

EXTENSIONS OF REMARKS

AMENDMENT OF THE SAVINGS
PROVISIONS OF THE CLINGER-
COHEN ACT OF 1996

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BARTLETT of Maryland. Mr. Speaker, it is not too often that a single, simple change in the law can save the Government tens of millions of dollars, but this is true of a technical amendment that the House has enacted. I became aware of this opportunity as a member of the House subcommittee overseeing DoD's commissaries, which are supermarkets operated at military facilities around the world.

In October 1995, the commissaries awarded an important contract for category management services to Marketing and Management Information, Inc. (MMI), a small company in my State. Under this contract, MMI was required to provide the commissaries with almost \$100 million in cash and free services, in exchange for sales data that the commissaries collect automatically. MMI first conceived this arrangement more than a decade earlier, and already had paid millions of dollars to the commissaries under earlier contracts. The 1995 contract was awarded after full and open competition, in which MMI prevailed against three competitors literally 50 times larger than MMI. In other words, this David beat three different Goliaths.

At this point, the losers turned to high-priced Washington lawyers, who conceived the strategy of arguing that the competition ran afoul of the Brooks Act, one of the great achievements of our well-remembered former colleague from Texas. Now, this was simply sour grapes on their part, because they never raised this argument during the competition, when each of them was hoping to receive the contract. In fact, the commissaries said months before the award that the Brooks Act didn't apply, and none of them made a peep at that point. Nevertheless, they all got together right after the award and sued the Government to stop the contract.

Now, the Brooks Act gave the GSA authority over computer purchases by the other agencies. The contract awarded to MMI was for the sale of commissary scanner data, which has as much in common with computer purchases as a hat does to a rat. Nevertheless, the GSA saw an opportunity to expand its little empire, and it tried to do so. The GSA told the commissaries that they needed written permission (a "delegation") to proceed with the contract.

Interestingly enough, the same thing had happened five years earlier. Then, the commissaries pushed the paperwork through, and everyone was happy. This time, however, acting on poor legal advice from William Sherman (the Government attorney responsible for losing the protest), the commissaries unwisely dug in their heels, and did nothing to clear the paperwork. MMI's contract remained at a standstill.

The great irony is that a few months earlier, the Congress repealed the Brooks Act, eliminating this paperwork requirement for all of the agencies. Thus the contract was being held up by paperwork that wasn't even required any more. This repeal was accomplished in the Clinger-Cohen Act, authored by our dear former colleague William Cohen, who now oversees the military commissaries and the rest of DoD.

With the commissaries doing nothing to solve this problem, MMI appealed the GSA's decision. Rather than helping MMI, the commissaries imprudently claimed that they could do without MMI's money and free services, and would provide the same services with their own staff at Government expense. I asked the commissaries to provide me with a single example of any MMI report that they were able to generate themselves. They were unable to do so. In other words, the commissaries were wasting public money in an unsuccessful effort to duplicate services successfully performed by private enterprise for the past 15 years, at no cost to the Government.

In the appeal, MMI succeeded in getting the GSA's decision vacated, meaning that nothing prevented the commissaries from proceeding with the contract. Since the commissaries claimed that they would do without the money and free services, the court left it to the commissaries and MMI to work things out.

At this point the commissaries, again acting on poor advice from Mr. Sherman, still maintained that they would needlessly deprive themselves of MMI's money and free services, and try to make up for these losses in other ways. MMI then filed a \$45 million claim against the commissaries. Thus, through the commissaries' stubborn insistence on infringing on private enterprise, we reached a point where the Government could end up losing \$45 million, rather than receiving almost \$100 million in cash and free services.

I am happy to report that a simple technical amendment adopted by the House solves this problem. The technical amendment makes it clear that the Clinger-Cohen repeal of the Brooks Act means that there never was any requirement for the commissaries to obtain a "delegation" here, nor is there any valid basis of any kind for protesting the award to MMI. As a result, the amendment orders the commissaries to proceed with the MMI contract beginning 15 days after enactment, and to continue that contract for its full five-year term from that date, through the year 2003. Under the contract, MMI alone will receive the commissary sales data during this period, and it will provide the commissaries with the valuable cash and free services stipulated in the contract.

Here in Congress, we rely on the other Branches of Government to carry out our intentions. With the repeal of the Brooks Act, there is no doubt that we wanted to eliminate GSA oversight of other federal agencies, once and for all. In the case of MMI's contract, however, the other Branches just weren't listening.

The result has been to take the commissaries to within an inch of disaster. I am very happy that just a few words from us about our intentions, in the form of this technical amendment, will have the extraordinary effects of providing the Government with almost \$100 million in cash and free services, avoiding the sheer waste of duplicating these services at the taxpayers' expense, and also avoiding the crushing blow of a \$45 million judgment against the commissaries. I want to thank my respected colleague Congresswoman MORELLA, and others who have supported this effort. On a day like today, I am very proud to be a member of the subcommittee overseeing the commissaries, and a Member of this august body.

50TH ANNIVERSARY OF PASCACK
VALLEY HOSPITAL AUXILIARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Pascack Valley Hospital Women's Auxiliary on 50 years of dedicated service to their community in northeastern Bergen County, New Jersey. The Pascack Valley Auxiliary is an excellent example of my longstanding philosophy that all issues are "women's issues." The Women's Auxiliary was formed in 1948—not only to support the professional staff and patients but with an additional goal as well—the establishment of a hospital. The Pascack Valley Hospital Women's Auxiliary was actually formed before the hospital itself—because these pioneering women knew that community health care was a "women's issue."

Pascack Valley Hospital had its beginnings in May 1941 when Westwood resident Louise Bohlin was shocked that a Hillsdale friend died because they had to wait three weeks for admission to the nearest existing Bergen County hospital because of a shortage of beds. Mrs. Bohlin vowed that the Pascack Valley would have a hospital of its own and organized local physicians, mayors and concerned citizens into the Pascack Valley Hospital Association. The association held its first meeting November 27, 1941. Unfortunately, that meeting came only 10 days before the bombing of Pearl Harbor, and plans for a hospital were put on hold for the duration of World War II.

The end of World War II brought an influx of returning veterans and expanding families, and renewed interest in a community hospital. The Pascack Valley Hospital Association was reorganized in 1946 and a Women's Auxiliary was named to supplement efforts of the Board of Trustees. Mary G. Walker of Westwood was named as the first president. The Auxiliary held its first meeting in 1947 and worked for the next decade establishing branches in the various municipalities that would be served by the hospital.

On June 1, 1959—18 years after the idea was born—the single-story, 86-bed hospital

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