

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1722) TO IMPROVE TELEWORKING IN EXECUTIVE AGENCIES BY DEVELOPING A TELEWORK PROGRAM THAT ALLOWS EMPLOYEES TO TELEWORK AT LEAST 20 PERCENT OF THE HOURS WORKED IN EVERY 2 ADMINISTRATIVE WORKWEEKS, AND FOR OTHER PURPOSES

JULY 13, 2010.—Referred to the House Calendar and ordered to be printed

Mr. MCGOVERN, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1509]

The Committee on Rules, having had under consideration House Resolution 1509, by a record vote of 6 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1722, the “Telework Improvements Act of 2009,” under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform, now printed in the bill, modified by the amendment printed in this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides one motion to recommit with or without instructions. The resolution tables House Resolution 1496.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for those arising under clause 9 and 10 of rule XXI), and all points of order against the bill, as amended, the Committee is not aware of any points of order against the bill, as

amended, or its consideration. The waivers are prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 459

Date: July 13, 2010.

Measure: H.R. 1722.

Motion by: Mr. Dreier.

Summary of motion: To report an open rule.

Results: Defeated 2–6.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 460

Date: July 13, 2010.

Measure: H.R. 1722.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for amendments #1, #2, and #3 offered by Rep. Issa to be separately debated for 10 minutes each. Amendment #1 would eliminate the requirement that each agency create a Telework Managing Officer position; amendment #2 would strike the ‘Telework Research’ section from the bill and would eliminate the requirement that the Director of OPM enter into a contract to conduct studies related to the utilization of telework; and amendment #3 would provide that telework policies shall not be subject to collective bargaining.

Results: Defeated 2–6.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 461

Date: July 13, 2010.

Measure: H.R. 1722.

Motion by: Mr. McGovern.

Summary of motion: To report the rule.

Results: Adopted 6–2.

Vote by Members: McGovern—Yea; Matsui—Yea; Arcuri—Yea; Pingree—Yea; Polis—Yea; Dreier—Nay; Foxx—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Would exclude employees who have been disciplined for certain activities from teleworking, require OMB to issue guidelines to prevent inappropriate use of official time or resources for certain activities, limit the travel expenses test programs to telework programs, and make technical and clarifying changes. OMB is required under the amendment to issue guidelines to prevent inappropriate use of official time or resources that violates subpart G

of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography. Also, the amendment would add language providing that the legislation does not authorize telework for an employee who has been officially disciplined for violations of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography.

TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Page 5, strike lines 7 through 10 and insert the following:

“(B) that information on whether a position is eligible for telework is included in descriptions of available positions and recruiting materials.”.

Page 6, line 6, strike “or”.

Page 6, line 9, strike the period and insert “; or”.

Page 6, insert after line 9 the following:

“(3) authorize telework by an employee who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography.”.

Page 7, line 16, strike “PROMULGATION OF REGULATIONS BY” and insert “RESPONSIBILITIES OF”.

Page 8, line 4, strike “such as considerations relating to employee performance” and insert “such as the effect of employee performance on eligibility”.

Page 9, line 1, strike “in, or otherwise affected by,” and insert “while”.

Page 9, line 12, strike “and”.

Page 9, line 15, strike the period and insert “; and”.

Page 9, insert after line 15 the following:

“(6) to prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.”.

Page 18, strike line 3 and all that follows through page 20, line 7 and insert the following:

SEC. 4. AUTHORITY FOR TELEWORK TRAVEL EXPENSE TEST PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“§ 5711. Authority for telework travel expense test programs

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of

such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program operated under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program operated under this section, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a description of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of the Congress at least 30 days before the effective date of the program.

“(c)(1) An agency authorized to conduct a test program under this section shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Improvements Act of 2010.

“(f) In this section, the term ‘appropriate committees of Congress’ means the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“Sec. 5711. Authority for telework travel expense test programs”.