

A motion to reconsider was laid on the table.

#### DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY INDEPENDENCE PRESERVATION ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5778) to preserve the independence of the District of Columbia Water and Sewer Authority, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5778

*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 Water and Sewer Authority Independence Preservation Act".

#### SEC. 2. ENSURING INDEPENDENCE OF CHIEF FINANCIAL OFFICER OF DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY.

(a) CLARIFICATION OF INAPPLICABILITY OF 2005 OMNIBUS AUTHORIZATION PROVISION.—The District of Columbia Home Rule Act is amended—

(1) by redesignating the section 424 added by section 202(a)(1) of the 2005 District of Columbia Omnibus Authorization Act (Public Law 109-356; 120 Stat. 2036) as section 424a; and

(2) in section 424a, as so redesignated, by adding at the end the following new subsection:

"(e) INAPPLICABILITY TO WATER AND SEWER AUTHORITY.—The authority of the Chief Financial Officer under this section does not apply to personnel of 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."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the 2005 District of Columbia Omnibus Authorization Act.

#### SEC. 3. PRESERVING EXISTING INDEPENDENCE OF DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY.

(a) IN GENERAL.—Part F of title IV of the District of Columbia Home Rule Act (sec. 1-204.91 et seq., D.C. Official Code) is amended—

(1) by amending the heading of such part to read as follows: "PART F—INDEPENDENT AGENCIES AND AUTHORITIES"; and

(2) by adding at the end the following new section:

"INDEPENDENT FINANCIAL MANAGEMENT, PERSONNEL, AND PROCUREMENT AUTHORITY OF DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

"SEC. 496. (a) FINANCIAL MANAGEMENT, PERSONNEL, AND PROCUREMENT AUTHORITY.—Notwithstanding any other provision of this Act or any District of Columbia law, the financial management, personnel, and procurement functions and responsibilities of the District of Columbia Water and Sewer Authority shall be established exclusively pursuant to rules and regulations adopted by its Board of Directors. Nothing in the previous sentence may be construed to affect the application to the District of Columbia Water and Sewer Authority of sections 445A, 451(d), 453(c), or 490(g).

"(b) CONSISTENCY WITH EXISTING AUTHORIZING LAW.—The rules and regulations adopt-

ed by the Board of Directors of the District of Columbia Water and Sewer Authority to establish the financial management, personnel, and procurement functions and responsibilities of the Authority shall be consistent with the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, as such Act is in effect as of January 1, 2008."

(b) CLERICAL AMENDMENTS.—(1) The table of contents of such Act is amended by amending the item relating to part F of title IV to read as follows:

"PART F—INDEPENDENT AGENCIES AND AUTHORITIES".

(2) The table of contents of such Act is further amended by adding at the end of the items relating to part F of title IV the following:

"Sec. 496. Independent financial management, personnel, and procurement authority of District of Columbia Water and Sewer Authority."

#### SEC. 4. PRESERVING EQUAL ELIGIBILITY OF RESIDENTS OF JURISDICTIONS SERVED BY DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY TO SERVE AS EMPLOYEES OF AUTHORITY.

(a) IN GENERAL.—Section 213 of D.C. Act 17-172 is repealed, and each provision of law amended by such section is restored as if such section had not been enacted into law.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as if included in the enactment of D.C. Act 17-172.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I now yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I'd like to present for consideration H.R. 5778, the District of Columbia Water and Sewer Authority Independence Preservation Act, which clarifies the original intent of previously enacted legislation establishing an independent water and wastewater utility agency for the national capital region.

H.R. 5778 was originally introduced by Representatives CHRIS VAN HOLLEN and TOM DAVIS April 10, 2008, and was discharged from the Oversight Committee on June 6, 2008. As chair of the House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, I convened a hearing to discuss the merits of this legislation before us on April 15, 2008, where we learned that the bill had the support of the various regional localities that are served by the authority.

The District of Columbia Water and Sewer Authority, also known as D.C.

WASA, was created in 1996 through congressional and local government action which was intended to establish an independent regional utility agency that would be responsible for providing drinking water and wastewater treatment services to the District of Columbia and wholesale wastewater treatment services to certain Maryland and Virginia suburban jurisdictions.

Before the enactment of a series of WASA-related statutes, the agency experienced a grave financial and serious operational difficulties. However, I am happy to report that ever since the agency was restructured back in the late 1990s, WASA has made significant progress in carrying out its statutory mandate of providing retail drinking water distribution, wastewater collection, and wastewater treatment services to over 2 million Washington metropolitan regional customers, of which the Federal Government is included.

H.R. 5778 clarifies the original intent of the applicable statutes concerning WASA's Board's responsibilities, including the financial management, personnel, procurement, and all other operations of the authority. A recent amendment to the bill will help to ensure that the residents and employees of the applicable jurisdictions are eligible for employment with WASA under the same terms and conditions.

And so, Mr. Speaker, as a regional partner, it is important that we continue to show our commitment to strengthening and assisting WASA in its efforts to upgrade and improve the agency's operations, equipment, and long-term functionality. H.R. 5778 is an important step in that direction. Therefore, I urge its adoption.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, as my colleague just said, the District of Columbia Water and Sewer Authority Independence Preservation Act is very important.

H.R. 5778 would amend the D.C. Home Rule Act to clarify that the chief financial officer of the District of Columbia does not have authority over the District of Columbia Water and Sewer Authority, or WASA. WASA is a regional entity, funded by rate payers living in D.C., Maryland, and Virginia. Under current Federal law, however, WASA's finances are under the jurisdiction of the D.C. chief financial officer.

A memorandum of understanding has been in place between WASA and the District of Columbia CFO for many years stating that the CFO would not exercise its authority over WASA. However, it was recently determined that such a memorandum was not legally enforceable and that Federal law needed to be changed in order to make the previous agreement enforceable.

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The purpose of H.R. 5778 is to codify in Federal statute the Water and Sewerage Authority's financial independence from the District.

And with that, Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time and no further speakers.

I want to thank the gentleman from Indiana for his support and thank the entire committee for its support. I urge passage of this resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 5778, the District of Columbia Water and Sewer Authority Independence Preservation Act. Representative VAN HOLLEN and I introduced this legislation to reaffirm the independence of the District of Columbia Water and Sewer Authority.

H.R. 5778 would amend the D.C. Home Rule Act to clarify that the District of Columbia Water and Sewer Authority, or WASA, is an independent agency with financial authority independent from the District of Columbia. After all, WASA is a regional entity, funded by ratepayers living in D.C., Maryland and Virginia.

In October 2000, Congress approved the conference report for the FY2001 District of Columbia appropriations, which contained language regarding the functions and responsibilities of the District of Columbia Chief Financial Officer.

At that time, I engaged in a colloquy on the floor with then Chairman of the District of Columbia Appropriations Subcommittee Ernest Istook to clarify that the amendments to the CFO's responsibility's did not infringe upon the financial independence of the District of Columbia Water and Sewer Authority. Subsequently, a memorandum of understanding was signed between WASA and the District's CFO at the time Anthony Williams stating that the CFO would not exercise its authority over WASA.

However, it was recently determined that such a memorandum was not legally enforceable and that Federal law needed to be changed in order to make the previous agreement enforceable.

Therefore, the purpose of H.R. 5778 is to codify in Federal statute the Water and Sewer Authority's financial independence from the District.

Mr. Speaker, I urge my colleagues to support passage of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5778, as amended.

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

A motion to reconsider was laid on the table.

#### REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the

Senate bill (S. 1245) to reform mutual aid agreements for the National Capital Region.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

#### S. 1245

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION.

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “, including its agents or authorized volunteers,”; and

(B) in paragraph (5), by striking “or town” and all that follows and inserting “town, or other governmental agency, governmental authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region.”;

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority”; and

(3) in subsection (d), by striking “or employees” each place that term appears and inserting “, employees, or agents”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I join my colleagues in the consideration of S. 1245, which will make some minor but much needed changes to the mutual aid agreements authorized by the Intelligence Reform and Terrorism Prevention Act of 2004 for the governments of the National Capital Region.

S. 1249 was received by the House on December 13, 2007 after being passed under unanimous consent by the Senate. The measure is authored by Senator BEN CARDIN of Maryland and is supported by the members of the National Capital Region, which includes the District of Columbia and surrounding local jurisdictions in Maryland and Virginia that are also part of the Metropolitan Washington Council of Governments. The legislative changes enacted by this measure are also backed by the State of Maryland and the Commonwealth of Virginia.

S. 1249 addresses and authorizes changes to two aspects of the original legislation. For starters, the measure adds a special purpose governmental authority category to be included as part of the area's mutual aid agreement. This newly created category will permit such entities as the Metropolitan Washington Airport Authority, the Washington Metropolitan Area Transit Authority and the District of Columbia Water and Sewer Authority to participate in the mutual aid agreement during the event of an emergency.

Secondly, S. 1245 grants the regional members of the mutual aid agreement additional flexibility in developing an exhaustive list of employees and authorized volunteers who will be committed to respond to a disaster on behalf of the various independent authorities and State or local governments.

Instead of having to keep a running tally of each individual employee or person participating in the agreement, S. 1245 will allow each of the overarching authorities to keep track of their own participants. This bill authorizes the former inclusion of volunteer entities, such as incorporated volunteer fire companies, to be covered under the mutual aid agreement.

So Mr. Speaker, since it is vitally important that we in the National Capital Region are prepared and ready to respond in the event of a major emergency or disaster, it is incumbent upon us that we pass S. 1245.

I urge my colleagues to join me in supporting this measure.

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

Mr. BURTON of Indiana. Mr. Speaker, I rise today to speak on S. 1245, legislation to reform mutual aid agreements for the National Capital Region.

This legislation was introduced by Senators CARDIN, WARNER, MIKULSKI, and WEBB last July and passed by the Senate in December by unanimous consent.

Under current law, the Federal Government is authorized to enter into mutual aid agreements with State and local governments in the National Capital Region in order to allow the various jurisdictions to cooperate in the event of an emergency without risk of liability for the acts or omissions of their employees while rendering aid.

Senate bill 1245 would further state that entities such as the Metropolitan Washington Airport Authority, the Water and Sewer Authority and the Washington Metropolitan Area Transit Authority would be authorized to enter into these mutual aid agreements as well.

The goal here is to ensure that emergency response personnel in the National Capital Region are able to coordinate as closely as possible in the event of an emergency. Hopefully this legislation helps us to move closer in that direction.

And before I yield back my time, since I've covered that subject, I just