welfare reform; and as my friend from South Carolina just mentioned, this is an opportunity to build on a genuine success story.

My friend from Kansas came to the well earlier and he spoke of our great former President Ronald Reagan who had the right instincts when President Reagan said, Success in terms of helping people needs to be defined not by the numbers of people added to the welfare rolls, but by the numbers of people who depart those rolls and who go out and get jobs.

What we started in 1996, despite the wailing and gnashing of teeth of some, was something truly remarkable and truly constructive. When we reaffirm the dignity of work and the reality instead of just the rhetoric that the best program in the United States is not a social program, it is a job, to reaffirm individual self-worth, to reaffirm the dignity of work and the pride and personhood. That is the challenge that confronts us as we reauthorize landmark welfare reform.

## CRITICAL TO CONTINUE TO IMPROVE THE WELFARE SYSTEM

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

Mr. BROWN of South Carolina. Mr. Speaker, it used to be that when Members took to the floor to discuss the issue of welfare there was not a lot of good news; but as a member of the Committee on the Budget, I am pleased to report that things are looking up thanks to the welfare reform legislation passed by the Republicans in 1996.

Today, we are introducing a bill that builds upon the indisputable success of the 1996 law, and I am proud to support it.

Republican-led welfare reform has proved successful by replacing welfare checks with paychecks, fostering independence, boosting personal income, and improving the well-being of children. It is critical that we continue to improve the welfare system so that people can continue to improve their lives.

Six years ago, we made a historic and positive change in our society and the role of our government. We can now say with confidence that the system is working because people are working. We have turned a corner, but our work is far from being done.

Mr. Speaker, I urge my colleagues who supported the success of the 1996 bill to keep up the good work and spread the good word to those who doubted this landmark reform last time around. Let us put people before politics.

## STRONGLY ENCOURAGE RENEWED DEBATE ON WELFARE REFORM

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

Mr. SULLIVAN. Mr. Speaker, I stand before you to strongly encourage renewed debate on welfare reform. It is imperative to all Americans that the institution of welfare is reformed and repaired in order for those who need real assistance to get help from the government they need. I am excited about welfare reform legislation that will begin genuine improvement in the lives of underprivileged Americans.

Six years ago Members of this body united to pass a bill that revolutionized the lives of welfare recipients. In the 6 years since the passing of that legislation, America has witnessed a huge decline in welfare dependence. In fact, the numbers show that individuals receiving cash assistance has dropped by 56 percent.

In the past 6 years, over 3 million children have been lifted from the depths of poverty. Former welfare recipients and their children are achieving their independence from welfare.

We have taken a step in the right direction, but we have only scratched the surface. The House must finish the work we started 6 years ago. We must stay determined to ensure the success of welfare reform moving forward. We cannot undermine the reforms we have taken by expecting the needed changes to happen on their own. We cannot rest, and I ask my colleagues to continue to support the call for reauthorization of welfare reform.

## DIGITAL TECH CORPS ACT OF 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 380 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 380

*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. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. 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. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill, modified by the amendments recommended by the Committee on the Judiciary also printed in the bill. That amendment in the nature of a substitute 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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. SWEENEY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

Yesterday, the Committee on Rules met and granted an open rule providing for consideration of the bill, H.R. 3925, the Digital Tech Corps Act of 2002. The rule waives all points of order against consideration of the bill and provides for 1 hour of general debate, equally divided and controlled between the chairman and ranking member of the Committee on Government Reform.

The rule further provides that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill, modified by the amendments recommended by the Committee on the Judiciary be considered as an original bill for the purpose of amendment.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and provides for one motion to recommit, with or without instructions.

H. Res. 380 is an open and fair rule. It allows any Member who wishes to offer an amendment every opportunity to do so. Mr. Speaker, this bill is aimed to bring a bit of common sense to the Federal Government, and heaven knows there is not a lot of that going around these days.

It would allow IT managers in the Federal Government and the private sector to essentially exchange information in order to see how the other side works and learn from it. Federal workers would be exposed to the private industry's best practices management, while the private employees would get the opportunity to see the challenges that Federal workers face.

Currently, the Federal Government lacks the ability to compete with the high-paying jobs of the private sector. The government is constantly struggling to recruit and retain employees with the expertise and the latest and

newest information technologies. So the inevitable is happening.

The government keeps losing some of the best and the brightest to the cushiest and the highest-paying private sector jobs. Unless this is addressed, the technology gap will continue to grow and the Federal Government will continue to be on the losing end.

However, if this bill passes, the private sector will win as well. These employees will get to see firsthand how the government operates and the challenges its IT managers deal with on a routine basis.

□ 1030

Mr. Speaker, as I said, hopefully we can learn from one another. I commend the gentleman from Virginia (Mr. TOM DAVIS) for recognizing this problem and crafting this bill to ensure that the Federal Government can be as efficient as it possibly can. I urge my colleagues to support this rule and to support 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, I thank the gentlewoman for yielding me the customary 30 minutes.

Let me say at the outset that I commend the gentleman from Virginia (Mr. TOM DAVIS) for bringing this legislation to the House. The Digital Tech Corps Act creates an exchange program under which Federal agencies and private sector companies may exchange information technology managers. Assignments under the program could last from 6 months to 2 years. Participants in the program would continue to receive their pay and benefits from their original employer, not their host.

A Federal employee who participates in the program would be required to return to the civil service for a time equal to the duration of his or her assignment following the completion of the exchange. If an employee fails to return to the civil service, that person would have to repay the Federal Government for all expenses, including salary, of the assignment. There will be some interesting amendments offered. I know that the gentleman from California (Mr. WAXMAN) and the gentlewoman from California (Ms. VELÁZQUEZ) have amendments that are going to be of critical import to the overall membership.

H.R. 3925 subjects the private sector employees who participate in the program to the same ethics rules that govern Federal employees. To ensure that none of the private sector employees that participate are able to unjustly enrich themselves or their companies, strict guidelines have been put in place.

The bill requires the Office of Personnel Management to submit a semiannual report to Congress summarizing the program. The report would include descriptions of assignments, including their duration and objectives. The OPM would also be required to submit two additional reports. The first, due no later than 1 year after enactment of the bill, would identify and detail existing exchange programs. The second report, due no later than 4 years after enactment of the bill, would evaluate the effectiveness of the program established by this bill and recommend whether it should be continued or permitted to lapse.

This bill allows for a productive exchange of not only individuals between the Federal Government and the private sector, but ideas, cultures, and management styles. The intention is that this kind of cross-fertilization will benefit American government and American businesses.

Mr. Speaker, I hope that this bill begins a discussion of new and innovative ways that the Federal Government can recruit and retain the most talented people in their respective fields. The private sector is far ahead of the government in its efforts to do the same. I encourage my colleagues to examine the programs the private sector has fashioned to locate, recruit, and retain talented young individuals. If we are to streamline government, ensure the cost-effective expenditure of the American people's tax dollars, and create a more efficient bureaucracy, we have no choice but to duplicate such efforts. I do believe that the rule is a fair one as offered, allowing Members to come forward as they see fit.

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

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 380 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3925.

□ 1035

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. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes, with Mr. SWEENEY 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).

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

Mr. Chairman, I appreciate the commonsense leadership of the distinguished chairman and the ranking member of the Committee on Government Reform on the Digital Tech Corps Act of 2002. I also appreciate the hard work of the Committee on the Judiciary and the Committee on Ways and Means in contributing to this legislation.

The General Accounting Office added human capital management to its annual high-risk list in 2001. Governmentwide, we face significant human capital shortages that will only get worse as 34 percent of the Federal workforce becomes eligible to retire in the next 5 years. The numbers are even more startling in highly specialized fields where government recruiting is in direct competition with the private sector. Nowhere is this more evident than with the technology workforce. It is estimated that 50 percent of the government's technology workforce will be eligible to retire by the year 2006.

Over the past decade, the Congress and the executive branch have worked together to bring about significant management reform. We have passed acquisition reform, information technology management reform, and government performance and results legislation.

Unfortunately, no one has updated the laws and regulations governing the management of the government's single most valuable resource: our people. The private sector long ago made end-to-end review of human resources management a top priority. The private sector learned a lesson our government has yet to fully recognize: A company's value is only as strong as the people that come through the door every day, bringing knowledge, new ideas, and innovation.

A recent KPMG report on human capital management within the Federal sector noted the government is operating with personnel tools utilized and developed in the 1950s and 1960s. The same study noted that industry undertook major capital management reforms in the 1980s and have continued reviews as often as three times a year.

For the past decade, the government managed through minimum mandatory personnel ceilings and hiring freezes. Today we see the results in nearly every General Accounting Office report on government programs. Agencies have lost so many personnel that they face growing challenges in managing programs, acquisitions and logistics. At the Department of Energy, for example, there have not been enough personnel to oversee daily operations at sensitive nuclear facilities. And at NASA, downsizing has left the space

shuttle team short of qualified personnel and launch activities. Unfortunately, there are many examples within the Federal Government.

Today, I think we have to address this reality both in the long term and in the short term. It is my firm belief that the larger human capital management crisis will not be solved without the joint efforts of Congress, the administration, Federal employees and groups that represent Federal employees, and the private sector. We have to look to more immediate solutions to solve the workforce shortages in highly skilled technical areas of the government. Agencies should be able to effectively and efficiently perform their missions while enhancing service delivery to the taxpayers that are footing the bill.

According to the National Academy of Public Administration, the primary barriers to recruiting new information technology workers are salary, the delays in hiring, and a lack of robust training opportunities so that IT workers can keep their skills current with changing technologies. We have significant work to do in order to obtain, train, and retain government workers.

The Digital Tech Corps Act of 2002, H.R. 3925, is an effort to help both the training and retention aspects of our human capital management challenges. The Digital Tech Corps is an opportunity for government and private sector IT professionals to cross-pollinate best practices in IT management for a better government and a more productive private sector workforce.

For government employees, the exchange offers emerging leaders the training ground to learn cutting-edge practices, and to bring those lessons back home. For private sector employees, the exchange is a rewarding opportunity for public service. Volunteers gain experience solving some of the world's most difficult IT programs while working for the world's largest employer.

Tech Corps gives IT managers the opportunity to fulfill the President's call in the State of the Union address for every American to commit 2 years of service to our Nation. We found many positive by-products of 9/11's tragic attacks, including reinvigorating dedication to public service. Government employees, both civilians and military, are at the heart of the war on terrorism. Achieving change that will ensure our security will come only through the sustained efforts of professionals working within existing agencies. That is why Tech Corps gives mid-level IT workers the opportunity to learn best practices in the management of complex projects.

Tech Corps is a new vision for public service in the 21st century. However, it is not one without extensive precedent. Indeed, the operations and the ethics provisions of this legislation comes from decades of experience with public-private exchanges, including the 30-plus years of success with the IPA program. IPA exchanges allows our cutting-edge research facilities, such as those at DARPA and the National Science Foundation to obtain unparalleled access to talent and expertise; the over 200 educational partnership agreements and training with industry exchange programs that the Department of Defense has between private sector organizations, academia and government labs; and the National Institute for Standards and Technology exchange program with industry scientists at the Center for Advanced Research in Biotechnology.

In terms of operation, the Digital Tech Corps Act provides for exchange of talented mid-level staff at the GS–11 to 15 levels, or the equivalents in the private sector. The time period for this exchange is limited to 6 to 12 months, with an optional 1 year extension.

Federal employees working in private sector organizations are required to fulfill service commitments to their agencies like those that apply in the military. All participants must adhere to strict ethics rules. Employees retain the pay and benefits from their respective employers while on assignment.

Thus, this legislation enables, we believe, a cost-effective, two-way transfer of talent. It will reap great rewards for the American people as the government starts to get an infusion of information technology talent to kick start e-government initiatives, and to help us fight the war on terrorism.

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

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

Mr. Chairman, first I commend the gentleman from Virginia (Mr. TOM DAVIS) for his work on this Digital Tech Corps Act. The Committee on Government Reform has been quite diligent in trying to improve the information technology of the Federal Government, and this exchange program which allows private sector employees to come into government agencies and also allows government employees to go into the private sector for the purpose of exchanging information and knowledge, expanding the ability of the Federal Government to understand and to implement information technology improvements, is certainly a wise and important step in our efforts to improve the information technology capability of our Federal employees and our Federal agencies.

This legislation adopts a number of suggestions that have been made by the minority. There are three in particular I would like to mention. One, the bill includes stronger ethics provisions, as suggested by the minority. It also requires reports periodically from the Office of Personnel Management to advise the public as to who is participating in this program. We think this sunshine provision is very important to maintain the integrity and the credibility of this exchange program.

□ 1045

At our suggestion, the legislation is also sunsetted after 5 years and requires the General Accounting Office to submit to the committee an evaluation of the success of the program. Finally, the bill makes it clear that the cost of the employee from the private sector going into the government agency will be borne solely by the private sector and that the cost of that employee coming into government will in no way directly or indirectly be borne by the taxpayers.

I want to commend the gentleman from California (Mr. WAXMAN), the ranking Democrat of our committee, for his strong interest in this legislation. I share his concern that this bill did not go even further in improving the information technology training of our Federal workers. We certainly had hoped that we could see a full-fledged training program put in place in the Federal Government that would allow for a comprehensive training curricula to be offered to all information technology workers in the Federal Government, to be able to run effective training programs, and also to improve our recruitment of Federal IT workers. This was not able to be included in this bill. We hope that we will have that opportunity by way of amendment or separate legislation. But we commend the efforts of my subcommittee Chair, the gentleman from Virginia (Mr. TOM DAVIS), in trying to move us forward in the area of improving the information technology capabilities of our Federal Government.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking Democrat of our committee.

Mr. WAXMAN. I thank the gentleman from Texas for yielding time to me.

Mr. Chairman, I have some serious reservations about H.R. 3925, the Digital Tech Corps Act, in its current form. But before I explain my objections, I want to thank the gentleman from Virginia (Mr. TOM DAVIS) for his efforts to work with us and other members of the minority on this legislation. Although I ultimately have a different view about the merits of this bill than the gentleman from Virginia, he tried to accommodate our concerns in several areas and did adopt many of the suggestions that the minority made. I thank him very much for that. I want to, in addition, thank the gentleman from Texas (Mr. TURNER) for all his hard work to improve this bill.

Unfortunately, as the bill stands, it blurs the line that should exist between the government and the private sector. When we fail to draw a clear line between the public and the private sectors, we invite abuse and conflicts of interest. There has been an attempt to deal with these problems by applying Federal ethics rules to the private sector employees who enter the Federal workforce. But I am not sure that rules alone will prevent abuses.

As it is currently drafted, this bill allows technology executives from drug companies, oil companies, and other sectors of corporate America to work in the Federal Government for up to 2 years. During that time, these corporate executives can have unrestricted access to sensitive government databases. Under this bill, a technology executive from Merck could gain access to the confidential data on drug prices that Pfizer and other drug companies are required to submit to the Department of Health and Human Services. Or a technology executive from Monsanto could gain access to confidential data on pesticides maintained by the Environmental Protection Agency.

There is a reason we have and need a vigorous Federal workforce. The Federal Government is a repository of an enormous amount of sensitive information. We can trust this information to career civil servants who have dedicated their lives to public service, but can we trust this information to corporate executives on loan from the private sector? This bill is written on the assumption that everybody will be honorable and no one will try to take advantage of the system. But after all we have seen, and I want to refer to the Enron scandal, is it a reasonable assumption to make that everybody is going to do the proper thing and we can simply trust people?

I have also grave concerns about the precedent of sending Federal employees who are paid by the taxpayers to work for private sector employers for up to 2 years. I think this is a new and potentially egregious form of corporate welfare.

Congress has enacted tax breaks for corporations worth billions of dollars, direct subsidies worth billions more, and special interest deregulation initiatives. Under this bill as written, we will have a new type of Federal subsidy for industry: Federal employees, paid with taxpayers' money, can be sent to private corporations for up to 2 years to help those corporations with their information technology work.

Let me share with you one story. The Wall Street Journal reported on March 1, this year, 2002, about an obscure Federal program that allowed a fellow named Ron Medford, an employee of the Consumer Product Safety Commission, to work as a lobbyist for Segway, a private company, while still remaining on the Federal payroll. According to the Wall Street Journal, and I quote, ''There was good news for the Segway team: Mr. Medford was so impressed by their handiwork, he took a taxpayer-funded sabbatical to assist with a massive lobbying effort aimed at persuading States to pass special laws favoring Segway.''

Is this how we should be spending our constituents' tax dollars? Does it really make sense for the taxpayers to be paying for Mr. Medford to lobby for the Segway company? Yet this is what this bill does. It would send hundreds of Federal employees to work for private companies for up to 2 years at taxpayers' expense. Indeed, not only would the taxpayers be forced to pay the salary of these Federal employees during the time they are working for private corporations, the taxpayers could also be expected to pay a daily per diem to cover the costs of their housing and meals.

Some of my colleagues have said that this is not a serious problem because the bill calls for an exchange of private sector workers for Federal workers, so the cost of sending public workers to the private sector is offset by the benefit of having private workers serve the public sector. But the problem is that there is no requirement for a one-to-one exchange in the bill. In fact, there are no limits at all on the number of Federal workers who can be sent to the private sector. My colleagues have also suggested that sending Federal workers to the private sector makes sense because they will receive good training. But, again, there is no such requirement in the bill. I think the whole idea of the bill, as I have heard it described, of a digital tech corps, is to have people learn from the private sector and those in the private sector to learn and be trained in government practices so both can be improved.

Mr. Chairman, I think this is a well-intentioned bill, but it is an imperfect one; and in its current form it does not protect confidential government information, and it does not protect the taxpayer. I will be offering an amendment when we get to the amendment part of the process in the consideration of this legislation. My amendment will prevent corporate executives from having access to trade secrets or other sensitive government information. This to me is a commonsense amendment. Further, we will ensure that any placement of a Federal worker in a private sector company will accomplish a legitimate training objective; and we will make sure that we have standards for a training program, not simply a blank check to send government-subsidized, paid-for employees to do the work for private corporations. It may not even have any resemblance to what they are doing for training them or benefiting the taxpayers, which seems to me the ultimate reason for ever using taxpayers' dollars. I urge all Members to support this important amendment when we get to it.

I thank the gentleman from Texas and the gentleman from Virginia for their leadership on this legislation. I hope we can continue to work together on it and make it a better bill.

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

First let me just address a couple of issues raised by my good friend from California. In terms of corporate executives having unrestricted access to confidential data, we have the strictest antilobbying protections, antidisclosure protections in this legislation than has ever happened in any Federal legislation prior to that, to guard against that.

I would remind my friend that currently Federal employees who are set to retire, not necessarily career employees, people who could be there for 1 or 2 years could take unrestricted information and walk across the street and share that with a private company that would hire them. In this particular case, there is a lifetime ban and criminal penalties that would prevent somebody from the private sector doing that, something that currently does not apply to Federal employees and currently does not apply to government contractors. Government contractors have the same kind of access under the current law that the gentleman is concerned about. That is why we put in stronger provisions in this particular legislation to make sure that the concerns of the gentleman from California are addressed.

There was the allegation that this is written on the assumption that everybody does the proper thing. We like to think that the Federal managers who are managing this will do the proper thing, but we have a lot of safeguards in this legislation that go over and above current disclosure laws, including lifetime prohibitions and criminal penalties against disclosure of secrets that they may encounter while in government. So I think we have gone the extra mile.

This is certainly not corporate welfare, either. I think that all we are offering is training in the best, most innovative corporations in the world to Federal employees. Keeping them up to date on the most current, innovative practices is critical for retention of quality employees. That is what this does. When the work order comes out and the Federal manager allows that employee to go out into these areas, they will be able to make the call. They will make the discretionary call in terms of is this going to enhance that employee's value to the Federal government when they return or will it be corporate welfare. I trust the Federal managers to make those decisions, but we have an amendment that we are going to offer that I think ensures that training is the number one priority in these transfers.

The gentleman brought up the case of Ron Medford at the Consumer Product Safety Commission. That, of course, was not under this act and the acts that Mr. Medford was alleged to have done in the Wall Street Journal article could not have happened without several legal violations under the legislation we have provided. But I appreciate the gentleman bringing that forward for discussion because that is exactly the kind of thing we all want to avoid. We may differ as to the best way to get to that, but I think we can point out here that that is the kind of thing we want to avoid.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in strong support of this bipartisan legislation, the Digital Tech Corps Act of 2002. I commend Chairman DAVIS and Ranking Member TURNER for their leadership in making this a bipartisan bill. That always produces good work. I also want to commend my friend and colleague who I was elected with and have served with the last 7 years for his leadership as a Member of the House of Representatives in working to bring the Federal Government's procurement and administration policies into the 21st century, of course, which we are now serving in.

The Digital Tech Corps Act helps solve so many of the challenges that we face today in government, particularly the ability to apply the latest leading-edge solutions, the latest leading-edge information technology and technology solutions to the challenges that we face.

One of the challenges we have had in government is keeping up, keeping up with the fact that we have a harder time competing with the pay scale of the private sector, we have a hard time retaining folks who have skills because they get hired away, and at the same time sometimes a little frustration with the Federal employees who are loyal and want public service and devote themselves to public service but they want the skills that only the private sector has to offer. The Digital Tech Corps helps solve that, by providing an exchange program between the private sector and the Federal Government modeled on, really, legislation which has been so successful, the 1970 Intergovernmental Personnel Act, legislation that has been in place over 30 years, laws allowing for this type of exchange which has proven very successful.

I respect the opinion of the gentleman from California (Mr. WAXMAN). Again I would note, his strongest point was regarding whether or not there is a risk of sensitive information. Again, there are protections in this legislation already which provide for elaborate procedures to protect proprietary commercial information and government information including a lifetime ban against disclosure with criminal penalties. Tougher legislation, tougher law is being proposed today than is currently the law regarding other exchange programs.

Again, here is what this bill accomplishes. It improves the skills of Federal information technology managers by exposing them to cutting-edge management trends in the private sector. It helps Federal agencies recruit and retain talented IT managers by offering them a valuable career development tool, the opportunity to have that exchange, to work in the private sector as well as have private sector folks work alongside them.

□ 1100

It also allows private sector IT managers to apply their skills to challenging IT problems at the Federal agencies.

What is our goal today? Let us bring the Federal Government into the 21st century. The Digital Tech Corps works in that direction. It is good legislation; it has overwhelming bipartisan support. I urge opposition to the Waxman amendment because we already addressed the issues he raised. I urge a ''yes'' vote, and commend the gentleman from Virginia (Chairman TOM DAVIS) for his leadership.

Mr. WELLER. Mr. Chairman, I rise today to give my strong support to H.R. 3925, the Digital Tech Corps Act 2002. The legislation supports an important priority, establishing an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management.

The Digital Tech Corps Act is a much needed bill. There is great need for high-skilled workers in the Federal Government. Unless action is taken soon, there will be a crisis in the government's ability to deliver essential services to the American people. An August 2000 poll found that 75% of the public expects the Internet to improve its ability to get information from federal agencies, and 60% expect e-government to have a strong positive effect on overall government operations.

The Tech Corps gives government IT employees the opportunity for intensive, on-the-job training in how to manage complex IT projects. Too many of government's complex IT procurements continue to fail because of improper management. This exchange will give them insight and experience in how the best companies in the world are successfully managing IT so they can bring this knowledge back.

The Tech Corps also gives private sector IT employees the opportunity to volunteer for rewarding public service. In tackling some of the world's toughest IT problems, they can return to their companies understanding the challenges facing the world's largest employer.

Mr. Chairman, I commend the hard work of Chairman DAVIS and urge my colleagues to support this good legislation.

Mr. TURNER. Mr. Chairman, I again yield such time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking Democrat on the Committee on Government Reform.

Mr. WAXMAN. Mr. Chairman, I want to clarify why we do not, as submitted to us, have elaborate protections for information that private sector employees might have access to if they come here to work at the Federal Government level.

We are told we have protections because there is a lifetime ban from disclosing this information. Well, the fact of the matter is, that is practically unenforceable. Someone comes and works at the Department of Health and Human Services from a pharmaceutical company, from a private pharmaceutical company, and they see the database which is kept confidential about the lowest prices. We prohibit them from going back to their previous job and giving them that information.

How are you going to enforce it? It would be far better not to have them have access to it. They can do other things at the Federal level without having access to that kind of confidential information.

The same would be true with the Environmental Protection Agency. If you come from a chemical company and the EPA has data on chemicals, it may well put a private sector corporation at a financial advantage if their employee comes back and gives them that information.

So the Committee on the Judiciary insisted on a restriction against disclosure. What I think we need is to have a restriction on the access to that information.

The bill purports to address a lot of these concerns about conflicts of interest by saying, at least the proponents of the bill, by saying we can simply rely on the ethics rules for Federal employees; that is good enough. We say when a private sector employee comes to work for the Federal Government, that they have all the ethics rules apply to him or her.

Well, these ethics rules are very narrowly drafted. They are narrowly drafted with the expectation we are talking about Federal employees. But even as drafted for Federal employees, they are so narrow that they become fairly ineffective.

Let me give an example. Carl Rove, who works at the White House, was able to meet with Enron executives about energy policy while he held stock in the company. The White House counsel said that the Federal ethics rules permitted that. I think that is quite remarkable. But that is the standard we are now going to hold for people who are coming from the private sector, where they clearly can get an advantage and they more obviously have a potential conflict of interest.

The gentleman from Virginia submitted that this is the same, that we have the same procedures for Federal contractors. Well, it really is different when you have a Federal contract. If you have a Federal contract, you have an understanding in the agreement that they cannot disclose information, they cannot have a conflict and because of that conflict use information that they get at the Federal level for their own private gain.

That is enforceable. You can go after a contractor for violation of the contract. You are never going to be able to go after an individual for disclosing information to his former and then subsequent employer in the private sector, because you will really never quite know what was said by that individual. You would be able to know what a contractor does if a contractor engages in a violation of the ethics rules, and then you have a party you can go after for failure to live up to the contract.

So I think that the proposal we are going to be offering by way of an amendment helps this legislation. It narrows the potential for abuse, and it protects the taxpayers, to make sure if we are sending a Federal employee to

go work in the private sector, that there is a genuine training program and simply not a new form of corporate welfare where our taxpayer dollars and our constituents' tax dollars are going to be used to pay for somebody to go just work for somebody in the private sector so they do not have to pay for that individual. I think that would be a real abuse of tax dollars.

So I wanted to clarify that I think these amendments are very much needed, and we will be offering them shortly, and I hope Members will support them.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chairman of the Committee on Government Reform.

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

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, let me just say that I share some of the concerns that my colleague, the gentleman from California (Mr. WAXMAN), has. We have seen on some of the health agency advisory committees some conflicts of interest which are very disconcerting and concern a lot of us.

But there are ways to police that. When we have contributor lists that we do not want somebody else to use, we do what is called ''salting'' them, where we put different names in there that are fictitious, and if somebody illegally uses that list, you find out very quickly. There are severe criminal penalties for people that break its law.

In fact, I would like to yield to my colleague, the author of the bill, to illuminate and illustrate some of these criminal penalties imposed if people do break the law.

Mr. TOM DAVIS of Virginia. First of all, Mr. Chairman, let me just add you have the Hatch Act; you have got revolving doors banning lobbying; you have the lifetime bans we discussed; a ban from working on matters that affect a person or employee's financial interests. The penalties go to 5 years in jail under the statute, 18 U.S.C. 201, fines up to $50,000. So they are very severe at this point for any violations.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I thank the gentleman for that information.

Let me just say, the biggest industry in America is the Federal Government. It is bigger than Chrysler, it is bigger than General Motors, it is bigger than any company, Big Blue; and yet we have agencies that cannot talk to each other through their computer technology. It is an absolute tragedy. Billions and billions of dollars of taxpayer money is wasted because this lack of communication takes place on a daily basis, and that is why we ought to use the examples of the private sector in the Federal Government.

Now, how do you do that? The only way you can do that is to take Federal employees who do not yet have that kind of knowledge and allow them to go to the private sector and learn the tricks of the trade, so to speak, so that they can bring that technology back to the Federal Government so we can coordinate our agencies to make sure this technology is used properly. If we do that, it is going to streamline it, it is going to make the government more efficient for every American, and it is going to make sure it is going to save us a lot of money.

So I would just like to say I think this is a very, very important piece of legislation. I want to thank the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the subcommittee, for sponsoring this legislation and being so farsighted with it, as well as his ranking member.

Let me end up by saying this is a bipartisan piece of legislation. I would like to say that the Republicans should take credit for it, but this idea came from the Clinton administration, with which I took issue on a number of occasions. A fellow who worked for OMB under President Clinton, Steve Kelman of Harvard University, came up with this idea. So we cannot embrace it as our own; but we can say it is a good idea, and we should say with bipartisan support, it should pass overwhelmingly.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia Beach, Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Chairman, I rise to urge my colleagues to defeat the Waxman amendment. I agree it is well-intentioned, but the issues it attempts to address are already addressed in the legislation. If this amendment is successful, it will cripple the legislation, and make it impossible to fulfill its purpose.

The legislation in its current form has strong protections to prevent the release of proprietary information and harsh penalties for anyone who releases this information. The high-tech community would have spoken out if they felt these requirements were not sufficient, but they support the legislation in its current form.

To prevent detailees from having access to private sector information would prevent them from working on most government IT projects. This would turn a program that is valuable for the government, private sector, and the employees into a program that does little to foster any development among high-tech IT professionals.

Mr. Chairman, this amendment creates an illusion that government employees are in control of thousands of private industry trade secrets just awaiting theft by a corporate crook. The fact is that trade secrets are no longer secrets if they are disclosed to the government. The Waxman amendment would destroy this legislation, rendering it into a program that does little to train government employees or private sector IT managers.

Mr. Chairman, I urge my colleagues to defeat the Waxman amendment.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Virginia for yielding me time.

Mr. Chairman, I support H.R. 3925, the Digital Tech Corps Act. This bill provides a creative solution to a looming problem involving the Federal Government and the private sector, and I think we all should express our appreciation to the gentleman from Virginia (Mr. TOM DAVIS) for offering this bill.

Congress has provided the resources for law enforcement and other government entities to improve their technology. We have also updated criminal laws to reflect new technology. This bill goes further to provide an incentive to promote the development of expertise in information technology management among Federal workforce personnel.

Mr. Chairman, the GAO has found that the Federal Government faces a substantial shortage of high-tech workers. In fact, 50 percent of the government's technology workforce is eligible to retire by the year 2006. This bill addresses the shortage by creating an employee exchange program between the Federal Government and the private sector. This will allow government employees to receive intensive on-the-job training at companies dealing with high-tech issues. The experience they gain can then be brought back to work for the government.

Conversely, this bill will also give private sector employees the opportunity to gain valuable training at the government. Their understanding of government operations can then be brought back to their private sector companies.

Mr. Chairman, information technology is essential to our national security, law enforcement efforts, and our economy. This exchange program will expose Federal employees to more leading-edge information technology and make Federal service more attractive.

I encourage my colleagues to support this legislation and once again thank my colleague, the gentleman from Virginia (Mr. TOM DAVIS), for offering it.

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

Mr. Chairman, I would again like to express my support for the legislation. Of course, as the Chair has heard, there are amendments that will be offered to hopefully strengthen the legislation. But, again, the concept of trying to improve the information technology of our Federal workers, their training, and to provide some type of exchange program is a concept which I support.

Again, I commend the gentleman from Virginia (Chairman TOM DAVIS)

for his efforts and thank him for the sections of the bill that he has included that have been suggested by the minority, as well as the amendment that the gentleman will offer, which, though it does not fully address the concerns shared by the gentleman from California (Mr. WAXMAN), does address some of the concerns that have been talked about among us over the last several days.

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

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

Mr. Chairman, let me just again thank the ranking member, the gentleman from California (Mr. WAXMAN), for the inclusion of his thoughts in this. We will continue to debate this issue, but I think it has been very educational for all of us. As we identify problems, we are trying to reach an agreement on some of these. Some we may just have to vote up or down. The gentleman has identified some issues that I think are making this bill a stronger bill.

Mr. Chairman, let me express my appreciation to the gentleman from Texas (Mr. TURNER), my ranking member on the subcommittee. I appreciate his efforts, as well, in bringing this to floor. I just note once again that we have worked very closely with Dr. Kelman at Harvard, the Clinton administration's procurement czar over at OMB.

This is a bipartisan piece that has been crafted and thought out through the years. I appreciate everyone's efforts to try and better this.

Mr. BLUMENAUER. Mr. Chairman, I come to the House floor today to support the goals of H.R. 3925 and the amendment offered by Representative WAXMAN. The underlying bill creates an innovative technology expert exchange between the private sector and Federal agencies. This will help the agencies increase their capacity to manage their information technology efforts through training and recruitment. I support this effort to assist the agencies in addressing their information technology management challenges through a creative new program.

While the basic principles of this bill are sound, I have concerns about language in this bill that blurs the line between the public sector and creates unnecessary conflicts of interest. As the bill is written, a private-sector employee, while working in the Federal Government, will still have access to trade secrets of competitors and other sensitive commercial information. In fact, the bill expressly allows the private-sector employee to disclose those trade secrets after just 3 years. Representative WAXMAN's amendment resolves this problem by prohibiting private-sector employees assigned to an agency from having access to trade secrets or other sensitive nonpublic information that affects their private-sector employer.

Additionally, the bill does not have any requirements that the assignment accomplish any specific training objective or that the Federal worker do any work that would benefit the Federal Government. Instead, H.R. 3925 sends Federal workers, at taxpayer expense, to serve the private sector for free and with little accountability. Again, Representative WAXMAN's amendment corrects this problem by establishing a comprehensive training program for information technology workers, run by the Office of Personnel Management, which can assure that the exchange programs work within the context of the overall training needs of the Federal Government's IT workforce.

I support the premise of the underlying bill and encourage my colleagues to vote for the correcting amendment offered by Representative WAXMAN.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Government Reform printed in the bill, modified by the amendments recommended by the Committee on the Judiciary also printed in the bill, is considered an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 3925

*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 ''Digital Tech Corps Act of 2002''.*

***SEC. 2. FINDINGS.***

*Congress finds that—*

*(1) unless action is taken soon, there will be a crisis in the government's ability to deliver essential services to the American people;*

*(2) by 2006, over 50 percent of the Federal Government's information technology workforce will be eligible to retire, creating a huge demand in the Federal Government for high-skill workers;*

*(3) despite a 44 percent decrease in the demand for information technology workers in the private sector, the Information Technology Association of America reported in 2001 that employers will need to fill over 900,000 new information technology jobs and will be unable to find qualified workers for 425,000 of those jobs;*

*(4) to highlight the urgency of this situation, in January 2001, the General Accounting Office added the Federal Government's human capital management to its list of high-risk problems for which an effective solution must be found;*

*(5) despite efforts to increase flexibility in Federal agencies' employment practices, compensation issues continue to severely restrain recruitment for Federal agencies; and*

*(6) an effective, efficient, and economical response to this crisis would be to create a vibrant, ongoing exchange effort designed to share talent, expertise, and advances in management between leading-edge businesses and Federal agencies engaged in best practices.*

***SEC. 3. INFORMATION TECHNOLOGY EXCHANGE PROGRAM.***

*(a) IN GENERAL.—Subpart B of part III of title 5, United States Code, is amended by adding at the end the following:*

***''CHAPTER 37—INFORMATION TECHNOLOGY EXCHANGE PROGRAM***



***''§ 3701. Definitions***

*''For purposes of this chapter—*

*''(1) the term 'agency' means an Executive agency, but does not include the General Accounting Office; and*

*''(2) the term 'detail' means—*

*''(A) the assignment or loan of an employee of an agency to a private sector organization without a change of position from the agency that employs the individual, or*

*''(B) the assignment or loan of an employee of a private sector organization to an agency without a change of position from the private sector organization that employs the individual,*

*whichever is appropriate in the context in which such term is used.*

***''§ 3702. General provisions***

*''(a) ASSIGNMENT AUTHORITY.—On request from or with the agreement of a private sector organization, and with the consent of the employee concerned, the head of an agency may arrange for the assignment of an employee of the agency to a private sector organization or an employee of a private sector organization to the agency. An eligible employee is an individual who—*

*''(1) works in the field of information technology management;*

*''(2) is considered an exceptional performer by the individual's current employer; and*

*''(3) is expected to assume increased information technology management responsibilities in the future.*

*An employee of an agency shall be eligible to participate in this program only if the employee is employed at the GS–11 level or above (or equivalent) and is serving under a career or career-conditional appointment or an appointment of equivalent tenure in the excepted service.*

*''(b) AGREEMENTS.—Each agency that exercises its authority under this chapter shall provide for a written agreement between the agency and the employee concerned regarding the terms and conditions of the employee's assignment. In the case of an employee of the agency, the agreement shall—*

*''(1) require the employee to serve in the civil service, upon completion of the assignment, for a period equal to the length of the assignment; and*

*''(2) provide that, in the event the employee fails to carry out the agreement (except for good and sufficient reason, as determined by the head of the agency from which assigned) the employee shall be liable to the United States for payment of all expenses of the assignment.*

*An amount under paragraph (2) shall be treated as a debt due the United States.*

*''(c) TERMINATION.—Assignments may be terminated by the agency or private sector organization concerned for any reason at any time.*

*''(d) DURATION.—Assignments under this chapter shall be for a period of between 6 months and 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year, except that no assignment under this chapter may commence after the end of the 5-year period beginning on the date of the enactment of this chapter.*

*''(e) ASSISTANCE.—The Chief Information Officers Council, by agreement with the Office of Personnel Management, may assist in the administration of this chapter, including by maintaining lists of potential candidates for assignment under this chapter, establishing mentoring relationships for the benefit of individuals who are given assignments under this chapter, and publicizing the program.*

***''§ 3703. Assignment of employees to private sector organizations***

*''(a) IN GENERAL.—An employee of an agency assigned to a private sector organization under this chapter is deemed, during the period of the assignment, to be on detail to a regular work assignment in his agency.*

*''(b) COORDINATION WITH CHAPTER 81.—Notwithstanding any other provision of law, an employee of an agency assigned to a private sector organization under this chapter is entitled to retain coverage, rights, and benefits under subchapter I of chapter 81, and employment during the assignment is deemed employment by the United States, except that, if the employee or the employee's dependents receive from the private sector organization any payment under an insurance policy for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same injury or death, then, the amount of such payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.*

*''(c) REIMBURSEMENTS.—The assignment of an employee to a private sector organization under this chapter may be made with or without reimbursement by the private sector organization for the travel and transportation expenses to or from the place of assignment, subject to the same terms and conditions as apply with respect to an employee of a Federal agency or a State or local government under section 3375, and for the pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the agency used for paying the travel and transportation expenses or pay.*

*''(d) TORT LIABILITY; SUPERVISION.—The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee of an agency assigned to a private sector organization under this chapter. The supervision of the duties of an employee of an agency so assigned to a private sector organization may be governed by an agreement between the agency and the organization.*

***''§ 3704. Assignment of employees from private sector organizations***

*''(a) IN GENERAL.—An employee of a private sector organization assigned to an agency under this chapter is deemed, during the period of the assignment, to be on detail to such agency.*

*''(b) TERMS AND CONDITIONS.—An employee of a private sector organization assigned to an agency under this chapter—*

*''(1) may continue to receive pay and benefits from the private sector organization from which he is assigned;*

*''(2) is deemed, notwithstanding subsection (a), to be an employee of the agency for the purposes of—*

*''(A) chapter 73;*

*''(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;*

*''(C) sections 1343, 1344, and 1349(b) of title 31;*

*''(D) the Federal Tort Claims Act and any other Federal tort liability statute;*

*''(E) the Ethics in Government Act of 1978;*

*''(F) section 1043 of the Internal Revenue Code of 1986; and*

*''(G) section 27 of the Office of Federal Procurement Policy Act; and*

*''(3) is subject to such regulations as the President may prescribe.*

*The supervision of an employee of a private sector organization assigned to an agency under this chapter may be governed by agreement between the agency and the private sector organization concerned. Such an assignment may be made with or without reimbursement by the agency for the pay, or a part thereof, of the employee during the period of assignment, or for any contribution of the private sector organization to employee benefit systems.*

*''(c) COORDINATION WITH CHAPTER 81.—An employee of a private sector organization assigned to an agency under this chapter who suffers disability or dies as a result of personal injury sustained while performing duties during the assignment shall be treated, for the purpose of subchapter I of chapter 81, as an employee as defined by section 8101 who had sustained the injury in the performance of duty, except that, if the employee or the employee's dependents receive from the private sector organization any payment under an insurance policy for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same injury or death, then, the amount of such payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.*

***''§ 3705. Application to Office of the Chief Technology Officer of the District of Columbia***

*''(a) IN GENERAL.—The Chief Technology Officer of the District of Columbia may arrange for the assignment of an employee of the Office of the Chief Technology Officer to a private sector organization, or an employee of a private sector organization to such Office, in the same manner as the head of an agency under this chapter.*

*''(b) TERMS AND CONDITIONS.—An assignment made pursuant to subsection (a) shall be subject to the same terms and conditions as an assignment made by the head of an agency under this chapter, except that in applying such terms and conditions to an assignment made pursuant to subsection (a), any reference in this chapter to a provision of law or regulation of the United States shall be deemed to be a reference to the applicable provision of law or regulation of the District of Columbia, including the applicable provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–601.01 et seq., D.C. Official Code) and section 601 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act (sec. 1–1106.01, D.C. Official Code).*

*''(c) DEFINITION.—For purposes of this section, the term 'Office of the Chief Technology Officer' means the office established in the executive branch of the government of the District of Columbia under the Office of the Chief Technology Officer Establishment Act of 1998 (sec. 1–1401 et seq., D.C. Official Code).*

***''§ 3706. Reporting requirement***

*''(a) IN GENERAL.—The Office of Personnel Management shall, not later than April 30 and October 31 of each year, prepare and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a semiannual report summarizing the operation of this chapter during the immediately preceding 6-month period ending on March 31 and September 30, respectively.*

*''(b) CONTENT.—Each report shall include, with respect to the 6-month period to which such report relates—*

*''(1) the total number of individuals assigned to, and the total number of individuals assigned from, each agency during such period;*

*''(2) a brief description of each assignment included under paragraph (1), including—*

*''(A) the name of the assigned individual, as well as the private sector organization and the agency (including the specific bureau or other agency component) to or from which such individual was assigned;*

*''(B) the respective positions to and from which the individual was assigned, including the duties and responsibilities and the pay grade or level associated with each; and*

*''(C) the duration and objectives of the individual's assignment; and*

*''(3) such other information as the Office considers appropriate.*

*''(c) PUBLICATION.—A copy of each report submitted under subsection (a)—*

*''(1) shall be published in the Federal Register; and*

*''(2) shall be made publicly available on the Internet.*

*''(d) AGENCY COOPERATION.—On request of the Office, agencies shall furnish such information and reports as the Office may require in order to carry out this section.*

***''§ 3707. Regulations***

*''The Director of the Office of Personnel Management shall prescribe regulations for the administration of this chapter.''.*

*(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, the General Accounting Office shall prepare and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report on the operation of chapter 37 of title 5, United States Code (as added by this section). Such report shall include—*

*(1) an evaluation of the effectiveness of the program established by such chapter; and*

*(2) a recommendation as to whether such program should be continued (with or without modification) or allowed to lapse.*

*(c) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 35 the following:*

*''37. Information Technology Exchange Program ..... 3701''.*

***SEC. 4. ETHICS PROVISIONS.***

*(a) ONE-YEAR RESTRICTION ON CERTAIN COMMUNICATIONS.—Section 207(c)(2)(A) of title 18, United States Code, is amended—*

*(1) by striking ''or'' at the end of clause (iii);*

*(2) by striking the period at the end of clause (iv) and inserting ''; or''; and*

*(3) by adding at the end the following:*

**''(v) assigned from a private sector organization to an agency under chapter 37 of title 5.''.**

*(b) DISCLOSURE OF CONFIDENTIAL INFORMATION.—Section 1905 of title 18, United States Code, is amended by inserting ''or being an employee of a private sector organization who is or was assigned to an agency under chapter 37 of title 5,'' after ''(15 U.S.C. 1311–1314),''.*

*(c) CONTRACT ADVICE.—Section 207 of title 18, United States Code, is amended by adding at the end the following:*

*''(l) CONTRACT ADVICE BY FORMER DETAILS.—Whoever, being an employee of a private sector organization assigned to an agency under chapter 37 of title 5, within one year after the end of that assignment, knowingly represents or aids, counsels, or assists in representing any other person (except the United States) in connection with any contract with that agency shall be punished as provided in section 216 of this title.''.*

*(d) RESTRICTION ON DISCLOSURE OF PROCUREMENT INFORMATION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended in subsection (a)(1) by adding at the end the following new sentence: ''In the case of an employee of a private sector organization assigned to an agency under chapter 37 of title 5, United States Code, in addition to the restriction in the preceding sentence, such employee shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information during the three-year period after the end of the assignment of such employee.''.*

***SEC. 5. REPORT ON EXISTING EXCHANGE PROGRAMS.***

*(a) EXCHANGE PROGRAM DEFINED.—For purposes of this section, the term ''exchange program'' means an executive exchange program, the program under subchapter VI of chapter 33 of title 5, United States Code, and any other program which allows for—*

*(1) the assignment of employees of the Federal Government to non-Federal employers;*

*(2) the assignment of employees of non-Federal employers to the Federal Government; or*

*(3) both.*

*(b) REPORTING REQUIREMENT.—Not later than 1 year after the date of the enactment of this*

*Act, the Office of Personnel Management shall prepare and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report identifying all existing exchange programs.*

*(c) SPECIFIC INFORMATION.—The report shall, for each such program, include—*

*(1) a brief description of the program, including its size, eligibility requirements, and terms or conditions for participation;*

*(2) specific citation to the law or other authority under which the program is established;*

*(3) the names of persons to contact for more information, and how they may be reached; and*

*(4) any other information which the Office considers appropriate.*

***SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.***

*(a) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—*

*(1) in section 3111, by adding at the end the following:*

*''(d) Notwithstanding section 1342 of title 31, the head of an agency may accept voluntary service for the United States under chapter 37 of this title and regulations of the Office of Personnel Management.'';*

*(2) in section 4108, by striking subsection (d); and*

*(3) in section 7353(b), by adding at the end the following:*

*''(4) Nothing in this section precludes an employee of a private sector organization, while assigned to an agency under chapter 37, from continuing to receive pay and benefits from such organization in accordance with such chapter.''.*

**(b)** AMENDMENT TO TITLE 18, UNITED STATES CODE.—**Section 209 of title 18, United States Code, is amended by adding at the end the following:**

**''(g)(1) This section does not prohibit an employee of a private sector organization, while assigned to an agency under chapter 37 of title 5, from continuing to receive pay and benefits from such organization in accordance with such chapter.**

**''(2) For purposes of this subsection, the term 'agency' means an agency (as defined by section 3701 of title 5) and the Office of the Chief Technology Officer of the District of Columbia.''.**

**(c)** *OTHER AMENDMENTS.—Section 125(c)(1) of Public Law 100–238 (5 U.S.C. 8432 note) is amended—*

*(1) in subparagraph (B), by striking ''or'' at the end;*

*(2) in subparagraph (C), by striking ''and'' at the end and inserting ''or''; and*

*(3) by adding at the end the following:*

*''(D) an individual assigned from a Federal agency to a private sector organization under chapter 37 of title 5, United States Code; and''.*

□ 1115

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?

AMENDMENT NO. 1 OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TOM DAVIS of Virginia:

At the end of section 3702 of title 5, United States Code (as contained in section 3(a) of the bill), add the following:

''(f) CONSIDERATIONS.—In exercising any authority under this chapter, an agency shall take into consideration—

''(1) the need to ensure that small business concerns are appropriately represented with respect to the assignments described in sections 3703 and 3704, respectively; and

''(2) how assignments described in section 3703 might best be used to help meet the needs of the agency for the training of employees in information technology management.

At the end of section 3704 of title 5, United States Code (as contained in section 3(a) of the bill), add the following:

''(d) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private sector organization may not charge the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to an agency under this chapter for the period of the assignment.

Insert after section 5 of the bill the following new section (and redesignate the succeeding section accordingly):

**SEC. 6. REPORT ON THE ESTABLISHMENT OF A GOVERNMENTWIDE INFORMATION TECHNOLOGY TRAINING PROGRAM.**

(a) IN GENERAL.—Not later than January 1, 2003, the Office of Personnel Management, in consultation with the Chief Information Officers Council and the Administrator of General Services, shall review and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a written report on the following:

(1) The adequacy of any existing information technology training programs available to Federal employees on a Governmentwide basis.

(2)(A) If one or more such programs already exist, recommendations as to how they might be improved.

(B) If no such program yet exists, recommendations as to how such a program might be designed and established.

(3) With respect to any recommendations under paragraph (2), how the program under chapter 37 of title 5, United States Code, might be used to help carry them out.

(b) COST ESTIMATE.—The report shall, for any recommended program (or improvements) under subsection (a)(2), include the estimated costs associated with the implementation and operation of such program as so established (or estimated difference in costs of any such program as so improved).

Mr. TOM DAVIS of Virginia. Mr. Chairman, the manager's amendment accomplishes four things:

First, it clarifies a misconception that the Tech Corps does not require employees on exchange to gain real training opportunities. In participating in the Tech Corps, employees will receive state-of-the-art training in how to manage complex information technology projects. This kind of project management is not something that one can learn from a degree program or a few hours in a study hall or continuing education classes. That is why the leading business schools in the country all require students to undertake intensive, on-the-job experience in the summer between their first and second years. Tech Corps provides workers with a chance to hone their skills and learn how other work cultures achieve their mission goals. But to make it absolutely clear that exchanges are for training purposes, the amendment requires agencies to consider how assignments can best be used to help meet the training needs of the employees. I hope this meets some of the concerns that have been raised by some of the opponents of this legislation.

The second thing the manager's amendment accomplishes is that it requires agencies to ensure that small business concerns have full participation in the Tech Corps. I know an additional amendment is going to be offered later on that I think we are prepared to accept, but this amendment recognizes the Tech Corps, as viewed by OPM, the Office of Personnel Management, as a means to inject flexibility into how agencies meet their information technology training and skills needs. Small businesses fill some amazing niches in technology, and we want them to participate in the Tech Corps where it makes sense for them.

Third, the manager's amendment prohibits charging of costs associated with the Tech Corps to contracts that companies receive from the government.

Fourth, the amendment directs the Office of Personnel Management to report to Congress on the adequacy of existing IT training programs for government employees.

Tech Corps is one way to improve training opportunities, but we are also spending a lot of money on information technology degree programs and continuing education courses in agencies. We should evaluate these programs and look for ways that they can be improved. This report will help the Subcommittee on Technology and Procurement Policy and the Committee on Government Reform to begin a reasoned look at proposals for reform, including the ranking member of the subcommittee, my good friend, the gentleman from Texas (Mr. TURNER's) legislation.

Mr. Chairman, I urge Members to support this amendment.

Mr. TURNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Virginia (Mr. DAVIS) for offering the amendment that is now before the House. Although the amendment does not go as far as some of the suggestions that have been made from our side, in particular the amendment that will be offered by the gentleman from California (Mr. WAXMAN) shortly, the amendment is a good faith effort to try to move in the direction of some of the concerns that have been expressed from our side of the aisle.

In particular, the amendment closes a loophole that I think we all agree needed to be closed in the sense that under the exchange program, a private sector employee of course would be detailed to the government agency, and the government agency would designate an employee to go to the private

sector. The amendment that is offered by the gentleman from Virginia closes a loophole by prohibiting Federal contractors from billing back to the government the cost of their employee's salary or benefits under existing contracts. So it provides assurance that the Federal Government will not inadvertently be paying for the cost of a private sector worker detailed to a Federal agency. So I do appreciate the gentleman from Virginia (Mr. DAVIS) including the closing of that loophole in this amendment.

I also appreciate the provision of the amendment that asks the General Accounting Office to do a study of the need for information technology training programs within the Federal Government. As I mentioned earlier, it was our interest to have included in this bill a strong information training program for Federal IT workers. We were unable to accomplish that within the confines of the time limitations and the subject of this legislation, but the provision in the Davis amendment that calls for the General Accounting Office to do a study will be a good first step toward moving us to a good, strong information technology training program for Federal workers.

So I support this amendment. I am glad to join in support of it, even though, as I said, it perhaps does not go far enough in the minds of some to address some of the concerns that have been expressed.

The CHAIRMAN. Is there further debate or discussion on this amendment?

If not, the question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WAXMAN:

In the last sentence of section 3702(a) of title 5, United States Code (as contained in section 3(a) of the bill), strike the period and insert the following: '', and applicable requirements of section 3705 are met with respect to the proposed assignment of such employee.''.

In section 3702(d) of title 5, United States Code (as contained in section 3(a) of the bill), strike ''Assignments under this chapter'' and insert ''An assignment described in section 3704'', and strike '', except that no'' and insert ''. No''.

In section 3704(b) of title 5, United States Code (as contained in section 3(a) of the bill), strike ''and'' at the end of paragraph (2), redesignate paragraph (3) as paragraph (4), and insert after paragraph (2) the following:

''(3) may not have access to any trade secrets or to any other nonpublic information which might be of commercial value to the private sector organization from which he is assigned; and''

In chapter 37 of title 5, United States Code (as contained in section 3(a) of the bill), insert after section 3704 the following new section (and make the appropriate conforming amendments):

**§ 3705. Federal Information Technology Training Program**

''(a) ESTABLISHMENT.—In consultation with the Federal Chief Information Officer, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall establish and operate a Federal Information Technology Training Program (in this section referred to as the 'Training Program').

''(b) FUNCTIONS.—The Training Program shall—

''(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

''(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

''(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

''(c) AUTHORITY TO DETAIL EMPLOYEES TO NON-FEDERAL EMPLOYERS.—The Training Program may include a program under which a Federal employee may be detailed to a non-Federal employer. The Director of the Office of Personnel Management shall prescribe regulations for such program, including the conditions for service, length of detail, duties, and such other criteria as the Director considers necessary.

''(e) CURRICULA.—The curricula of the Training program—

''(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

''(2) shall be adaptable to achieve varying levels of expertise, ranging from basic nonoccupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;

''(3) shall be developed and applied according to rigorous academic standards; and

''(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negativity impacting academic standards.

''(e) PARTICIPATION ENCOURAGED.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in the occupational information technology curricula of the Training Program.

''(f) AGREEMENTS.—Employees who participate in full-time training at the Training Program for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

''(g) COORDINATION PROVISION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this chapter, no assignment described in section 3703 may be made unless a program under subsection (c) has been established, and the assignment meets the requirements of such program.

''(2) REGULATIONS.—The Director of the Office of Personnel Management shall by regulation establish any procedural or other requirements which may be necessary to carry out this subsection.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Program, $7,000,000 in fiscal year 2003, and such sums as may be necessary for each fiscal year thereafter.

Mr. WAXMAN. Mr. Chairman, this amendment addresses two serious flaws in H.R. 3925, the Digital Tech Corps Act. The first part of the amendment protects the integrity of trade secrets and other sensitive government information. The second part of the amendment protects the Federal taxpayer.

The first part of the amendment prohibits corporate executives from having access to trade secrets and other sensitive commercial information when on detail in the Federal Government. This amendment is needed because the bill blurs the line between Federal functions and private sector functions. Without this amendment, private sector technology executives can gain unrestricted access to Federal databases, including databases containing trade secrets.

The Department of Health and Human Services maintains a database containing confidential data on the lowest prices that drug companies charge their best customers. Under the bill, an information technology executive from Merck could gain access to this database to learn the lowest prices charged by Pfizer and other Merck competitors. Does this really make sense?

We have the Federal Civil Service because our system of government recognizes there are certain functions that need to be performed by career civil servants who have only the interests of the public in mind. One of these core functions is handling sensitive government information. Allowing private executives to have access to these databases is an invitation for abuse and conflicts of interest.

The bill purports to address these concerns, but it does not succeed. It applies the Federal conflicts-of-interest laws to the private sector executives while they work in the Federal Government, but these laws are so porous they have become virtually meaningless. For example, the White House counsel has ruled that the Federal ethics laws allowed Karl Rove at the White House to meet with Enron executives about energy policy while he held stock in that company.

The Committee on the Judiciary added language to the underlying bill which prohibits private sector workers from disclosing trade secrets that they came to know when on detail to the Federal Government. Well, this is an important symbolic gesture, but it is virtually unenforceable. There is no practical way to police what the Merck executive tells his colleagues after he returns to the private sector.

We cannot unscramble an egg in the same way we cannot guarantee that confidential information is not abused once it is made available to those with a financial stake in the information. That is why my amendment is needed. It protects against abuse and conflicts

of interest by saying that the private sector executives cannot have access to trade secrets and similar commercially sensitive information while working for the Federal Government.

The second part of the amendment establishes a comprehensive training program for IT workers and ensures that any outplacement of Federal employees makes sense in the context of the overall training needs of the government. The bill's purported purpose is to train the Federal workforce. However, the bill does not have any requirement that the assignment accomplish any training objective or that the Federal worker do any work that would benefit the Federal Government. The bill is a blank check to send Federal workers, at taxpayers' expense, to serve the private sector. The only precondition is that there be a request from the private sector.

Well, this is a brand-new form of corporate welfare. It surpasses tax breaks and corporate subsidies. Under this bill, we are creating a system where the Federal taxpayer will be paying the salaries of people who are working for private companies.

And here is a little known fact: Not only does the taxpayer have to pay the salary and benefits of these employees, but they can also get a per diem of $200 or more a day to cover their food and housing expenses while working for the private sector.

My amendment addresses this flaw. It establishes a comprehensive training program for information technology workers run by the Office of Personnel Management. This training program is a well thought-out training program that is taken directly from H.R. 2458 which was introduced by the ranking member of the Subcommittee on Technology and Procurement Policy, the gentleman from Texas (Mr. TURNER). The only change I made to the Turner proposal is to add a provision that says explicitly that outplacements in the private sector can be included as part of the training program.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. Mr. Chairman, this amendment does not prohibit outplacements of Federal workers to the private sector, but it does ensure that any such outplacements accomplish a training objective and a cost-effective way to improve the training of Federal employees.

Mr. Chairman, my amendment enjoys the support of the American Federation of Government Employees, AFGE; the National Treasury Employees Union, and the AFL–CIO. Bobby Harnage, President of the AFGE, stated ''The Waxman amendment manages to both eliminate opportunities for conflicts of interest and help agencies to develop the in-house capabilities they need to manage their information technology programs and contracts.''

Mr. Chairman, I urge Members to adopt this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

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

Mr. BURTON of Indiana. Mr. Chairman, first of all, I think the Waxman amendment is well intentioned, and I know he has given this a lot of thought. Unfortunately, it has two problems, in my opinion. First, it goes too far; and, second, it addresses a problem that does not appear to be very serious.

This bill requires private sector employees who go to Federal agencies to comply with every single ethics rule that Federal employees have to follow, and then some. This bill has financial disclosure requirements and postemployment restrictions and conflict-of-interest protections. This bill may have more ethical safeguards than any bill that has ever passed this Congress.

What the gentleman from California (Mr. WAXMAN) is concerned about is that private sector employees may go to a Federal agency, learn some trade secret of a competitor, and go back to their company and share that information, or government information. Well, guess what? This bill has a lifetime ban on disclosing that kind of information, with criminal penalties if it is violated. It has a lifetime ban, not 7 years, like the statute of limitations on several other law violations. If someone taking part in this program discloses secret information 20 or 30 years after they see it, they could go to jail.

I am a little concerned that we may have gone too far already. We may have placed so many restrictions on this program that we may scare people away from participating in it, and that would be a real shame.

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We have bent over backwards to satisfy everyone's concerns.

But the amendment of the gentleman from California (Mr. WAXMAN) would go even further. Private sector employees would be barred from seeing any proprietary information while they are at the Federal agency. What that means in practical terms is that they would not or could not work on any major modernization program because those programs all involve private vendors. That would basically shut them out of doing any meaningful work while they are at that agency.

The question we have to ask ourselves is this: Is it worth it? Will trade secrets of private companies be jeopardized by this program? If that was the case, then I think all of the major high-tech companies would be opposing this bill. But guess what, they all support it. I have a letter here from the Information Technology Association of America, and I have another letter from the Information Technology Industry Council. They represent hundreds of high-tech companies. They support this bill.

Mr. Chairman, I include for the RECORD these letters.

The letters referred to are as follows:

INFORMATION TECHNOLOGY ASSOCIATION OF AMERICA,
*April 9, 2002.*

Hon. DAN BURTON,
*Chairman, Committee on Government Reform, House of Representatives, Washington, DC.*

DEAR CHAIRMAN BURTON: On behalf of the 500 corporate members of the Information Technology Association of America (ITAA), I am writing in strong support of H.R. 3925, The Digital Tech Corps Act of 2002, which would create an executive exchange program for information technology managers between Federal agencies and private companies.

ITAA has long supported the concept of a ''Digital Tech Force''—an exchange program to benefit government and private sector IT workers. The program in H.R. 3925 would allow government employees to receive technology experience without leaving their government posts, and provides industry with first-hand knowledge of the needs of government customers. The improved public-private training and communications fostered by the proposed program would be a win-win for government and industry. ITAA believes that the bill, as revised by the full Government Reform Committee, provides additional safeguards while still maintaining the attractiveness of the exchange program.

ITAA continues to believe that this program, if enacted by Congress, could be used as one of a series of initiatives that could improve the understanding of both industry and government and promote the necessary partnerships that will be required for the success of future IT projects.

We look forward to working with you and Chairman Tom Davis to support this important piece of legislation.

Sincerely,

HARRIS N. MILLER,
*President.*

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INFORMATION TECHNOLOGY INDUSTRY COUNCIL,
*Washington, DC, April 10, 2002.*

Hon. DAN BURTON,
*Chairman, Committee on Government Reform, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing on behalf of ITI, the Information Technology Industry Council, to express our support for H.R. 3925, the Digital Tech Corps Act of 2002. We believe that this legislation will help address the critical need for greater technical expertise within the federal government.

It is no secret that the federal workforce is shrinking. With an increasing number of experienced employees reaching retirement eligibility or choosing to leave the government for the private sector, federal agencies are following industry's lead by increasing their reliance on information technology (IT) in order to continue to fulfill their missions. In order to realize the maximum benefit of its technology assets, however, the federal government, like industry, will need to attract and retain a pool of skilled employees expert in IT management. This has turned out to be a significant challenge, as it places government in intense competition with private sector demand for the same skill sets.

H.R. 3925 takes an innovative approach to addressing this challenge by creating an exchange program that will enable businesses under certain conditions to 'loan' their IT expertise to federal agencies. This program will enable the government to share rather

than compete for critical management expertise, while at the same time helping industry gain a greater understanding and appreciation of the challenges agencies face in meeting the growing demand for government services. While this approach is not without risks, we are confident that sufficient safeguards have been incorporated into the legislation to protect business interests and ensure the integrity of the process

ITI applauds your and Representative Tom Davis' leadership in addressing this critical issue, and look forward to continuing to work with you on matters of mutual interest and concern.

Sincerely,

RHETT DAWSON,
*President.*

So if the companies that own this supposedly confidential information are not worried about it, maybe we are going too far with this amendment. We have a real opportunity to do something good: to help Federal agencies manage their information technology better.

As I said before in my previous remarks, this will save the taxpayer billions of dollars, because many of these agencies cannot even communicate with each other because they do not have the same technology and they do not know how to apply it.

So let us not blow this by going overboard. This bill has every ethical safeguard that I can imagine in there, so let us not lard on so many restrictions that the program simply cannot work.

The amendment offered by the gentleman from California (Mr. WAXMAN) is very well-intentioned, but I believe it goes too far. It addresses a problem that is not a serious one. So I ask my colleagues to oppose this amendment, Mr. Chairman, and support the bill.

Mr. TURNER. Mr. Chairman, I rise in support of the Waxman amendment, because it includes a provision that I think is very important to strengthening the information technology capability of our Federal work force.

As the gentleman from California (Mr. WAXMAN) mentioned, the section of his amendment entitled ''Federal information technology training program'' comes from a bill that I introduced, and it has also been introduced and passed out of a committee in the Senate, that sets up a strong Federal IT training program.

Obviously, the purpose of the exchange program contained in the digital tech bill is to improve the training of Federal employees and to strengthen our ability to improve the Federal work force. The bill itself makes reference to the fact that in making assignments from the Federal agencies to the private sector, that the agency heads should consider training.

But really, training is the primary purpose that I see behind this legislation. I believe it would be a significant strengthening of this bill if we could proceed at this point in time with the establishment of a strong IT training program within the Office of Personnel Management.

This amendment that is offered by the gentleman from California (Mr. WAXMAN) provides a strong training curriculum requirement, it provides a very strong and very vigorous effort to try to establish training programs throughout the government for IT workers, and it places greater emphasis than we have currently upon the recruitment of IT workers.

In our committee, we have had countless numbers of Federal officials come before our committee and say to us that we have an information technology work force crisis in the Federal Government.

We had a very interesting bit of testimony before our committee a few weeks ago from a head of a major information technology company who pointed out to us that if we looked at the tragedy that occurred on September 11, that the information that was available to various Federal, State, and local agencies, that if it could have been brought together in a single location, that we perhaps could have prevented that tragic event.

That message said to me that we have a long way to go in the Federal Government in utilizing information technology, and one of the key elements of improving information technology is a strong and vigorous IT training program.

Some of our witnesses before our committee have shared with us from time to time the percentage of their company budgets that are devoted to IT training, in some cases 5, 6, 8 percent. The Federal Government expends approximately 1 percent of its budget on training.

What we need to do is not only emphasize training in general, but we need to focus in on information technology training. The Waxman amendment, under the section entitled ''Federal information technology training program,'' establishes that very needed program. For that reason, I would urge the adoption of the Waxman amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Digital Tech Corps Act of 2002 will help the Federal Government do a better job managing complex information technology projects. It sets up an exchange program that will allow Federal information technology managers to be detailed to the private sector, high-tech companies, and vice versa.

The tech corps bill without this amendment will improve the skills of Federal IT managers by exposing them to cutting-edge management practices in the private sector and help Federal agencies recruit and retain talented IT managers by offering them a valuable career development tool, something that is not available to them today when we risk losing half of our key information technology workers in the government over the next 5 years.

The bill will allow private sector IT managers to apply their skills to challenging information technology problems at Federal agencies.

The amendment, while well-intentioned, can scuttle this whole program. It will prohibit private sector detailees from having access to proprietary information submitted to Federal agencies by the private sector. This will prevent them in many cases from working on virtually any major information technology programs involving private sector entities, which is exactly where they are the most needed.

After the markups in both the Committee on Government Reform and the Committee on the Judiciary, the tech corps has very strong protection from proprietary commercial information, including a lifetime ban against disclosure with criminal penalties, something that existing government contractors and something that existing Federal employees do not even have. We have gone to the mat on this to ensure there will be no violations.

Plus, you have to trust the Federal managers to make the right call in terms of what these detailees are going to be exposed to. One key thing to keep in mind about this amendment is that it purports to protect the nonpublic information of other companies.

If concerns about the tech corps' protection of proprietary information were well-founded, though, as the gentleman from Indiana pointed out, all the major high-tech companies that do business with the Federal Government would be opposed to this. They like this bill the way it is. They oppose this amendment. The high-tech community strongly supports this bill.

Indeed, Harris Miller, the President of the Information Technology Association of America, which is composed of 500 small, medium, and large technology companies, says that the improved private sector training communication fostered by the tech corps will be a win-win for government and industry. ITAA believes that the bill, as revised, provides additional safeguards while still maintaining the attractiveness of the exchange program.

Let us go through these ethics provisions for a minute. The strong ethics and revolving door protections that are currently in the bill include the Hatch Act; revolving door laws that ban lobbying former agencies; a lifetime ban on helping the private sector with matters worked on while on the detail; a ban from working on matters that affect personnel or employers' financial interests; a ban on acting as a lobbyist while on the detail, something that was addressed in an earlier concern after an article in the Wall Street Journal; a ban on receiving anything of value to influence an official act; a ban on representing private sector clients in front of agencies; a ban on disclosure of procurement information; plus felony penalties under the law, up to 5 years imprisonment and up to $50,000 in fines, for violations.

The ethics provisions also include a lifetime ban on disclosing, publishing, divulging, or making known any trade

secrets, business processes, operations, styles of work, statistics and data, and income profit or loss information of any other company, exactly the concerns raised from my friend, the gentleman from California. We go to a lifetime prohibition with criminal penalties.

Interestingly, Federal employees, from the day they leave the Federal Government, can reveal all of this information, including trade secrets. They are not barred. The amendment does not touch them.

If the concerns in this amendment are really about protecting nonpublic information, one would really think it might address both Federal employees, tech corps detailees, and government contractors. But I think it ends up gutting the bill.

This amendment also proposes to create a new bureaucracy for government-wide IT training. No hearings on this broad-based effort have ever been held, although I will tell the gentleman from Texas I think it is a good idea and I tend to support it, and although I have indicated my willingness to work with the sponsors to try to bring this legislation to fruition.

This portion of the amendment advocates having the Office of Personnel Management essentially create and control a new continuing education type of IT training. Janet Barnes, the chief information officer of OPM, testified at a technology and procurement hearing on March 21, and she said, ''What we are really trying to do is establish one stop, so there is a common place all Federal Government workers can go to access some of the best training programs already in existence. To the extent we need to, we can create new ones, but we really think there are a lot of good training programs already available.

''For IT employees, we are developing our road maps and detailed task plans. Part of every one of our 24 e-government initiatives is a communication, education, and training module.''

One of the problems is the first thing agencies cut when their budgets are on the chopping block is training. We have additional legislation we have proposed that will take money out of the GSA schedules and other schedules and put it into mandatory training, because that is where we are falling behind. We have outstanding Federal employees, but they need to be continuously trained.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. TOM DAVIS) has expired.

(By unanimous consent, Mr. TOM DAVIS of Virginia was allowed to proceed for 1 additional minute.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, before rushing to create a new program that may be duplicative of what Mrs. Barnes said are the good training programs already available, we have to investigate what is available now. We should evaluate these programs as to whether degree-based training is effective.

For example, we have spent a lot of money for a CIO University and for the National Security Administration's IT training consortiums. They have programs covering IT training for many agencies. We should be asking whether they work and how they can be improved.

The manager's amendment to this legislation addresses these needs, and in my judgment, Mr. Chairman, this amendment ought to be rejected.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Waxman amendment. The gentleman from California (Mr. WAXMAN) has offered a commonsense amendment to the digital tech corps bill, the underlying bill. By ensuring that the private sector cannot access trade secrets and other sensitive data, and by establishing a comprehensive training program for IT workers in this new program, the Waxman amendment addresses two very serious problems in the underlying bill.

Mr. Chairman, last month the Wall Street Journal ran a story that I believe illustrates the problem in the underlying bill that can be addressed or that is addressed by his amendment, and this story in the Wall Street Journal is very much of a cautionary tale.

Mr. Chairman, I include for the RECORD the article I have mentioned.

The article referred to is as follows:

[From the Wall Street Journal, Mar. 1, 2002]

ROLLING ALONG: LOBBYING CAMPAIGN COULD DETERMINE FATE OF A HYPED SCOOTER

IT IS ILLEGAL ON MOST SIDEWALKS, BUT MAKER HAS INFLUENCE; WILL THE SEGWAY SELL?

(By David Armstrong and Jerry Guidera)

MANCHESTER, NH.—Last May, Ron Medford, a senior federal engineer, visited here to inspect the Segway Human Transporter, the much-ballyhooed new motorized scooter with gyroscopic steering. He like it a lot.

In August, Mr. Medford's bosses at the Consumer Product Safety Commission, relying in part on his analysis, handed the Segway a critical regulatory win. The CPSC defined the big-wheeled device as a ''consumer product,'' a big step in its ambitious quest to overturn local laws banning motorized scooters from sidewalks. And there was more good news for the Segway team: Mr. Medford was so impressed by their handiwork he took a taxpayer-funded sabbatical to assist with a massive lobbying effort aimed at persuading states to pass special laws favoring the Segway.

After one of the most hyped launches of any recent product, the Segway is now locked in a lobbying battle that will help determine the fanciful cantraption's fate. ''The bad news is if you read any [local] regulation to the letter of the law, it says we don't belong on the sidewalk,'' says its inventor, Dean Kamen. Existing municipal ordinances that ban motorized conventional scooters from sidewalks also would apply to his invention.

That's why Segway LLC, the company Mr. Kamen set up to market his device, has delayed sales to the general public until the fall, while an army of lobbyists blanket the country, pushing for the new state laws permitting Segways on sidewalks. Company officials concede it is unlikely the transporter will appeal to consumers if it is limited to roads, where people would fear accidents with cars and trucks.

There are other potential roadblocks, as well. Mr. Kamen plans to sell the consumer version of his device for $3,000—a steep premium over the $200-to-$600 prices of less-fancy motorized scooters already on the market. The size of that market is also in question. Data on motorized-scooter sales are sparse, but industry leader Zap says it sold only 25,000 last year. An $8,000 commercial version of the Segway is available, but manufacturers so far haven't bought a single one. Last year, Mr. Kamen's business partner, Robert Tuttle, forecast that 50,000 to 100,000 Segways would sell in 2002.

And while Segway's lobbying campaign is making discernible headway at the federal and state levels, local officials' skepticism in some places remains strong. The device moves at up to 12.5 miles an hour and weights 65 pounds—a combination of speed and mass similar to that of conventional motorized scooters. For the protection of pedestrians, both modes of transport are now banned from sidewalks of cities ranging from tiny Sebastapol, Calif., to New York.

If a Segway ''hits a pedestrian, there will be serious damage,'' says Charles Trainor, chief traffic engineer in Philadelphia, where the Segway also wouldn't be allowed on sidewalks. ''I would not be in favor of changing the law,'' he adds.

The Segway's December introduction couldn't have been splashier. With Mr. Kamen aboard, it rolled across the stage of ABC's ''Good Morning America.'' On NBC's ''Tonight Show,'' host Jay Leno, rock star Sting and actor Russell Crowe took test drives. Mr. Kamen's lofty promise: the Segway would revolutionize transportation by curbing car use and relieving urban congestion.

Known before its launch by the code name ''Ginger,'' the transporter has won enthusiastic endorsements from high-tech superstars Steven Jobs of Apple Computer Inc. and Jeff Bezos of Amazon.com Inc. Investors include Xerox Corp. Chairman Paul Allaire and Vernon R. Loucks Jr., the former chairman of medical products-maker Baxter International Inc. Some of the excitement over the Segway reflects Mr. Kamen's roster of commercially successful inventions. These include the cardiac stent, a device that reduces artery blockages in heart patients, the portable insulin pump for diabetes sufferers and the iBot wheelchair that climbs stairs.

Mr. Kamen is a 50-year-old college dropout who combines a boyish enthusiasm for science with the confidence—and lifestyle—of a successful entrepreneur. The Segway is vastly different and safer than electric scooters, he asserts. In fact, he and his team refuse to call their device a scooter. ''It's more like a set of magic sneakers,'' Mr. Kamen says.

The inventor and his 100-employee company are based in Manchester, where his office in a former brick mill is filled with pictures of Albert Einstein. In the boardroom hangs a life-size portrait of Mr. Kamen. He sometimes pilots his helicopter to work and flies his personal jet around the country. He has a 17,867-square-foot home in New Hampshire and vacations on a small island he owns off of Connecticut.

The Segway, for which he has raised at least $92 million in seed money from the likes of venture capitalists Kleiner Perkins Caufield & Byers, uses a system of computer chip-driven gyroscopes and sensors to mimic the movements of its rider. Standing on a small platform gripping a handlebar, the rider leans forward or backward to move in the desired direction. The device, about four feet tall, has no brake or accelerator. It stops when the user stands straight.

Unlike scooters on the market today, the Segway stops gently when it runs into something and then rolls back slightly, Mr. Kamen says. The damage from a collision with a pedestrian would be no greater than if two people collided at a comparable speed, he says. But the company says it hasn't done any crash testing to support this claim and has only recently begun doing pilot tests under city conditions.

These pilot tests include the company's efforts to build what marketing director Gary Bridge calls ''moral authority'' for the device by getting police and postal officials in several cities to take highly advertised test drives. In Boston, for example, police officials tooled around downtown at press events staged in early December and on New Year's Eve.

Long before the December launch, Segway officials realized that safety restrictions could pose a problem. A major worry was having the federal government designate the device a ''motor vehicle.'' That would automatically bar using it on sidewalks nationwide. Instead, the company wanted the Segway defined as a ''consumer product,'' which would help make sidewalk use permissible, depending on state and local law. To improve his chances with regulators, Mr. Kamen hired Eric Rubel, a former general counsel of the CPSC now with the major Washington law firm Arnold & Porter.

At Mr. Kamen's behest, Rep. Charles Bass, a Republican from Segway's headquarters state of New Hampshire, arranged separate meetings last summer in his Capitol Hill office between Segway representatives and officials from the commission and the National Highway Traffic Safety Administration. The meetings came after Rep. Bass had failed to make much progress on legislation he introduced that would mandate a consumer-product designation.

On Aug. 3, NHTSA announced that it had accepted Segway's argument that its device is similar to those of motorized wheelchairs. Since ''this agency does not consider motorized wheelchairs to be 'motor vehicles,''' NHTSA said, the Segway wouldn't be subject to its vehicle regulations. NHTSA officials say they made this determination without seeing the machine in person or having access to its technical details.

The CPSC in May had sent its team, led by the engineer, Mr. Medford, to inspect the Segway in Manchester. ''It's an extraordinary place,'' Mr. Medford says, referring in an interview to Mr. Kamen's company. On July 20, Mr. Medford sought his sabbatical to work with Segway. Thereafter, he says, he recused himself from all government work related to the company. On Aug. 14, the commission announced that because the Segway was designed for personal enjoyment, it fit the definition of a consumer product and would be regulated by the CPSC.

Mr. Medford says he hopes his 10-month leave, which began Oct. 25, will let him ''learn a little bit about what companies do to bring products to market.'' He will continue to collect his federal salary under a little-used government-wide program allowing senior federal career employees to sample corporate life. Segway is paying housing costs in New Hampshire for Mr. Medford, who is 53 and has worked for the CPSC for 23 years.

The sabbatical—the first ever awarded to a CPSC employee, according to the commission—troubles some consumer advocates. They worry Mr. Medford will favor Segway when he returns to his job in Washington later this year. ''It's unusual in that he's working for a company that's going to be regulated by his agency,'' says Mary Ellen Fise, general counsel of Consumer Federation of America, a Washington-based advocacy group. Mr. Medford says he will have nothing to do with the Segway when he returns to the government.

Generally, consumer advocates are taking a cautious stance on the Segway. Beyond studying where the device should be used, they say government officials should consider mandating lighting and reflectors, potential minimum and maximum age restrictions for riders and even licensing. ''There are still some major safety considerations, but I don't think they outweigh the potential benefits of these machines,'' says Ann Brown, former CPSC chairwoman.

Segway officials are trying to make the most of their interaction with the CPSC. They say in interviews that the company has undergone a successful ''safety review'' by the commission and has adopted improvements recommended by the CPSC.

But that assertion draws a rebuke from the commission. ''We made it clear to the company that neither the CPSC nor the staff was endorsing the product, and we cautioned them against suggesting otherwise,'' says commission spokeswoman Becky Bailey. The CPSC made only ''informal'' safety suggestions to the company, she adds.

Mr. Medford is helping the company gather data for its campaign for special state laws permitting Segways on sidewalks, Mr. Kamen says. The company says it has so far hired lobbyists in all but five states. This legion operates under the direction of Segway employee Brian Toohey, a former U.S. Department of Commerce official and telecommunications lobbyist.

The lobbying drive comes at a time when dozens of states and municipalities have been stiffening restrictions of existing motorized scooters in reaction to an increase in injuries. Conventional scooters resemble a skateboard with a steering stick and began appearing in numbers about three years ago. Suburbs around Chicago have led the way in enacting ordinances that ban them from all public areas. California passed a law that went into effect in 2000 forbidding them from sidewalks.

The number of scooter-related injuries treated in emergency rooms more than tripled to 4,390 in 2000—the most recent full year for which results are available from the CPSC. In August, the commission issued a warning urging scooter riders to use caution and protective equipment.

Arguing that their device is more stable and safer, Segway's lobbyists have already persuaded the company's home state of New Hampshire and New Jersey, to enact laws approving of the transporter's use on sidewalks. These laws—and versions proposed elsewhere—are supposed to apply only to the Segway and refer to allowing ''electric personal assistive mobility devices'' that are ''self-balancing.''

Legislation favoring the company is advancing in a number of other states, including Alabama, Indiana, Virginia, Vermont, Nebraska and Washington. Some of these laws would prevent a city or county from passing its own ordinance banning Segways from sidewalks. Even in states such as New Hampshire and New Jersey, which allow for local restrictions, statewide enactments could give the company extra punch in opposing any hostile action. ''All we're trying to do in any of these legislative efforts is to ensure the day we sell these to consumers they're able to use them in the proper way,'' says Mr. Toohey.

In Alabama, state Sen. Gerald Dial says he sponsored pro-Segway legislation after his ''good friend,'' Segway lobbyist Jimmy Samford asked him to. ''I told him I would be glad to hot rod it,'' says Sen. Dial. Already approved by the Senate, his bill is before the House and is considered a good bet for enactment. The legislation wouldn't let municipalities supersede the permissive state rule. Sen. Dial says he isn't worried about the Segway's safety, but he does fret that some people who should be walking to exercise will ride a transporter instead.

In Virginia, House Transportation Committee Chairman Jack Rollison says he introduced his pro-Segway bill at the behest of Phil Abraham, a lobbyist and attorney who has served as an adviser to past Govs. Charles Robb and Gerald Baliles. Delegate Rollison says Mr. Abraham was ''very helpful in drafting the legislation.'' The Virginia House and Senate have passed the bill, which is awaiting action by Gov. Mark Warner. The legislation would let localities add some restrictions but not ban the Segway.

The pressure to pass pro-Segway legislation alarms Fred Zwonechek, the administrator of the Nebraska Office of Highway Safety. There, a bill allowing the Segway on sidewalks and some roads has been approved by a committee of the one-house Nebraska legislature. The bill's sponsor, Speaker Doug Kristensen, says he expects it to receive final legislative approval in the next two months. The bill would allow localities to set their own rules.

Mr. Zwonechek says he wishes there would be more ''testing and evaluation [to] see how these things work in the real world.'' Nebraska's city streets are already chaotic, he adds. ''You think we have road rage now?'' he warns. ''I see all kinds of scenarios where'' use of the Segway could lead to collisions and confrontations.

Speaker Kristensen, in contrast, says a company-provided videotaped demonstration of the Segway persuaded him that the device is safe. In particular, he praises its ability to pivot quickly, making it easier to navigate than bicycles or existing electric scooters.

Mr. Kristensen says he sponsored the bill after being approached by Segway lobbyist Bill Mueller, whom he has known for years. The lobbyist warned him that if Nebraska didn't pass pro-Segway legislation, residents could be ''frozen out'' when the device hit the consumer market because the company would be less likely to sell here, Mr. Kristensen recalls. Mr. Mueller declined to comment.

Mr. Chairman, the article outlines a very disturbing story. An employee of the Consumer Products Safety Commission was detailed to a New Hampshire company called Segway, LLC, which builds motorized scooters.

During this public employee's 10-month assignment and while the employee is there, he will be on the Federal payroll and able to lobby for the private company as it seeks special State laws allowing the motorized scooter. What they are requiring is to see if the Segway, this motorized scooter, it travel on sidewalks. Meanwhile, the Federal employee paid by the taxpayers is lobbying for the private company.

According to the Wall Street Journal, this worker is, and I quote from the Wall Street Journal, ''helping the company gather data for its campaign for special State laws permitting Segways or motorized scooters on sidewalks.'' It goes on further to say that the creator of this particular scooter did not even think it should ever be on sidewalks. It points out this is, it calls it ''a tremendous taxpayer-funded boondoggle, plain and simple''.

Really, to the point, we should not dramatically expand the number of

Federal employees who can be detailed to work for private companies at taxpayer expense without strict safeguards that they will not then be lobbying the department they come from, or State laws, as in this particular case.

My colleague, the gentleman from California (Mr. WAXMAN), has put forward a very commonsense amendment that will stop this, restrict this. It is supported by all the good government groups, every commonsense American taxpayer, all the unions. Simply put, why in the world should we, or rather taxpayers, fund Federal employees to go to work for private companies, to have them then lobby State governments or city governments or the Federal Government on behalf of the private company? It is absolutely plain wrong.

□ 1145

I commend the ranking member of the Committee on Ways and Means for coming forward with a plain, commonsense amendment, and I urge my colleagues on the other side of the aisle to join in supporting the Waxman amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unfortunately I have to rise in opposition to the amendment offered by the distinguished gentleman from California (Mr. WAXMAN). I do so today not because I necessarily oppose his proposal for developing a coordinated training program for information technology employees. In fact, I want to applaud the gentleman from California for his interest in improving the training opportunities available to Federal IT workers. However, as a member and former chairman of the Civil Service Subcommittee which has jurisdiction over Federal employee training programs, I believe this proposal, I believe it is very important, in fact, that this proposal go through the regular committee process. And that is important before we establish a new multimillion-dollar training program. And it is also important, I believe, that we consult with the administration and other interested parties to develop a clear picture of exactly what training is now being conducted.

I think it is also vital and important that we work with the administration to solicit their views on how best to structure an IT training program in light of various agency needs. Frankly, Mr. Chairman, I also question whether the program the amendment establishes would be able to quickly keep up enough with the current fast pace of developments in the information technology sector.

I know the chairman of the Subcommittee on Civil Service and Agency Organization of the Committee on Government Reform and other members of the subcommittee would be glad to work with the gentleman from California (Mr. WAXMAN) in trying to craft the best possible proposal. I look forward to working with all parties interested in addressing this important issue.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for his remarks, and once again I believe that the part of this amendment that speaks to training has a lot of merit, and I hope that we can take it up under the appropriate committee jurisdictions and move in this session of the Congress.

Let me just address a couple of remarks made by my good friend from New York (Mrs. MALONEY) about Mr. Ron Medford, the employee of the Consumer Products Safety Commission on the Federal payroll lobby. He could not have done any of these things under this legislation that is proposed today.

The interesting thing is we have put more safeguards in there. He would have violated, in our opinion, 18 U.S.C. 201, which is incorporated as Federal bribery statutes; lobbying statute 18 U.S.C., section 205; financial conflicts of interests, section 18 U.S.C. 208; perhaps even 18 U.S. Code 606, intimidation of your office to be able to advance things as well.

These are all prohibitions of our law that were not under the detail act that Mr. Medford operated under. We have tried to address these. Raising these specters I think is helpful because it shows what we do not want this act to become. But I think we have gone out of our way to put more restrictions on detailees under this legislation than we have under any legislation in national history, including the current IPA program which has been very successful and which has never been prosecuted by the Justice Department or found any wrongdoing to have come forward.

So we have gone out of our way to try to address these, while at the same time recognizing that while you are bringing these employees into the IT areas, there is a lot of confidential information, a lot of proprietary information that they are going to have to work with. To eliminate that, as this amendments does, basically guts the legislation because it does not allow our Federal employees to come in and get the training at the highest and best areas where they can learn the most and be trained the most on the job.

Those are my comments. I appreciate and thank the gentleman.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak in support of this Digital Tech Corps and to thank the gentleman from Virginia (Mr. DAVIS) for introducing the idea of assigning private sector information technology professionals for a 6-month to 2-year work assignment in the Federal Government.

We cannot emphasize enough that there is a looming crisis in the Federal workforce. Over the next few years, more than 1 out of 2 Federal employees and fully half of Federal IT personnel are going to be eligible for retirement. If we do not come up with a solution for this problem today, in the near future we are going to be faced with a very severe shortage of workers in the Federal workforce. So, by enabling an exchange of mid-level information technology professionals between public and private sectors for up to 2 years and allowing these volunteers to retain their pay and benefits from their respective employers, this legislation constructively addresses this potential problem. It also provides Tech Corps volunteers with a rewarding opportunity for public service. And I think it is going to generate a greater understanding and respect for the work of so-called Federal bureaucrats.

This bill is not unprecedented. It is very similar to the Governmental Personnel Mobility Act that has provided the opportunity for an up to 2-year exchange of Federal employees with nongovernmental organizations, universities, and associations for the last 30 years.

One of the best features of this bill is that it provides an opportunity for government leaders and private sector professionals to cross-pollinate best practices and innovative ideas.

Each year the Federal Government spends over $50 billion on information technology. That is a lot of money by anyone's estimate. Unfortunately, despite all of this money, too many of the government's complex IT projects fail because of a lack of effective IT management.

Finding innovative ways to recruit, to train, and retain a quality information technology workforce has to be a priority for us today. The Digital Tech Corps Act will give talented professionals the opportunity for knowledge transfer while helping to solve some of the world's most difficult information technology problems in both the public and private sectors.

I think the next amendment on putting 20 percent of the placements in small business makes sense, too.

This is a good bill and it deserves our support.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman from California's (Mr. WAXMAN) amendments, but I think he offers it in good stead. And the reason is that so often the public sector is fraudulent, it is wasteful, it is abusive. And we found, time after time, that most of the innovations do come from the private sector. And I think a blending of the private sector and the public sector benefits both. And I think if we inhibit the private sector from interfacing and collating the information from the public service, then I think we are deficient.

There is a code of ethics that is involved. Every day we use foreign military with our military. Maybe it is a bad analogy, but we benefit from our interaction with foreign military. But,

yet, we also know there are some very classified things that are involved that are protected.

When we have a program like this, we also have certain safeguards. One of those is called a code of ethics and what one can dispose of and what one can gather and what one can transfer to one's our own private company. But every day we public employees have the basic information from the private sector that they use every day, and the standard should be the same for public as it is for private.

I laud the gentleman from California (Mr. WAXMAN). I think his intent is good, but I think the reaction is bad.

I would recommend to my colleagues on both sides, a nonpartisan little pamphlet, one of the best I have ever read. It is called, ''Reflection on a Millennium'' by Alonzo McDonald. He was the president of Bendix. It goes through where we have been in this past millennium and where we are headed. One of those is technology and the benefit of technology to our society and how we can benefit. He also talks about the inhibitors to technology. Whether it is onerous rules and regulations, whether it is tax increases instead of tax cuts, whether it is unions, whatever it happens to be, it is what we can do to benefit technology until the future.

I think the gentleman from California's (Mr. WAXMAN) amendment would inhibit that technology growth. I know that my colleagues on both sides of the aisle support this growth in the high-tech field.

I want to laud the gentleman from Virginia (Mr. TOM DAVIS) for his bill, and I think it is good legislation, and I ask for the defeat of the Waxman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TURNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. VELÁZQUEZ:

In section 3703 of title 5, United States Code (as contained in section 3(a) of the bill), insert after subsection (d) the following:

''(d) SMALL BUSINESS CONCERNS.—

''(1) IN GENERAL.—The head of each agency shall take such actions as may be necessary to ensure that, of the assignments made under this chapter from such agency to private sector organizations in each year, at least 20 percent are to small business concerns.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'small business concern' means a business concern that satisfies the definitions and standards specified by the Administrator of the Small Business Administration under section 3(a)(2) of the Small Business Act (as from time to time amended by the Administrator);

''(B) the term 'year' refers to the 12–month period beginning on the date of the enactment of this chapter, and each succeeding 12–month period in which any assignments under this chapter may be made; and

''(C) the assignments 'made' in a year are those commencing in such year.

''(D) REPORTING REQUIREMENT.—An agency which fails to comply with paragraph (1) in a year shall, within 90 days after the end of such year, submit a report to the Committees on Government Reform and Small Business of the House of Representatives and the Committees on Governmental Affairs and Small Business of the Senate. The report shall include—

''(A) the total number of assignments made under this chapter from such agency to private sector organizations in the year;

''(B) of that total number, the number (and percentage) made to small business concerns; and

''(C) the reasons for the agency's noncompliance with paragraph (1).

''(4) EXCLUSION.—This subsection shall not apply to an agency in any year in which it makes fewer than 5 assignments under this chapter to private sector organizations.

Ms. VELÁZQUEZ. Mr. Chairman, no one doubts the importance of the information and communications technology revolution in shaping our economy today. Many small businesses led the changes that put a PC in half of our homes and the Internet in almost every office. Their impact has been great. Internet usage and presence has grown at an astonishing rate of 50 percent each year.

Today there are almost 2.1 billion different Web sites on the Internet, and e-commerce is the fastest growing sector of the Internet. Americans now spend $3.5 billion on line. That averages out to 13.5 million households spending $263 dollars per person per year. And it is estimated that the Internet commercial activity could reach $3 trillion by the year 2003.

It is clear that if small businesses are not part of the new digital economy they will soon be out of business. But despite small business leadership in this sector, far more small businesses are hampered in their effort to expand into the digital marketplace by a great and growing dearth in high-tech workers to help them. Less than half of the 900,000 information technology jobs created last year were actually filled.

Since American small businesses create 75 percent of all new jobs, we should focus the legislation before us in order to benefit these dynamos of our economy.

This bill is designed to grow the high-tech workplace. But our amendment will ensure that small businesses fully participate in that growth. After all, small businesses make up half of our economy. They employ almost half of our workers. They create three-fourths of all new jobs, and are an entryway to the workforce of 6 of every 10 working Americans. However, they do not fully participate in the digital economy. According to the Department of Commerce, small businesses on average invest far less in information technology than their corporate counterparts. They are far less likely to buy or sell merchandise over the Internet, and their employees are less likely to use a computer regularly.

I am convinced one of the great contributing factors to this digital divide is that the small businesses simply cannot attract and retain skilled high-tech labor. If they cannot get the workers to build and maintain a company Web site, they will be unable to enjoy the benefits of e-commerce.

The Velazquez-Manzullo amendment proposes to bridge this small business tech gap by requiring that 20 percent of Federal employees detailed to the private sector under the provision of H.R. 2935 are detailed to small businesses across the country.

□ 1200

With 99 percent of all American enterprise comprised of small businesses, I believe this is the reasonable proposal to help the great majority of them benefit from high tech and e-commerce.

This amendment is designed with another goal in mind as well. Through this placement program we want to help small businesses contract with the Federal Government. By learning more about how the Federal Government operates through Federal workers detailed to them, we want to encourage greater contracting opportunities with the government.

This is a very important goal, given the fact that in the year 2000 the Federal Government failed for the first time to meet any of its statutorily set goals for contracting with small businesses.

Mr. Chairman, I urge my colleagues to support the Velazquez-Manzullo amendment. It has received strong support from the 65,000 members of National Small Business United, the oldest small business group in the country, and thousands of small businesses like them. We know small businesses want to reap the benefit of this great technological revolution with skilled people working for them and showing them the way. They also want and deserve a fair shot at Federal contracts. Put together in this amendment, we can be assured that the company we help today could be the Intel of tomorrow.

Vote ''yes'' on the Velazquez-Manzullo amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Let me thank my friend from New York for offering this amendment, and although I always have some trepidation to accepting outright percentages in terms of a new program and

how it is going to progress, I think she has worked hard on this and she has worked with our staff. She has been a strong proponent of small business, and I think that this in a way may be able to enhance the program.

I intend to accept this amendment and vote for this amendment and advocate for it, and I just appreciate the effort she has put into this and the effort she has done working with our staff.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we know that the new digital economy is leading the way, is a necessity for economic success of American businesses and particularly small businesses. We are concerned deeply that many small businesses lack the adequate resources to participate fully in the digital revolution. I see many minority-owned small businesses in my district, the Eighth District of New Jersey, that have particular concerns. In order to keep up, they cannot afford to fall back and to play catch up.

Today, there is almost 2.1 billion different and publicly accessed Web sites on the Internet, a larger percentage of them being commercial, business-operated sites. Current figures show that Americans have already spent $3.5 billion online, which averages out to 13.5 million households, spending $263 per person.

It is clear that if small businesses are not part of the new digital economy, they will soon be out of business. The private sector will need to fill, as my colleagues have already heard, 900,000 new information technology jobs. Right now, we can only fill half of those jobs.

We need to be especially concerned about the impact of this data on the business sector that accounts for 75 percent of the net new jobs; and if we can make the change in the legislation that will benefit small businesses, we should; and that is the very purpose of the Velazquez-Manzullo amendment, that 20 percent of the Federal high-tech workers must be placed with small businesses under this amendment, which fully 99 percent of all employers are small businesses.

Mr. Chairman, I ask for the adoption of this amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words.

I too want to rise in support of the Velázquez-Manzullo amendment. An analysis of the Web by both private and public concerns has shown that Internet usage and presence has grown by an outstanding rate of 50 percent per year.

E-commerce is the fastest growing sector of the Internet. According to Forrester Research, an e-commerce research company, e-commerce activity will reach $3 trillion by the year 2003. It is, therefore, clear that if small businesses are not a part, as both my colleagues have said, of this new digital economy, they will soon be out of business.

Therefore, the Velázquez-Manzullo amendment is an important amendment to ensure that the needs of small businesses are met. The amendment requires that a mere 20 percent of Federal high-tech workers be placed with small businesses under this amendment, when fully 99 percent of all employers are small businesses. Surely this is the least that Congress can do to assist our small businesses in becoming technologically capable.

This help from the Federal Government is especially important, Mr. Chairman, in light of the fact that in fiscal year 2000 the Federal Government met none of its small business contracting goals. This amendment has received strong support from the National Small Business United, a small business association with 65,000 members.

I want to also commend the gentlewoman from New York (Ms. VELÁZQUEZ) for her leadership and her hard work on this amendment, and I urge a ''yes'' vote on the Velázquez-Manzullo amendment to H.R. 3925.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

I rise too in support of the Velázquez-Manzullo amendment to H.R. 3925. This bill attempts to facilitate the exchange of technological talents between the Federal and private sectors in order to respond to evolving opportunities being created as a result of digital technology.

As the ranking member of the Subcommittee on Workforce Empowerment and Government Programs, I recognize how important this provision is because it requires that 20 percent of the employees detailed to the private sector be detailed to small businesses. Small businesses will benefit directly from the loan of Federal employees with specific technological expertise who will use that expertise to assist small businesses to improve and expand their businesses.

Small businesses constitute the core of the emerging and flourishing digital economy known as the Internet. E-commerce is the wave of the future, and for many businesses it is the standard method by which they do business. Therefore, it is critical that we enable small businesses and emerging small businesses to be able to compete in this evolving arena.

In order for this to happen, Mr. Chairman, many small businesses need to conduct business online. They will need the technical expertise that can be provided to them via detailed Federal employees. One of the biggest obstacles to small business participation online is the prohibitive costs for training and hiring the staff necessary. This amendment will help to defray some of those costs.

Obviously, Mr. Chairman, this last week I gave a congressional hearing in my district regarding technology and small businesses, and this amendment serves the purpose which many of the small businesses mention they need to have to flourish.

Finally, Mr. Chairman, 75 percent of new jobs are being created by small businesses. Minority- and women-owned businesses will benefit immeasurably from this provision. So I urge my colleagues to support this amendment and thank our chairman and the ranking member for their leadership.

Mr. MANZULLO. Mr. Chairman, I rise today to show my strong support for the amendment put forth by my friend and the ranking member of the Committee on Small Business, Ms. VELÁZQUEZ, which I chair.

I join with Ms. VELÁZQUEZ in offering this amendment because it will strengthen an already good bill by requiring that 20 percent of the federal workers be placed with small businesses in the private sector. Under current law, 23 percent of federal procurement must be awarded to small businesses. Given that, it is entirely reasonable that 20 percent of the federal workers should be placed with small businesses. Moreover, the high tech field is overwhelmingly dominated by small businesses. It not only makes sense that at least 20 percent of the government workers taking part in this exchange should be assigned to this sector. This is not a burdensome provision.

This amendment will further allow government workers the opportunity to experience the private sector and fully understand particularly the most dynamic-charged entrepreneurial spirit which fuels our economy—our nation's small businesses. It will afford federal employees the prospect to view first-hand the impact of government regulations upon business.

This amendment will provide federal workers the rare chance to ''walk in another's shoes'' and see a totally different perspective. Congress has repeatedly passed legislation that mandates that the government review the impact of legislation and the promulgation of regulations upon small business. This amendment would provide another vehicle to protect small businesses from our government by ensuring that federal workers understand the unique position that our entrepreneurs are in.

Please join me in supporting the Velázquez amendment that will only improve and strengthen the Digital Tech Corps Act.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

I have an inquiry for my colleague, the gentleman from Virginia (Mr. TOM DAVIS).

At section 3704(b)(2) of the proposed bill, it states that an employee of a private sector organization assigned to an agency is deemed an employee of the agency for purposes of section 208 of title 18.

Section 208 makes it a crime for a Federal employee to take any action in their official capacity if they have a personal financial interest in the matter or if an organization in which they are serving as an employee has a financial interest in the matter.

I have no doubt that the authors of H.R. 3925 intended to make detailees

fully subject to this requirement. However, because the bill considers detailees employees of the agency, there is some ambiguity over whether they will be permitted to work on matters that have financial impact on their private organizations.

Is it the gentleman's understanding that section 208 will prohibit detailees from working on such matters? I think it should be clear for the record that, while detailees are considered employees of the agency, subject to subsection 208, they are also employees of their private organization that are prohibited from working on matters that affect the financial interests of their company.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, that is certainly my understanding. I would say to my friend from California, as this moves through and to conference, I would be happy to work with her to further clarify that if we get the opportunity to do so; but that is clearly the intention of this legislation.

I appreciate the gentlewoman calling it to our attention.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman from Virginia (Mr. TOM DAVIS) for his response, and I think actually if we made it clear here in the RECORD, no further action would be necessary.

AMENDMENT NO. 3 OFFERED BY MR. WAXMAN

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII proceedings will now resume on amendment No. 3.

The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 219, not voting 11, as follows:

[Roll No. 83]

AYES—204

| | | |
|---|---|---|
| Abercrombie | Blumenauer | Clement |
| Ackerman | Bonior | Clyburn |
| Allen | Borski | Condit |
| Andrews | Boswell | Conyers |
| Baca | Boucher | Costello |
| Baird | Boyd | Coyne |
| Baldacci | Brady (PA) | Cramer |
| Baldwin | Brown (FL) | Crowley |
| Barcia | Brown (OH) | Cummings |
| Barrett | Capps | Davis (CA) |
| Becerra | Capuano | Davis (FL) |
| Bentsen | Cardin | Davis (IL) |
| Berkley | Carson (IN) | DeFazio |
| Berman | Carson (OK) | DeGette |
| Berry | Clay | Delahunt |
| Bishop | Clayton | DeLauro |
| Deutsch | Lampson | Price (NC) |
| Dicks | Langevin | Rahall |
| Dingell | Larsen (WA) | Rangel |
| Doggett | Larson (CT) | Regula |
| Dooley | Lee | Reyes |
| Doyle | Levin | Rivers |
| Edwards | Lewis (GA) | Rodriguez |
| Engel | Lipinski | Ross |
| Eshoo | Lowey | Rothman |
| Etheridge | Lucas (KY) | Roybal-Allard |
| Evans | Luther | Rush |
| Farr | Lynch | Sabo |
| Fattah | Maloney (CT) | Sanchez |
| Filner | Maloney (NY) | Sanders |
| Ford | Markey | Sandlin |
| Frank | Mascara | Sawyer |
| Frost | Matheson | Schakowsky |
| Gephardt | Matsui | Schiff |
| Gonzalez | McCarthy (MO) | Scott |
| Gordon | McCarthy (NY) | Serrano |
| Green (TX) | McCollum | Sherman |
| Gutierrez | McDermott | Shows |
| Hall (OH) | McGovern | Skelton |
| Hall (TX) | McIntyre | Slaughter |
| Hastings (FL) | McKinney | Smith (WA) |
| Hill | McNulty | Snyder |
| Hilliard | Meehan | Solis |
| Hinchey | Meek (FL) | Spratt |
| Hinojosa | Meeks (NY) | Stark |
| Hoeffel | Menendez | Stenholm |
| Holden | Millender-McDonald | Strickland |
| Holt | Miller, George | Stupak |
| Honda | Mink | Tanner |
| Hooley | Mollohan | Taylor (MS) |
| Hoyer | Moore | Thompson (CA) |
| Inslee | Moran (VA) | Thompson (MS) |
| Israel | Murtha | Thurman |
| Jackson (IL) | Nadler | Tierney |
| Jackson-Lee (TX) | Napolitano | Turner |
| Jefferson | Neal | Udall (CO) |
| John | Oberstar | Udall (NM) |
| Johnson, E. B. | Obey | Velazquez |
| Jones (OH) | Olver | Visclosky |
| Kanjorski | Ortiz | Waters |
| Kaptur | Owens | Watson (CA) |
| Kennedy (RI) | Pallone | Watt (NC) |
| Kildee | Pascrell | Waxman |
| Kilpatrick | Pastor | Weiner |
| Kind (WI) | Payne | Wexler |
| Kleczka | Pelosi | Woolsey |
| Kucinich | Phelps | Wu |
| LaFalce | Pomeroy | Wynn |

NOES—219

| | | |
|---|---|---|
| Aderholt | Davis, Jo Ann | Hefley |
| Akin | Davis, Tom | Herger |
| Armey | Deal | Hilleary |
| Bachus | DeLay | Hobson |
| Baker | DeMint | Hoekstra |
| Ballenger | Diaz-Balart | Horn |
| Barr | Doolittle | Hostettler |
| Bartlett | Dreier | Houghton |
| Barton | Duncan | Hulshof |
| Bass | Dunn | Hunter |
| Bereuter | Ehlers | Hyde |
| Biggert | Ehrlich | Isakson |
| Bilirakis | Emerson | Issa |
| Blunt | English | Istook |
| Boehlert | Everett | Jenkins |
| Boehner | Ferguson | Johnson (CT) |
| Bonilla | Flake | Johnson (IL) |
| Bono | Fletcher | Johnson, Sam |
| Boozman | Foley | Jones (NC) |
| Brady (TX) | Forbes | Keller |
| Brown (SC) | Fossella | Kelly |
| Bryant | Frelinghuysen | Kennedy (MN) |
| Burr | Gallegly | Kerns |
| Burton | Ganske | King (NY) |
| Buyer | Gekas | Kingston |
| Callahan | Gibbons | Kirk |
| Calvert | Gilchrest | Knollenberg |
| Camp | Gillmor | Kolbe |
| Cannon | Gilman | Latham |
| Cantor | Goode | LaTourette |
| Capito | Goodlatte | Leach |
| Castle | Goss | Lewis (CA) |
| Chabot | Graham | Lewis (KY) |
| Chambliss | Granger | Linder |
| Coble | Graves | LoBiondo |
| Collins | Green (WI) | Lofgren |
| Combest | Grucci | Lucas (OK) |
| Cooksey | Gutknecht | Manzullo |
| Cox | Hansen | McCrery |
| Crane | Harman | McHugh |
| Crenshaw | Hart | McInnis |
| Cubin | Hastings (WA) | Mica |
| Culberson | Hayes | Miller, Dan |
| Cunningham | Hayworth | Miller, Gary |
| Miller, Jeff | Roemer | Sweeney |
| Moran (KS) | Rogers (KY) | Tancredo |
| Morella | Rogers (MI) | Tauscher |
| Myrick | Rohrabacher | Tauzin |
| Nethercutt | Ros-Lehtinen | Taylor (NC) |
| Ney | Roukema | Terry |
| Northup | Ryun (KS) | Thomas |
| Norwood | Saxton | Thornberry |
| Nussle | Schaffer | Thune |
| Osborne | Schrock | Tiahrt |
| Ose | Sensenbrenner | Tiberi |
| Otter | Sessions | Toomey |
| Oxley | Shadegg | Upton |
| Paul | Shaw | Vitter |
| Pence | Shays | Walden |
| Peterson (PA) | Sherwood | Walsh |
| Petri | Shimkus | Wamp |
| Pickering | Shuster | Watkins (OK) |
| Pitts | Simmons | Watts (OK) |
| Platts | Simpson | Weldon (FL) |
| Pombo | Skeen | Weldon (PA) |
| Portman | Smith (MI) | Weller |
| Putnam | Smith (NJ) | Whitfield |
| Quinn | Smith (TX) | Wicker |
| Radanovich | Souder | Wilson (NM) |
| Ramstad | Stearns | Wilson (SC) |
| Rehberg | Stump | Wolf |
| Reynolds | Sullivan | Young (AK) |
| Riley | Sununu | Young (FL) |

NOT VOTING—11

| | | |
|---|---|---|
| Blagojevich | McKeon | Ryan (WI) |
| Greenwood | Peterson (MN) | Towns |
| LaHood | Pryce (OH) | Traficant |
| Lantos | Royce | |

□ 1239

Mrs. KELLY and Messrs. BALLENGER, PORTMAN, BRADY of Texas, and GILMAN changed their vote from ''aye'' to ''no.''

Ms. KILPATRICK changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LINDER, Chairman pro tempore 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. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes, pursuant to House Resolution 380, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

third time, and passed, and a motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, April 9, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 363, by the yeas and nays;

H.R. 3991, de novo.

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

## CONGRATULATING PEOPLE OF UTAH, SALT LAKE ORGANIZING COMMITTEE AND ATHLETES OF WORLD FOR SUCCESSFUL AND INSPIRING 2002 OLYMPIC WINTER GAMES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 363, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 363, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 84]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Blagojevich
Fletcher
Greenwood
Oxley
Pryce (OH)
Reynolds
Ryan (WI)
Traficant
Weldon (FL)

□ 1300

Mrs. CUBIN changed her vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

## TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3991, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3991, as amended.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 219, answered ''present'' 1, not voting 9, as follows:

[Roll No. 85]

YEAS—205

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Grucci
Gutknecht