

Consequently, file sharing programs can create a number of risks for Federal departments at agencies if they are installed on government computers. The Federal Government uses and stores a wide variety of classified and sensitive information, including information vital to national security, vital to public health and the personal and financial records of U.S. citizens and businesses. Installing these programs on government computers can cause this sensitive information to be exposed to the public. Because files are shared anonymously on peer-to-peer networks, there is also the risk of the spread of viruses worms and other malicious computer files.

Mr. Speaker, both the House and the Senate have successfully taken steps to protect congressional computers through both technical and nontechnical means including firewalls and employee training. Unlike Congress, however, executive branch departments and agencies do not have similar policies. This legislation requires agencies to develop and implement such policies to protect government information and computers. File-sharing technology is not inherently bad and it may turn out to have a variety of beneficial implications. H.R. 3159 recognizes this by protecting the ability of Federal agencies to pursue innovations of peer-to-peer technology on government networks, as long as they do not put government information or computers at risk.

This bill takes a common sense approach to protect the computers and networks of the Federal Government and the valuable information they contain. I want to commend the gentleman from California (Mr. WAXMAN), the distinguished ranking member on the Committee on Government Reform, and his staff for their work on this bill, setting up the hearing, and really calling this to our attention. I also want to recognize all the 28 members of the Committee on Government Reform who have cosponsored this legislation. This bill is an excellent follow-up to the committee's bipartisan investigations into the risk of using file sharing programs.

Mr. Speaker, I urge all Members to support H.R. 3159.

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

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

Mr. Speaker, I rise today to ask my colleagues to support the Government Network Security Act of 2003, legislation that would protect the security of Federal Government computers from the risks posed by peer to peer sharing.

I introduced this legislation with my colleague on the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), and I want to thank him for his interest on this issue and he and his staff for all the work they have done to address the risk of peer-to-peer file sharing. This is legislation that both of us have worked closely together to develop.

In recent years, peer-to-peer file sharing programs have gone from little known to an incredibly popular Internet application. In fact, the most popular of these file-sharing programs, Kazaa, has been downloaded more than 280 million times, making it the most downloaded software program ever.

In a series of hearings earlier this year, our committee looked into these peer-to-peer file-sharing programs and the issues they raised. What we found out is that the risks they posed, particularly to our personal privacy and security, can be significant. At a Committee on Government Reform hearing in May, we heard from leading network security experts from universities and the private sector talk about how peer-to-peer file sharing can put computers at risk for viruses, worms and other damaging computer files. And the committee investigation found that without even knowing it, people are sharing incredibly personal information through these programs. Our staff investigators found completed tax returns, medical files, and even entire E-mail in boxes being shared on these networks. Government computers are not immune from these risks.

A GAO investigation, which is still underway, has found that even at Los Alamos National Laboratory, where top secret research is often conducted, file-sharing programs have been found on government computers. Protecting government computers from these security risks is essential. The Federal Government has computer records with incredibly sensitive personal information about citizens, including tax returns, military records and medical and psychiatric records. It also, obviously, has many files with important national security information.

It is important to protect government computers from computer viruses. In the last several weeks, we have seen how the spread of just two or three malicious viruses can slow the functioning of government. We need to make sure Federal Government computers and networks stay protected from these threats.

It is not difficult to safeguard Federal computers from these risks. The House of Representatives recognized the privacy and security threats posed by peer-to-peer programs nearly 2 years ago and took steps to protect against them. The Senate did the same shortly thereafter, but many of our Federal agencies have yet to follow suit. The Government Network Security Act of 2003 is simple legislation. It requires that when developing their network security policy and procedures, Federal agencies address the risks posed by peer-to-peer file-sharing programs. Plans to address these risks may include technological means, such as firewalls, and nontechnological means, such as employee training.

Technical innovation is tremendously important, including potential innovation involving peer-to-peer file-sharing technologies. This act recog-

nizes this, and it protects the ability of Federal agencies to pursue new technologies, including peer-to-peer technology. The only limitation it imposes is a requirement that agencies not jeopardize the security of sensitive government records.

When popularly available, peer-to-peer file-sharing programs can threaten us with viruses and worms and put in risk the privacy of sensitive information. I think we can all agree that they have no place on government computers and networks. That is why, Mr. Speaker, I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3159, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA MILITARY RETIREMENT EQUITY ACT OF 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3054) to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service Uniformed Division to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3054

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Military Retirement Equity Act of 2003".

SEC. 2. PERMITTING INCLUSION OF PREVIOUS MILITARY SERVICE AS CREDITABLE SERVICE FOR CERTAIN DISTRICT OF COLUMBIA RETIREES.

Subsection (c)(8) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-704(h), D.C. Official Code) is amended—

(1) by striking "(8) Notwithstanding" and inserting "(8)(A) Except as provided in subparagraph (B), notwithstanding"; and

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

"(B)(i)(I) Except as provided in subclause (II), and subject to clause (iv), each member

or former member who has performed military service before the date of the separation on which the entitlement to any annuity under this Act is based may elect to retain credit for the service by paying (in accordance with such regulations as the Mayor shall issue) to the office by which the member is employed (or, in the case of a former member, to the appropriate benefits administrator) an amount equal to 7 percent of the amount of the basic pay paid under section 204 of title 37, United States Code, to the member for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the member may provide, or, if the Mayor determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Mayor under clause (iii). Payment of such amount by an active member must be completed prior to the member's date of retirement or October 1, 2006, whichever is later, for the member to retain credit for the service.

“(II) In any case where military service interrupts creditable service under this subsection and reemployment pursuant to chapter 43 of title 38, United States Code, occurs on or after August 1, 1990, the deposit payable under this clause may not exceed the amount that would have been deducted and withheld under this Act from basic pay during the period of creditable service if the member had not performed the period of military service.

“(ii) Any deposit made under clause (i) more than 2 years after the later of—

“(I) October 1, 2004; or

“(II) the date on which the member making the deposit first becomes a member following the period of military service for which such deposit is due, shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under paragraph (5)(B).

“(iii) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Mayor as the Mayor may determine to be necessary for the administration of this subsection.

“(iv) Effective with respect to any period of military service after November 10, 1996, the percentage of basic pay under section 204 of title 37, United States Code, payable under clause (i) shall be equal to the same percentage as would be applicable under subsection (d) of this section for that same period for service as a member subject to clause (i)(II).”.

SEC. 3. ADJUSTMENT IN FEDERAL BENEFIT PAYMENTS TO CERTAIN POLICE AND FIRE RETIREES TO TAKE MILITARY SERVICE ADJUSTMENT INTO ACCOUNT.

(a) IN GENERAL.—Section 11012 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 1-803.02, D.C. Official Code) is amended by adding at the end the following new subsection:

“(f) TREATMENT OF MILITARY SERVICE CREDIT PURCHASED BY CERTAIN POLICE AND FIRE RETIREES.—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the ben-

efit payment under such Program if the amendments made by the District of Columbia Military Retirement Equity Act of 2003 had taken effect prior to the freeze date.”.

(b) CONFORMING AMENDMENT.—Section 11003(5) of such Act (sec. 1-801.02(5), D.C. Official Code) is amended by inserting “and (f)” after “section 11012(e)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TOM 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 on H.R. 3054.

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

There was no objection.

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

Mr. Speaker, H.R. 3054, the District of Columbia Military Retirement Equity Act of 2003 is bipartisan legislation that will allow current and former police officers, firefighters, U.S. Park Police officers, and United States Secret Service employees in the District of Columbia to essentially buy back military service time to avoid costly reductions in their monthly benefit payment.

□ 1330

Under the Balanced Budget Act of 1997, the Department of the Treasury and the District of Columbia share responsibility for the D.C. police officers and firefighters retirement plan.

In conjunction with the District, the Treasury Department proceeded to audit the program and discovered a mistake in which individuals were concurrently receiving credit for their post-1956 military service while being eligible for Social Security. Treasury was then forced to reduce hundreds of annuitants' monthly benefits. Through no fault of their own, hundreds of retirees find themselves in the precarious position of having to buy back the military time or have a dramatic reduction in their annuity.

This reality is clearly unfair, was unintended, and must be corrected. I believe this House has an obligation to right this wrong for the benefit of those who selflessly protect our Nation's capital city, and this legislation gives us an opportunity to do just that. The D.C. Military Retirement Equity Act provides a fair mechanism for active duty retirees and retirees to buy back their military service time while it preserves their planned monthly annuity.

This legislation parallels the Civil Service Retirement Act. Federal em-

ployees who retired under the Civil Service Retirement Act were made aware of the post-1956 law and were permitted to buy the service credit by making payments equal to 7 percent of the military basic pay for the period in question. If the employee elected to buy back the service credit, it continued to be counted after the employee became eligible for Social Security. The current and former officers covered under this bill who have served our country not once but twice deserve the same opportunity.

Mr. Speaker, I urge all Members to support H.R. 3054. I thank and congratulate my colleagues, the distinguished cosponsors of this legislation, the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. WELDON), for their efforts on this bill.

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

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

I also rise in support of this legislation, and I want to commend the gentleman from Virginia (Mr. TOM DAVIS) and the others who have brought this legislation forward. I know the important role that the gentlewoman from the District of Columbia (Ms. NORTON) played in urging us to pass this legislation. It makes sense.

This bill offers a fair remedy for retired and active duty District firefighters, District police officers, U.S. Secret Service, and U.S. Park Police that is in parity with Federal employees. There is no reason they should not have that parity.

In the late 1980s, Congress passed similar legislation offering Federal retirees enrolled in the Federal Employees Retirement System and the Civil Service Retirement System an opportunity to buy back their military time to maintain a consistent annuity once they became eligible for Social Security benefits. After the Department of the Treasury assumed financial responsibility of the D.C. Metro plan in 1997, they conducted an audit and discovered an oversight of a Federal law that prohibits any retiree with post-1956 military service from crediting that time towards their retirement once they become eligible for Social Security.

These brave men and women serve our country and our communities without question. We have a duty to meet our commitment to them, that they will be offered opportunities for a comfortable retirement. There are at least 300 retired police officers and firefighters whose annuities have already been reduced, with an average of 3 years of post-1956 military service. The D.C. police officers and firefighters retirement plans cover approximately 14,000 retirees and survivors who served as D.C. police officers, firefighters, U.S. Secret Service and Park Police. We need to treat them fairly.

That is why I would urge all my colleagues to support this bill. It is a bill that I cannot see how anybody could

oppose it. I just think it is the right thing to do; and given that fact, there is nothing more that I could say on this matter except let us as quickly as we can pass this bill to the other body and hope they send it to the President for his signature. Let no time go further and lose the opportunity to correct what is a defect in the law and that we have an opportunity to correct.

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

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

I thank my friend for his remarks. Let me say that even today, our police officers and firefighters in the District of Columbia, our Secret Service agents put their lives on the line and one never knows what is around the corner in a job like this. It is difficult recruiting and retaining the best and the brightest for these positions; and to some extent, they look at how we treat current retirees when they decide to sign up and for retention or to join the Department in the first place.

In this particular case, a grave mistake was made at the time of the Balanced Budget Act. It had ramifications of basically taking thousands of dollars away from people who over the last generation laid their lives on the line for the safety of the citizens who run our Nation's capital, our law makers and government institutions.

This legislation is, I think, a modest attempt to try to right that wrong, and I hope that current officers and those that are thinking of going into this understand the high regard in which this Congress holds these individuals and honors the service that they gave this city and this government during their tenure. That is what this equity act is all about. That is why it has strong bipartisan support, and that is why I urge our colleagues in the House to support this legislation today.

Mr. Speaker, I have no other speakers at this point, and I reserve the balance of my time.

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

I have no other speakers here at the present time, but I know there are Members who want to put their statements in the RECORD in support of this legislation, especially those who have played such a fundamental role in advancing this cause and bringing it to our attention.

Mr. Speaker, seeing that they will have an opportunity, I am sure, at the appropriate time, I yield back the balance of our time.

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

I thank the gentleman from California (Mr. WAXMAN) for his leadership and again the gentleman from Maryland (Mr. HOYER), who is a cosponsor with me, the gentleman from Pennsylvania (Mr. WELDON), of course our distinguished Delegate from the District of Columbia (Ms. NORTON). We thank

all of them for helping to put this together as we hopefully pass this today, send this to the other body for what we hope will be fast consideration and a signature on the President's desk.

Mr. HOYER. Mr. Speaker, I rise today to join my colleague and good friend from Virginia, Mr. DAVIS, in supporting H.R. 3054, the DC Military Retirement Equity Act. This measure goes a long way in providing a fair solution to an unjust problem.

When I was notified that hundreds of former military service members and retired Firefighters, Police Officers, Secret Service personnel, and U.S. Park Police were having their annuities forcibly reduced due to no fault of their own, it was clear that this was an injustice in need of swift action.

The solution, H.R. 3054, will allow retired and active duty DC Firefighters and Police Officers as well as U.S. Secret Service and Park Police to buy back any military service time in order for them to maintain their monthly annuity. An oversight in the administration of their retirement plans neglected to account for a federal law prohibiting any post 1956-military service from being credited towards a retiree's benefits once that retiree becomes eligible for Social Security.

In the past few months, many retirees have had their hard earned monthly annuities reduced by up to \$600 per month. Future retirees can expect similar reductions, unless we pass this measure. Unlike options given to federal employees under FERS and CSRS, these members were never told about this provision and never offered an opportunity to buy back their time. H.R. 3054 will allow retirees to maintain their monthly annuities and will allow working men, women and their families to accurately plan for their retirement. These dedicated men and women selflessly served their country in the military and continued in their service by protecting our communities. We have a responsibility to ensure that they receive what they have rightfully earned.

I am pleased that Chairman DAVIS, Chairman WELDON, Ranking Member WAXMAN, Ranking Member DAVIS, Congresswoman NORTON and I have been able to work in a bipartisan manner to develop a positive solution to a potentially crippling injustice. I would urge my colleagues to support H.R. 3054.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no other speakers, and I yield back any remaining time I have.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3054, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Police-men and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calcu-

lating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes."

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 1 o'clock and 38 minutes p.m.), the House stood in recess for approximately 10 minutes.

□ 1349

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 1 o'clock and 49 minutes p.m.

AUTHORIZING THE PRESIDENT TO ISSUE POSTHUMOUSLY TO THE LATE WILLIAM "BILLY" MITCHELL A COMMISSION AS MAJOR GENERAL, UNITED STATES ARMY

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2755) to authorize the President to issue posthumously to the late William "Billy" Mitchell a commission as Major General, United States Army.

The Clerk read as follows:

H.R. 2755

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

SECTION 1. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) AUTHORITY.—The President may issue posthumously a commission as major general, United States Army, in the name of the late William Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) DATE OF COMMISSION.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

SEC. 2. PROHIBITION OF BENEFITS.

No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from California (Ms. LORETTA SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2755, the bill under consideration.

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