

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

Mr. Speaker, I rise today to speak on H.R. 3774, the Senior Executive Service Diversity Assurance Act.

In April of this year, the Department of Justice wrote to the committee raising a number of constitutional concerns with the introduced version of this legislation. While a number of changes were made to address these concerns during committee consideration of the legislation, some remained concerned that the legislation could still be vulnerable to constitutional challenges. For example, making demographic information about these senior executive service candidates and incumbents available for hiring purposes could suggest that this information should be taken into account in the selection process.

But I stand before you today to raise a concern much bigger than the state of our Federal workforce. I stand before you today to bring your attention to the woeful lack of attention that has been given this Congress to the skyrocketing gas prices throughout this Nation.

Throughout the country, for the first time in our history, a gallon of gas at local gas stations averages more than \$4, and there appears to be no relief in sight for working class Americans.

House Republicans have introduced a comprehensive plan to lower gas prices and preserve energy independence. The Republican plan would increase the production of American-made energy in an environmentally safe way. It would promote new, clean, and reliable energy sources. It would cut red tape and increase the supply of American-made fuel and energy. And it would encourage greater efficiency by offering conservation tax incentives.

The Democrats, however, have no such plan to help American families and small businesses deal with their increasing pain at the pump.

At a time when our country is facing a serious crisis in energy prices, with all due respect to my colleague from Illinois, my assumption is that most Americans would prefer that we focus on solving America's energy woes, rather than spending valuable floor time debating the creation of various offices within the Office of Personnel Management.

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

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve our time.

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

Mr. DAVIS of Illinois. Mr. Speaker, in closing, I want to thank and commend chairman of the Oversight Committee, Representative HENRY WAXMAN, and the ranking member, Representative TOM DAVIS, for their outstanding leadership and work on this legislation.

I also want to commend all of our staff persons on both sides of the com-

mittee, both the Democratic side and the Republican side. And especially do I want to commend my staff director for the Subcommittee on the Federal Workforce, District of Columbia and Postal Service, Ms. Tania Shand, for the tremendous work that she has done on this issue over the last 3 years in actuality.

And with that, Mr. Speaker, I urge passage of this bill.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3774, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### TELEWORK IMPROVEMENTS ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4106) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4106

*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 "Telework Improvements Act of 2008".

##### SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

#### "CHAPTER 65—TELEWORK

"Sec.

"6501. Definitions.

"6502. Governmentwide telework requirement.

"6503. Implementation.

"6504. Telework Managing Officer.

"6505. Evaluating telework in agencies.

"6506. Continuity of operations.

##### "§ 6501. Definitions

"For purposes of this chapter—

"(1) the term 'agency' means an Executive agency (as defined by section 105), except as provided in section 6506(c);

"(2) the term 'telework' or 'teleworking' refers to a work arrangement under which an employee regularly performs the duties and responsibilities of such employee's position, and other authorized activities, from home or another worksite removed from the employee's regular place of employment; and

"(3) the term 'continuity of operations' refers to an effort within individual executive departments and agencies to ensure that primary mission essential functions continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, public health emergencies, and technological or attack-related emergencies.

##### "§ 6502. Governmentwide telework requirement

"(a) TELEWORK REQUIREMENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this chapter, the head of each agency shall establish a policy under which employees shall be authorized to telework, subject to paragraph (2) and subsection (b).

"(2) REGULATIONS.—The policy of each agency under this subsection—

"(A) shall be in conformance with regulations which the Administrator of General Services shall, within 120 days after the date of the enactment of this chapter and in coordination with the Office of Personnel Management, prescribe for purposes of this subsection; and

"(B) shall ensure that employees are authorized to telework—

"(i) to the maximum extent possible; and

"(ii) without diminishing employee performance or agency operations.

"(b) TREATMENT OF CERTAIN CIRCUMSTANCES.—Nothing in subsection (a) shall be considered—

"(1) to require the head of an agency to authorize teleworking in the case of an employee whose duties and responsibilities—

"(A) require daily access to classified information;

"(B) require daily face-to-face contact with members of the public or other persons, or the use of equipment, at the employee's regular place of employment; or

"(C) are such that their performance from a site removed from the employee's regular place of employment is not feasible; or

"(2) to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head—

"(A) the employee is needed to respond to an emergency;

"(B) the employee requires additional training; or

"(C) the denial is necessary, for a specific or ascertainable period of time, to achieve goals and objectives of programs administered by the agency.

"(c) RULE OF CONSTRUCTION.—Nothing in this chapter shall—

"(1) be considered to require any employee to telework; or

"(2) prevent an agency from permitting an employee to telework as part of a continuity of operations plan.

##### "§ 6503. Implementation

"In order to carry out the purposes of this chapter—

"(1) the head of each agency shall ensure that—

"(A) appropriate training is provided to supervisors and managers and to all employees who are authorized to telework; and

"(B) no distinction is made between teleworkers and nonteleworkers for purposes of performance appraisals;

"(2) the General Services Administration, in coordination with the Office of Personnel Management, shall provide advice, assistance, and, to the extent necessary, training to agencies, including with respect to—

"(A) questions of eligibility to telework, including considerations relating to employee performance; and

"(B) making telework part of the agency's goals, including those of individual supervisors and managers;

"(3) the General Services Administration, in coordination with the Office of Management and Budget and the National Institute of Standards and Technology, shall prescribe regulations, within 120 days after the date of the enactment of this chapter, to ensure the adequacy of information and security protections for information and information systems used in, or otherwise affected by, teleworking; such regulations shall be consistent with information security policies and guidance issued by the Office of Management and

Budget and the National Institute of Standards and Technology, and shall, at a minimum, include requirements necessary—

“(A) to control access to agency information and information systems;

“(B) to protect agency information (including personally identifiable information) and information systems;

“(C) to limit the introduction of vulnerabilities;

“(D) to protect information systems not under the control of the agency that are used for teleworking; and

“(E) to safeguard the use of wireless and other telecommunications capabilities used for telework purposes; and

“(4) the General Services Administration shall—

“(A) maintain a central, publicly available telework website to be jointly controlled and funded by the General Services Administration and the Office of Personnel Management; and

“(B) include on that website any regulations relating to telework and any other information the General Services Administration and the Office of Personnel Management consider appropriate.

“§ 6504. Telework Managing Officer

“(a) APPOINTMENT AND COMPENSATION.—

“(1) IN GENERAL.—Each agency may appoint an officer to be known as the ‘Telework Managing Officer’. If an agency appoints a Telework Managing Officer, such Officer—

“(A) shall be appointed—

“(i) by the Chief Human Capital Officer of such agency; or

“(ii) if none, by the head of such agency; and

“(B) shall be compensated at a rate not less than the minimum rate of basic pay for grade GS-15 of the General Schedule.

“(2) WAIVER.—The Administrator of General Services may waive the minimum rate requirement under paragraph (1)(B) with respect to an agency if such agency has fewer than 100 employees (determined on a full-time equivalent basis) and the head of such agency certifies that being required to comply with paragraph (1)(B) would adversely impact agency operations.

“(b) LIMITATIONS.—An individual may not hold the position of Telework Managing Officer as a noncareer appointee (as defined in section 3132(a)(7)), and such position may not be considered or determined to be of a confidential, policy-determining, policy-making, or policy-advocating character.

“(c) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the Telework Managing Officer of an agency shall be as follows:

“(1) Serving as—

“(A) an advisor on teleworking to the head of such agency and to the Chief Human Capital Officer of such agency (if any);

“(B) a resource on teleworking for supervisors, managers, and employees of such agency; and

“(C) the agency’s primary point of contact on teleworking matters for employees of such agency, Congress, and other agencies.

“(2) Ensuring that the agency’s teleworking policy is communicated effectively to employees.

“(3) Ensuring that electronic or written notification is provided to each employee of specific telework programs and the agency’s teleworking policy, including authorization criteria and application procedures.

“(4) Developing and administering a tracking system for compliance with Government-wide telework reporting requirements.

“(5) Providing to the Comptroller General and to the Administrator of General Services such information as the Comptroller General

may require to prepare the annual reports under section 6505(b).

“(6) Establishing a system for receiving feedback from agency employees on the agency’s telework policy.

“(7) Developing and implementing a program to identify and remove barriers to telework and to maximize telework opportunities in the agency.

“(8) Ensuring that employees are notified of grievance procedures available to them (if any) with respect to any disputes that relate to telework.

“(9) Performing such other duties and responsibilities relating to telework as the head of the agency may require.

“(d) ALTERNATIVE TO TELEWORK MANAGING OFFICER.—If no Telework Managing Officer is appointed under subsection (a) with respect to an agency, the duties and responsibilities of a Telework Managing Officer shall be carried out by the Chief Human Capital Officer of, or a career employee in, such agency, as determined by the agency head.

“§ 6505. Evaluating telework in agencies

“(a) IN GENERAL.—The Comptroller General shall establish a system for evaluating—

“(1) the telework policy of each agency; and

“(2) employee participation in telework programs at each agency.

“(b) ANNUAL REPORT.—The Comptroller General shall, based on the system established under subsection (a), submit an annual report to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. Each report under this subsection shall, with respect to the period covered by such report—

“(1) evaluate the telework policy of each agency;

“(2) for each agency, indicate the total number of employees in such agency and identify—

“(A) the number and percentage of employees who were eligible to telework;

“(B) the number and percentage of employees who teleworked an average of at least once a week on a regular basis, determined based on time spent actually teleworking;

“(C) the number and percentage of employees who teleworked an average of at least 20 percent of the hours that they worked in every 2 administrative workweeks, determined based on time spent actually teleworking;

“(D) the number and percentage of employees who teleworked at least once a month on a regular basis, determined based on time spent actually teleworking;

“(E) the number and percentage of employees who were not authorized to telework and the reasons why they were not so authorized;

“(F) the number and percentage of employees who were authorized to telework and then later stopped teleworking, the reasons why those employees stopped teleworking, and whether their stopping was voluntary or due to other factors, such as office coverage needs or productivity;

“(G) the extent to which barriers to maximizing teleworking opportunities have been identified and eliminated;

“(H) the impact (if any) of the agency’s telework policy on the recruitment and retention of employees;

“(I) the impact (if any) of the agency’s telework policy on the performance of agency employees; and

“(J) the level of employee satisfaction with the agency’s telework policy, determined based on employee feedback;

“(3) evaluate the compliance of each agency with the requirements of this chapter; and

“(4) identify best practices in agency telework programs.

A report under this subsection shall be submitted for the year in which the regulations under section 6502(a)(2)(A) take effect and for each of the 4 succeeding years. Each such report shall be submitted within 6 months after the end of the year to which it relates.

“(c) MINIMUM REQUIREMENT FOR COMPLIANCE.—For purposes of subsection (b)(3), an agency shall not be considered to be in compliance with the requirements of this chapter unless the employees of such agency who were authorized to telework were permitted to telework for at least 20 percent of the hours that they worked in every 2 administrative workweeks (disregarding any workweeks for which such employees did not submit a request or for which they were otherwise ineligible to telework).

“§ 6506. Continuity of operations

“(a) IN GENERAL.—The head of each agency shall ensure that—

“(1) to the maximum extent practicable, telework is incorporated into the continuity of operations planning of such agency; and

“(2) mission critical personnel, as determined by the head of such agency, are equipped to telework in time of a catastrophe.

“(b) COORDINATION RULE.—The continuity of operations plan of an agency shall supersede any telework policy of such agency to the extent that they are inconsistent with one another.

“(c) AGENCY DEFINED.—For purposes of carrying out subsection (a)(2), the term ‘agency’ means an agency named in paragraph (1) or (2) of section 901(b) of title 31.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

“65. Telework ..... 6501”.

(2) Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005, as contained in the Consolidated Appropriations Act, 2005 (5 U.S.C. 6120 note) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “appoint a Telework Managing Officer or designate the Chief Human Capital Officer or other career employee to be”.

SEC. 3. CHIEF HUMAN CAPITAL OFFICERS COUNCIL.

(a) IN GENERAL.—Chapter 14 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER II—CHIEF HUMAN CAPITAL OFFICERS COUNCIL

“§ 1421. Chief Human Capital Officers Council

“(a) ESTABLISHMENT.—There is established a Chief Human Capital Officers Council, consisting of—

“(1) the Director of the Office of Personnel Management, who shall act as chairperson of the Council;

“(2) the Deputy Director for Management of the Office of Management and Budget, who shall act as vice chairperson of the Council;

“(3) the Administrator of General Services; and

“(4) the Chief Human Capital Officers of Executive departments and any other members who are designated by the Director of the Office of Personnel Management.

“(b) FUNCTIONS.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, telework (as defined by section 6501),

and legislation affecting human resources operations and organizations.

“(c) EMPLOYEE LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of Federal employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

“(d) ANNUAL REPORT.—Each year, the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Chapter 14 of title 5, United States Code, is amended by striking the matter before section 1401 and inserting the following:

**“CHAPTER 14—CHIEF HUMAN CAPITAL OFFICERS**

**“SUBCHAPTER I—AGENCY CHIEF HUMAN CAPITAL OFFICERS**

“Sec.

“1401. Establishment of agency Chief Human Capital Officers.

“1402. Authority and functions of agency Chief Human Capital Officers.

**“SUBCHAPTER II—CHIEF HUMAN CAPITAL OFFICERS COUNCIL**

“1421. Chief Human Capital Officers Council.

**“SUBCHAPTER I—AGENCY CHIEF HUMAN CAPITAL OFFICERS”.**

(2) The analysis for part II of title 5, United States Code, is amended by striking the item relating to chapter 14 and inserting the following:

**“14. Chief Human Capital Officers ..... 1401”.**

(3) Section 1303 of Public Law 107–296 (5 U.S.C. 1401 note) is repealed.

**SEC. 4. REPORTING REQUIREMENT.**

(a) INCORPORATION OF TELEWORK INTO CONTINUITY OF OPERATIONS PLANNING.—Within 12 months after the effective date of the regulations under section 6502(a)(2)(A) of title 5, United States Code (as amended by section 2), the General Services Administration, in coordination with the Office of Personnel Management, the Federal Emergency Management Agency, and the Chief Human Capital Officers Council, shall report to the appropriate committees of Congress on the incorporation of telework into agencies’ continuity of operations planning, including—

(1) the extent to which such incorporation has occurred within each of the respective agencies;

(2) the extent to which each agency has conducted continuity of operations tests and exercises incorporating telework for essential and non-essential personnel;

(3) the extent to which agencies have used telework in response to emergencies; and

(4) any recommendations the General Services Administration considers appropriate.

(b) DEFINITIONS.—For purposes of this section—

(1) 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;

(2) the terms “telework” and “continuity of operations” have the meanings given those terms by section 6501 of title 5, United States Code (as amended by section 2); and

(3) the term “agency” means an agency named in paragraph (1) or (2) of section 901(b) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I introduced H.R. 4106 on November 7, 2007, to improve the efficiency of the Federal workforce by allowing more employees to telework.

Telework has a number of benefits for both agencies and employees. A happy workforce is a productive workforce, and giving employees the opportunity to telework can help boost productivity by cutting down on commuting time, reducing absenteeism, and allowing for greater organizational flexibility.

Improving telework can also help reduce pollution, traffic congestion, and the significant financial burdens that Federal employees face from high gas prices.

Unfortunately, telework is not being used to the fullest extent, and according to a report on telework released by the Office of Personnel Management in December 2007, only 6 percent of Federal employees participated in telework programs in 2006.

H.R. 4106 will improve telework in many key ways, while also allowing the government to maintain security of government information and to uphold performance standards. The bill defines telework and requires the Government Accountability Office to evaluate agency telework programs.

The bill requires the head of each agency to establish a telework policy authorizing employees to telework. The bill sets a consistent standard by providing that an agency will only be considered to be in compliance with the bill’s requirements if employees who are authorized the telework are allowed to do so at least 20 percent of the hours worked in every two workweeks.

Under H.R. 4106, each agency is required to either appoint a telework managing officer or designate their chief human capital officer or a career employee to carry out the responsibilities of a telework managing officer who will serve as the agency’s primary point of contact on telework.

The bill also improves the ability of the government to respond to emergencies by requiring larger agencies to incorporate telework into their continuity of operations plans.

This bipartisan bill was amended and approved by the Oversight Committee by a voice vote on March 13, 2008. A number of changes were made during the committee’s consideration of the bill to address suggestions raised by the ranking minority member of the

committee, Representative TOM DAVIS, such as requiring that essential personnel be equipped to telework during a catastrophe.

We are considering the bill today with an amendment that makes further changes to the bill based on feedback from the Office of Personnel Management. For example, the amendment clarifies the definition of continuity of operations to cover a situation such as the 2006 flooding of the Internal Revenue Service headquarters building. The amendment also requires GSA and OPM to jointly find and operate a central telework Web site.

This bill will allow more Federal employees to telework but at the same time ensures that agencies have the necessary flexibility, guidance, and oversight.

And so, Mr. Speaker, I urge swift passage of H.R. 4106.

I reserve the balance of my time.

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

Mr. Speaker, I rise today to speak on H.R. 4106, the Telework Improvements Act of 2008. This legislation is designed to encourage more Federal employees to participate in telework programs. This legislation moved through committee, and I understand Chairman WAXMAN worked with Ranking Member TOM DAVIS to make several improvements to this legislation.

Getting serious about promoting telework is a major step in the right direction, but telework only indirectly addresses the problem of soaring gas prices. Mr. Speaker, gas prices have gone up \$1.63 since Democrats took control of this House last January, and as far as anybody knows, Democrats still have no plan to address this problem.

The Republicans, on the other hand, stand ready to address the problem with a blueprint that promotes alternative and renewable fuels, harnesses technologies already being employed successfully by many of our global competitors, and encourages responsible oil and gas exploration designed to unlock America’s natural energy resources and end our dependence on foreign fuel imports.

I remain concerned that none of the bills being considered today do anything to address the pain at the pump currently facing our Nation.

American families and small businesses are begging Congress to throw them a life preserver amid today’s soaring gas prices, but no relief is in sight. No wonder Americans believe Washington is broken.

Most Americans believe it is past time to start addressing the real problems facing American families. I note with some disappointment that not a single piece of legislation to help lower gas prices is on the House schedule this week.

I reserve the balance of my time.

□ 1545

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as

he might consume to a member of our subcommittee and a cosponsor of this legislation, Representative SARBANES from the State of Maryland.

Mr. SARBANES. I want to thank the chairman of our subcommittee, Representative DAVIS, for yielding this time.

Mr. Speaker, I rise today in support of H.R. 4106, the Telework Improvements Act of 2008.

As a daily commuter from Baltimore to the District of Columbia, I know how frustrating it can be to spend hours a day traveling. And with a focus on gas prices that we've heard repeatedly today, we need to explore pragmatic and innovative alternatives.

I've worked closely with Subcommittee Chairman DAVIS and with Chairman HENRY WAXMAN on this legislation, and I thank them for their leadership. Last year, when I offered a similar amendment to the energy bill, they helped to ensure that the amendment passed the House by voice vote, and I am pleased we will now pass this measure so that we can begin to expand telework options for the Federal workforce.

This is a win, win, win. A stronger telework policy will be good for the Federal Government, it will be good for the Federal worker, and of course it will be good for the environment. At a time when a large percentage of the Federal workforce is at or approaching retirement age, we need to recruit and retain the best and brightest of a new generation of workers. By crafting strong and effective telework policies, agencies can compete for these workers and retain them.

The U.S. Patent and Trademark Office and the Defense Information Systems Agency, which have some of the most robust telework policies in the Federal Government, are perfect examples of how agencies can utilize telework to recruit and retain a first-rate workforce. USPTO and DISA have retained workers, despite having a workforce that is in high demand elsewhere.

The private sector is still far ahead of the government in terms of embracing telework as a recruiting tool. We must catch up if we want to compete. In fact, the Federal Government can and should be a model employer and a driving force for increasing productivity while striking the right balance between family and work.

If you want to understand the competitive edge that comes from telework, you don't have to take my word for it, just listen to what one major CEO said. "What would I say to a CEO who resists greater employee flexibility because of concerns about loss of accountability and productivity? I would hope he was a competitor, and I would keep my mouth shut. Companies that don't believe in this are going to be trapped by it in the end." We don't want the Federal Government to be trapped either, and that's why it is important to embrace telework.

Telework is also beneficial to Federal workers by helping to improve quality of life and strike a better work/family balance. It would have the effect of giving back a couple hours a day to commuters who would otherwise be stuck in traffic, time they could spend with their families. At a time when gas prices are soaring, it could also have a profound economic benefit for families that are struggling in the current economic climate.

So again, in conclusion, I want to say that telework is a win, win, win. It's good for the Federal Government, it's good for the Federal workers, and it's great for our environment.

I am pleased the House has taken up this legislation, and look forward to working with the Senate to ensure that it becomes law.

Ms. FOXX. Mr. Speaker, while this legislation will give a break from high gas prices to some Federal employees, the vast majority of Americans have to use their cars to go to work and to other activities and are paying an average of \$4 a gallon, the highest prices in history, while the Democratically controlled Congress does nothing to help those hardworking Americans who struggle to do the right thing every day, but are receiving no assistance from the Democrat majority here.

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

Mr. DAVIS of Illinois. Mr. Speaker, in closing, I once again want to commend the chairman of the Oversight Committee, Mr. WAXMAN from California, for his outstanding leadership and support. I also want to express appreciation to the ranking member, Mr. TOM DAVIS from Virginia, for his support and leadership.

I also want to thank all of the members of the subcommittee, especially the ranking member, Mr. MARCHANT, as well as all of the Members on both sides of the aisle. Our staffs have done a tremendous job of working through all of the snares that may have existed and have helped us shape a piece of legislation that I think is going to give enormous benefit to the American people. We are going to be able to cut down on the use of gasoline as people commute to and from work. We're going to be able to reduce pollution. And we're going to enhance the creation of a more desirable environment. So I thank all of those who have been a part of making this day possible. I urge passage of this legislation.

Mr. WOLF. Mr. Speaker, I rise in strong support of H.R. 4106, the Telework Improvements Act of 2008.

I would like to thank Congressman DANNY DAVIS for introducing this important and necessary legislation. I also want to recognize Chairman HENRY WAXMAN and Ranking Member TOM DAVIS on the Oversight and Movement Reform Committee for reporting out a good bill for our consideration today.

As many of my colleagues know, I have been a long-time and staunch supporter of telework or telecommuting. Telework offers a 21st century workplace option that can reduce

traffic congestion and air pollution, as well as cut gasoline consumption and dependency on foreign oil. Study after study has shown that telework benefits employees and employers. It gives employees the flexibility they need to meet daily demands.

Employers—both government and private businesses—get the benefit of increased productivity, improved morale, fewer sick leave days used, better worker retention, and reduced costs for office space.

My legislation enacted in 2001 mandated a phased-in program to expand the number of federal employees who telework with the goal of giving every eligible federal worker this workplace option by the end of 2005. While annual surveys by the Office of Personnel Management on telework by federal employees have shown some progress in meeting the law's mandate, there is much more that agencies can do to expand the number of federal telecommuters and this legislation is an important next step in making the Federal Government a model telework employer.

To emphasize the importance of telework in the federal workplace, when I chaired the Commerce-Justice-Science Appropriations subcommittee, I included provisions in the FY 2005, FY 2006 and FY 2007 spending bills for the departments of Commerce, Justice, and State and related agencies to withhold \$5 million from the agencies which fail to meet the 2001 law.

I am proud to be an original cosponsor and strong proponent of the Telework Improvements Act that we are considering today. It will require the head of each executive agency to establish a policy under which employees may be authorized to telework and allow authorized employees to be allowed to telework at least 20 percent of the hours worked in every two administrative workweeks.

Given the soaring cost of gas, I can think of no better time for us to be passing this bill and encouraging further adoption of telework. In the Washington, D.C. metropolitan area, including my district in northern Virginia, telework has the added benefit of taking cars off the road and reducing congestion and air pollution. It is also a good policy to have in place for continuity of operations in the event of an emergency.

Mr. Speaker, I strongly urge my colleagues to vote in support of this legislation so that we can ensure that the federal workforce is making full use of teleworking.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to speak in on H.R. 4106, the Telework Improvements Act of 2008. This issue has long been a struggle for many of us here in Congress, especially those Members representing the National Capital Region.

The problem is far too many federal agencies are missing the opportunity to promote teleworking among their employees. Ninety percent of the employees eligible to telework do not do so at this time.

With the vast majority of the federal government's workforce located here in the National Capital Region, utilizing telework will have an immediate and dramatic impact on the traffic congestion in the region. It will also increase worker productivity as our Federal workforce spends less time commuting to and from work every day. As an added benefit, keeping people off the roads will reduce our carbon emissions. Everybody benefits, not just the teleworkers.

Several improvements were made to this legislation during Committee consideration, many at my request. First, the reported version includes stronger language regarding the protection of information being accessed through remote networks. This IT security language is important to reassure the general public that, as we promote the use of telework in federal agencies, the government is taking necessary steps to make sure personal information is safeguarded.

Second, the reported version requires agencies to further integrate telework into their continuity of operations planning by making sure mission critical personnel are prepared to telework in the event of a major disaster, such as a terrorist attack or an outbreak of the pandemic flu.

Third, the reported version tasks the Chief Human Capital Officers Council with being a central coordinator of best practices for agencies regarding telework.

Fourth, the reported version gives agencies some flexibility in determining how best to promote telework within their workforce by allowing them to either assign the telework responsibilities to the agency's Chief Human Capital Officer or to a career official at the agency.

Promoting the use of telework by our federal workforce will improve employee efficiency and ultimately lead to improved service to the American public, and I appreciate the majority's willingness to work with us on this legislation.

Mr. Speaker, I am happy to support this legislation and urge its adoption.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4106, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FEDERAL FOOD DONATION ACT OF 2008

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2420) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

#### S. 2420

*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 "Federal Food Donation Act of 2008".

#### SEC. 2. PURPOSE.

The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent prac-

ticable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) APPARENTLY WHOLESOME FOOD.—The term "apparently wholesome food" has the meaning given the term in section 2(b) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

(2) EXCESS.—The term "excess", when applied to food, means food that—

(A) is not required to meet the needs of executive agencies; and

(B) would otherwise be discarded.

(3) FOOD-INSECURE.—The term "food-insecure" means inconsistent access to sufficient, safe, and nutritious food.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

#### SEC. 4. PROMOTING FEDERAL FOOD DONATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that all contracts above \$25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, shall include a clause that—

(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States; and

(2) states the terms and conditions described in subsection (b).

(b) TERMS AND CONDITIONS.—

(1) COSTS.—In any case in which a contractor enters into a contract with an executive agency under which apparently wholesome food is donated to food-insecure people in the United States, the head of the executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States under this Act.

(2) LIABILITY.—An executive agency (including an executive agency that enters into a contract with a contractor) and any contractor making donations pursuant to this Act shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

#### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, S. 2420, the Federal Food Donation Act, is a modest meas-

ure designed to help address a very large problem, hunger in America. In 2005, 25 million people in this country, including 9 million children, had to rely on soup kitchens and other charitable feeding programs to help meet their nutritional needs.

S. 2420 is very similar to legislation introduced by Representative JO ANN EMERSON, H.R. 4220, which passed the House on a voice vote last December. It requires Federal agencies to include in their food service and space rental contracts a provision which encourages contractors to donate any surplus wholesome food to nonprofit organizations that provide assistance to the hungry. This bill builds on the work of some innovative nonprofit organizations and think tanks that have been conducting similar programs in the private sector.

The bill also includes provisions which would ensure that cost of collecting, transporting and storing donated food would not be borne by the Federal Government, and that executive agencies and contractors would be protected from civil or criminal liability.

I urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise today to take up S. 2420, the Federal Food Donation Act. The House version of this legislation, H.R. 4220, was introduced by Representative JO ANN EMERSON and was passed by the House last December.

S. 2420 would require the Federal Acquisition Regulation to be amended to provide certain contracts for the provision, service or sale of food, include a clause encouraging the donation of excess food to organizations such as homeless shelters. In doing so, the legislation also states agencies and contractors making donations would be protected from civil or criminal liability associated with the donation.

Mrs. EMERSON has been a leader in the effort to relieve hunger in this Nation, and I applaud her dedication to this issue. I urge my colleagues to support this bill.

Mr. WOLF. Mr. Speaker, I rise in support of S. 2420, the Federal Food Donation Act of 2008. This bill would require a clause in federal food services contracts greater than \$25,000 to encouraging donations to nonprofit organizations, such as food banks and food pantries.

I have been active in the fight against hunger for over two decades. Following my first visit to Ethiopia during its famine in 1984, I worked across the aisle to fight hunger both at home and abroad. I was pleased to work for the passage of the Bill Emerson Good Samaritan Act of 1996 that protected organizations donating food to charitable organizations from liability in order to spur greater donations.

However, I am concerned that rising food commodity prices and gasoline prices could hamper efforts by food banks and food pantries to meet the needs of the hungry. In meeting with charitable organizations in my congressional district, it is clear that the business