptroller General of the United States shall review implementation of the requirements of this section (including requirements imposed under subsection (d)) and report to Congress on the results of such review not later than July 1, 1996. Reports.

Approved August 4, 1995.

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**LEGISLATIVE HISTORY— H.R. 2017 (S. 1023):**

HOUSE REPORTS: No. 104–217, Pt. 1 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 104–111 accompanying S. 1023 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 141 (1995):

July 20, S. 1023 considered and passed Senate.

July 31, H.R. 2017 considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 31 (1995):

Aug. 4, Presidential statement.

