

COUNCIL OF THE DISTRICT OF COLUMBIA

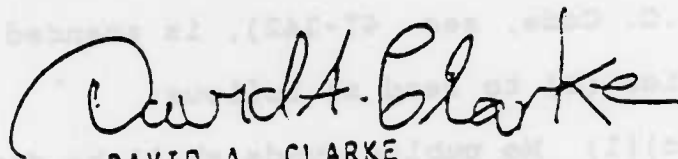
NOTICE

D.C. LAW 5-50

"Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-18 on first and second readings, September 6, 1983 and October 4, 1983, respectively. Following the signature of the Mayor on November 9, 1983, this legislation was assigned Act No. 5-76, published in the November 18, 1983 edition of the D.C. Register, (Vol. 30 page 5916) and transmitted to Congress November 15, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-50, effective March 8, 1984.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

November	15,16,17,18
January	23,24,25,26,27,30,31
February	1,2,3,6,7,8,9,21,22,23,24,27,28,29
March	1,2,5,6,7

EFFECTIVE DATE MAR 08 1984

D.C. ACT 5 - 76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 09 1983

To amend the District of Columbia Depository Act of 1977, the District of Columbia Housing Finance Agency Act, and the District of Columbia Retirement Reform Act to prohibit the investment of public funds in the stocks, securities, or other obligations of any bank, financial institution, or company which makes loans to or does business with the Republic of South Africa or Namibia; to provide for the identification of companies doing business with the Republic of South Africa or Namibia; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983".

Sec. 2. Section 3 of the District of Columbia Depository Act of 1977, effective October 26, 1977 (D.C. Law 2-32; D.C. Code, sec. 47-342), is amended by adding new subsection (c) to read as follows:

"(c)(1) No public funds shall be deposited or remain deposited in any bank or financial institution which has any outstanding loan (A) to the Republic of South Africa, (B) to Namibia, (C) to a national corporation of or other corporation organized under the laws of the Republic of South Africa or Namibia, or (D) to any company for the purpose of investment in the Republic of South Africa or

D.C. Code, see 47-342
Note, D.C. Co secs. 1-721, 45-2136 & 214, 47-139, -140, -141 & -142 (1981 ed.)

Namibia.

"(2) No public funds shall be invested or remain invested in the stocks, securities, or other obligations of any bank or financial institution which has any outstanding loan (A) to the Republic of South Africa, (B) to Namibia, (C) to a national corporation of or other corporation organized under the laws of the Republic of South Africa or Namibia, (D) to any company for the purpose of investment in the Republic of South Africa or Namibia, or in the stocks, securities, or other obligations of any company or its subsidiary or affiliate doing business in or with the Republic of South Africa or Namibia.

"(3) Any public funds deposited or invested in the banks, financial institutions, or companies and their subsidiaries or affiliates described in paragraphs (1) and (2) on the effective date of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983 shall be withdrawn or divested in accordance with this subsection.

"(4) Before public funds can be deposited or invested in any bank or financial institution, the Mayor shall require, in accordance with rules or procedures established by the Mayor, that each bank or financial institution submit to the Mayor an affidavit certifying that it does not have any loans (A) to the Republic of South Africa, (B) to Namibia, (C) to a national corporation of or other corporation organized under the laws of the Republic

of South Africa or Namibia, or (D) to any company for the purpose of investment in the Republic of South Africa or Namibia. The affidavit shall require the bank or financial institution to notify the Mayor if it subsequently enters into any loan described in this paragraph.

"(5) Notwithstanding the provision of section 7(c), the Mayor shall make available for public inspection all affidavits filed by banks and financial institutions in accordance with paragraph (4).

"(6) All banks, financial institutions, companies, and their subsidiaries and affiliates doing business in or with the Republic of South Africa or Namibia shall be identified by reference to the order of the Mayor issued pursuant to section 5 of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983.

"(7) The Mayor shall be considered in compliance with this subsection by ensuring that no public funds are invested or deposited with banks or financial institutions which fail to submit the affidavits required by paragraph (4), or with the banks, financial institutions, companies, and their subsidiaries or affiliates which are listed in the District of Columbia Register pursuant to section 5 of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983.

"(8) The withdrawal or divestiture required by

paragraph (3) shall be completed within two (2) years of the effective date of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983. During that two (2)-year period, the Mayor shall make regular reports to the Council concerning the progress of divestiture. If, prior to the expiration of the two (2)-year time limit, the Mayor determines that withdrawal or divestiture cannot be completed within the (2) years, the Mayor may request from the Council an extension of the time allowed which may be granted by resolution of the Council."

Sec. 3. The District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2101 et seq.), is amended as follows:

(a) Section 406 (D.C. Code, sec. 45-2136) is amended by striking the "." and inserting the phrase "and in accordance with section 412." in lieu thereof.

(b) A new section 412 is added to read as follows:

"Sec. 412.

"(a) For the purpose of this section, the term 'Agency funds' means all monies managed and all funds established pursuant to sections 406 and 411.

"(b)(1) No Agency funds shall be deposited or remain deposited in any bank or financial institution which has any outstanding loan (A) to the Republic of South Africa, (B) to Namibia, (C) to a national corporation of or other corporation organized under the laws of the Republic of

D.C. Code, sec.
45-2136
Note, D.C. Code
secs. 1-721,
45-2142, 47-139
-140, -141, -142
-342
(1981 ed.)

New
D.C. Code, sec.
45-2142
Note, D.C. Code
secs. 1-721,
45-2136, 47-139
-140, -141, -142
& -342
(1984 supp.)

South Africa or Namibia, or (D) to any company for the purpose of investment in the Republic of South Africa or Namibia.

"(2) No Agency funds shall be invested or remain invested in the stocks, securities, or other obligations of any bank or financial institution which has any outstanding loan (A) to the Republic of South Africa, (B) to Namibia, (C) to a national corporation or other corporation organized under the laws of the Republic of South Africa or Namibia, or (D) to any company for the purpose of investment in the Republic of South Africa or Namibia, or in the stocks, securities, or other obligations of any company or its subsidiary or affiliate doing business in or with the Republic of South Africa or Namibia.

"(3) Any Agency funds deposited or invested in the banks, financial institutions, or companies and their subsidiaries or affiliates described in paragraphs (1) and (2) on the effective date of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983 shall be withdrawn or divested in accordance with this subsection.

"(4) Before Agency funds can be deposited or invested in any bank or financial institution, the Agency shall require, in accordance with rules and procedures established by the Agency, that each bank or financial institution submit an affidavit certifying that it does not have any loans (A) to the Republic of South Africa, (B) to

Namibia, (C) to a national corporation of or other corporation organized under the laws of the Republic of South Africa or Namibia, or (D) to any company for the purpose of investment in the Republic of South Africa or Namibia. The affidavit shall require the bank or financial institution to notify the Agency if it subsequently enters into any loan described in this paragraph.

"(5) The Agency shall make available for public inspection all affidavits filed by banks and financial institutions in accordance with paragraph (4).

"(6) All banks, financial institutions, companies, and their subsidiaries and affiliates doing business in or with the Republic of South Africa or Namibia shall be identified by reference to the order of the Mayor issued pursuant to section 5 of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983.

"(7) The Agency shall be considered in compliance with this section by ensuring that no Agency funds are invested or deposited with banks or financial institutions which fail to submit the affidavits required by paragraph (4), and with banks, financial institutions, companies, and their subsidiaries or affiliates which are listed in the District of Columbia Register pursuant to section 5 of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983.

"(8) The withdrawal or divestiture required by paragraph (3) shall be completed within two (2) years of the effective date of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983. During that two (2)-year period, the Agency shall make regular reports to the Council concerning the progress of divestiture. If, prior to the expiration of the two (2)-year time limit, the Agency determines that withdrawal or divestiture cannot be completed within the two (2) years, the Agency may request from the Council an extension of the time allowed which may be granted by resolution of the Council."

Sec. 4. Section 141(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-721(a)), is amended by adding a new paragraph (5) to read as follows:

"(5)(A) Stocks, securities, or other obligations of any bank or financial institution which has any outstanding loan (i) to the Republic of South Africa, (ii) to Namibia, (iii) to a national corporation of or other corporation organized under the laws of the Republic of South Africa or Namibia, or (iv) to any company for the purpose of investment in the Republic of South Africa or Namibia, or in the stocks, securities, or other obligations of any company or its subsidiary or affiliate doing business in or with the Republic of South Africa or Namibia.

"(B) Any Funds deposited or invested in the

D.C. Code, sec
1-721
Note, D.C. Code
secs. 45-2136
-2142, 47-139,
-140, -141, -
& -342
(1981 ed.)

banks, financial institutions, companies, and their subsidiaries or affiliates described in subparagraph (A) on the effective date of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983 shall be withdrawn or divested in accordance with this paragraph.

"(C) Before Funds can be deposited or invested in any bank or financial institution, the Board shall require, in accordance with rules and procedures established by the Board, that each bank or financial institution submit to the Board an affidavit certifying that it does not have any loans (i) to the Republic of South Africa, (ii) to Namibia, (iii) to a national corporation of or other corporation organized under the laws of the Republic of South Africa or Namibia, or (iv) to any company for the purpose of investment in the Republic of South Africa or Namibia. The affidavit shall require the bank or financial institution to notify the Board if it subsequently enters into any loan described in this subparagraph.

"(D) The Board shall make available for public inspection all affidavits filed by banks and financial institutions in accordance with subparagraph (C).

"(E) All banks, financial institutions, companies, and their subsidiaries and affiliates doing business in or with the Republic of South Africa or Namibia shall be identified by reference to the order of the Mayor issued pursuant to section 5 of the Prohibition of the

Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983.

"(F) The Board shall be considered in compliance with this paragraph by ensuring that no Funds are invested or deposited with banks or financial institutions which fail to submit the affidavits required by subparagraph (C), or with the banks, financial institutions, companies, and their subsidiaries or affiliates which are listed in the District of Columbia Register pursuant to section 5 of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983.

"(G) The withdrawal or divestiture required by subparagraph (B) shall be completed within two (2) years of the effective date of the Prohibition of the Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983. During that two (2)-year period, the Board shall make regular reports to the Council concerning the progress of divestiture. If, prior to the expiration of the two (2)-year time limit, the Board determines that withdrawal or divestiture cannot be completed within two (2) years, the Board may request from the Council an extension of the time allowed which may be granted by resolution of the Council."

Sec. 5. Within 60 days of the effective date of this act, the Mayor shall issue a Mayor's Order, which shall be

published in the District of Columbia Register, listing companies and their subsidiaries or affiliates doing business in or with the Republic of South Africa or Namibia. The Mayor shall consult the most recent annual report of the U.S. Consulate General of Johannesburg, entitled "American Firms, Subsidiaries and Affiliates - South Africa", and publications of the United Nations and other reliable sources in the preparation of the Mayor's Order. The Mayor's Order shall be updated and amended as required.

Sec. 6. When the Mayor, the Housing Finance Agency, or the District of Columbia Retirement Board determines that public funds must be withdrawn or divested from banks, financial institutions, companies, and their subsidiaries or affiliates for noncompliance with the provisions of this act, the Mayor, the Housing Finance Agency, or the District of Columbia Retirement Board shall advise the bank, financial institution, company, or its subsidiary or affiliate, that the withdrawal or divestiture of public funds is required by this act.

Sec. 7. If the Mayor determines that funds have been deposited or invested in a bank, financial institution, company, or its subsidiary or affiliate which subsequently comes into noncompliance with this act, the Mayor shall require the withdrawal or divestment of those funds within 1 year after the date of determination of noncompliance.

Sec. 8. The requirements of this act shall not apply to funds invested under a trust indenture or investment agreement entered into in conjunction with bonds, notes, or

New,
D.C. Code, se
47-140
Note, D.C. Co
secs. 1-721,
2136 & -2142,
47-139, -141,
& -342
(1984 supp.)

New,
D.C. Code, se
47-141
Note, D.C. Co
secs. 1-721,
2136 & -2142,
139, -140, -1
& -342
(1984 supp.)

New,
D.C. Code, se
47-142
Note, D.C. Co
secs. 1-721,
2136 & -2142,
139, -140, -1
-342
(1984 supp.)

other obligations issued prior to and within a period of 5 years commencing with the effective date of this act pursuant to title IV, part E of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 804; D.C. Code, sec. 47-321 et seq.),

Sec. 9. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: November 9, 1983



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five — First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 5-18

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 9-6-83

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Moore

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

Oct 19 1983
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-4-83

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Moore

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

Oct 19, 1983
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date