

Public Law 106-397

106th Congress

An Act

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

Oct. 30, 2000
[H.R. 3995]

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 Receivership Accountability Act of 2000”.

District of Columbia Receivership Accountability Act of 2000.

SEC. 2. SPECIAL RULES APPLICABLE TO RECEIVERS WITH RESPONSIBILITIES OVER DISTRICT OF COLUMBIA GOVERNMENT.

(a) IN GENERAL.—Each District of Columbia receiver shall be subject to the requirements described in section 3.

(b) DISTRICT OF COLUMBIA RECEIVER DEFINED.—In this Act, a “District of Columbia receiver” is any receiver or other official who is first appointed by the United States District Court for the District of Columbia or the Superior Court of the District of Columbia during 1995 or any succeeding year to administer any department, agency, or office of the government of the District of Columbia.

SEC. 3. REQUIREMENTS DESCRIBED.

(a) PROMOTING FINANCIAL STABILITY AND MANAGEMENT EFFICIENCY.—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall carry out the administration of such department, agency, or office through practices which promote the financial stability and management efficiency of the government of the District of Columbia.

(b) COST CONTROL.—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall ensure that the costs incurred in the administration of such department, agency, or office (including personnel costs of the receiver) are consistent with applicable regional and national standards.

(c) USE OF PRACTICES TO PROMOTE EFFICIENT AND COST-EFFECTIVE ADMINISTRATION.—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall carry out the administration of such department, agency, or office through the application of generally accepted accounting principles and generally accepted fiscal management practices.

(d) PREPARATION AND SUBMISSION OF BUDGET.—

(1) CONSULTATION WITH MAYOR AND CHIEF FINANCIAL OFFICER.—In preparing the annual budget for a fiscal year for the department, agency, or office of the government of the District of Columbia administered by the receiver, each District of Columbia receiver shall consult with the Mayor and Chief Financial Officer of the District of Columbia.

(2) SUBMISSION OF ESTIMATES.—After the consultation required under paragraph (1), the receiver shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, the receiver's estimates of the expenditures and appropriations necessary for the maintenance and operation of the department, agency, or office for the year.

(3) TREATMENT BY MAYOR AND COUNCIL.—The estimates submitted under paragraph (2) shall be forwarded by the Mayor to the Council for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such estimates but shall have no authority under such Act to revise such estimates.

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

(A) any department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver for which, under the terms of the receiver's appointment by the court involved, the Mayor and the Council may revise the annual budget; or

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

(5) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

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

(1) IN GENERAL.—An annual fiscal, management, and program audit of each department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver shall be conducted by an independent auditor selected jointly by the receiver involved (or the receiver's designee) and the Mayor (or the Mayor's designee), and each District of Columbia receiver shall provide the auditor with such information and assistance as the auditor may require to conduct such audit.

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

(A) any department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver for which, under the terms of the receiver's appointment by the court involved, audits are conducted 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

Applicability.

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;

(ii) the public exigencies require the immediate delivery of the articles or performance of the service involved;

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

(iv) the services involved are required to be performed by the contractor in person and are of a technical and professional nature or are performed under the receiver's supervision and paid for on a time basis.

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

SEC. 4. CLARIFICATION OF APPLICABILITY OF ANTI-DEFICIENCY ACT.

Nothing in subchapter III of chapter 13 of title 31, United States Code, may be construed to waive the application of the provisions of such subchapter which apply to officers or employees of the District of Columbia government to any District of Columbia receiver.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 3995:

HOUSE REPORTS: No. 106-663 (Comm. on Government Reform).

SENATE REPORTS: No. 106-493 (Comm. on Governmental Affairs).

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June 12, considered and passed House.

Oct. 12, considered and passed Senate.

