

106TH CONGRESS
2D SESSION

H. R. 3995

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2000

Received; read twice and referred to the Committee on Governmental Affairs

AN ACT

To establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “District of Columbia
3 Receivership Accountability Act of 2000”.

4 **SEC. 2. SPECIAL RULES APPLICABLE TO RECEIVERS WITH**
5 **RESPONSIBILITIES OVER DISTRICT OF CO-**
6 **LUMBIA GOVERNMENT.**

7 (a) IN GENERAL.—Each District of Columbia re-
8 ceiver shall be subject to the requirements described in
9 section 3.

10 (b) DISTRICT OF COLUMBIA RECEIVER DEFINED.—
11 In this Act, a “District of Columbia receiver” is any re-
12 ceiver or other official who is first appointed by the United
13 States District Court for the District of Columbia or the
14 Superior Court of the District of Columbia during 1995
15 or any succeeding year to administer any department,
16 agency, or office of the government of the District of Co-
17 lumbia.

18 **SEC. 3. REQUIREMENTS DESCRIBED.**

19 (a) PROMOTING FINANCIAL STABILITY AND MAN-
20 AGEMENT EFFICIENCY.—Each District of Columbia re-
21 ceiver who is responsible for the administration of a de-
22 partment, agency, or office of the government of the Dis-
23 trict of Columbia shall carry out the administration of
24 such department, agency, or office through practices
25 which promote the financial stability and management ef-
26 ficiency of the government of the District of Columbia.

1 (b) COST CONTROL.—Each District of Columbia re-
2 ceiver who is responsible for the administration of a de-
3 partment, agency, or office of the government of the Dis-
4 trict of Columbia shall ensure that the costs incurred in
5 the administration of such department, agency, or office
6 (including personnel costs of the receiver) are consistent
7 with applicable regional and national standards.

8 (c) USE OF PRACTICES TO PROMOTE EFFICIENT AND
9 COST-EFFECTIVE ADMINISTRATION.—Each District of
10 Columbia receiver who is responsible for the administra-
11 tion of a department, agency, or office of the government
12 of the District of Columbia shall carry out the administra-
13 tion of such department, agency, or office through the ap-
14 plication of generally accepted accounting principles and
15 generally accepted fiscal management practices.

16 (d) PREPARATION AND SUBMISSION OF BUDGET.—

17 (1) CONSULTATION WITH MAYOR AND CHIEF
18 FINANCIAL OFFICER.—In preparing the annual
19 budget for a fiscal year for the department, agency,
20 or office of the government of the District of Colum-
21 bia administered by the receiver, each District of Co-
22 lumbia receiver shall consult with the Mayor and
23 Chief Financial Officer of the District of Columbia.

24 (2) SUBMISSION OF ESTIMATES.—After the
25 consultation required under paragraph (1), the re-

1 receiver shall prepare and submit to the Mayor, for in-
2 clusion in the annual budget of the District of Co-
3 lumbia for the year, the receiver's estimates of the
4 expenditures and appropriations necessary for the
5 maintenance and operation of the department, agen-
6 cy, or office for the year.

7 (3) TREATMENT BY MAYOR AND COUNCIL.—

8 The estimates submitted under paragraph (2) shall
9 be forwarded by the Mayor to the Council for its ac-
10 tion pursuant to sections 446 and 603(c) of the Dis-
11 trict of Columbia Home Rule Act, without revision
12 but subject to the Mayor's recommendations. Not-
13 withstanding any provision of the District of Colum-
14 bia Home Rule Act, the Council may comment or
15 make recommendations concerning such estimates
16 but shall have no authority under such Act to revise
17 such estimates.

18 (4) EXCEPTIONS.—This subsection shall not
19 apply with respect to—

20 (A) any department, agency, or office of
21 the government of the District of Columbia ad-
22 ministered by a District of Columbia receiver
23 for which, under the terms of the receiver's ap-
24 pointment by the court involved, the Mayor and
25 the Council may revise the annual budget; or

1 (B) the District of Columbia Housing Au-
2 thority receiver appointed during 1995.

3 (5) EFFECTIVE DATE.—This subsection shall
4 apply with respect to fiscal year 2001 and each suc-
5 ceeding fiscal year.

6 (e) ANNUAL FISCAL, MANAGEMENT, AND PROGRAM
7 AUDIT.—

8 (1) IN GENERAL.—An annual fiscal, manage-
9 ment, and program audit of each department, agen-
10 cy, or office of the government of the District of Co-
11 lumbia administered by a District of Columbia re-
12 ceiver shall be conducted by an independent auditor
13 selected jointly by the receiver involved (or the re-
14 ceiver's designee) and the Mayor (or the Mayor's
15 designee), and each District of Columbia receiver
16 shall provide the auditor with such information and
17 assistance as the auditor may require to conduct
18 such audit.

19 (2) EXCEPTIONS.—Paragraph (1) shall not
20 apply with respect to—

21 (A) any department, agency, or office of
22 the government of the District of Columbia ad-
23 ministered by a District of Columbia receiver
24 for which, under the terms of the receiver's ap-
25 pointment by the court involved, audits are con-

ducted by an auditor selected jointly by the parties to the action under which the receiver was appointed; or

(B) the District of Columbia Housing Authority receiver appointed during 1995.

(f) PROCUREMENT.—

(1) IN GENERAL.—In carrying out procurement on behalf of the department, agency, or office of the government of the District of Columbia administered by the receiver, each District of Columbia receiver—

(A) shall obtain full and open competition through the use of competitive procedures; and

(B) shall use the competitive procedure or combination of competitive procedures which is best suited under the circumstances of the procurement.

(2) EXCEPTIONS.—

(A) ALTERNATIVE METHODS FOR CERTAIN PROCUREMENT.—Notwithstanding paragraph (1), a District of Columbia receiver may use alternative methods to carry out procurement if—

(i) the amount involved is nominal;

1 (ii) the public exigencies require the
 2 immediate delivery of the articles or per-
 3 formance of the service involved;

4 (iii) the receiver certifies that only one
 5 source of supply is available; or

6 (iv) the services involved are required
 7 to be performed by the contractor in per-
 8 son and are of a technical and professional
 9 nature or are performed under the receiv-
 10 er's supervision and paid for on a time
 11 basis.

12 (B) HOUSING AUTHORITY.—Paragraph (1)
 13 shall not apply with respect to the District of
 14 Columbia Housing Authority receiver appointed
 15 during 1995.

16 **SEC. 4. CLARIFICATION OF APPLICABILITY OF ANTI-DEFI-**
 17 **CIENCY ACT.**

18 Nothing in subchapter III of chapter 13 of title 31,
 19 United States Code may be construed to waive the applica-
 20 tion of the provisions of such subchapter which apply to
 21 officers or employees of the District of Columbia govern-
 22 ment to any District of Columbia receiver.

Passed the House of Representatives June 12, 2000.

Attest: JEFF TRANDAHL,
Clerk.