

## TRIBUTE TO STEVE NEAL

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

Mr. DAVIS of Illinois. Mr. Speaker, last week all of Chicago and all of those who read the Chicago Sun Times were shocked at the death of Steve Neal.

□ 1015

Steve Neal was one of the premier political columnists in the country. I was particularly shocked because I was scheduled to have lunch with Steve on Friday of last week. Steve Neal was one of the premier writers about politics and political action in the Nation. All of us are going to miss him, so I express my condolences to his family, his wife and children and say that all of our lives have been enriched by the opportunity to read the writings of Steve Neal.

ISRAEL SECURITY FENCE  
RESOLUTION

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

Mr. PENCE. Mr. Speaker, today there will be much focus across our country on a motion picture known as "The Passion of the Christ," and like millions of Christians, I cherish the sacrifice of Christ and welcome its remembrance. Also, like millions of Christians, I cherish Israel, as a Jewish State and as our staunchest ally in the Middle East.

After traveling to Israel last month and witnessing firsthand daily terrorist-attempted incursions into Israel to kill Israeli civilians, I realized in my heart that America must stand by Israel and by her efforts to protect her people in the construction of a security fence today.

In that spirit, joined by the gentlewoman from Nevada (Ms. BERKLEY) and a growing list of cosponsors, today I will introduce bipartisan legislation that expresses congressional support for Israel to construct a security fence in order to reduce terrorist attacks. Further, the resolution will condemn the United Nations General Assembly for requesting the International Court of Justice to render a legal opinion on the issue of the fence.

Like millions of Christians, I cherish Christ, and I cherish Israel and our relationship with her.

TIME TO ENACT NEW POLICIES  
FOR JOB CREATION IN U.S.

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, I rise today to speak about the jobless recovery. What an oxymoron that is.

Families in my district and around the Nation want to know, where are

the jobs? Only 296,000 jobs have been created since this President took office, well below the 2 million that he promised. These jobs, by the way, are being created and going overseas. That is what is really happening here in the U.S.

My district is hurting. I represent East Los Angeles and the San Gabriel Valley. Our unemployment is well over 10 percent. Hundreds of people continue to look for work.

When we talk about homeland security, we should also be talking about job security. It is time to enact policies that will truly stimulate the economy and create jobs at home. We should provide tax cuts for middle class families, tax incentives to keep jobs here in the U.S., and implement fair-trade agreements that respect and level the playing field.

GAO HUMAN CAPITAL REFORM  
ACT OF 2003

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, pursuant to the order of the House of February 24, 2004, I call up the bill (H.R. 2751) to provide new human capital flexibilities with respect to the GAO, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of February 24, 2004, the bill is considered read for amendment.

The text of H.R. 2751 is as follows:

H.R. 2751

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

## SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 31.

(a) SHORT TITLE.—This Act may be cited as the "GAO Human Capital Reform Act of 2003".

(b) AMENDMENT OF TITLE 31.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

## SEC. 2. AMENDMENTS TO PUBLIC LAW 106-303.

Sections 1 and 2 of Public Law 106-303 (5 U.S.C. 8336 note and 5597 note) are amended by striking "for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003" each place it appears and inserting "October 13, 2000".

## SEC. 3. ANNUAL PAY ADJUSTMENTS.

(a) OFFICERS AND EMPLOYEES GENERALLY.—Paragraph (3) of section 732(c) is amended to read as follows:

"(3) except as provided under section 733(a)(3)(B) of this title, basic pay rates of officers and employees of the Office shall be adjusted annually to such extent as the Comptroller General shall determine, taking into consideration—

"(A) the principle that there be equal pay for substantially equal work within each local pay area;

"(B) the Consumer Price Index;

"(C) any existing pay disparities between officers and employees of the Office and non-Federal employees in each local pay area;

"(D) the pay rates for the same levels of work for officers and employees of the Office

and non-Federal employees in each local pay area;

"(E) the appropriate distribution of agency funds between annual adjustments under this section and performance-based compensation; and

"(F) such other criteria as the Comptroller General considers appropriate, including, but not limited to, the funding level for the Office, amounts allocated for performance-based compensation, and the extent to which the Office is succeeding in fulfilling its mission and accomplishing its strategic plan;

notwithstanding any other provision of this paragraph, an adjustment under this paragraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment."

(b) OFFICERS AND EMPLOYEES IN THE OFFICE SENIOR EXECUTIVE SERVICE.—Subparagraph (B) of section 733(a)(3) is amended to read as follows:

"(B) adjusted annually by the Comptroller General after taking into consideration the factors listed under section 732(c)(3) of this title, except that an adjustment under this subparagraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment."

(c) CONFORMING AMENDMENT.—Section 732(b)(6) is amended by striking "title 5." and inserting "title 5, except as provided under subsection (c)(3) of this section and section 733(a)(3)(B) of this title."

## SEC. 4. PAY RETENTION.

Paragraph (5) of section 732(c) is amended to read as follows:

"(5) the Comptroller General shall prescribe regulations under which an officer or employee of the Office shall be entitled to pay retention if, as a result of any reduction-in-force or other workforce adjustment procedure, position reclassification, or other appropriate circumstances as determined by the Comptroller General, such officer or employee is placed in or holds a position in a lower grade or band with a maximum rate of basic pay that is less than the rate of basic pay payable to the officer or employee immediately before the reduction in grade or band; such regulations—

"(A) shall provide that the officer or employee shall be entitled to continue receiving the rate of basic pay that was payable to the officer or employee immediately before the reduction in grade or band until such time as the retained rate becomes less than the maximum rate for the grade or band of the position held by such officer or employee; and

"(B) shall include provisions relating to the minimum period of time for which an officer or employee must have served or for which the position must have been classified at the higher grade or band in order for pay retention to apply, the events that terminate the right to pay retention (apart from the one described in subparagraph (A)), and exclusions based on the nature of an appointment; in prescribing regulations under this subparagraph, the Comptroller General shall be guided by the provisions of sections 5362 and 5363 of title 5."

## SEC. 5. RELOCATION BENEFITS.

Section 731 is amended by adding after subsection (e) the following:

"(f) The Comptroller General shall prescribe regulations under which officers and employees of the Office may, in appropriate circumstances, be reimbursed for any relocation expenses under subchapter II of chapter 57 of title 5 for which they would not otherwise be eligible, but only if the Comptroller General determines that the transfer giving

rise to such relocation is of sufficient benefit or value to the Office to justify such reimbursement.”.

#### SEC. 6. INCREASED ANNUAL LEAVE FOR UPPER-LEVEL EMPLOYEES.

Section 731 is amended by adding after subsection (f) (as added by section 5) the following:

“(g) The Comptroller General shall prescribe regulations under which officers and employees of the Office in high-grade, managerial, or supervisory positions who have less than 3 years of service may, in appropriate circumstances, accrue leave in accordance with section 6303(a)(2) of title 5. Such regulations shall define high-grade, managerial, or supervisory positions and set forth the factors in determining which officers and employees should be allowed to accrue leave in accordance with this subsection.”.

#### SEC. 7. EXECUTIVE EXCHANGE PROGRAM.

Section 731 is amended by adding after subsection (g) (as added by section 6) the following:

“(h) The Comptroller General may by regulation establish an executive exchange program under which officers and employees of the Office in high-grade, managerial, or supervisory positions may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, for work of mutual concern and benefit. Regulations to carry out any such program—

“(1) shall include provisions which define high-grade, managerial, or supervisory positions, and provisions (consistent with sections 3702-3704 of title 5) as to matters concerning (A) the duration and termination of assignments, (B) reimbursements, and (C) status, entitlements, benefits, and obligations of program participants;

“(2) shall limit (A) the number of officers and employees who are assigned to private sector organizations at any one time to not more than 30, and (B) the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 30; and

“(3) shall provide for the inclusion, in all reports submitted to the Congress under section 719(a) of this title, of a review of the work being done by all individuals participating in the program and an assessment of the effectiveness and usefulness of the program.”.

#### SEC. 8. REDESIGNATION.

(a) IN GENERAL.—The General Accounting Office is hereby redesignated the Government Accountability Office.

(b) REFERENCES.—Any reference to the General Accounting Office in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the date of the enactment of this Act shall be considered to refer and apply to the Government Accountability Office.

#### SEC. 9. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

##### (b) PAY ADJUSTMENTS.—

(1) IN GENERAL.—Section 3 and the amendments made by section 3 shall take effect on October 1, 2005, and shall apply in the case of any annual pay adjustment taking effect on or after that date.

(2) INTERIM AUTHORITIES.—In connection with any pay adjustment taking effect under section 732(c)(3) or 733(a)(3)(B) of title 31, United States Code, before October 1, 2005, the Comptroller General may by regulation—

(A) provide that such adjustment not be applied in the case of any officer or employee whose performance is not at a satisfactory

level, as determined by the Comptroller General for purposes of such adjustment; and

(B) provide that such adjustment be reduced if and to the extent necessary because of extraordinary economic conditions or serious budget constraints.

##### (3) ADDITIONAL AUTHORITY.—

(A) IN GENERAL.—The Comptroller General may by regulation delay the effective date of section 3 and the amendments made by section 3 for groups of officers and employees that the Comptroller General considers appropriate.

(B) INTERIM AUTHORITIES.—If the Comptroller General provides for a delayed effective date under subparagraph (A) with respect to any group of officers or employees, paragraph (2) shall, for purposes of such group, be applied by substituting such date for “October 1, 2005”.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 2751, as amended, is as follows:

#### H.R. 2751

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

#### SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 31.

(a) SHORT TITLE.—This Act may be cited as the “GAO Human Capital Reform Act of 2003”.

(b) AMENDMENT OF TITLE 31.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

#### SEC. 2. AMENDMENTS TO PUBLIC LAW 106-303.

(a) AUTHORITIES MADE PERMANENT.—Sections 1 and 2 of Public Law 106-303 (5 U.S.C. 8336 note and 5597 note) are amended by striking “for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003” each place it appears and inserting “October 13, 2000”.

##### (b) SENSE OF CONGRESS.—

(1) VOLUNTARY EARLY RETIREMENT AUTHORITY.—Section 1 of Public Law 106-303 is amended by adding at the end the following:

“(e) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the General Accounting Office workforce and not downsize the General Accounting Office workforce.”.

(2) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—Section 2 of Public Law 106-303 is amended by adding at the end the following:

“(g) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the General Accounting Office workforce and not downsize the General Accounting Office workforce.”.

(c) ADDITIONAL LIMITATION RELATING TO VSIPS.—Section 2(b) of Public Law 106-303 is amended by striking paragraph (2) and inserting the following:

“(2) subsection (a)(2)(G) of such section shall be applied—

“(A) by construing the citations therein to be references to the appropriate authorities in connection with employees of the General Accounting Office; and

“(B) by deeming such subsection to be amended by striking ‘Code,’ and inserting ‘Code, or who, during the thirty-six month period preceding the date of separation, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5, United States Code.’”.

#### SEC. 3. ANNUAL PAY ADJUSTMENTS.

(a) OFFICERS AND EMPLOYEES GENERALLY.—Paragraph (3) of section 732(c) is amended to read as follows:

“(3) except as provided under section 733(a)(3)(B) of this title, basic rates of officers and employees of the Office shall be adjusted annually to such extent as determined by the Comptroller General, and in making that determination the Comptroller General shall consider—

“(A) the principle that equal pay should be provided for work of equal value within each local pay area;

“(B) the need to protect the purchasing power of officers and employees of the Office, taking into consideration the Consumer Price Index or other appropriate indices;

“(C) any existing pay disparities between officers and employees of the Office and non-Federal employees in each local pay area;

“(D) the pay rates for the same levels of work for officers and employees of the Office and non-Federal employees in each local pay area;

“(E) the appropriate distribution of agency funds between annual adjustments under this section and performance-based compensation; and

“(F) such other criteria as the Comptroller General considers appropriate, including, but not limited to, the funding level for the Office, amounts allocated for performance-based compensation, and the extent to which the Office is succeeding in fulfilling its mission and accomplishing its strategic plan;

notwithstanding any other provision of this paragraph, an adjustment under this paragraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment.”.

(b) OFFICERS AND EMPLOYEES IN THE OFFICE SENIOR EXECUTIVE SERVICE.—Subparagraph (B) of section 733(a)(3) is amended to read as follows:

“(B) adjusted annually by the Comptroller General after taking into consideration the factors listed under section 732(c)(3) of this title, except that an adjustment under this subparagraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment.”.

(c) CONFORMING AMENDMENT.—Section 732(b)(6) is amended by striking “title 5.” and inserting “title 5, except as provided under subsection (c)(3) of this section and section 733(a)(3)(B) of this title.”.

#### SEC. 4. PAY RETENTION.

Paragraph (5) of section 732(c) is amended to read as follows:

“(5) the Comptroller General shall prescribe regulations under which an officer or employee of the Office shall be entitled to pay retention if, as a result of any reduction-in-force or other workforce adjustment procedure, position reclassification, or other appropriate circumstances as determined by the Comptroller General, such officer or employee is placed in or holds a position in a lower grade or band with a maximum rate of basic pay that is less than the rate of basic pay payable to the officer or employee immediately before the reduction in grade or band; such regulations—

“(A) shall provide that the officer or employee shall be entitled to continue receiving the rate of basic pay that was payable to the officer or employee immediately before the reduction in grade or band until such time as the retained rate becomes less than the maximum rate for the grade or band of the position held by such officer or employee; and

“(B) shall include provisions relating to the minimum period of time for which an officer or employee must have served or for which the position must have been classified at the higher grade or band in order for pay retention to apply, the events that terminate the right to pay retention (apart from the one described in subparagraph (A)), and exclusions based on the nature of an appointment; in prescribing regulations under this subparagraph, the Comptroller

General shall be guided by the provisions of sections 5362 and 5363 of title 5."

#### SEC. 5. RELOCATION BENEFITS.

Section 731 is amended by adding after subsection (e) the following:

"(f) The Comptroller General shall prescribe regulations under which officers and employees of the Office may, in appropriate circumstances, be reimbursed for any relocation expenses under subchapter II of chapter 57 of title 5 for which they would not otherwise be eligible, but only if the Comptroller General determines that the transfer giving rise to such relocation is of sufficient benefit or value to the Office to justify such reimbursement."

#### SEC. 6. INCREASED ANNUAL LEAVE FOR KEY EMPLOYEES.

Section 731 is amended by adding after subsection (f) (as added by section 5 of this Act) the following:

"(g) The Comptroller General shall prescribe regulations under which key officers and employees of the Office who have less than 3 years of service may accrue leave in accordance with section 6303(a)(2) of title 5, in those circumstances in which the Comptroller General has determined such increased annual leave is appropriate for the recruitment or retention of such officers and employees. Such regulations shall define key officers and employees and set forth the factors in determining which officers and employees should be allowed to accrue leave in accordance with this subsection."

#### SEC. 7. EXECUTIVE EXCHANGE PROGRAM.

Section 731 is amended by adding after subsection (g) (as added by section 6 of this Act) the following:

"(h) The Comptroller General may by regulation establish an executive exchange program under which officers and employees of the Office may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, to further the institutional interests of the Office or Congress, including for the purpose of providing training to officers and employees of the Office. Regulations to carry out any such program—

"(1) shall include provisions (consistent with sections 3702 through 3704 of title 5) as to matters concerning—

"(A) the duration and termination of assignments;

"(B) reimbursements; and

"(C) status, entitlements, benefits, and obligations of program participants;

"(2) shall limit—

"(A) the number of officers and employees who are assigned to private sector organizations at any one time to not more than 15; and

"(B) the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 30;

"(3) shall require that an employee of a private sector organization assigned to the Office may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned;

"(4) shall require that, before approving the assignment of an officer or employee to a private sector organization, the Comptroller General shall determine that the assignment is an effective use of the Office's funds, taking into account the best interests of the Office and the costs and benefits of alternative methods of achieving the same results and objectives; and

"(5) shall not allow any assignment under this subsection to commence after the end of the 5-year period beginning on the date of the enactment of this subsection.

"(i) An employee of a private sector organization assigned to the Office under the executive exchange program shall be considered to be an employee of the Office for purposes of—

"(1) chapter 73 of title 5;

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

"(3) sections 1343, 1344, and 1349(b) of this title;

"(4) chapter 171 of title 28 (commonly referred to as the 'Federal Tort Claims Act') and any other Federal tort liability statute;

"(5) the Ethics in Government Act of 1978 (5 U.S.C. App.);

"(6) section 1043 of the Internal Revenue Code of 1986; and

"(7) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)."

#### SEC. 8. REDESIGNATION.

(a) IN GENERAL.—The General Accounting Office is hereby redesignated the Government Accountability Office.

(b) REFERENCES.—Any reference to the General Accounting Office in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the date of enactment of this Act shall be considered to refer and apply to the Government Accountability Office.

#### SEC. 9. PERFORMANCE MANAGEMENT SYSTEM.

Paragraph (1) of section 732(d) is amended to read as follows:

"(1) for a system to appraise the performance of officers and employees of the General Accounting Office that meets the requirements of section 4302 of title 5 and in addition includes—

"(A) a link between the performance management system and the agency's strategic plan;

"(B) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

"(C) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period and setting timetables for review;

"(D) effective transparency and accountability measures to ensure that the management of the system is fair, credible, and equitable, including appropriate independent reasonableness, reviews, internal assessments, and employee surveys; and

"(E) a means to ensure that adequate agency resources are allocated for the design, implementation, and administration of the performance management system;"

#### SEC. 10. CONSULTATION.

Before the implementation of any changes authorized under this Act, the Comptroller General shall consult with any interested groups or associations representing officers and employees of the General Accounting Office.

#### SEC. 11. REPORTING REQUIREMENTS.

(a) ANNUAL REPORTS.—The Comptroller General shall include—

(1) in each report submitted to Congress under section 719(a) of title 31, United States Code, during the 5-year period beginning on the date of enactment of this Act, a summary review of all actions taken under sections 2, 3, 4, 6, 7, 9, and 10 of this Act during the period covered by such report, including—

(A) the respective numbers of officers and employees—

(i) separating from the service under section 2 of this Act;

(ii) receiving pay retention under section 4 of this Act;

(iii) receiving increased annual leave under section 6 of this Act; and

(iv) engaging in the executive exchange program under section 7 of this Act, as well as the number of private sector employees participating in such program and a review of the general nature of the work performed by the individuals participating in such program;

(B) a review of all actions taken to formulate the appropriate methodologies to implement the pay adjustments provided for under section 3 of this Act, except that nothing under this subparagraph shall be required if no changes are made in any such methodology during the period covered by such report; and

(C) an assessment of the role of sections 2, 3, 4, 6, 7, 9, and 10 of this Act in contributing to

the General Accounting Office's ability to carry out its mission, meet its performance goals, and fulfill its strategic plan; and

(2) in each report submitted to Congress under such section 719(a) after the effective date of section 3 of this Act and before the close of the 5-year period referred to in paragraph (1)—

(A) a detailed description of the methodologies applied under section 3 of this Act and the manner in which such methodologies were applied to determine the appropriate annual pay adjustments for officers and employees of the Office;

(B) the amount of the annual pay adjustments afforded to officers and employees of the Office under section 3 of this Act; and

(C) a description of any extraordinary economic conditions or serious budget constraints which had a significant impact on the determination of the annual pay adjustments for officers and employees of the Office.

(b) FINAL REPORT.—Not later than 6 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report concerning the implementation of this Act. Such report shall include—

(1) a summary of the information included in the annual reports required under subsection (a);

(2) recommendations for any legislative changes to section 2, 3, 4, 6, 7, 9, or 10 of this Act; and

(3) any assessment furnished by the General Accounting Office Personnel Appeals Board or any interested groups or associations representing officers and employees of the Office for inclusion in such report.

(c) ADDITIONAL REPORTING.—Notwithstanding any other provision of this section, the reporting requirement under subsection (a)(2)(C) shall apply in the case any report submitted under section 719(a) of title 31, United States Code, whether during the 5-year period beginning on the date of enactment of this Act (as required by subsection (a)) or at any time thereafter.

#### SEC. 12. TECHNICAL AMENDMENT.

Section 732(h)(3)(A) is amended by striking "reduction force" and inserting "reduction in force".

#### SEC. 13. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) PAY ADJUSTMENTS.—

(1) IN GENERAL.—Section 3 of this Act and the amendments made by that section shall take effect on October 1, 2005, and shall apply in the case of any annual pay adjustment taking effect on or after that date.

(2) INTERIM AUTHORITIES.—In connection with any pay adjustment taking effect under section 732(c)(3) or 733(a)(3)(B) of title 31, United States Code, before October 1, 2005, the Comptroller General may by regulation—

(A) provide that such adjustment not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment; and

(B) provide that such adjustment be reduced if and to the extent necessary because of extraordinary economic conditions or serious budget constraints.

(3) ADDITIONAL AUTHORITY.—

(A) IN GENERAL.—The Comptroller General may by regulation delay the effective date of section 3 of this Act and the amendments made by that section for groups of officers and employees that the Comptroller General considers appropriate.

(B) INTERIM AUTHORITIES.—If the Comptroller General provides for a delayed effective date under subparagraph (A) with respect to any group of officers or employees, paragraph (2) shall, for purposes of such group, be applied by substituting such date for "October 1, 2005".

The SPEAKER pro tempore. The gentlewoman from Virginia (Mrs. JO ANN

DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 30 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

#### GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill, H.R. 2751.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2751, the GAO Human Capital Reform Act of 2003. I want to thank the leadership for bringing this important legislation to the floor.

This legislation, which I introduced last year, has broad support in both Houses and on both sides of the political aisle. It was crafted in collaboration with Democrats on the Committee on Government Reform and the Senate Governmental Affairs Committee.

In essence, H.R. 2751 expands the management flexibilities that the GAO already has. Among its provisions, this legislation makes permanent the GAO's authority to offer early retirement and buyouts in order to provide GAO with the necessary tools to streamline and reshape its workforce. The legislation enhances GAO's ability to reimburse employees for relocation expenses and establishes an employee exchange program with the private sector in areas of mutual concern and positions where GAO has a supply-and-demand imbalance.

It also permits the Comptroller General to increase the annual leave benefits for employees who joined the GAO in mid-career. Right now, for example, even seasoned employees who joined the GAO with extensive experience in the private sector are only entitled to 13 days of annual leave for the first 3 years with the agency. That is the same amount of leave that is given to a recent college graduate. Under this legislation, they could receive up to 20 days a year.

Mr. Speaker, H.R. 2751 also changes the name of the organization from the General Accounting Office to the Government Accountability Office, which better reflects the agency's modern-day mission.

Most importantly, the GAO Human Capital Reform Act gives the Comptroller General more authority to reward employees for good work and establishes a meaningful pay-for-performance system. Annual pay raises would be based on individual performance, also taking into account inflation and differences in competitive compensation by locality.

At both the Subcommittee on Civil Service and Agency Organization,

which I chair, and the full Committee on Government Reform, this legislation received overwhelming bipartisan support. It is endorsed by the Comptroller General, the GAO Employees Advisory Council, and by outside observers of the civil service.

This legislation will be a great benefit to the GAO and to Congress, which relies heavily on the expertise and skill of the GAO employees. The GAO has been a leader in creating a performance-based environment and will continue to do so when this bill becomes law. I urge passage of H.R. 2751.

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

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

Mr. Speaker, I would like to thank the gentleman from Virginia (Chairman TOM DAVIS); the gentlewoman from Virginia (Chairwoman JO ANN DAVIS); the gentleman from California (Mr. WAXMAN), the ranking member; and their respective staffs for working so diligently to improve the General Accounting Office Human Capital Reform Act which we are considering today.

I believe that GAO is a good demonstration project for reform that may eventually be extended to the rest of the government. As a matter of fact, in the November 2003 issue of Washingtonian magazine, the GAO is listed as one of 50 great places to work in the D.C. area. GAO was noted for a pay system that rewards top performance, stability, upward mobility, and such benefits as repaying employees' student loans, on-site child care, and Metro subsidies. This does not mean that GAO is perfect, but it has set an example of how to prepare for and implement human capital flexibilities.

Unfortunately, I cannot say that for the Department of Defense and a host of other agencies that are asking for and receiving unprecedented exemptions from title V. Most agencies are simply ill equipped to manage such major reforms. We should be concentrating our efforts on government-wide reforms rather than agency-by-agency requests.

Having said that, several improvements were made to the bill during the subcommittee markup and subsequently by Ranking Member WAXMAN. The original bill did not contain any reporting requirements. I offered an amendment that requires GAO to submit an annual report to Congress on its use of flexibilities under the bill. Additionally, the original version of the bill only allowed enhanced annual leave for high-grade managerial or supervisory positions. My amendment changed that so it would apply to all GAO employees.

I also requested and received written assurance from the Comptroller General that GAO would provide the Subcommittee on Civil Service and Agency Organization with an annual report on pay adjustments received by women

minorities and veterans at the Government Accounting Office.

The gentleman from California (Mr. WAXMAN) insisted on additional changes to the executive program that have been incorporated into the bill. These changes include reducing the number of participants who can participate in the program, having the program sunset after 5 years, and ensuring that private employees working at GAO are subject to Federal ethics and conflict-of-interest laws, and do not have access to trade secrets. Now we have a responsibility to continue our oversight of agencies like GAO that have received human capital flexibilities to ensure that they are working and working in a fair and equitable manner.

Finally, I would like to take note that this bill has bipartisan and bicameral support, the result of doing civil service reform the right way; and I trust that we will learn from that as we continue to reform the government.

I support this bill and encourage my colleagues to do the same.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform and Oversight.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

The House is considering this bill, which would give personnel flexibilities to the General Accounting Office. These flexibilities will help GAO in the recruitment and retention of its employees which, in turn, will allow GAO to do a better job in serving the Members of the Congress.

In general, I believe civil service reform ought to be done on a government-wide basis, not an agency-by-agency basis. A piecemeal approach creates a hodgepodge of personnel systems which limits the mobility of employees and increases the potential for unfair treatment.

Nevertheless, Comptroller General David Walker has made a very strong case for why GAO should be granted the personnel flexibilities in this bill. On that basis, I support the bill. I also believe that GAO would be an appropriate place to experiment with these reforms before we consider them for other agencies.

In developing this legislation, the Comptroller General consulted with GAO's employee representatives, gave guarantees to employees about their future pay, and worked with Members on both sides of the aisle in the Congress of the United States and in both the House and in the Senate. When the gentleman from Illinois (Mr. DAVIS),

the ranking member of the Subcommittee on Civil Service, and I expressed concerns about several provisions in the bill, the Comptroller General worked to find language that we could support. The end result is the bill that is before us today. It is a bipartisan bill. It has been improved by compromise, and it is supported by every member of our committee. For that reason, I would urge the Members of the House to accept the legislation as well.

As other agencies approach Congress for personnel flexibilities in the future, I hope they will look to GAO's consensus-building approach as a model. I want to thank the Comptroller General, the gentleman from Virginia (Chairman TOM DAVIS), and the gentlewoman from Virginia (Chairwoman JO ANN DAVIS) for their cooperation and, of course, our ranking member, the gentleman from Illinois (Mr. DANNY DAVIS). I urge my colleagues to support the bill.

□ 1030

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I would like to engage in a colloquy with the gentlewoman from Virginia (Mrs. JO ANN DAVIS) to clarify our understanding regarding section 7 of this bill.

This section relates to the executive exchange program, which authorizes a small number of private sector employees to work at GAO. The bill states that these private sector detailees shall be considered GAO employees for the purpose of several Federal ethics provisions. In 1979 and 1999, the Justice Department stated that GAO employees are subject to 18 U.S.C. 208 and 209, which cover financial conflicts of interest. The Comptroller General has confirmed that it is a long-standing practice for GAO employees to be subject to these provisions.

Our understanding is that private sector detailees to GAO shall be subject to the financial conflict of interest provisions in 18 U.S.C. 208 and 209. My question is, does the Chair of the Subcommittee on Civil Service and Agency Organization have this same understanding?

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, yes, that is our understanding as well.

Mr. DAVIS of Illinois. I thank the gentlewoman so very much, and I continue to urge support for the bill.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I thought we had one other speaker on his way, but I would just urge that the House pass H.R. 2751.

Mr. TOM DAVIS of Virginia. Mr. Speaker, please include the attached exchange of letters between Chairman BILL THOMAS of the Committee on Ways and Means and myself in the CONGRESSIONAL RECORD at the end of the debate on H.R. 2751.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
Washington, DC, January 28, 2004.

Hon. WILLIAM M. THOMAS,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your recent letter regarding your committee's jurisdictional interest in H.R. 2751, the GAO Human Capital Reform Act of 2003. I appreciate all of your efforts to ensure that the Government Accounting Office has the resources it needs to effectively carry out its responsibilities.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in allowing speedy consideration of the bill. I agree that your decision to forego further action on the bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for outside conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of your letter and this response in the Congressional Record when the House considers the legislation.

Sincerely,

TOM DAVIS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, January 28, 2004.

Hon. TOM DAVIS,  
Chairman, Committee on Government Reform,  
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing concerning H.R. 2751, the "GAO Human Capital Reform Act of 2003," which was reported by the Committee on Government on November 19, 2003.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Internal Revenue Code. Sec. 7 of H.R. 2751 deems persons participating in the Executive Exchange Program to be an "employee of the General Accounting Office" for the purposes of section 1043 of the Internal Revenue Code, which governs ethics-related divestiture by government employees. However, in order to expedite this legislation for floor consideration we will not take action on this particular proposal. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2751, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,  
Chairman.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 2751, the GAO Human Capital Reform Act of 2003.

Over the last couple of years, the Government Reform Committee has worked tirelessly to revitalize the federal civil service in an effort to bring the Federal workforce into the 21st century. In November 2002, Congress granted the new Department of Homeland Security the

authority to develop its own human resources management system, largely outside of the confines of the 50-year-old Federal civil service system. In June 2003, Congress authorized the Securities and Exchange Commission to utilize streamlined hiring procedures to address critical staff shortages at the Commission. In November 2003, Congress granted the Defense Department authority similar to Homeland Security to develop a human resources management system for its civilian workforce. In January of this year, Congress authorized a number of new workforce authorities for NASA that will enable the space agency to compete with the private sector in recruiting and retaining a highly specialized workforce.

Now GAO—a legislative branch agency that helped us to craft these reforms—has asked Congress to provide it with some of the same personnel flexibilities that we have provided to these other agencies. Civil Service Subcommittee Chair JO ANN DAVIS responded by introducing H.R. 2751, which would provide GAO with the authority to offer early buyout packages, base employee compensation on performance, offer additional relocation benefits, offer more flexible annual leave policies, and establish an executive exchange program with the private sector.

H.R. 2751 was developed in coordination with the minority members of the Government Reform Committee, the General Accounting Office and the Senate Governmental Affairs Committee, all in a bipartisan manner. We in this body rely on the GAO to ensure the performance and accountability of the Federal Government, and this legislation will assist the Comptroller General in ensuring a vibrant and effective workforce to meet this important task.

I urge Members to support this important legislation.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to the order of the House of Tuesday, February 24, the previous question is ordered on the bill, as amended.

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

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

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

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings on motions to suspend the rules on which a recorded vote or the yeas and nays