

National Guard, all have done an incredible job in this first stage of flood recovery.

Now comes the second stage, Mr. Speaker, because shortly the Federal disaster declaration will be made. At that time there will be a toll-free number for all residents in West Virginia to call the Federal Emergency Management Agency, and there they can apply for housing assistance, small business loans, unemployment assistance, crisis counseling, and a range of other assistance.

Working with the Governor, Mr. Speaker, and the FEMA staff, my staff and I will be fanning out across the State as soon as this disaster declaration is made to work with local officials and to work with residents and to get the information out about how to get that assistance.

The first stage, Mr. Speaker, of this flood recovery is coming to an end, and that is basically to preserve life, health, and property. And now we begin the second stage. And as we do, all West Virginians should know that with the Federal disaster declaration that will be coming shortly, they will not be left alone. The second stage begins and so does our recovery.

ADJOURNMENT TO MONDAY, MARCH 10, 1997

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. (Mr. QUINN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 11, 1997

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 10, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, March 11, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1100

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore (Mr. QUINN) laid before the House the following resignation as a member of the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, The Capitol, Washington,
DC

DEAR MR. SPEAKER, I hereby submit my resignation from the Committee on Education and the Workplace.

Sincerely,

EARL BLUMENAUER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. WISE. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 84) and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 84

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Transportation and Infrastructure: Earl Blumenauer of Oregon, to rank directly below Elijah Cummings of Maryland.

To the Committee on Education and the Workforce: Dennis Kucinich of Ohio.

To the Committee on budget: James McDermott of Washington.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

If postponed, such proceedings will resume after disposition of proceedings de novo on the question of agreeing to the Speaker's approval of the Journal.

DISTRICT OF COLUMBIA COUNCIL CONTRACT REVIEW REFORM ACT OF 1997

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 513) to exempt certain contracts entered into by the government of the District of Columbia from review by the Council of the District of Columbia.

The Clerk read as follows:

H.R. 513

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 Council Contract Review Reform Act of 1997".

SEC. 2. EXEMPTION OF CERTAIN CONTRACTS FROM COUNCIL REVIEW.

(a) IN GENERAL.—Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-1130, D.C. Code) is amended by adding at the end the following new subsection:

"(d) EXEMPTION FOR CERTAIN CONTRACTS.—The requirements of this section shall not apply with respect to any of the following contracts:

"(1) Any contract entered into by the Washington Convention Center Authority for preconstruction activities, project management, design, or construction.

"(2) Any contract entered into by the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer authority Establishment and Department of Public Works Reorganization Act of 1996, other than contracts for the sale or lease of the Blue Plains Wastewater Treatment Plant.

"(3) At the option of the Council, any contract for a highway improvement project carried out under title 23, United States Code."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and the gentleman from Maine [Mr. ALLEN] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DAVIS of Virginia. Mr. Speaker, this bill is a very small matter for us, but it is urgently needed for the District of Columbia Council and two of its independent agencies charged with the important issue of water and sewer service and construction of a new convention center.

This legislation was introduced late in the 104th Congress and fell through the cracks in our rush to adjournment. I appreciate the gentleman from Indiana [Mr. BURTON], the chairman, and the gentleman from California [Mr. WAXMAN], the ranking member, being willing to allow this measure to come before the House outside the regular process. Mr. Speaker, my thanks to Chairman BURTON for permitting expeditious consideration of this bill.

H.R. 513, the District of Columbia Council Review Reform Act, is an important bill for the city's recovery. It enables two independent agencies, the Washington Convention Center Authority, and the District of Columbia Water and Sewer Authority, to carry out their mission in a more efficient and cost-effective manner. Timely passage

of this bill is of the essence in particular for the Convention Center Authority so as to avoid delays by taking full advantage of the construction season.

For many years the council has sought authority to review city contracts in excess of \$1 million. The council had numerous times passed legislation to accomplish this objective but had been unable to override executive vetoes. Congress was eventually asked to resolve this dispute, and we did so with the passage of the 1995 District of Columbia Financial Responsibility and Management Assistance Authority, Public Law 104-8. This legislation, establishing the control board, requires in section 304 that no contract involving expenditures in excess of \$1 million during a 12-month period may be made unless the mayor submits the contract to the council for its approval and the council approves the contract.

The District of Columbia Convention Center Authority and the District of Columbia Water and Sewer Authority were created as independent entities in order to remove them to the fullest extent possible from the political process. They are both key elements in our continuing efforts to reform essential city services and help restore confidence of the private sector.

The Convention Center Authority was created by the D.C. City Council in 1994, and the Water and Sewer Authority in 1996. In 1995, Congress passed legislation to permit the Convention Center Authority to expend certain revenues for its operation and maintenance. And in 1996 Congress passed legislation facilitating as well the operation of the new Water and Sewer Authority.

A consequence of the Convention Center Authority legislation became apparent when it sought to contract for a project manager. The law was interpreted as prohibiting discretion on the part of the council, and requiring review. At that point the losing bidders commenced lobbying the council to overturn the decision of the Convention Center Authority, which had already been endorsed by the control board. While the contract was eventually approved, precious time and effort were needlessly expended. The same consequence would apply to Water and Sewer Authority contracts.

When the inadvertent application of the control board legislation to both the Convention Center Authority and the Water and Sewer Authority was realized, efforts were made to rectify the situation. H.R. 3664, the District of Columbia Government Improvement and Efficiency Act of 1996, included a section exempting all contracts entered into by the Washington Convention Center Authority and the District of Columbia Water and Sewer Authority from review by the city council. This section also authorized the city council to exempt highway projects carried out under title 23 of the United States Code. But H.R. 3664, though it was marked up by both my subcommittee

and the full Government Reform and Oversight Committee, was unable to move forward due to a disagreement which arose on a completely different section of the bill.

This bill is necessary in order to avoid unnecessary delays in the very important work of the Convention Center Authority and the Water and Sewer Authority and to allow the council to eliminate delays in awarding highway contracts for bids already approved by the Federal Highway Administration. H.R. 513 removes the potential for Convention Center Authority and Water and Sewer Authority contracts to be handled in a way opposite the one that clearly is intended by the creation of these independent entities.

After consultation with the city council, the bill authorizes the council to change the way it handles Federal highway projects so as to conform local practice to the practice that exists in most States. The city council has indicated that it would like to establish such a process. This is presently prohibited because the control board legislation requiring council review of contracts is a Federal law and the council cannot change it.

All of the contracts referred to in this legislation are still subject to review by the control board. The Congressional Budget Office has certified that this bill would not affect the Federal budget.

Mr. Speaker, I urge passage of H.R. 513.

Mr. Speaker, I include the following for the RECORD:

COMMITTEE ON GOVERNMENT REFORM AND
OVERSIGHT—BRIEFING MEMO

On Thursday, March 6, 1997, at 10:00 a.m., H.R. 513, is scheduled for floor action on the Suspension Calendar. This bill, the District of Columbia Council Contract Review Reform Act of 1997, is sponsored by Subcommittee Chairman Tom Davis and Ranking Member Eleanor Holmes Norton of the House District of Columbia Oversight Subcommittee of the Committee on Government Reform and Oversight. The purpose of the bill is to exempt certain contracts entered into by the District of Columbia government from review by the District Council.

H.R. 513 was introduced on February 4, 1997, and referred to the Government Reform and Oversight Committee. Chairman Dan Burton agreed to expeditious consideration of the bill on the Suspension Calendar. There is no known opposition to the bill. The Congressional Budget Office has certified in writing that the bill does not effect the federal budget.

H.R. 513 is necessary at this time in order to facilitate the clear intention of Congress in its passage of legislation establishing the control board (P.L. 104-8), and the legislation creating the Washington Convention Center Authority and the District of Columbia Water and Sewer Authority. Timely passage of this bill is particularly essential for the Convention Center Authority so as to avoid delays by taking full advantage of the construction season.

For many years the District of Columbia Council had sought authority to review City contracts in excess of \$1 million. Legislation to accomplish this objective was repeatedly vetoed by the Mayor. The Council was unable to override these vetoes. Congress was

asked to resolve the matter and sought to do so with passage of P.L. 104-8 in 1995, the District of Columbia Financial Responsibility and Management Assistance Authority. This landmark legislation, establishing the control board, requires in Section 304 that no contract involving expenditures in excess of \$1 million during a 12 month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract. Section 304 is mandatory, not discretionary.

It soon became apparent that the mandatory, all-inclusive nature of Section 304 of P.L. 104-8 created serious problems in particular for the Convention Center Authority. The Washington Convention Center Authority, and the District of Columbia Water and Sewer Authority were created as independent entities in order to remove them to the fullest extent possible from the political process. They are both key elements in continuing efforts by Congress to reform essential City services and help restore confidence in the private sector.

The Convention Center Authority was created by the D.C. Council in 1994, and the Water and Sewer Authority in 1996. In 1995 Congress passed the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to permit the Convention Center Authority to expend certain revenues for its operation and maintenance. And in 1996 Congress passed the District of Columbia Water and Sewer Authority Act of 1996 to authorize the issuance of bonds with respect to water and sewer facilities.

When the Convention Center Authority proceeded to contract for a Project Manager the adverse consequences of requiring Council review became apparent. Though the contract had been approved by the control board the losing bidders appealed to the Council to overturn the decision. The contract was eventually approved, but precious time and energy were wasted.

When the inadvertent application of the control board legislation to both the Convention Center Authority and the Water and Sewer Authority was realized last year steps were taken to rectify the situation. H.R. 3664, the District of Columbia Government Improvement and Efficiency Act of 1996 included a section exempting all contracts entered into by the Convention Center Authority and the Water and Sewer Authority from review by the City Council. This section of H.R. 3664 also authorized the City Council to exempt highway projects carried out under Title 23 of the U.S. Code. But H.R. 3664, though it was marked-up by both the House District Oversight Subcommittee and the Government Reform and Oversight Committee, was unable to move forward due to a disagreement which arose on a completely different section of the bill.

H.R. 513 also authorizes the District of Columbia City Council to change the way it handles Federal highway projects so as to conform local practice to the practice that exists in most states. After consultation with the City Council it was concluded that they would favor establishing such a process. They are prohibited from doing so now because the control board legislation requiring Council review of contracts is a federal law and the Council cannot change it.

All of the contracts referred to in this legislation are still subject to review by the control board.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ALLEN asked and was given permission to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, H.R. 513 is a bipartisan bill authored by the District of Columbia Subcommittee's chairman, the gentleman from Virginia [Mr. DAVIS], and the gentlewoman from the District of Columbia [Ms. NORTON], its ranking member. It would simply exempt contracts over \$1 million entered into by the District's Water and Sewer Authority and Convention Center Authority from review and approval by the city council. These two authorities were established by the Council during the last 2 years as corporate bodies with a legal existence apart from the District government. Each authority has its own board of directors, financial system, and revenue sources. Their independence was an essential element of their design, and it is critical to the realization of their respective missions.

Two years ago, Congress approved legislation developed by the D.C. Subcommittee establishing the District of Columbia Financial Responsibility and Management Assistance Authority, Public Law 104-8. This bill contained a provision amending the District's home rule charter to require council review of all contracts over \$1 million. This was done in order to inject greater control and accountability into the District's procurement process.

It has since been learned through consultation with various financial advisers that we could lower the risk associated with any borrowing by the two authorities and thereby reduce their borrowing costs if we insulated the larger contracts of the two authorities from the review process and the politics which sometimes affect it.

Finally, the bill would permit the city council at its option to exempt from its review any Federal aid highway program contract over \$1 million. The council has indicated that it would prefer to annually approve a schedule of projects to be undertaken under this program rather than consider project contracts on an individual basis. This approach will expedite the procurement process and ensure work can get started during the construction season.

I should point out that all of the contracts which this bill will exempt from council review will still be subject to review and approval by the District's Financial Authority, the Control Board. The authority will ensure that they have been executed appropriately and are consistent with the District's budget and financial plan.

Mr. Speaker, it is clear that this bill does nothing more than streamline an administrative review process of the council. It enjoys the support of the District's local officials. Accordingly, I urge its approval by this body.

Mr. ALLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 513.

The question was taken.

Mr. DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question de novo on the approval of the Journal, and then on the motion to suspend the rules postponed from earlier today.

Votes will be taken in the following order:

The first vote will be on the Journal, de novo; the second vote will be on the motion to suspend the rules and pass H.R. 513, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 43, not voting 34, as follows:

[Roll No. 33]

YEAS—355

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Bernan
Berry
Bilbray
Bilirakis
Bishop

Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady

Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane

Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam

Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKinney
Meehan
Meek
Metcalfe
Mica
Millender-
McDonald
Miller (FL)
Minge
Mink
Moakley
Molinar
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Neumann
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Poshard

Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skeltton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)