

Almost half of that deficit is caused by tax breaks for the very rich.

What happens?

We raid Social Security, creating an insolvency for baby boomers about to enter retirement age.

We underfund education. We make a great noise about passing the Leave No Child Behind Act. What do we do in this budget? We underfund education by 16 percent. That is not right.

We talk about prescription drugs, but this budget underfunds prescription drugs for seniors. This is an unfair budget. It raids the Social Security trust fund, and it should be rejected.

CELEBRATING THE BIRTHDAY OF CESAR CHAVEZ, AN AMERICAN HERO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, as we approach the end of March, we approach the birthday of Cesar Chavez, a positive role model for the Latino community, a hero. Caesar Chavez touched the lives of millions with his nonviolent struggle for justice, education, and equality. He was a beacon of hope.

But Cesar Chavez views the challenges he faced as a motivation to help farmworkers whose suffering he shared. In 1962, Caesar Chavez founded the National Farmworkers Association, the predecessor to the United Farmworkers of America.

He organized farmworkers to campaign for fair working conditions, reasonable wages, and decent housing and health conditions. He sacrificed himself for human rights and for dignity. He left a legacy for each and every one of us, and for generations to come.

He has received the Presidential Medal of Freedom, the Martin Luther King, Jr., Peace Prize, and was nominated for the Nobel Prize.

No one better symbolizes Latino empowerment than does Caesar Chavez. He is a symbol of hope, and we will never forget his words. The challenge of life, justice, and equality will ever ring in our lives: Si, se puede; yes, we can. We should honor his birthday by celebrating it, and I am hopeful we will pass that legislation.

CONGRATULATIONS ON A GREAT SEASON TO DIVISION I STATE BOYS' BASKETBALL CHAMPIONS, THE CATHEDRAL HIGH SCHOOL PANTHERS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, the city of Springfield, Massachusetts, is known worldwide as the birthplace of basketball. It is also where the new Basketball Hall of Fame is being constructed on the historic banks of the Connecticut River. And

today, it is the home of the Division I State basketball champions, the Cathedral High School Panthers.

On Saturday night in the Worcester Centrum, Cathedral defeated Brookline by a score of 75 to 71 to capture their first State crown. Led by coach Gene Eggleston, the Panthers are now the third team from western Massachusetts to earn this coveted State athletics title.

In addition, the boys' basketball team has now won four of the six last western Massachusetts championships.

Mr. Speaker, their accomplishments speak for themselves. As a former teacher at Cathedral, I know the importance the school places on education and athletics, and the great job that the Sisters of St. Joseph do. They should take great pride in the character demonstrated by the boys' basketball team on and off the court this weekend when they earned the right to be called the very best team in the Commonwealth of Massachusetts.

Congratulations on a great season to the Cathedral High School Boys' Basketball State Champions.

ACKNOWLEDGING WOMEN FROM THE 18TH CONGRESSIONAL DISTRICT OF TEXAS FOR THEIR ACTIVISM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleagues in acknowledging that the Bush budget does nothing for Americans and it does nothing for women.

This month is a month when we commemorate the history of women in America, and I would like to acknowledge, from the 18th Congressional District, women who are part of the winds of political change and activism: Christie Adair, Irma Leroy, Ninfia Lorenzo, Kathy Whitmire, Eleanor Tinsley, Helen Huey, Christian Hartung, Madge Bush, Esther Williams, Beverly Clark, Judge Betty Brock Bell, Sylvia Garcia, Carol Alvarado, Carol Galloway, Ada Edwards, and Lisa Berry Dockery, all women who realize that we must stand up and be counted for what is right in our community, and stand up and be counted to make sure that for all of the spoils of America, all the issues that deal with a good quality of life, women of this community and women that I have just listed have all been advocates for helping those in their communities.

They are our heroes. They are part of America's history. They are part of the history of women in America.

PROVIDING FOR CONSIDERATION OF H.R. 3924, FREEDOM TO TELECOMMUTE ACT OF 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 373 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 373

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, the resolution before us today is an open rule providing for the consideration of H.R. 3924, the Freedom to Telecommute Act of 2002.

The rule allows the chairman of the Committee of the whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for 1 motion to recommit, with or without instructions.

Mr. Speaker, I am pleased today that the House is considered the Freedom to Telecommute Act. Currently, a Federal agency may refuse a bid proposal from a potential contractor that utilizes telecommuting in its work force. This legislation would prohibit agencies from continuing this practice. That a potential contractor would allow its employees to telecommute when appropriate would not disqualify or reduce the chances of that company winning a Federal contract.

The bill also requires that the GAO, General Accounting Office, make a report to Congress within 1 year of enactment on the compliance by agencies with telecommuting regulations.

In the past 25 years, telecommuting has become an increasingly attractive option for employees in the workplace, and, I would also add, a commonsense

addition to the workplace. Technology advances have allowed more and more employees to telecommute, allowing them to work from anywhere at any time. In fact, it is estimated that 19 million people enjoy the benefits of telecommuting today.

As our country continues to engage in the war on terrorism, we are obviously all more sensitive to the concerns regarding safety and security. This bill takes into consideration these concerns, allowing an exception to be made if the contracting officer certifies in writing that telecommuting would conflict with the needs of that agency.

For example, this exception could apply if a contractor deals with classified or sensitive information.

Mr. Speaker, the rest of the workplace has recognized the advantages of telecommuting. The benefits include encouraging a more productive work force, increasing employee morale and quality of life, as well as helping the environment by eliminating pollution from increasing commuter traffic.

Under the leadership of my good friend, the chairman, the gentleman from Virginia (Mr. DAVIS), the Subcommittee on Technology and Procurement Policy has been a champion of developing and promoting telecommuting as an option in the Federal workplace. I believe that we should share the same vision and that the Federal Government should be the leading advocate for the best practices for the workplace, not lagging behind.

Mr. Speaker, I urge support for this open rule, as well as the commonsense legislation it underlies.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, advances in computer and telecommunications technology have opened the door for more and more Americans to work from their homes if they so choose. More than 45,000 Federal employees exercised their option to telecommute for 52 days or more in 2001.

A footnote right there. This being the seat of creativity, my reading and that of the gentlewoman from New York (Ms. SLAUGHTER) is that "telecommute" joins the lexicon of new verbs, because to our knowledge, it did not exist before. So I am kind of proud of us for coming up with something that takes into consideration all of the technology that is setting upon our great Nation and our world.

These Federal employees were among the 19 million Americans who telecommuted at least once last year. Telecommuting holds a host of advantages for America's workers and employers. It allows workers the flexibility to perform their jobs and manage their demanding personal lives at the same time.

Businesses can use telecommuting to retain valuable workers whose personal and extracurricular obligations would

otherwise force them to take a leave of absence, or, worse, terminate their employment altogether.

Telecommuting also has the potential to reduce gridlock and automobile pollution by allowing workers to skip the rush hour commute.

As the gentleman from Texas (Mr. SESSIONS) already noted, H.R. 3924, the Freedom to Telecommute Act, modifies Federal procurement rules to allow private contract employees working for Federal agencies the option to telecommute when executing their duties under those contracts. These workers will join Federal employees who are already able to telecommute under existing law.

If a Federal contracting officer feels that telecommuting would be inconsistent with agency needs, he or she would be permitted under this legislation to prohibit it, thus creating workplace flexibility and ensuring security at the same time.

The legislation basically is noncontroversial. It was passed out of the Committee on Government Reform unanimously, and I urge my colleagues to support it on the floor this morning.

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

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

Mr. Speaker, I would say that I appreciate the gentleman from Florida (Mr. HASTINGS) for his support of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Subcommittee on Technology and Procurement Policy.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of the open rule for H.R. 3924, the Freedom to Telecommute Act of 2002. I believe this is a noncontroversial bill, but I think it is one long overdue in this House.

Telecommuting is something we ought to encourage. I want to thank the gentleman from California (Mr. DREIER) and the Committee on Rules for moving swiftly to bring this bill to the floor. Their efforts to ensure that we can vote on this important bill I think will expand opportunities for telecommuting.

H.R. 3924 will prevent Federal agencies from restricting potential contractors from participating in the bidding process if they use telecommuters to fulfill the contract. Congress has passed bills over the last several years that actually direct Federal agencies to develop and promote telework programs. Unfortunately, the current acquisition policy sends the wrong message about the importance of telework in the modern workplace.

Telework is a popular movement that has gained tremendous momentum over the last 25 years. Today, an estimated 19 million Americans telework. Employees are drawn to it because it offers improved quality of life. It increases morale. It generates greater productivity because there are fewer office distractions.

□ 1115

Telecommuting is a family-friendly policy that accommodates employees with health problems or child care problems or elder care responsibilities. It also eases traffic congestion, and in this region that is very important, by getting motorists off the roads at key hours and allowing them to telecommute either from their home or from telecommuting work stations. And by easing traffic congestion, not only is it friendlier and saves motorists time, but it helps the environment due to increased vehicle emissions.

Our Subcommittee on Technology and Procurement Policy has held two hearings about telecommuting. We heard from both public and private sector witnesses about their efforts to develop and implement such programs in their organizations. Many of them have been very successful in employee retention, in employee recruitment and in productivity. The testimony revealed that telecommuting is often used as a human capital management initiative in the private sector and in a few Federal agencies. It allows employees greater flexibility in their work environment, and it enhances their quality of life.

It is costly to recruit people, to hire people, to train new staff on a constant basis. If they are used strategically, telecommuting programs keep organizations competitive and are critical to maintaining continuity and efficiency in the workplace. Federal managers have been reluctant to embrace the concept because they would no longer be in a position to monitor employees directly. I submit, Mr. Speaker, this is the old model. That is the work model from the industrial era. Today's workers operate quite differently. The Federal managers have to move away from such out-dated process-oriented measures. We need to encourage the government to become a results-driven organization, to learn from the efficiencies that the private sector has produced.

By allowing Federal agencies to contract with companies that employ telework initiatives, they are directly exposing them to the employees. I think this helps the Federal level to encourage our managers to use more of it. It helps to reverse negative managerial attitudes toward telecommuting in the Federal Government.

But among contracting officers there has been reluctance to encourage bids from companies that utilize telecommuting, again, operating under the old concepts that if we are not there watching over an employee, somehow the work is not getting done. That is most often done with security concerns in mind.

H.R. 3924 provides contracting officers with the necessary guidance for encouraging telecommuting among potential Federal contractors. An exception is made if the contracting officer certifies in writing that telecommuting would conflict with the needs of the agency. For example, this exception could apply if a contractor deals

with classified or sensitive information. You do not want to let out information to some foreign Web site or information. This will ensure that Federal marketplaces continue to be a competitive choice among contractors.

H.R. 3924 would also prohibit agencies from issuing solicitations that would reduce the scoring of a potential contractor's proposal if that contractor utilizes telecommuting.

We ought to be encouraging it, not prohibiting it. I urge my colleagues to support the rule and the underlying bill, H.R. 3924.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. HASTINGS) for his leadership.

Mr. Speaker, I am rising to support the rule of the Freedom to Telecommute Act and to acknowledge the importance of the underlying bill. Particularly as this relates to independent contractors, it certainly is distinctive from full-time employees. With independent contractors there is a valid basis, saving money and helping with child care issues. It is good that this bill is moving its way to the floor of the House.

I would argue and make mention of the fact that there are still many other issues that we must address. I believe that the very fact of this rule indicates the necessity for addressing the need to finish our work and to do more work as it relates to the budget, particularly as we look prospectively at the rule on the budget that has only 2 hours for this body, 435 Members of Congress, to be able to discuss one of the most vital responsibilities that this Congress has. And I would hope that the time we spend on this rule supporting this very valid legislation would cause us to think about the time that we have to utilize and debate on the budget resolution, particularly as we look at the Republican budget and the budget of the President, that has clearly squandered the surplus that is going after Social Security and slashes the lock box of which all of us have had such a strong and vital commitment.

Only 2 hours of debate is the cause that we have. And I believe that 2 hours of debate does not equate to the time we are spending on the telecommute resolution and the telecommute bill. I think it is important to note that the budget resolution of the Republicans dissipates most of the Social Security surplus and decimates all of the Medicare surplus for the next 5 years. In fact, it is evident that we have a situation that shows us that the President's budget surplus shorts Medicare \$226 billion; \$226 billion is what the President's budget does to Medicare. The Republican resolution shows

only 5 years of budget figures instead of 10. The Republican resolution uses OMB, Office of Management and Budget, rather than CBO figures, which we all know the Congressional Budget Office is far more objective.

The Republican resolution omits numerous impending budgetary costs so, therefore, it undermines and misrepresents how much money we have left. The Republican resolution pays more lip service to prescription drug benefits. It gives nothing to my constituents who ask me time after time, senior citizens, about when are they going to get their prescription drug benefit. And then, of course, the Republican resolution on the budget does not even fund the education bill. If you want to see the results, in fact, the education bill, leave no child behind, has been cut by the Republican budget. And something that impacts Houston most of all is to realize that his budget and the Republican budget guts mental health federally funded evidence-proven programs. Coming from Houston, seeing the tragedy of Andrea Yates, knowing how important it is for intervention and prevention dollars in the budget, it is an outrage.

I would say this is a good rule on the telecommute bill. I would say the bill itself is a good bill. But the question becomes what are we doing about the budget? Why do we have this short period of time? And when you ask us why the minority does not have a budget, let me just point you to Newt Gingrich, because it is the responsibility of the majority to put a budget that America can be proud of. We are not proud of this budget, and we stand by the fact it is up to you all to fix the problem. You have not fixed it. You have decimated the needs of Americans as it relates to the domestic budget.

It clearly decimates the domestic policies of this country, and it speaks to the contrast of the words of the President some many months ago when he said the bipartisan education bill was a priority by not leaving any child behind. How can you do that if your budget cuts that very authorization? I would simply argue to my friends and colleagues on the other side of the aisle, would it not have been better in times like these for us to have been able to fight together for more funding for homeland security, more funding for education, more funding for health care, more funding for mental health needs, more funding for housing, and more funding for economic development in our communities? Yet what we have here is a raiding of Social Security and a killing of Medicare and no relief for our seniors with a prescription drug benefit and no relief for our veterans and our military personnel.

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

Mr. Speaker, last night in the Committee on Rules we had a fabulous opportunity to speak not only about this telecommuting bill but also about the budget. And last night I spoke to the

senior Democrat who is on the Committee on the Budget and I said is there one penny, one penny that is being taken away from Medicare, Social Security or Medicaid? Not one penny in this new budget. Not one penny.

The second thing I would like to speak about that the gentlewoman from Texas (Ms. JACKSON-LEE) talked about is the lock box. Dag-gum right we passed a lock box, but the other body has not. The other body has not taken this important legislation up so it is not the law of the country. So the things which we as Republicans have talked about in this House for a long time, of making sure that the American public has the growth and the opportunity and the take-home pay for jobs and opportunity in this country for retirement security is exactly what this budget is all about.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I am sorry the gentleman is not in the Chamber because I want to say some very nice things about him. I am talking, of course, about the author of this important measure, the gentleman from Virginia (Mr. TOM DAVIS). He has been on the forefront of our effort to realize that the technology revolution has brought about some incredible changes to our lives. And clearly when it comes to the issue of telecommuting, dealing with the Washington, D.C. metropolitan area is a very high priority because we have so many serious problems here. I happen to hail from Los Angeles where we have even worse problems. In fact, I like to say that I live in two of the most congested areas on the face of the Earth, Los Angeles, California, and Washington, D.C. where we have very serious traffic problems.

So the idea of encouraging telecommuting is something that I believe is important for us to pursue and I think it is very apropos that the gentleman from Virginia (Mr. TOM DAVIS) lead the charge in doing that.

Let me say that this rule is an open rule that will allow for a free-flowing debate on this issue, and I think there should be a strong bipartisan consensus on it. And my colleagues have begun the debate on the budget process, as we proceed with the rule, the special rule for consideration of telecommuting legislation; and we are going to have an opportunity to discuss this during the rule debate this afternoon. But let me just say that it is very clear that the package which we have come forward with first on the rule which allows for the consideration of legitimate substitutes, there was not a legitimate substitute put forward, and that is the reason that we made the decision as has traditionally been the case

that only legitimate substitutes would be given an opportunity for consideration.

The supposed substitutes that were put forward were simply, as described by one of the authors, perfecting amendments to the chairman's proposed budget, to the budget that came from the Committee on the Budget and some modifications of numbers going from utilization of the Congressional Budget Office for the scoring process to the Office of Management and Budget. And so we are going to have this afternoon a very important debate with this war-time budget that we are going to be addressing.

I believe that we should enjoy strong bipartisan support because when we came together following September 11 behind the President of the United States with the number one priority being to win the war on terrorism, this budget that we will be voting on is directly tied to that shared bipartisan American goal that we have. And so I hope very much that we will be able to have strong support for it.

Mr. Speaker, I thank my friend from the State of Virginia for yielding me time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note that the distinguished chairperson of the Committee on Rules, I apologize, he is walking out not because he knew I would say something regarding what he said. In that debate on last evening in the Committee on Rules and as late as 12:30 this a.m., I certainly, and my colleagues certainly, raised the question of us having sufficient time to discuss this war-time budget.

I did not think and I said so and I do not think that the limited time that we have is going to be sufficient for all of the Members of the House of Representatives who so desire to come forward and discuss the particulars of this budget. The chairman is absolutely correct. There is no distinction between a Democrat or a Republican on homeland defense and on the security of our Nation and pursuing the necessary defense in order that we may be secure. But there is a distinction on whether or not we are going to fund education or if we are going to fund housing for the disabled or if we are going to take care of the energy and environmental considerations. And some of us see the necessity to avoid some of the tax consequences that have been put forward.

Mr. Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from Massachusetts (Mr. TIERNEY).

□ 1130

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

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, I rise to address this rule on the suspension today and indicate that I suspect that this particular bill is going to meet with a great deal of agreement on both sides of the House. I do regret, however, that this rule probably has more time allotted to discussion and debate than the rule on the budget will and the rule on the budget being in comparison so much more important in dealing with such a large part of what it is that we do here and what we do for the American people and at their behest.

I would have to say that there is no difference between the Republican-Democratic stand when it comes to making sure that our national security is taken care of and that our homeland security is taken care of. We stand together. We stand united. We support the protection of this country at all times.

There is, however, a significant amount of difference, and if we had ample time on the rules to discuss that and on the bill itself to discuss it between what our beliefs are and the right way to proceed with the economic and social security of people in this country. Everybody understands the financial commitment that we will have to make toward our national security and toward homeland security, but there is a great deal of disagreement as to whether we should be accelerating tax breaks for very wealthy individuals when we should be standing united as a country and putting some investment into the education and to the health care and to the building of roads and bridges and to protection of our homeland, and that is where the debate, if we had time on the rule and if we had time on the bill itself, would come into play.

Very frankly speaking, this is a situation where this rule does not allow enough time in comparison. This rule gives more time than is needed for a bill and the other rule does not.

POINTS OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Speaker, point of order, relevancy. I make a point of order the gentleman is not discussing the rule at hand.

Mr. TIERNEY. Mr. Speaker, the gentleman that just spoke was not discussing it either.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman will suspend.

The pending special order of business provides for the consideration of the telecommuting bill. It does not provide for the consideration of the budget resolution. The Members will confine their remarks to the issue of consideration of the telecommuting bill.

Mr. TIERNEY. Mr. Speaker, I will make a note on that, that as the last speaker was speaking about the process of the Committee on Rules last night, not pertaining to this bill, the Chair was completely silent on that, and I would like some fair treatment as this moves forward and would expect it from my colleague from New York,

who has been known in the past to be a person of fairness, and I would expect that to apply here.

The SPEAKER pro tempore. The gentleman from Massachusetts will suspend.

The Chair normally awaits a relevancy point of order from the floor. The Chair does not take initiative.

Mr. TIERNEY. Mr. Speaker, I did not hear what the Chair had to say on that. I did not hear anything when the other speaker was speaking, and I cannot hear the Chair now either.

The SPEAKER pro tempore. The Chair does not normally take initiative on a relevancy point of order.

The gentleman from Massachusetts may proceed in order.

Mr. HASTINGS of Florida. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Florida will state his point of order.

Mr. HASTINGS of Florida. Mr. Speaker, then all of us, myself and the chairperson of the Committee on Rules, that have spoken, our words should be taken out of the RECORD for the reason that they were not relevant?

The SPEAKER pro tempore. It would take a unanimous consent request in order to remove those words from the RECORD.

The gentleman from Massachusetts may proceed in order.

Mr. TIERNEY. Mr. Speaker, let me proceed to talk on the rule for a second. I think one of the reasons that we are speaking here is that while this rule on this particular bill by suspension allows more than adequate time to talk about that rule, the rule on the budget does not allow enough time to talk about that rule nor does the budget debate allow for enough time on that.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires a Member to confine himself to the question under debate.

The SPEAKER pro tempore. The Chair will remind the gentleman and all Members that remarks should be confined to the pending special order of business and the underlying telecommuting bill.

Mr. TIERNEY. Mr. Speaker, I would just suggest to the Chair that my memory being fine, I was discussing and comparing the rule under the telecommunications bill with the rule for the budget, and I think that if I am talking about the rule and making a comparison I am in fact speaking germanely and on the RECORD, and while my colleagues have tried, the majority, to stifle that debate on the budget and stifle our debate on the budget rule, I do not think it is permissible to stifle our debate on this rule where we are drawing that kind of comparison.

The SPEAKER pro tempore. If the gentleman can maintain a nexus to the pending special order of business, he may proceed.

Mr. TIERNEY. Mr. Speaker, I thank the Speaker because it is difficult to maintain a nexus, but we do have to take opportunity that we can to make sure that we are at least heard to some degree on this budget that is coming up and make sure that we use whatever time we can to make sure people understand that there is a difference between the parties when it comes to dealing with the social and economic security of this country. We can talk under the rules all we want about being able to step out and protect our Nation and there is no disagreement, but there ought to be a debate as between accelerating tax cuts and accelerating the tax cuts for the wealthy versus doing things for the economic security of this country.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I make a point of order.

I think the gentleman is in violation of House rule XVII, which requires a Member to confine himself to the question under debate. We are speaking today about telecommuting, and that is what this rule is concerning and on the floor at this time, and I would ask for the Chair to rule upon this again, sir.

The SPEAKER pro tempore. The Chair will require the gentleman from Massachusetts not to dwell on the merits of the budget resolution. It is not before the House at this point in time.

Mr. TIERNEY. Mr. Speaker, I thank the Speaker. I understand that my colleagues on the other side do not want us to dwell on the budget comparisons and on those issues, and so I will try again to confine my remarks to the rule, understanding how assiduously they have worked to make sure we do not get into an extended debate about the economic and social security of our country and the comparison with tax breaks and acceleration of tax breaks for the wealthy.

Continuing on this rule, Mr. Speaker, this rule gives us plenty of time, as I said before, to discuss in fact an issue that is not in great contention, and it is remarkable that we have so much time to discuss a bill that comes under a great deal of agreement and so little time to discuss other bills that, in fact, have a great deal of disagreement and issues of very significant importance to this country.

Mr. Speaker, I rise to oppose this Rule because it denies the American people a full and fair debate to the fiscal year 2003 budget resolution, and denies America's First Responders a full and fair debate over whether this budget will assist them as they assist us in fighting terrorism.

As we all know, our nation's first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th and the anthrax attacks of October 2001. Communities incurred over a billion dollars in overtime costs for police, fire and medical personnel—and stand to incur similar unreimbursed expenses as the war on terrorism continues.

This Amendment—which the Majority refused to allow to come up for a vote—calls for Congress to include some relief for America's First Responders who have so ably served our country. It addresses FEMA's State and Local Terrorism Preparedness Initiative which requires local first responders to put up a burdensome (and for many, unaffordable) 25% local "match" in order to receive ANY assistance. The Amendment concludes that "Government should assist local communities who stand ready to participate in FEMA's Local Terrorism Preparedness Initiative by waiving the 25 percent local match prerequisite or by reducing the percentage as much as practicable."

This amendment, the substance of which was communicated to the Budget Committee last week by 114 Members of Congress—Democrats and Republicans from urban and rural districts across the country—is a budget neutral remedy to a problem faced by first responders in my district and across the country. The letter was signed by Representatives ABERCROMBIE, ACKERMAN, ANDREWS, BACA, BALDACCI, BALDWIN, BECERRA, BERKLEY, BERMAN, BLAGOJEVICH, BLUMENAUER, BONIOR, BOSWELL, S. BROWN, CAPPES, CAPUANO, CARDIN, B. CARSON, CHRISTENSEN, CLAYTON, CLEMENT, CLYBURN, COYNE, CROWLEY, CUMMINGS, D. DAVIS, DELAHUNT, DELAURO, DOGGETT, EDWARDS, FARR, FILNER, FRANK, GORDON, G. GREEN, GRAHAM, HARMAN, HINCHEY, HOFFEL, HOLT, HONDA, HOUGHTON, HYDE, JACKSON, TUBBS JONES, W. JONES, KILDEE, KIND, KUCINICH, LAFALCE, LAMPSON, LANGEVIN, LANTOS, LARSEN, LARSON, B. LEE, JACKSON LEE, J. LEWIS, LOBIONDO, LOFGREN, LYNCH, MALONEY, MARKEY, MATSUI, MCCARTHY, MCGOVERN, MCKINNEY, MCNULTY, MEEKS, MENENDEZ, MILLENDER-MCDONALD, G. MILLER, MOORE, NADLER, NEAL, NORTON, OLIVER, PALLONE, PASCARELL, PASTOR, PAYNE, PELOSI, PHELPS, QUINN, RAHALL, RIVERS, RODRIGUEZ, ROSS, SANDLIN, SAWYER, SCHAKOWSKY, SCHIFF, SCOTT, SHOWS, SKELTON, SLAUGHTER, SNYDER, SOLIS, STUPAK, SWEENEY, M. THOMPSON, THURMAN, TIERNEY, TOWNS, TURNER, M. UDALL, T. UDALL, WAMP, WATSON, WAXMAN, WELDON, WOOLSEY, WU, and WYNN, all of whom share a commitment to ensuring that local first responders receive our support and resources to fight terrorism.

This Amendment is co-sponsored by a number of my colleagues who simply want the opportunity to show our First Responders that our budget includes resources for them to protect and defend our communities. I thank Representatives JOHN BALDACCI, TAMMY BALDWIN, ROD BLAGOJEVICH, SHERROD BROWN, MICHAEL CAPUANO, STEVE LYNCH, BOB MATSUI, NANCY PELOSI, CIRO RODRIGUEZ, LUCILLE ROYBAL-ALLARD, MAX SANDLIN, and TOM SAWYER for their support in this important effort.

Our Local Terrorism Preparedness Initiative Amendment will allow creativity and flexibility in shaping policy, so that lawmakers may either waive the match for fiscal year 2003, reduce the 25% percentage, and/or explore a "soft match" whereby communities that have together incurred over a billion dollars in overtime costs for police, fire and medical personnel can individually designate the expenses incurred after September 11th as part of their match—at no additional cost to the taxpayers.

Congress has an historic opportunity to assist local communities: by relieving them of

this unfunded mandate; by rewarding the entrepreneurial and patriotic spirit in so many districts like my own in Massachusetts where first responders have put aside turf issues and worked cooperatively to create Local Emergency Planning Committees and other cross-jurisdictional response strategies to serve the American people; and by ensuring that local first responders may continue to serve as America's first line of defense.

Our nation's first responders are in desperate need of assistance from the Federal government for homeland security efforts and they deserve a full and fair debate over whether Congress is prepared to respond to their urgent needs in this year's budget.

Because the Majority refused to allow this debate, I urge my colleagues to stand up for America's First Responders and against this unfair rule.

This Amendment to H. Con. Res. 353, the FY 2003 Budget Resolution, calls for Congress to include some relief for America's First Responders who have so ably served our country after the terrorist attacks of September 11th and the anthrax attacks of October, 2001. It addresses FEMA's proposed \$3.5 billion State and Local Terrorism Preparedness Initiative—\$2.625 billion of which will be directed toward local communities—which requires local first responders to put up a burdensome (and for many, unaffordable) 25% local "match" in order to receive ANY assistance. The Amendment concludes that "Government should assist local communities who stand ready to participate in FEMA's Local Terrorism Preparedness Initiative by waiving the 25 percent local match prerequisite or by reducing the percentage as much as practicable."

This bipartisan effort includes a letter signed by 114 Members—Democrats and Republicans from urban and rural districts across the country—seeking a budget neutral means to relieve local police, fire and emergency responders of this unfunded mandate and to ensure that local first responders may continue to serve as America's first line of defense. (Please see an attached copy of the letter with a list of signatories.)

If passed, the Amendment will allow flexibility in shaping policy, so that lawmakers may either waive the match for FY 2003, reduce the 25% percentage, and/or explore a "soft match" whereby communities that have together incurred over a billion dollars in overtime costs for police, fire and medical personnel can individually designate the expenses incurred after September 11th as part of their match.

At the end, add the following new section:
SEC. . LOCAL TERRORISM PREPAREDNESS ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) our Nation's first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th as well as the anthrax attacks of October 2001;

(2) communities incurred over a billion dollars in overtime costs for police, fire and medical personnel, and stand to incur similar unreimbursed expenses as the war on terrorism continues;

(3) the proposed \$3.5 billion for FEMA's State and Local Terrorism Preparedness Initiative, \$2.625 billion of which would be directed toward local communities might not allow most first responders to participate because of an onerous 25 percent local match prerequisite for Federal assistance; and

(4) Congress can fashion a budget-neutral remedy to assist communities that otherwise could not afford to participate in the State and Local Terrorism Preparedness Initiative through waiver or reduction of the local match requirement, thereby relieving local police, fire and emergency responders of this unfunded mandate and ensuring that local first responders may continue to serve as America's first line of defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should assist local communities who stand ready to participate in FEMA's Local Terrorism Preparedness Initiative by waiving the 25 percent local match prerequisite or by reducing the percentage as much as practicable.

CONGRESS OF THE UNITED STATES,
Washington, DC.

Hon. JIM NUSSLE,
Chair, House Budget Committee, Cannon House
Office Building, Washington, DC.

Hon. JOHN SPRATT,
Ranking Member, House Budget Committee,
O'Neil House Office Building, Washington,
DC.

DEAR CHAIRMAN NUSSLE AND RANKING MEMBER SPRATT: We are writing to respectfully request that the fiscal year 2003 budget resolution include a waiver for local first responders in desperate need of assistance from the Federal government for homeland security efforts.

As you are aware, our nation's first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th as well as the anthrax attacks of October 2001. Communities incurred over a billion dollars in overtime costs for police, fire and medical personnel—and stand to incur similar unreimbursed expenses as the war on terrorism continues.

While we are encouraged by the President's proposed increases in homeland security spending, particularly the \$3.5 billion for FEMA's proposed State and Local Terrorism Preparedness initiative—\$2.625 billion of which will be directed toward local communities—we note with concern that the Administration's proposed budget might not allow most local communities to participate because of an onerous (under current circumstances cited above) 25% local "match" prerequisite for federal assistance. Congress has an historic opportunity to assist local communities by adding \$875 million to this package, thereby relieving them of this unfunded mandate, and ensuring that local first responders may continue to serve as America's first line of defense. In the event that the Committee cannot fund the \$875 million, we respectfully request that you waive the local match or reduce the percentage as much as possible and adjust local terrorism preparedness appropriations accordingly.

We recognize the difficult choices that you face this fiscal year. However, we continue to believe that funding for local homeland security efforts demands our attention and assistance.

Thank you for your consideration of our request.

Sincerely,

Representatives Abercrombie, Ackerman, Andrews, Baca, Baldacci, Baldwin, Becerra, Berkley, Berman, Blagojevich, Blumenauer, Bonior, Boswell, S. Brown, Capps, Capuano, Cardin, B. Carson, Christensen, Clayton, Clement, Clyburn, Coyne, Crowley, Cummings, D. Davis, Delahunt, DeLauro, Doggett, Edwards, Farr, Filner, Frank, Gordon, G. Green, Graham, Harman, Hinchey, Hoeffel, Holt, Honda, Houghton, Hyde, Jackson, Tubbs Jones, W. Jones, Kildee, Kind,

Kucinich, LaFalce, Lampson, Langevin, Lantos, Larsen, Larson, B. Lee, Jackson Lee, J. Lewis, LoBiondo, Lofgren, Lynch, Maloney, Markey, Matsui, McCarthy, McGovern, McKinney, McNulty, Meeks, Menendez, Millender-McDonald, G. Miller, Moore, Nadler, Neal, Norton, Olver, Pallone, Pascrell, Pastor, Payne, Pelosi, Phelps, Quinn, Rahall, Rivers, Rodriguez, Ross, Sandlin, Sawyer, Schakowsky, Schiff, Scott, Shows, Skelton, Slaughter, Snyder, Solis, Stupak, Sweeney, M. Thompson, Thurman, Tierney, Towns, Turner, M. Udall, T. Udall, Wamp, Watson, Waxman, Weldon, Woolsey, Wu, and Wynn.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I rise today in support of the Freedom to Telecommute Act of 2002.

For many years, the government contracting industry has been forced to lag behind because many government agencies prohibit their contractors from allowing telecommuting. This legislation will help them move into the 21st century.

Many of the country's most technologically advanced companies have embraced telecommuting as a cost-savings measure that is good for companies, good for employees and good for families. For far too long the demands of the job have conflicted with the demands of the family, and workers have had to choose between the two. For many workers, a 9 to 5 workday is not feasible.

Rather than neglecting their duties at home in order to work, telecommuting allows them to supplement their traditional workday or to occasionally work from home. Some businesses have also found it advantageous to offer telecommuting as an alternative to the traditional office environment. This practice saves money, and when the government is the customer, the savings can be passed along to the American taxpayer.

This legislation permits government contractors to take advantage of telecommuting opportunities. We will all benefit from this change to procurement policies. Government contracts will be completed faster and more efficiently, saving us all money and taxes. The deterrents to working more than the normal workday will be removed if employees can work from home and contractors will invest money in their product rather than costly overhead.

The increased number of telecommuters will also take people off the roads during heavy commuting hours, reducing congestion and helping our environment.

The most important change that will result from this legislation is the benefits that will result for the employees of government contractors. They will be able to spend more time with their family, while still meeting their work commitments. Moms and dads will be able to stay at home with a sick child and still be able to work. Moms and dads can take their kids to soccer prac-

tice and return to work when they get home.

The district I represent in Norfolk and Virginia Beach has hundreds of companies who contract with the Defense Department. By allowing their employees to telecommute, many of these contractors will save money and give the government the ability to spend money on our Nation's national security priorities rather than more costly government contracts.

Mr. Speaker, this legislation is pro-taxpayer, pro-business and pro-family. I thank my good friend the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Subcommittee on Technology and Procurement Policy, for submitting this legislation, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 17½ minutes remaining, and the gentleman from Texas (Mr. SESSIONS) has 16 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I would ask the gentleman from Texas (Mr. SESSIONS) if he has additional speakers. At this time we have none and we are prepared to close.

Mr. SESSIONS. Mr. Speaker, I would respond to the gentleman and tell him that we do have one additional speaker and then I would close. We will go ahead and allow my speaker, allow the gentleman from Florida (Mr. HASTINGS) to close and then we will do the same. It is my understanding there will be a vote on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to the gentleman from Texas (Mr. SESSIONS), as of 5 minutes ago there was no vote requested.

Mr. SESSIONS. Mr. Speaker, I am trying to advise Members that may be listening there is a potential to have a vote on the rule.

Mr. Speaker, I yield as much time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time, and I thank most especially the gentleman from Virginia (Mr. TOM DAVIS) for bringing this Freedom to Telecommute Act on the floor.

I rise in support of the rule and of the bill, H.R. 3924. This legislation is vital to transforming our entire workforce into the model for the 21st century.

In the year 2000 there were 2.8 million regularly employed teleworkers in the United States, growing about 20.6 percent from the previous years. A recent telemarketing cost-benefit analysis suggests telework arrangements can save employers \$3,000 per year per employee.

There is no doubt that this family friendly work arrangement is more productive both for the employer and the employee and will become more commonplace in the next century, but

currently Federal Government employers lag far behind their private counterparts in accepting and implementing alternative work methods such as telecommuting. Many Federal employers are stuck in the old style of management, believing that employees must be in the employer's sight in order to be productive and effective, and that I believe is a problem.

In my home district of West Virginia, particularly in the Eastern Panhandle area, which is very close to Washington, D.C., there are many Federal employees who endure a tremendously long commute every day. These hours in the car or on a train cause stress or strain and they prevent parents from spending more time with their families.

The Jefferson Telecenter in Ranson, West Virginia, has been a wonderful resource for setting up a more family friendly work environment. I was just there yesterday and visited with an employee from the EPA who expressed her arrangement was very satisfactory, both for her and for her employer.

These personal stories of a better quality of life where people can spend more time with their children and less time in a car are ample evidence that Congress should be more open to telecommuting opportunities.

I urge my colleagues to join me and pass not only the rule but the act.

I again want to thank the gentleman from Virginia (Mr. TOM DAVIS) for his constant vigilance in the area of telecommuting, and I want to join with him in every effort to see that this moves forward to bring us to a more productive workforce.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

There were points of order against this debate that were raised by my colleagues on the other side, and there was a citation to the specific rule that ostensibly and allegedly was violated and rulings from the Speaker and the Parliamentarian's advices in that regard, all on this particular rule with reference to telecommunication.

After all the bluster of the past few minutes, let me remind my friends on the other side that under their budget fewer people will be able to telecommute because there will be fewer jobs. That is simply the point we were trying to make, and telecommunication in the final analysis, the contractors that we are trying to protect are people who will be dealing with Medicare, people dealing with hospitals and health care, people dealing with roads, people dealing with education, all of these telecommuters that we are about the process of trying to protect.

Thus, we saw some of my colleagues come down here to the floor to discuss the fact that I raised last evening, and that is that we did not have enough time to discuss those matters that are germane, and there is a distinction in this rule and the rule that we will be discussing on the more germane points

having to do with this Nation's security both economically as well as its defense.

Let me just say, stifling debate is the antithesis of opening up the process that we are trying to do on this telecommunications rule.

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

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

Today, we have had a rule that we debated on telecommuting. We have underlying legislation that the gentleman from Virginia (Mr. TOM DAVIS), through his subcommittee, has brought to the floor today. We had a vigorous debate. Seems like we have agreement on this bill.

I am very proud of not only the work that the gentleman from Virginia (Mr. TOM DAVIS) does but also the Committee on Rules for its fair rule, a one-hour debate which we provide on any piece of legislation that is important enough to come to the floor.

Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation which will allow all workers to enjoy the all-around benefits of telecommuting, the Federal employees.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1145

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 373 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3924.

□ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors, with Mr. FOSSELLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

Mr. Chairman, I rise today in support of H.R. 3924, the Freedom to Telecommute Act of 2002. I want to thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, for his assistance in bringing this to the floor, as well as the ranking member, the gentleman from California (Mr. WAXMAN); and the ranking member of my subcommittee, the gentleman from Texas (Mr. TURNER); and also the gentleman from Virginia (Mr. WOLF), my colleague from Virginia, who has been a pioneer in the area of telecommuting throughout this Congress and previous Congresses.

Mr. Chairman, we have seen a tremendous push for competitors to enter the marketplace. As the economy has cooled and the Federal Government appears to be ramping up on spending, vendors are now turning to the government marketplace as the first stop, not the last. Current acquisition law hampers the expansion of the government marketplace because Federal agencies may, under current law, refuse a bid proposal from a potential contractor that utilizes telecommuting in its work force. This is a hindrance to some contractors wishing to participate in the Federal marketplace. It also reduces the pool of contractors from whom the Federal Government can procure innovative services and technologies, and by so doing, of course, raises the cost to the American taxpayer and limits the number of items and the breadth of items that we can purchase that will accomplish the governmental mission.

H.R. 3924 would prohibit Federal agencies from continuing this practice. An exception is made if the contracting officer certifies in writing that telecommuting would conflict with the needs of the agency. For example, this exception may apply if a contractor deals with classified or sensitive information. This will ensure that the Federal marketplace continues to be a competitive choice among contractors.

The bill would also prohibit agencies from issuing solicitations that would reduce the scoring of a potential contractor's proposal if that contractor utilizes telecommuting.

Technological advances make telecommuting an attractive choice for employees because it allows them to work almost anywhere at any time. Telecommuting has caught on over the last 25 years and has become an option for Federal employees just over the last decade. Today, we estimate that close to 19 million people telework, and that number is increasing.

Private sector organizations and Federal agencies with telecommuting programs receive significant benefits. Telework has gained in popularity since it promotes a productive workforce and increases morale and quality of life, often resulting in higher rates of worker retention. The potential for

increased productivity exists because of reduced office distractions: fewer phone calls, no water cooler chats, less commuting time going back and forth to work. Therefore, employees have increased time uninterrupted at work to do their jobs.

As a Member from northern Virginia, I know what it is like to sit in the worst traffic congestion in the country. Telecommuting reduces congestion on our roads, and it helps the environment by eliminating a significant number of vehicle trips during peak hours. Telework is also a very family-friendly initiative. It offers parents the choice of providing care and supervision for their own children while continuing their careers. It also accommodates employees with health problems or elder care or day care responsibilities.

The Subcommittee on Technology and Procurement Policy, which I chair, has been encouraging the development and promotion of telecommuting policies for the Federal Government. Last year, we conducted two oversight hearings to examine Federal agencies' progress in this area. We found that telecommuting is an excellent recruitment and retention tool that the Federal Government can use to address its human capital management crisis. The Federal Government should be a telecommuting leader. We should not be following industry. We should not be following our contractors. We ought to be leading the way. But, unfortunately, Federal agencies have been reluctant to embrace this concept.

For example, Federal managers are resistant to the concept because they would no longer be in the position to monitor employees directly. This attitude ignores the increased employee morale and productivity that results. The testimony before our subcommittee shows that the private sector is turning to this because it increases employee morale, it increases employee retention, it helps in recruitment, and, most of all, it increases productivity. It is time for Federal managers to shift their focus from a process-oriented performance measurement to a results-driven measurement.

When the Federal Government contracts with companies that embrace telework initiatives, the Federal workforce is directly exposed to this concept. Managers who have been reluctant to embrace this concept get to see it firsthand. This is one more way to help break down the managerial barriers that exist today to successful telecommunications and telecommuting in the Federal Government.

Federal agencies continue to grapple with barriers to acquiring the goods and services they need in order to meet their mission objectives. Agencies require better management approaches and purchasing tools government-wide to facilitate the efforts of acquisition managers in meeting agency goals.

As chairman of the Subcommittee on Technology and Procurement Policy, I am working with our minority mem-

bers in the administration to accomplish broader acquisition reform. For example, I recently introduced H.R. 3832, the Services Acquisition Reform Act, SARA, which directs the Federal Government to adopt management reform techniques modeled after those in the private sector.

The current Federal services acquisition policy precludes companies with innovative human capital management models from participating fully in the Federal marketplace. And the loser is the Federal Government, which does not get the value and it does not get the competitive nature of these groups. The taxpayers also lose because they do not get the lower prices that competition brings. This sends the wrong message to Federal agencies, and it sends the wrong message to potential contractors.

Federal agencies receive mixed messages about the value of telecommuting under current law. Congress has passed a variety of legislation promoting telecommuting in the Federal workplace, and yet we turn around and restrict Federal contractor employees from implementing similar policies. At the same time, we are striving to create an acquisition system for the Federal Government that is modeled after the best practices of the private sector. But our current policy prevents the private sector from utilizing a critical management initiative such as telecommuting.

At the Subcommittee on Technology and Procurement Policy's two hearings on this topic, we heard from companies such as AT&T and Siemens Enterprise Networks. Both companies testified about the benefits of their telecommuting programs. They highlighted the strategic value of these programs as recruitment and retention tools.

Moreover, at the Subcommittee on Technology and Procurement Policy's September 6, 2001, hearing, we heard testimony from the Information Technology Association of America, the ITAA. Harris Miller, ITAA's president, testified about the challenges his organization's member companies face in the contracting process when they offer their employees the flexibility of telework. Contracting officers are reluctant to allow contractors to telecommute. As I already mentioned, H.R. 3924 will solve this problem.

As the Federal Government transforms its services' contracting processes from one that is performance-based to a results-driven process, human capital management strategies need to be adjusted accordingly. Human capital is of primary importance to private sector organizations. The Federal Government should encourage this viewpoint among its contractors and incorporate it into the agencies' management structures.

We are way behind the 8 ball on this at the Federal level; and this legislation, I think, will move us a step forward. So I encourage my colleagues to help expand telecommuting opportuni-

ties for Federal contracting employees, and I ask my colleagues to join me in supporting H.R. 3924.

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

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 3924, and I commend Chairman DAVIS for his work on this legislation. It is very clear, I think to all of us, that the Federal Government faces a severe and looming human capital crisis; and one of the ways, one of the ways that we can encourage a strong Federal workforce is to utilize some of the management principles that the private sector has adopted. And we know for certainty that the private sector has been much more aggressive in promoting the use of telecommuting in the private sector than has the Federal Government.

The benefits to the Federal Government would be to improve worker productivity, morale and retention, and to improve recruitment of Federal workers. And to do so, the gentleman from Virginia (Mr. TOM DAVIS) has proposed in this legislation an encouragement to the private contractors, those who contract with the Federal Government, a provision that would prohibit them from outright banning the use of telecommunication unless there is some clear and distinct justification for doing so, such as national security or some other practical prohibition that would keep those employees of that private contractor from being able to engage in telecommuting.

Advances in information technology have made it so that many jobs in our society can be conducted from many locations. People can, in fact, perform work at home, on the Internet, rather than coming in to the traditional office. We look at the numbers of how many people are utilizing telecommunication in the private sector and we see, according to the latest figures, that there are about 19 million Americans who telecommute as a part of their job, and that number is rising. But when we look at the Federal Government, according to the Office of Personnel Management, there are only about 45,000 employees, or about 2.6 percent of our Federal workforce, that telecommute once a week, and almost half of those are in a single agency.

So we can see that the Federal Government has, in fact, lagged behind the private sector. Now, this bill is designed to encourage the greater use of telecommuting in the Federal Government. And it is interesting to note that though this is a very significant piece of legislation to the gentleman from Virginia, who represents northern Virginia, where we have a large Federal workforce, the encouragement of telecommuting could in fact provide Federal employment opportunities as far away as my district in east Texas. Because if jobs can in fact be performed at home through the use of the Internet, perhaps some of those very lucrative Federal jobs could be spread

around, Mr. Chairman, to some of the rest of us.

So I am very pleased to be able to join my colleague in support of this legislation to encourage further use of telecommuting in the Federal Government.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume, and let me just say that there is no reason jobs could not go to east Texas, or anywhere else under telecommuting, where we could get the best and the brightest to be able to perform their duties and not have to have them in the current work-structured atmosphere, an outmoded structure that the Federal Government now operates under.

I want to again thank the gentleman from Texas (Mr. TURNER) for his help and assistance on this legislation. He has been a most constructive partner in our efforts to better utilize telecommunicating and acquisition reform. Hopefully, the time is not too distant when we will find thousands more parents in the Washington area and other areas able to telecommute, giving them more time to drive their kids back and forth to their piano lessons, to see their kids' practices and games or visit their schools, to adjust to appropriate medical appointments their kids may have; and, frankly, just to have more time with their families. With greater family satisfaction, I think, goes greater worker productivity.

□ 1200

It means for the Federal Government our ability to recruit and retain good people and keep them in this business, something that over the long term for the American taxpayer lowers our costs and gets better value for our tax dollars. This is an important first step. I urge adoption of this measure.

Mr. BLUMENAUER. Mr. Chairman, I come to the floor today to support H.R. 3924, the Freedom to Telecommute Act. This bill does the right thing by permitting federal agencies to allow contractors to telecommute.

Telecommuting is an integral part of building livable communities because it gives people more choices in their work, for their families and for our environment. Not everyone can live next-door to his or her workplace, but with telecommuting, more people can work from home when appropriate and we can reduce the troublesome peak-hour demand on our transportation systems.

In 2001, one in five American workers, or 28 million Americans were telecommuters and the growth of telecommuting is impressive. The number of U.S. telecommuters grew from roughly 19 million in 2000 to 32 million in 2001 and experts predicts that more than 137 million workers will be involved in some sort of remote work by next year.

Increasingly, private and public organizations are adopting telecommuting as a successful workforce strategy because telecommuting helps recruit new employees, expand the labor pool and provide staffing flexibility. It

also reduces sick leave, increases productivity, reduces stress and protects the environment. In fact, if 10 percent of the nation's workforce were able to telecommute only one day a week, we would cut 24.4 million driving miles, eliminate 12,963 tons of air pollution and conserve more than 1.2 million gallons of fuel each week.

I urge my colleagues to support this bill that helps build more livable communities by promoting telecommuting.

Mr. WOLF. Mr. Chairman, I rise in support of H.R. 3924, the Freedom to Telecommute Act of 2002. Mr. Chairman, I have been a strong advocate of telecommuting and believe that it can be a major answer to solving traffic congestion around the country. It's simple. Fewer cars equal less traffic equal less pollution.

The federal government is already on the way to making telework a standard option for federal employees. Two years ago I included a provision in the transportation spending bill which requires federal agencies to identify employees whose jobs would be appropriate for telework one or more days each week. By the end of last year, each agency was required to offer the telework option to 25 percent of these eligible employees and to continue offering the option to an additional 25 percent until 100 percent of federal employees who are able to telework can.

My friend and colleague from Virginia, Representative DAVIS who strongly supports the federal telework program, has sponsored the Freedom to Telecommute Act on the floor today. This bill to authorize telecommuting for federal contractors will partner with my provision requiring federal agencies to allow workers to telework. It only makes sense that if we are working to encourage federal employees to be teleworking, we should also be allowing employees of federal contractors who work side by side with federal workers the option to telecommute.

A George Mason University study found that by reducing cars on the road by 3 percent, you can reduce traffic delays by 10 percent. This means if we can get 6 percent of the workforce to telecommute, we can reduce traffic congestion by 20 percent.

Studies show that employees are more productive when they telework. They also have a higher quality of life and more time to spend with their families instead of sitting in traffic. Teleworking also saves businesses money by freeing up expensive office space. Add in the benefit of cleaner air from fewer cars on the road and teleworking adds up to a win-win situation for everyone.

I urge a unanimous vote for H.R. 3924.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3924 is as follows:

H.R. 3924

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 "Freedom to Telecommute Act of 2002".

SEC. 2. AUTHORIZATION OF TELECOMMUTING FOR FEDERAL CONTRACTORS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to permit the use of telecommuting by employees of Federal contractors in the performance of contracts with executive agencies.

(b) CONTENT OF AMENDMENT.—(1) The amendment issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the acquisition of goods or services shall not set forth any requirement or evaluation criteria described in paragraph (2) unless the contracting officer first—

(A) determines that the needs of the agency, including the security needs of the agency, cannot be met without any such requirement; and

(B) explains in writing the basis for that determination.

(2) A requirement or evaluation criteria under this paragraph is a requirement or evaluation criteria that would—

(A) render an offeror ineligible to receive a contract award based on the offeror's plan to allow its employees to telecommute; or

(B) reduce the scoring of an offeror's proposal based upon the contractor's plan to allow its employees to telecommute.

(c) GAO REPORT.—Not later than one year after the date on which the amendment required by subsection (a) is published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) compliance by executive agencies with the regulations; and

(2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(d) DEFINITION.—In this section, the term "executive agency" has the meaning given that term in section 105 of title 5, United States Code.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mr. FOSSELLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3924) to authorize telecommuting for Federal contractors, pursuant to House Resolution 373, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. TOM 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.

Pursuant to clause 8(c) of rule XX, the Chair will reduce to 5 minutes the minimum time for an electronic vote on the motion to suspend the rules and agree to H. Res. 371, which vote will be taken immediately after the vote on passage of H.R. 3924.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 71]

YEAS—421

Abercrombie	Clayton	Galleghy
Ackerman	Clement	Ganske
Aderholt	Clyburn	Gekas
Akin	Coble	Gephardt
Allen	Collins	Gibbons
Andrews	Combest	Gilchrest
Armey	Condit	Gillmor
Baca	Conyers	Gilman
Bachus	Cooksey	Gonzalez
Baird	Costello	Goode
Baker	Cox	Goodlatte
Baldacci	Coyne	Gordon
Baldwin	Cramer	Goss
Ballenger	Crane	Graham
Barcia	Crenshaw	Granger
Barr	Crowley	Graves
Barrett	Cubin	Green (TX)
Bartlett	Culberson	Green (WI)
Barton	Cummings	Greenwood
Bass	Cunningham	Grucci
Becerra	Davis (CA)	Gutknecht
Bentsen	Davis (IL)	Hall (OH)
Bereuter	Davis, Jo Ann	Hall (TX)
Berkley	Davis, Tom	Hansen
Berman	Deal	Harman
Berry	DeFazio	Hart
Biggert	DeGette	Hastings (FL)
Bilirakis	Delahunt	Hastings (WA)
Bishop	DeLauro	Hayes
Blumenauer	DeLay	Hayworth
Blunt	DeMint	Hefley
Boehlert	Deutsch	Herger
Boehner	Diaz-Balart	Hill
Bonilla	Dicks	Hilleary
Bonior	Dingell	Hilliard
Bono	Doggett	Hinchey
Boozman	Dooley	Hinojosa
Borski	Doolittle	Hobson
Boswell	Doyle	Hoefel
Boucher	Dreier	Hoekstra
Boyd	Duncan	Holden
Brady (PA)	Dunn	Holt
Brady (TX)	Edwards	Honda
Brown (FL)	Ehlers	Hooley
Brown (OH)	Ehrlich	Horn
Brown (SC)	Emerson	Hostettler
Bryant	Engel	Houghton
Burr	English	Hoyer
Burton	Eshoo	Hulshof
Buyer	Etheridge	Hunter
Callahan	Evans	Hyde
Calvert	Everett	Inslee
Camp	Farr	Isakson
Cannon	Fattah	Israel
Cantor	Ferguson	Issa
Capito	Filner	Istook
Capps	Flake	Jackson (IL)
Capuano	Fletcher	Jackson-Lee
Cardin	Foley	(TX)
Carson (IN)	Forbes	Jefferson
Carson (OK)	Ford	Jenkins
Castle	Fossella	John
Chabot	Frank	Johnson (CT)
Chambliss	Frelinghuysen	Johnson (IL)
Clay	Frost	Johnson, E. B.

Johnson, Sam	Moran (VA)
Jones (NC)	Murtha
Jones (OH)	Myrick
Kanjorski	Nadler
Kaptur	Napolitano
Keller	Neal
Kelly	Nethercutt
Kennedy (MN)	Ney
Kennedy (RI)	Norwood
Kerns	Nussle
Kildee	Oberstar
Kilpatrick	Obey
Kind (WI)	Olver
King (NY)	Ortiz
Kingston	Osborne
Kirk	Ose
Klecza	Otter
Knollenberg	Owens
Kolbe	Oxley
Kucinich	Pallone
LaFalce	Pascarell
LaHood	Pastor
Lampson	Paul
Langevin	Payne
Lantos	Pelosi
Larsen (WA)	Pence
Larson (CT)	Peterson (MN)
Latham	Petri
LaTourette	Phelps
Leach	Pickering
Lee	Pitts
Levin	Platts
Lewis (CA)	Pombo
Lewis (GA)	Pomeroy
Lewis (KY)	Portman
Linder	Price (NC)
LoBiondo	Pryce (OH)
Lowey	Putnam
Lucas (KY)	Quinn
Lucas (OK)	Radanovich
Luther	Rahall
Lynch	Ramstad
Maloney (CT)	Rangel
Maloney (NY)	Regula
Manzullo	Rehberg
Markey	Reyes
Mascara	Reynolds
Matheson	Riley
Matsui	Rivers
McCarthy (MO)	Rodriguez
McCarthy (NY)	Roemer
McCollum	Rogers (KY)
McCrery	Rogers (MI)
McDermott	Rohrabacher
McGovern	Ros-Lehtinen
McHugh	Ross
McInnis	Rothman
McIntyre	Roukema
McKeon	Royal-Allard
McKinney	Royce
McNulty	Ryan (WI)
Meehan	Ryun (KS)
Meek (FL)	Sabo
Meeks (NY)	Sanchez
Menendez	Sanchez
Mica	Sandlin
Millender-	Sawyer
McDonald	Saxton
Miller, Dan	Schaffer
Miller, Gary	Schakowsky
Miller, George	Schiff
Miller, Jeff	Schrock
Mink	Scott
Mollohan	Sensenbrenner
Moore	Serrano
Moran (KS)	Sessions

NOT VOTING—13

Blagojevich	Morella	Shows
Davis (FL)	Northup	Traficant
Gutierrez	Peterson (PA)	Weldon (PA)
Lipinski	Rush	
Lofgren	Shadegg	

□ 1225

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 71, I was unavoidably detained. Had I been present, I would have voted “yea.”

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore (Mr. FOSSELLA). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 371.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 371, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 72]

YEAS—423

Abercrombie	Collins	Goode
Ackerman	Combest	Goodlatte
Aderholt	Condit	Gordon
Akin	Conyers	Goss
Allen	Cooksey	Graham
Andrews	Costello	Granger
Armey	Cox	Graves
Baca	Coyne	Green (TX)
Bachus	Cramer	Green (WI)
Baird	Crane	Greenwood
Baker	Crenshaw	Grucci
Baldacci	Crowley	Gutknecht
Baldwin	Cubin	Hall (OH)
Ballenger	Culberson	Hall (TX)
Barcia	Cummings	Hansen
Barr	Cunningham	Harman
Barrett	Davis (CA)	Hart
Bartlett	Davis (IL)	Hastings (FL)
Barton	Davis, Jo Ann	Hastings (WA)
Bass	Davis, Tom	Hayes
Becerra	Deal	Hayworth
Bentsen	DeFazio	Hefley
Bereuter	DeGette	Herger
Berkley	Delahunt	Hill
Berman	DeLauro	Hilleary
Berry	DeLay	Hilliard
Biggert	DeMint	Hinchey
Bilirakis	Deutsch	Hinojosa
Bishop	Diaz-Balart	Hobson
Blumenauer	Dicks	Hoefel
Blunt	Dingell	Hoekstra
Boehlert	Doggett	Holden
Boehner	Dooley	Holt
Bonilla	Doolittle	Honda
Bonior	Doyle	Hooley
Bono	Dreier	Horn
Boozman	Duncan	Hostettler
Borski	Dunn	Houghton
Boswell	Edwards	Hoyer
Boucher	Ehlers	Hulshof
Boyd	Emerson	Hunter
Brady (PA)	Engel	Hyde
Brady (TX)	English	Inslee
Brown (FL)	Eshoo	Isakson
Brown (OH)	Etheridge	Israel
Brown (SC)	Evans	Issa
Bryant	Everett	Istook
Burr	Farr	Jackson (IL)
Buyer	Fattah	Jackson-Lee
Callahan	Ferguson	(TX)
Calvert	Filner	Jefferson
Camp	Flake	Jenkins
Cannon	Fletcher	John
Cantor	Foley	Johnson (CT)
Capito	Forbes	Johnson (IL)
Capps	Ford	Johnson, E. B.
Capuano	Fossella	Johnson, Sam
Cardin	Frank	Jones (NC)
Carson (IN)	Frelinghuysen	Jones (OH)
Carson (OK)	Frost	Kanjorski
Castle	Galleghy	Kaptur
Chabot	Ganske	Keller
Chambliss	Gekas	Kelly
Clay	Gephardt	Kennedy (MN)
Clayton	Gibbons	Kennedy (RI)
Clement	Gilchrest	Kerns
Clyburn	Gillmor	Kildee
Coble	Gilman	Kilpatrick
	Gonzalez	Kind (WI)