

versions of the DATA Act that was approved unanimously by the House in the last Congress.

I want to additionally thank the ranking member, Mr. CUMMINGS, for his partnership in this issue. No matter which of us holds the gavel, we together know that the information we base our decisions on, the information critical to the American people, has a balance of time that we must realize must be sooner and not later.

The ranking member and I absolutely support this bill in its current form because we know that fresh information is critically important if we're to make our decisions well timely.

With that, I reserve the balance of my time.

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

Mr. Speaker, I first just want to dedicate a moment or two to our fellow citizens up in Boston who are going through some very traumatic times right now. The fact that bombs have gone off in Boston, that sadly there have been fatalities and sadly many people have been injured, our prayers go out to our fellow citizens, to the first responders, and we pray that this matter will be resolved in a way that brings anybody who brings harm to anyone to justice.

With that, Mr. Speaker, on the subject of the bill, I rise in strong support of this bill.

I want to associate myself with the words of our chairman, Mr. ISSA. This is truly indeed a bipartisan bill. As to the contents of the bill, GAO assists Congress in identifying waste, fraud, and abuse in Federal programs and recommending ways to make government work better.

Because of its vital role, GAO needs unfettered access to Federal agencies. Efforts by executive branch officials to withhold information from GAO unfortunately impede Congress' ability to legislate effectively. And I will say it over and over again, as long as I live, we need to be effective and efficient in everything we do on this Earth. This is an effort to make sure that we can be just that, more effective and efficient.

The Government Accountability Office Improvement Act will increase the effectiveness of GAO by clarifying and strengthening its authority in several critical areas, including access to records.

The GAO Improvement Act addresses a Federal court decision in *Walker v. Cheney* that limited GAO's ability to question agency access determinations in court.

The bill provides the Comptroller General, with express authority from Congress, to pursue litigation if the Comptroller General determines that the performance of her official duties is harmed when an agency improperly withholds information.

The bill also clarifies GAO's access to information in other key areas by confirming GAO's right to make and retain copies of records, authorizing the

GAO to administer oaths in certain circumstances and specifically granting GAO access to certain information.

Finally, Mr. Speaker, the bill creates a reporting mechanism so that Congress will be more fully informed when agencies do not cooperate with GAO.

I introduced similar legislation to this bill in the last Congress which passed the House as a provision of H.R. 2146, the DATA Act, to which it was added at my request.

Again, I want to thank the chairman of the committee for his cooperation in getting the bill to the floor, and I urge Members to pass H.R. 1162.

With that, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I now will place in the record a letter from the chairman of the Ways and Means Committee supporting the bill, but recognizing that the primary jurisdiction over this database belongs to the Ways and Means Committee, and we are responding in the affirmative for that.

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 15, 2013.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ISSA, On March 20, 2013, the Committee on Oversight and Government Reform reported H.R. 1162, the Government Accountability Office Improvement Act, favorably to the House. Section 2, dealing with authority to access the National Directory of New Hires in Section 453 of the Social Security Act, touches the jurisdiction of the Committee on Ways and Means. As a result of your having consulted with the Committee concerning the provision of the bill that falls within our Rule X jurisdiction, I agree not to seek a sequential referral so that the bill may proceed expeditiously to the House floor.

The Committee on Ways and Means takes this action with the mutual understanding that, by forgoing consideration of H.R. 1162 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

DAVE CAMP,  
Chairman.

Before I recognize the next speaker, I would ask that the House take a moment to recognize the loss of life in Boston as this tragedy continues to unfold.

□ 1710

Mr. ISSA. Mr. Speaker, we have no further requests for time, and I am prepared to close unless there are further speakers on the other side.

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

Mr. ISSA. Then I think we both ask for favorable consideration, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Issa) that the House suspend the rules and pass the bill, H.R. 1162, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### DISTRICT OF COLUMBIA CHIEF FINANCIAL OFFICER VACANCY ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1246) to amend the District of Columbia Home Rule Act to provide that the District of Columbia Treasurer or one of the Deputy Chief Financial Officers of the Office of the Chief Financial Officer of the District of Columbia may perform the functions and duties of the Office in an acting capacity if there is a vacancy in the Office.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1246

*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 Chief Financial Officer Vacancy Act".

#### SEC. 2. AUTHORIZING DISTRICT OF COLUMBIA TREASURER OR DEPUTY CHIEF FINANCIAL OFFICER OF OFFICE OF CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA TO SERVE AS ACTING CHIEF FINANCIAL OFFICER IN EVENT OF VACANCY IN OFFICE.

(a) AUTHORIZING SERVICE IN ACTING CAPACITY IN EVENT OF VACANCY IN OFFICE.—Section 424(b) of the District of Columbia Home Rule Act (sec. 1-204.24(b), D.C. Official Code) is amended by adding at the end the following new paragraph:

"(3) AUTHORIZING TREASURER OR DEPUTY CFO TO PERFORM DUTIES IN ACTING CAPACITY IN EVENT OF VACANCY IN OFFICE.—

"(A) SERVICE AS CFO.—

"(i) IN GENERAL.—Except as provided in clause (ii), if there is a vacancy in the Office of Chief Financial Officer because the Chief Financial Officer has died, resigned, or is otherwise unable to perform the functions and duties of the Office—

"(I) the District of Columbia Treasurer shall serve as the Chief Financial Officer in an acting capacity, subject to the time limitation of subparagraph (B); or

"(II) the Mayor may direct one of the Deputy Chief Financial Officers of the Office referred to in subparagraphs (A) through (D) of subsection (a)(3) to serve as the Chief Financial Officer in an acting capacity, subject to the time limitation of subparagraph (B).

“(i) EXCLUSION OF CERTAIN INDIVIDUALS.—Notwithstanding clause (i), an individual may not serve as the Chief Financial Officer under such clause if the individual did not serve as the District of Columbia Treasurer or as one of such Deputy Chief Financial Officers of the Office of the Chief Financial Officer (as the case may be) for at least 90 days during the 1-year period which ends on the date the vacancy occurs.

“(B) TIME LIMITATION.—A vacancy in the Office of the Chief Financial Officer may not be filled by the service of any individual in an acting capacity under subparagraph (A) after the expiration of the 210-day period which begins on the date the vacancy occurs.”.

(b) CONFORMING AMENDMENT.—Section 424(b)(2)(D) of such Act (sec. 1-204.24(b)(2)(D), D.C. Official Code) is amended by striking “Any vacancy” and inserting “Subject to paragraph (3), any vacancy”.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to vacancies occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

As chairman of the committee with oversight and responsibility over the District of Columbia, from time to time it comes to our attention that the Home Rule Act and other legislation that has governed the Federal City needs to be updated. In this case, because of the work of Delegate HOLMES NORTON, we became aware of a potentially dangerous flaw within existing law.

On February 1, Dr. Gandhi, the long-standing District of Columbia chief financial officer, announced that he will retire on June 1. Subsequently, Ms. NORTON and the Mayor both began to realize that, if they did not have a full-time and confirmed replacement by June 1, they would be without the authority to write checks; they would be without a requirement that makes the city physically work. This has been a flaw for a very long time. No city, no State, no government should have a single individual critical to the disbursement and consideration of their just debts; but that is, in fact, the way the law was written.

This bill very narrowly but essentially—and, if I may say, it's long overdue—recognizes that there has to be a succession plan, a capability to fill vacancies. H.R. 1246 parallels the Federal

Vacancies Reform Act and simply reaffirms a logical sequence of who may be considered to fill this vacancy for whatever period of time would be reasonable. Under our legislation, we recognize that we also mirror the Federal statute for what is, in fact, a temporary filling.

I want to just close by thanking Delegate HOLMES NORTON. She brought this to us, realizing how critical it could be, and was the first to realize that, if Dr. Gandhi had simply had a car accident and had become infirmed, the same exact situation could have happened and could have been a crisis during an August recess or some other period of time in which Congress would have found itself unable to resolve it in a timely fashion. So I want to thank her for recognizing the potential before all others, and perhaps that's the best justification for having a Delegate represent the District of Columbia as she has so well.

I reserve the balance of my time.

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

I begin by thanking the chairman, Chairman ISSA and, of course, Ranking Member CUMMINGS for so quickly understanding the importance of bringing this bill to the floor and for marking it up expeditiously. We brought it to the chairman and the ranking member after they had completed the list for the markup, and they immediately recognized how important this bill was.

May I also take this moment to thank Chairman ISSA for his continued partnership on legislation to improve the efficiency and effectiveness of the District of Columbia, including budget autonomy, which got a boost this week when President Obama included a legislative provision—that's the first time any President has ever included legislative language—to grant D.C. budget autonomy in his budget.

This legislation is a whole lot more straightforward but is highly technical and could have been overlooked. The District of Columbia Chief Financial Officer Vacancy Act is, however, an important example of Chairman ISSA's commitment to assist the District of Columbia in improving and safeguarding its vital operations.

The bill, based on the Federal Vacancies Reform Act of 1998, is intended to clarify the authority of the Mayor of the District of Columbia to fill a vacancy in the Office of the Chief Financial Officer on an interim basis. Under the bill, if there is a vacancy in the Office of the CFO because the CFO has died or resigned or has otherwise become unable to perform the functions and duties of the office, under this bill, patterned after Federal legislation, the D.C. treasurer becomes the acting CFO unless the Mayor appoints a deputy CFO to serve as the acting CFO. In either case, there may not be an acting CFO for more than 210 days.

The CFO, an independent official created by Congress, oversees all of the financial operations of the District of

Columbia. The city may not obligate or expend funds without the CFO's approval. Congress, apparently unintentionally, created uncertainty regarding the Mayor's authority to appoint an interim CFO in the fiscal 2001 District of Columbia Appropriations Act, which added a 30-day congressional review and comment period before the appointment of a CFO takes effect.

Now, when we passed the original bill, there was not that comment period, and here is where we got the technical flaw and Congress retained this congressional review and comment period in its rewrite of the CFO statute in the 2005 District of Columbia Omnibus Authorization Act. In the event of a vacancy, this review and comment period could leave the District without a CFO for at least 30 days.

While it could be argued that the Mayor has the general authority to execute the laws and to administer the affairs of the District of Columbia, which may give the Mayor implicit authority to fill a vacancy in the Office of the CFO on an interim basis, this office, after all, was created by the Congress. It would not be prudent to leave doubt about the Mayor's authority as to the only officer who can authorize spending for the District of Columbia. The bill removes any possible doubt.

Mr. Speaker, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

I would like to join with my colleague, Ms. NORTON, in her comments just a moment ago.

□ 1720

The President recognizes that now is the time to work on a bipartisan basis on budget autonomy for the District, recognizing that every year contracts have to be let for teachers who will go to work in late August and early September, but in fact they often do not know what their budget is going to be on October 1. So this is another area where I think Ms. NORTON and I find ourselves prepared to bring legislation in a timely fashion that deals with the need to make sure that the taxes raised within the District of Columbia by the people of the District of Columbia can in fact be put toward those essential, important services that are paid for by the taxes of the people of the District.

So although that isn't directly related to today's legislation, I think it's critical that we as the ultimate stewards of the Federal city recognize that we cannot run the Federal city, we cannot budget the Federal city, we cannot in fact do what mayors and city councils do as well as they do. So although I share with my colleagues that it is a responsibility the Constitution gives us, I join with my colleague, Ms. NORTON, in saying that we will live up to the President's request in the budget; we will offer legislation from our committee in the next month or so, so that long before the passage of appropriations we once again have a piece of

legislation before this committee that deals with a long overdue reform to the Home Rule Act, and I reserve the balance of my time.

Ms. NORTON. May I thank the chairman for his remarks concerning budget autonomy. Many in the District see budget autonomy as simply a right because it is a local budget; and, of course, the Congress had nothing to do with raising the funds in that budget.

The chairman had a hearing where he listened to the ramifications and effects of bringing a local budget to a body that, even in the best of times, is surrounded by great uncertainty; and he heard the experience of the penalties that the District incurs in its bond rating which otherwise would be perhaps the best in the country because the District has such a large reserve, unusual in these times. And he heard about our budget year, which is timed to begin with the congressional budget year; whereas, every other jurisdiction in the United States begins its fiscal year in July timed to their own children and the opening of school. And he heard about the difficulties of running a large city government and of the shutdown preparations we've had to make because our budget is tied to the federal budget.

The District of Columbia did not lobby the chairman. He is an astute observer, not only of the District of Columbia, but of how money is managed, and he himself came forward with the notion that the local budget ought to be with local residents. It seems to me to be a particularly thoughtful proposal when you consider that Congress, in bills and various provisions that have been offered, still would have the final authority over the budget. Here we have a situation where Congress would lose nothing, but the District would gain what we would in the District would call almost everything.

With that, I'm pleased to yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the ranking member who has been so helpful to me on this and other matters.

Mr. CUMMINGS. Mr. Speaker, I want to first of all say to Ms. NORTON, I want to thank you for your vigilance and thank you for staying on the case. No matter how history will be written about the District of Columbia, it must be said that you have, over and over again, stood up for the District, trying to make sure that it has the autonomy that it deserves, which is simply right, and we thank you very much for those efforts.

As ranking member of the House Oversight and Government Reform Committee, I rise in strong support of this important legislation. The District of Columbia Chief Financial Officer Vacancy Act would give the D.C. Mayor the express authority to appoint an acting chief financial officer in the event of a vacancy in the Office of the Chief Financial Officer, an independent office created by Congress and respon-

sible for the financial operations of the District.

While the Mayor, as the official responsible for executing the laws of the District, may have implied authority under current law to appoint an acting chief financial officer, this bill erases any doubt about the Mayor's authority to appoint an acting CFO.

That is so very important. The District's strong credit rating is attributable in no small part to the Office of the Chief Financial Officer, and it is important that there be no confusion about the office's ability to expend funds.

Finally let me say this. I agree with the gentlelady, with her comments, with regard to her comments with regard to the chairman of the committee. He has shown strong support for this autonomy that she is talking about, the autonomy that the residents of the District of Columbia richly deserve; and hopefully we will be able to move this ball forward so that when we look at the end of our tenure, if not before, we will be able to say that we were able to accomplish it and get it done.

So I applaud the chairman for his foresight. I definitely support him in his efforts with regard to that issue. And to this issue, by the way, because this issue here that we are dealing with today, clearly, we had a situation where there was a hole that needed to be closed so that there would be clarity. And through your foresight, Ms. NORTON, and certainly the foresight of the D.C. Government, we now are able to close that so there is no ambiguity whatsoever.

Mr. Speaker, I urge my colleagues to join me in supporting this bill, and thank the gentlelady for yielding to me.

Ms. NORTON. Mr. Speaker, I have no further speakers, but I do want to thank the ranking member for his very vigorous and important remarks on this bill, and for his great assistance to me on this bill and on budget autonomy and many other issues.

I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I urge all Members to join with me in support of H.R. 1246. This bill under consideration is critical and timely.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 1246.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CONTRACTING AND TAX ACCOUNTABILITY ACT OF 2013

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 882) to prohibit the awarding of a contract or grant in excess of the sim-

plified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 882

*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 "Contracting and Tax Accountability Act of 2013".

#### SEC. 2. GOVERNMENTAL POLICY.

It is the policy of the United States Government that no Government contracts or grants should be awarded to individuals or companies with seriously delinquent Federal tax debts.

#### SEC. 3. DISCLOSURE AND EVALUATION OF CONTRACT OFFERS FROM DELINQUENT FEDERAL DEBTORS.

(a) IN GENERAL.—The head of any executive agency that issues an invitation for bids or a request for proposals for a contract in an amount greater than the simplified acquisition threshold shall require each person that submits a bid or proposal to submit with the bid or proposal a form—

(1) certifying that the person does not have a seriously delinquent tax debt; and

(2) authorizing the Secretary of the Treasury to disclose to the head of the agency information limited to describing whether the person has a seriously delinquent tax debt.

(b) IMPACT ON RESPONSIBILITY DETERMINATION.—The head of any executive agency, in evaluating any offer received in response to a solicitation issued by the agency for bids or proposals for a contract, shall consider a certification that the offeror has a seriously delinquent tax debt to be definitive proof that the offeror is not a responsible source as defined in section 113 of title 41, United States Code.

(c) DEBARMENT.—

(1) REQUIREMENT.—Except as provided in paragraph (2), the head of an executive agency shall initiate a suspension or debarment proceeding against a person after receiving an offer for a contract from such person if—

(A) such offer contains a certification (as required under subsection (a)(1)) that such person has a seriously delinquent tax debt; or

(B) the head of the agency receives information from the Secretary of the Treasury (as authorized under subsection (a)(2)) demonstrating that such a certification submitted by such person is false.

(2) WAIVER.—The head of an executive agency may waive paragraph (1) with respect to a person based upon a written finding of urgent and compelling circumstances significantly affecting the interests of the United States. If the head of an executive agency waives paragraph (1) for a person, the head of the agency shall submit to Congress, within 30 days after the waiver is made, a report containing the rationale for the waiver and relevant information supporting the waiver decision.

(d) RELEASE OF INFORMATION.—The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget, shall make available to all executive agencies a standard form for the authorization described in subsection (a).

(e) REVISION OF REGULATIONS.—Not later than 270 days after the date of enactment of this subsection, the Federal Acquisition Regulation shall be revised to incorporate the requirements of this section.