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106TH CONGRESS
2d Session

SENATE

REPORT
106–469

MODIFYING THE DATE ON WHICH THE MAYOR OF THE DISTRICT OF COLUMBIA SUBMITS A PERFORMANCE ACCOUNTABILITY PLAN TO CONGRESS, AND FOR OTHER PURPOSES

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S.3062

TO MODIFY THE DATE ON WHICH THE MAYOR OF THE DISTRICT OF COLUMBIA SUBMITS A PERFORMANCE ACCOUNTABILITY PLAN TO CONGRESS, AND FOR OTHER PURPOSES



OCTOBER 3 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

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106TH CONGRESS, *2d Session* | SENATE | REPORT 106–469

MODIFYING THE DATE ON WHICH THE MAYOR OF THE DISTRICT OF COLUMBIA SUBMITS A PERFORMANCE ACCOUNTABILITY PLAN TO CONGRESS, AND FOR OTHER PURPOSES

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

Mr. THOMPSON, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany S. 3062]

The Committee on Governmental Affairs, to which was referred the bill (S. 3062) to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes, reports favorably thereon without amendment and recommends that the bill do pass.

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I. SUMMARY AND PURPOSE

S. 3062, the District of Columbia Performance Accountability Plan Amendments Act of 2000, changes the deadline for the District of Columbia to submit its annual performance accountability plan to Congress from March 1 of each year to be concurrent with the submission of the District of Columbia budget to Congress each year. It also replaces the reporting requirement that calls for the submission of both an acceptable and a superior level of performance with one unified measurable, objective and ambitious performance goal. The purposes are to bring the District government closer to performance budgeting by tying together the District's budget with its performance measures, and to allow the District govern-

ment to focus on achieving a single level of performance rather than working to reach multiple performance targets.

II. BACKGROUND

House Report 104–96 that accompanies Public Law 104–8, the "District of Columbia Financial Responsibility and Management Assistance Act of 1995," provides a complete background of Congress' decision to intervene in the daily proceedings of the District government and implement significant management reform initiatives. House Report 103–754 that accompanies Public Law 103–373, the "Federal Payment Reauthorization Act of 1994," fully explains the original intent of Congress in establishing the performance accountability plans addressed by this legislation.

Among other things, the Federal Payment Reauthorization Act of 1994 requires the District to devise, implement, and submit to Congress comprehensive financial and performance standards that address performance management goals. The primary motivation behind the Congressionally mandated performance goals for the District was a General Accounting Office (GAO) report that identified a number of efforts by the District government to balance its books with short-term actions that postponed financial solutions and caused greater cash problems. The report also cited a widening gap between spending and revenue, and it identified several impending capital needs and programs for which the District had not adequately planned. At a hearing on the financial condition of the District of Columbia in 1994, the GAO testified that performance-based planning would help the District to address many of the problems outlined in the GAO report.[1]

As a result of the Federal Payment Reauthorization Act of 1994, the District of Columbia must develop and submit to the appropriate House and Senate authorizing and appropriating committees and GAO, annual performance accountability plans and reports by March 1 of each year. The reports, which assess the District's progress in meeting the performance goals established in the corresponding fiscal year's performance accountability plan, are to be reviewed and evaluated by the GAO in consultation with the Office of Management and Budget. GAO is required to submit its findings to the Congress by April 15 of each year.

On April 14, 2000, the GAO released its evaluation of the District's FY1999 performance accountability report. The GAO found that "the Mayor's performance report did not contain the following required information for any of the 542 agency goals identified in the plan: (1) actual performance compared with two levels of planned performance, and (2) titles of the management employee and immediate supervisor most responsible for achieving each goal." The GAO report also concluded that the city's performance accountability report "does not describe, as required, the status of, or the steps taken to comply with, any of the court orders pertaining to the 12 civil actions concerning activities of the District government during fiscal year 1999."[2]

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[1] "Financial Status: District of Columbia Finances," General Accounting Office, July 14, 2000, GAO/T–AIMD–94–158.

[2] "District of Columbia Government: Performance Report's Adherence to Statutory Requirements," General Accounting Office, April 2000, GAO/GGD–00–107.

Regarding this GAO evaluation, it should be noted that the original law was drafted so that the Mayor would have both planning and reporting responsibility. But as noted in the GAO report, in 1997, Congress transferred the reporting responsibility to the Financial Responsibility and Management Assistance Authority (the Control Board). Then, in November 1999, Congress returned this planning and reporting responsibility back to the Mayor. However, because of the temporary transfer in 1997, the Mayor's performance report for FY1999 was required to be based on goals that the Control Board—not the Mayor—had established. So rather than report on all of the Control Board's goals, the Mayor opted to focus his FY1999 performance accountability report on the short-term goals he had established after taking office in January 1999.

Following the release of this GAO report, and a subsequent hearing by the Senate Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia on May 9, 2000, the Mayor sent a letter to Senator George V. Voinovich (R-OH), Chairman of the Subcommittee, requesting changes to the performance accountability requirements. The request included changing the submission deadline for the submission of the performance accountability plan from March 1 to June 15, and eliminating the requirement for multiple goals for each performance measure.

The latter request by the Mayor refers to the requirement in the Federal Payment Reauthorization Act of 1994 that requires the District to submit both acceptable and superior achievement goals for each performance measure. S. 3062 streamlines the performance goal requirements that were initially established in the Federal Payment Reauthorization Act of 1994 by replacing the multiple levels of performance goals with one set of ambitious performance targets. This would clarify the goals District managers are expected to meet and align congressional mandates on the District with what is required of federal agencies.

III. Legislative History

On May 9, 2000, the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia held a hearing on the progress of performance management in the District, at which Mayor Williams proposed harmonizing the submission deadline for the District's budget and performance accountability plan to Congress, testifying that ". . . the performance plan and the budget have to work together and really have to contain a lot of the same information, because modern budgeting is performance budgeting."

S. 3062 was introduced on September 18, 2000, by Senator Voinovich. It was cosponsored by Senator Richard Durbin (D-IL). The bill was referred to the Committee on Governmental Affairs. Although the legislation would have appropriately been referred to the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, the Subcommittee requested that the bill be held at full Committee in order to expedite its consideration. The legislation was ordered reported on September 27, 2000 by voice vote.

IV. SECTION-BY-SECTION ANALYSIS

Section 1, paragraph 1 of the legislation addresses the District's performance accountability plan that is required by Congress prior to each fiscal year. Paragraph 1, subparagraph A of the legislation changes the March 1 deadline, instead requiring the Mayor to submit a performance accountability plan that is "concurrent with the submission of the District of Columbia budget to Congress," beginning in 2001. Paragraph 1, subparagraph B of the legislation strikes the section of the law that requires the city to establish both superior and acceptable goals for the performance measures, replacing the multiple performance measures with one set of "measurable, objective performance goals."

Section 1, paragraph 2 of the legislation makes similar technical changes to the performance accountability report as those made to the plan (the report evaluates the District's success in achieving the goals set in its performance accountability plan). Paragraph 2, subparagraph A of the legislation states that the changes to the report will take effect in 2001. Paragraph 2, subparagraph B of the legislation strikes the requirement that the Mayor must report on acceptable and superior levels of performance in the performance accountability report.

V. ESTIMATED COST OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 2000.

Hon. FRED THOMPSON,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3062, a bill to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to the Congress, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), and Susan Sieg Tompkins (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 3062—A bill to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to the Congress, and for other purposes.

S. 3062 would require that the Mayor of the District of Columbia submit the city's annual performance accountability plan to the Congress at the same time that he or she submits the city's budget. Currently, the Mayor must submit the report by March 1. In addition, the bill would require that the city prepare only one set of performance goals under the Government Performance Results Act. Currently, it must prepare two sets. CBO estimates that enacting

S. 3062 would have no impact on the federal budget. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

S. 3062 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The bill would amend the statutes of the District of Columbia to relax certain requirements for the timing and content of annual reports of managerial performance. While the District of Columbia may incur costs to change its data management systems, over the long term, the District would benefit from the narrower reporting requirements.

The CBO staff contacts for this estimate are John R. Righter (for federal costs), and Susan Sieg Tompkins (for the state and local impact). This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

VI. Evaluation of Regulatory Impact

Pursuant to the requirement of paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory and paperwork impact of S. 3062. The legislation contributes to the efficient administration and management of the District of Columbia by facilitating the city's reporting requirements to Congress. It would impose no additional regulatory burdens, and should reduce paperwork and administrative burdens on the District of Columbia by streamlining the District's performance plan requirements. Over time, it should also reduce paperwork burdens on the District by tying together the performance plan and the budget into one, integrated document.

VII. Changes in Existing Law Made by the Bill, as Reported

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Committee bill, as reported, are shown as follows (existing law proposed to be omitted is shown in strikeout, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT OF 1973

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TITLE IV—THE DISTRICT CHARTER

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PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

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Subpart 2—Audit

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SECTION 456. PERFORMANCE AND FINANCIAL ACCOUNTABILITY.

(a) PERFORMANCE ACCOUNTABILITY PLAN.—

(1) SUBMISSION OF ANNUAL PLAN.—*Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)*, the Mayor shall develop and submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability plan for all departments, agencies, and programs of the government of the District of Columbia for the subsequent fiscal year.

(2) CONTENTS OF PLAN.—The performance accountability plan for a fiscal year shall contain the following:

(A) A statement of measurable, objective performance goals established for all significant activities of the government of the District of Columbia during the fiscal year (including activities funded in whole or in part by the District but performed in whole or in part by some other public or private entity).

(B) * * *

(C) * * *

(3) * * *

(b) PERFORMANCE ACCOUNTABILITY REPORT.—

(1) SUBMISSION OF REPORT.—Not later than March 1 of each year (beginning with *2001*), the Mayor shall develop and submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability report on activities of the government of the District of Columbia during the fiscal year ending on the previous September 30.

(2) CONTENTS OF REPORT.—The performance accountability report for a fiscal year shall contain the following:

(A) For each goal of the performance accountability plan submitted under subsection (a) [D.C. Code 47–231] for the year, a statement of the actual level of performance achieved compared to the stated goal.

(B) * * *

(C) * * *

(3) * * *

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