

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 171, not voting 27, as follows:

[Roll No. 577]

AYES—235

Ackerman	Green, Gene	Nye
Adler (NJ)	Grijalva	Oberstar
Altmire	Gutierrez	Obey
Andrews	Hall (NY)	Olver
Arcuri	Halvorson	Ortiz
Baca	Hare	Owens
Baird	Harman	Pallone
Baldwin	Hastings (FL)	Pascarell
Barrow	Heinrich	Pastor (AZ)
Bean	Herseht Sandlin	Payne
Becerra	Higgins	Perriello
Berkley	Himes	Peters
Berman	Hinchey	Peterson
Berry	Hinojosa	Pingree (ME)
Bishop (GA)	Hirono	Polis (CO)
Bishop (NY)	Hodes	Pomeroy
Blumenauer	Holden	Price (NC)
Bocchieri	Holt	Quigley
Boren	Honda	Rahall
Boswell	Inslee	Rangel
Boyd	Israel	Reyes
Brady (PA)	Jackson (IL)	Richardson
Braley (IA)	Jackson Lee	Rodriguez
Brown, Corrine	(TX)	Ross
Butterfield	Johnson (GA)	Rothman (NJ)
Capps	Johnson, E. B.	Roybal-Allard
Capuano	Kagen	Ruppersberger
Cardoza	Kanjorski	Rush
Carnahan	Kaptur	Ryan (OH)
Carney	Kennedy	Salazar
Carson (IN)	Kildee	Sánchez, Linda
Castor (FL)	Kilpatrick (MI)	T.
Chandler	Kilroy	Sanchez, Loretta
Childers	Kind	Sarbanes
Chu	Kirkpatrick (AZ)	Schakowsky
Clarke	Kissell	Schauer
Cleaver	Klein (FL)	Schiff
Cohen	Kosmas	Schrader
Connolly (VA)	Kratovil	Schwartz
Conyers	Kucinich	Scott (GA)
Cooper	Langevin	Scott (VA)
Costa	Larsen (WA)	Serrano
Costello	Larson (CT)	Sestak
Courtney	Lee (CA)	Shea-Porter
Critz	Levin	Sherman
Crowley	Lewis (GA)	Sires
Cuellar	Lipinski	Skelton
Cummings	Loeb sack	Slaughter
Dahlkemper	Lofgren, Zoe	Smith (WA)
Davis (AL)	Lowey	Snyder
Davis (CA)	Luján	Space
Davis (IL)	Lynch	Speier
DeFazio	Maffei	Spratt
DeGette	Maloney	Stark
DeLauro	Markey (CO)	Stupak
Deutch	Marshall	Sutton
Dicks	Matheson	Tanner
Dingell	Matsui	Teague
Djou	McCarthy (NY)	Thompson (CA)
Doggett	McCollum	Thompson (MS)
Donnelly (IN)	McDermott	Tierney
Doyle	McGovern	Titus
Driehaus	McIntyre	Tonko
Edwards (MD)	McMahon	Towns
Edwards (TX)	Meek (FL)	Tsongas
Ellison	Meeke (NY)	Velázquez
Ellsworth	Melancon	Visclosky
Engel	Michaud	Walz
Eshoo	Miller (NC)	Wasserman
Etheridge	Miller, George	Schultz
Farr	Minnick	Watson
Filner	Mitchell	Watt
Foster	Mollohan	Waxman
Frank (MA)	Moore (KS)	Weiner
Fudge	Moore (WI)	Welch
Garamendi	Moran (VA)	Wilson (OH)
Gonzalez	Murphy (CT)	Woolsey
Gordon (TN)	Murphy (NY)	Yarmuth
Grayson	Napolitano	
Green, Al	Neal (MA)	

NOES—171

Aderholt	Alexander	Bachmann
Akin	Austria	Bachus

Bartlett	Graves (MO)	Paul
Barton (TX)	Griffith	Paulsen
Biggart	Guthrie	Pence
Bilbray	Hall (TX)	Petri
Bilirakis	Harper	Pitts
Bishop (UT)	Hastings (WA)	Platts
Blackburn	Heller	Poe (TX)
Blunt	Hensarling	Posey
Boehner	Herger	Price (GA)
Bonner	Hoekstra	Putnam
Bono Mack	Hunter	Rehberg
Boustany	Issa	Reichert
Brady (TX)	Jenkins	Roe (TN)
Broun (GA)	Johnson (IL)	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Buchanan	Jones	Rogers (MI)
Burgess	Jordan (OH)	Rohrabacher
Burton (IN)	King (IA)	Rooney
Obey	King (NY)	Ros-Lehtinen
Buyer	Kingston	Roskam
Calvert	Kline (MN)	Royce
Camp	Lamborn	Ryan (WI)
Campbell	Lance	Scalise
Cantor	Cao	Schmidt
Capito	LaTourette	Schock
Carter	Latta	Sensenbrenner
Cassidy	Lee (NY)	Sessions
Castle	Lewis (CA)	Shadegg
Chaffetz	Linder	Shimkus
Coffman (CO)	LoBiondo	Shuler
Cole	Lucas	Shuster
Conaway	Luetkemeyer	Simpson
Crenshaw	Lummis	Smith (NE)
Culberson	Lungren, Daniel	Smith (NJ)
Dent	E.	Smith (TX)
Diaz-Balart, L.	Mack	Stearns
Diaz-Balart, M.	Manzullo	Stutzman
Dreier	Marchant	Sullivan
Duncan	McCarthy (CA)	Taylor
Ehlers	McCaul	Terry
Emerson	McClintock	Thompson (PA)
Flake	McCotter	Thornberry
Fleming	McHenry	Tiberi
Forbes	McKeon	Turner
Fortenberry	McMorris	Upton
Foxe	Rodgers	Walden
Franks (AZ)	Mica	Wamp
Frelinghuysen	Miller (FL)	Westmoreland
Garrett (NJ)	Miller (MI)	Whitfield
Gerlach	Miller, Gary	Wilson (SC)
Giffords	Moran (KS)	Wittman
Gingrey (GA)	Murphy, Tim	Wolf
Gohmert	Myrick	Wu
Goodlatte	Neugebauer	Young (AK)
Granger	Nunes	Young (FL)
Graves (GA)	Olson	

NOT VOTING—27

Barrett (SC)	Davis (TN)	McNerney
Boozman	Delahunt	Murphy, Patrick
Boucher	Fallin	Nadler (NY)
Bright	Fattah	Perlmutter
Brown-Waite,	Galleghy	Radanovich
Ginny	Hill	Tiahrt
Clay	Hoyer	Van Hollen
Clyburn	Inglis	Waters
Coble	Kirk	
Davis (KY)	Markey (MA)	

□ (1152)

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TELEWORK ENHANCEMENT ACT OF 2010

Mr. LYNCH. Madam Speaker, pursuant to House Resolution 1721, I call up 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, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2010”.

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. Executive agencies telework requirement.

“6503. Training and monitoring.

“6504. Policy and support.

“6505. Telework Managing Officer.

“6506. Reports.

“§ 6501. Definitions

“In this chapter:

“(1) EMPLOYEE.—The term ‘employee’ has the meaning given that term under section 2105.

“(2) EXECUTIVE AGENCY.—Except as provided in section 6506, the term ‘executive agency’ has the meaning given that term under section 105.

“(3) TELEWORK.—The term ‘telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

“§ 6502. Executive agencies telework requirement

“(a) TELEWORK ELIGIBILITY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

“(A) establish a policy under which eligible employees of the agency may be authorized to telework;

“(B) determine the eligibility for all employees of the agency to participate in telework; and

“(C) notify all employees of the agency of their eligibility to telework.

“(2) LIMITATION.—An employee may not telework under a policy established under this section if—

“(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

“(B) the employee 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, on a Federal Government computer or while performing official Federal Government duties.

“(b) PARTICIPATION.—The policy described under subsection (a) shall—

“(1) ensure that telework does not diminish employee performance or agency operations;

“(2) require a written agreement that—

“(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

“(B) is mandatory in order for any employee to participate in telework;

“(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

“(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

“(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

“(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

“(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

“§ 6503. Training and monitoring

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

“(1) an interactive telework training program is provided to—

“(A) employees eligible to participate in the telework program of the agency; and

“(B) all managers of teleworkers;

“(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

“(3) teleworkers and nonteleworkers are treated the same for purposes of—

“(A) periodic appraisals of job performance of employees;

“(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

“(C) work requirements; or

“(D) other acts involving managerial discretion; and

“(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

“(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

“§ 6504. Policy and support

“(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

“(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

“(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

“(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

“(3) consult with—

“(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

“(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

“(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

“(c) SECURITY GUIDELINES.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordina-

tion with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 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 while teleworking.

“(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

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

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

“(C) limit the introduction of vulnerabilities;

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

“(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

“(F) 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.

“(d) CONTINUITY OF OPERATIONS PLANS.—

“(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

“(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

“(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

“(1) maintain a central telework website; and

“(2) include on that website related—

“(A) telework links;

“(B) announcements;

“(C) guidance developed by the Office of Personnel Management; and

“(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

“(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

“§ 6505. Telework Managing Officer

“(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

“(b) DUTIES.—The Telework Managing Officer shall—

“(1) be devoted to policy development and implementation related to agency telework programs;

“(2) serve as—

“(A) an advisor for agency leadership, including the Chief Human Capital Officer;

“(B) a resource for managers and employees; and

“(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

“(3) perform other duties as the applicable delegating authority may assign.

“(c) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

“(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

“§ 6506. Reports

“(a) DEFINITION.—In this section, the term ‘executive agency’ shall not include the Government Accountability Office.

“(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

“(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

“(A) submit a report addressing the telework programs of each executive agency to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

“(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

“(2) CONTENTS.—Each report submitted under this subsection shall include—

“(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

“(i) the total number of employees in the agency;

“(ii) the number and percent of employees in the agency who are eligible to telework; and

“(iii) the number and percent of eligible employees in the agency who are teleworking—

“(I) 3 or more days per pay period;

“(II) 1 or 2 days per pay period;

“(III) once per month; and

“(IV) on an occasional, episodic, or short-term basis;

“(B) the method for gathering telework data in each agency;

“(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

“(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

“(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

“(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

“(i) emergency readiness;

“(ii) energy use;

“(iii) recruitment and retention;

“(iv) performance;

“(v) productivity; and

“(vi) employee attitudes and opinions regarding telework; and

“(G) the best practices in agency telework programs.

“(C) COMPTROLLER GENERAL REPORTS.—

“(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and
“(ii) the Committee on Oversight and Government Reform of the House of Representatives.

“(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

“(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

“(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

“(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

“(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

“(A) review the reports submitted under paragraph (1);

“(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

“(C) use that relevant information for other purposes related to the strategic management of human capital.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters 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) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 103) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer’ to be”.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer’ to be”.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a ‘Telework Managing Officer’ to be”.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act,

2006 (Public Law 109-108; 119 Stat. 2340) is amended by striking “maintain a ‘Telework Coordinator’ to be” and inserting “maintain a Telework Managing Officer to be”.

SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

“**§ 5711. Authority for telework travel expenses test programs**

“(a) Except as provided under subsection (f)(1), in this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b)(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 conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, 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.

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

“(d)(1) An agency authorized to conduct a test program under subsection (b) 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.

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

“(f)(1) In this subsection, the term ‘appropriate committee of Congress’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Oversight and Government Reform of the House of Representatives;

“(C) the Committee on the Judiciary of the Senate; and

“(D) the Committee on the Judiciary of the House of Representatives.

“(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).

“(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

“(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

“(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

“(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

“(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

“(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

“(i) provide for the effective and appropriate functioning of the program; and

“(ii) ensure that—

“(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

“(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

“(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

“(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(B) The Director of the Patent and Trademark Office shall—

“(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

“(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

“(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include 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 the Office.

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of

title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

SEC. 4. TELEWORK RESEARCH.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) USE OF OTHER FEDERAL AGENCIES.—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Lynch moves that the House concur in the Senate amendment to H.R. 1722.

The SPEAKER pro tempore. Pursuant to House Resolution 1721, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking member of the Committee on Oversight and Government Reform.

The gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous material.

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

There was no objection.

Mr. LYNCH. I now yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the Federal workforce, Postal Service, and District of Columbia, I rise in support of H.R. 1722, the Telework Enhancement Act of 2010. I am pleased to offer for consideration this bipartisan legislation which seeks to improve and expand the access to telework for Federal employees in the

executive branch, as well as for government employees within the Government Accountability Office.

The cost-saving measure before us today was introduced by Congressman JOHN SARBANES of Maryland, along with myself and Representatives FRANK WOLF, GERRY CONNOLLY, JIM MORAN, DUTCH RUPPERSBERGER, and DANNY DAVIS back in March of 2009. This is the third time this good governance bill has been debated on the House floor.

This past July, the House considered and passed this legislation which subsequently was amended and passed by unanimous consent by our Senate counterparts in September. I would like to take a moment to thank Chairman AKAKA and Senator VOINOVICH on this legislation and to acknowledge Senator VOINOVICH's dedication to and respect for Federal employees. The Senator will be missed greatly by the Federal community.

Madam Speaker, despite the evolving nature of the way the Federal Government conducts its affairs, telework, which allows an employee to regularly perform work in a remote location, continues to be woefully underutilized by Federal agencies. Private and public sector employers that offer telework consistently experience increased productivity and retention rates, thereby lowering an employer's operating costs.

More specifically, independent research states that increased use of telework saves employers money by reducing the amount of needed office space, parking facilities, and building maintenance fees and utilities. Given that the Federal Government owns or leases over 8,600 individual buildings and spends upwards of \$500 billion as a landlord annually, this legislation will translate into real-world savings in the near future.

Successful Federal telework programs such as those used by the General Services Administration and the Defense Information Systems Agency show how telework enhances an agency's customer's service offering for our citizens while at the same time achieving greater cost efficiencies and lowering taxpayer costs.

H.R. 1722 provides for increased numbers of Federal employees to participate in telework programs by requiring agencies to develop comprehensive telework policies within 1 year for authorized employees and by directing the Office of Personnel Management to develop regulations on overall telework policies and to annually evaluate and report on agency telework programs.

H.R. 1722 also seeks to elevate the importance of incorporating telework into the community of operations planning of agencies in order to ensure that they are better prepared to maintain essential operations during emergencies. I am confident all of my colleagues appreciate the need for agencies to be able to operate during a time

of crisis when access to office buildings might be impossible.

A less distressing, but by no means less critical, role for the telework program is to assist agencies in carrying out their missions during difficult weather conditions. Office of Personnel Management Director John Berry estimates that the use of telework reduced the estimated cost of lost productivity during the 2009 snowstorms here in the Nation's capital by approximately \$30 million per day.

□ 1200

According to the Congressional Budget Office, the legislation before us is PAYGO-neutral, meaning there is no mandatory spending in this bill. The Congressional Budget Office does, however, estimate that approximately \$28 million will be needed over 5 years to implement the requirement in the bill. However, it is unlikely that any additional appropriations will be necessary because Federal agencies can reasonably implement the bill's requirements from existing budgets.

While you may hear from colleagues on the other side of the aisle that this telework is a costly and unnecessary legislative mandate, I must point out that the Congressional Budget Office estimate they are relying on looks only at the implementation costs and not at the bill's potential cost savings. A closer look at the potential benefits of increased telework will reveal that H.R. 1722 actually saves the government money down the road, which has also been the case among telework-embracing private sector companies such as IBM, which, for example, reports that it saves \$56 million a year in reduced office space costs by permitting its employees to telework.

In fact, we only have to look at the Patent and Trademark Office to see such advantages within government. The Patent and Trademark Office, which has been an agency leader in telework efforts, reports that it was able to consolidate nearly 50,000 square feet of space, thereby avoiding \$1.5 million in rent per year through greater use of telework. Additionally, the agency avoided securing \$11 million in additional office space as a direct result of the agency's telework hoteling programs. Private-sector companies are seeing similar benefits from increased telework. We can expect many other government agencies to begin to reap the benefits of lower overhead costs because of this bill.

Telework also leads to greater worker productivity. Greater productivity in the Federal workforce provides an important benefit to the taxpayer. For example, the Patent and Trademark Office also reports that increased utilization of telework has reduced the amount of sick leave taken by its employees and increased worker retention. As we have seen, the government can benefit from this bill by lowering overhead costs and increasing worker productivity. This is a win-win for the

taxpayer. When we take a common-sense approach to our cost-savings efforts, it is easy to see that the potential to save tens of millions of dollars every year in increased productivity and lower overhead is an excellent return on an initial investment of \$28 million over 5 years.

Lastly, this past summer, our committee worked in a bipartisan fashion with Mr. Issa and with the Senate on amending this bill. While the bill before us looks somewhat different from what was previously agreed to in the House, I would like to note that the Federal employees who have been disciplined for being absent at work or for viewing, downloading, or exchanging pornography on a government computer while performing official duties will not be allowed to telework.

I urge my colleagues on both sides of the aisle to vote in favor of H.R. 1722, the Telework Improvements Act. This legislation is aimed at ensuring Federal agencies are able to operate 24/7, as the public expects a 21st century employer to act, and to do so more cheaply. A vote in favor of this bill is a vote for the future.

With that, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, in the interest of fairness to one of our Members who has been very engaged in this issue, I would like to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I would like to thank my colleague from California for yielding.

Since the stimulus passed in February of 2009, the private sector has shed over 3.2 million jobs, and our national unemployment rate now stands at a staggering 9.5 percent. With the rest of America struggling to make ends meet, it is unconscionable that my Democratic colleagues think that we should give yet another perk to Federal employees. By requiring Federal agencies to duplicate an existing law, and allowing them to spend a fourth of their time out of the office and on a mobile work site, H.R. 1722 will cost the taxpayers another \$30 million while promoting an even more inefficient Federal workforce.

Madam Speaker, this is now the third time the House will consider this legislation. When H.R. 1722 initially failed to pass under suspension of the rules in May, the Democratic majority brought it up again under a closed rule in July. It was only then that my Republican colleagues and I had the opportunity to amend this bill through a successful motion to recommit which made a number of improvements to this legislation. However, as H.R. 1722 was considered in the Senate, this motion to recommit was completely dismantled. A provision that required an agency to certify to the Office of Personnel Management that the agency's telework program will save money, rather than increasing spending, was stripped from the bill.

Furthermore, Madam Speaker, a provision that would prohibit Federal employees with seriously delinquent tax debts from teleworking was removed. A third item required employees of the Executive Office of the President to copy their official e-mail accounts on any business communications that are made on personal e-mail and social media accounts. This would ensure that Federal employees are actually working instead of socializing on official time. Unfortunately, this requirement is now gone. Finally, Madam Speaker, I am most disappointed that the provision included in the House-passed version of H.R. 1722, that would have prohibited Federal employees from engaging in union recruiting or collective bargaining activities while teleworking on official, taxpayer-funded time, has been removed by the Senate Democrats. OPM reported that in fiscal year 2008 alone, nearly 3 million official time hours were used in collective bargaining or arbitration of grievances against an employer. It equates to over \$120 million of tax money spent on union activities, Madam Speaker. That's irresponsible to use these dollars for nonrelated official duties while on official time.

Madam Speaker, the motion to recommit was necessary to save precious tax dollars and ensure the integrity of the Federal workforce. How will we obtain the trust of the American people who are struggling every day in this economy if we allow Federal employees to participate in union activities while on official time, give them benefits when they're delinquent on their taxes, and increase spending in Federal agencies trying to make this flawed teleworking system work?

The SPEAKER pro tempore (Ms. DEGETTE). The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman 15 additional seconds.

Mr. GINGREY of Georgia. I thank the gentleman.

Madam Speaker, in conclusion, now is not the time to increase the bureaucratic maze in Washington but to rein in the overlapping, redundant policies that have made the Federal Government so large. We must reduce spending and diligently work towards a more efficient and more effective government that can live within its means. I urge my colleagues to oppose the bill.

Mr. LYNCH. Madam Speaker, I yield 4 minutes to the gentleman from Maryland, Representative JOHN SARBANES, the lead sponsor of this measure.

Mr. SARBANES. Madam Speaker, I want to thank the gentleman for yielding. I want to thank Chairman TOWNS, Chairman LYNCH, Chairman DAVIS, who I worked with previously on this bill, cosponsors GERRY CONNOLLY, JIM MORAN, DUTCH RUPPERSBERGER, and others who have collaborated with us on bringing this bill forward. I also want to take a moment to salute FRANK WOLF, our colleague on the other side of the aisle. He has worked

on this issue for two decades, and he has been a tremendous advocate for telework, and I appreciate all of his support and collaboration as we develop these ideas going forward.

I was listening to the end of that statement that was just made, calling for efficiency and effectiveness in government, ways to address the bureaucracy and so forth. I can't think of a piece of legislation that does more to meet those objectives than this does. It creates a nimbleness on the part of the Federal Government with respect to how the workforce operates. And if you look at the goals that it seeks to promote, they all make perfect sense. They are common sense. First of all, the benefits include that you can improve productivity among the workforce. All the studies show that morale goes up, productivity goes up. The U.S. Patent and Trademark Office, as it was referenced, can demonstrate huge increases in productivity among the workforce. So that is a benefit. It increases competitiveness. When the Federal Government goes into the marketplace, goes into the workplace to try to recruit good people, its ability to show that the telework opportunity is there is something that makes it more competitive in getting the best quality people to become part of our Federal Government.

When it comes to continuing operations in some kind of a crisis situation, if you have the telework capacity, you've got some recourse. The best evidence of this most recently was last year when we had the snowstorm shut down the government essentially for 3 days. But during those 3 days, those who had the ability to telework were able to continue to operate. And the estimate by John Berry, heading the Office of Personnel Management, was that it saved the Federal Government \$30 million per day in terms of productivity that otherwise would have been lost. And that just gets to the cost question. Again, we've heard this objection based on the costs. The savings that will be generated when our Federal agencies adopt these telework policies will far outweigh any of the costs of implementing this program. So it's a very commonsense approach.

□ 1210

And what the bill does is very straightforward. It requires the agencies to have a telework policy in place to encourage it, to promote it, not to impose it on people who because of their particular job shouldn't be teleworking or don't want to do this, but to make sure that they have the opportunity to do it and to know that the agency encourages that kind of thing.

It appoints telework managing officers so there's a person designated within each agency who takes responsibility for this, so that they can actually help to implement it over time.

It has good evaluation components. The GAO and the Office of Personnel Management will conduct evaluations

on a periodic basis to determine the progress that this is making and come up with suggestions and recommendations going forward.

And then it also encourages, as I indicated before, that these agencies develop plans for continuing operations under difficult circumstances, taking advantage of telework.

So, for all these reasons, for the benefits that it bestows, for the objectives that it meets, for the commonsense aspect of it, I heartily urge my colleagues to support this legislation.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF), one of the early innovators that really brought telework to the Federal workforce.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I would say, as the gentleman and I were talking, I did support the motion to recommit and I thought there were many, many good ideas in it. This bill, though, where we are today I think is a good bill for the country.

As someone who has worked on this issue for more than 18 years, I think it is good legislation. There is nothing magic about strapping yourself into a metal box and driving 50 miles and sitting at a metal desk, because that's not necessarily the way that we do things in the 21st century.

This bill saves money. It's important for Members to know that this bill saves money. This bill reduces the footprint of the government. This bill is deficit neutral and strengthens the continuation of operations plan in the event of a disaster such as a hurricane, like Katrina, or the massive snowstorm, as was previously mentioned, or in the event of an earthquake such as the Loma Prieta, the 1989 World Series earthquake, or in the event of a terrorist attack.

I was here on 9/11. The Pentagon was hit. Cell phones did not work. Nothing worked. The government was fundamentally shut down. If we had had more people teleworking, we would have had the continuity and have been better able to function, particularly during that dark day of the enemy attack.

During the February snowstorm, this bill saved money.

This legislation adopts many of the best management practices that many companies, most companies now in the private sector are using. Almost every major company in the private sector has telework. And when you say you want the government to be more like the private sector, this is the answer.

Lastly, Madam Speaker, every Member, or maybe almost every Member of this institution teleworks when they pick up their BlackBerry or their iPhone. To say that you have to be sitting at your desk office computer to be doing your work is just not accurate. That's like saying every Member is not working if they're not in their office

sitting at their laptop. That doesn't make any sense.

This brings the government into the 21st century, and I urge strong support of this.

Madam Speaker, I appreciate the tireless efforts of the gentleman from Maryland, Mr. SARBANES, and was pleased to work with him to author this legislation. I also thank the gentleman from New York, Mr. TOWNS, and the gentleman from Massachusetts, Mr. LYNCH, for their work to advance this legislation, as well as our colleagues in the Senate who worked on the text of what we are considering today, including Senators AKAKA, VOINOVICH, LIEBERMAN, COLLINS, and COBURN.

This is good, bipartisan legislation, which was also strengthened in the House through the work of my colleague from Virginia, Mr. WITTMAN, and my colleague from West Virginia, Mrs. CAPITO.

My colleagues will detail why this legislation is important, that it is deficit neutral, that it strengthens our COOP, Continuation of Operations Plans, in the event of disasters such as a hurricane, like Katrina, or a massive snowstorm, like what occurred this past February, or in the event of an earthquake, such as the Loma Prieta, the World Series earthquake, or in the event of a terrorist attack. In all these instances, telework was vital in ensuring that our government continued to operate.

In their song *The Boxer*, Simon and Garfunkel said that "man hears what he wants to hear and disregards the rest." That, unfortunately, has been the case with this legislation.

Despite what you may hear, this is good legislation. Telework is good government policy.

This legislation is about doing more with less. Let me repeat—telework is about doing more with less. It is about adapting best practice procedures from the private sector that companies, such as IBM, use daily. It is about saving money. It is about reducing the size, the footprint, of the Federal Government. It is about forcing the Federal Government into the 21st century workplace.

During the February snowstorm, telework allowed the Federal Government to recoup the \$30 million a day for each day that the government was shut down. Imagine how much would have been saved if more people were teleworking?

It was through my work with members, such as the gentleman from Maryland, Mr. HOYER, that we forced the government to recognize the benefits of telework. When I was chairman of the Science-State-Justice and Commerce Appropriations Subcommittee, I inserted the language to mandate that agencies increase telework opportunities for eligible employees.

Why? Because agencies weren't following our directives, our intent. The intent of the Congress to make the government more efficient. And this is what is happening now—telework isn't being used to its fullest extent. And maybe that's because of a lack of information, or reluctant management, or a combination of both. This legislation will not fix all the problems that exist. But it will go a long way toward improvement.

Work is something you do, not someplace you go. There is no magic to strapping yourself in a metal box and driving, sometimes up to an hour and a half to our workplaces, and sitting in front of our computers all day.

Information accessed at workplaces can just as easily be accessed from computers in our

living rooms. With the American family under attack, telework provides the opportunities for parents to spend more time with their families, and everyone to enjoy things they like to do.

I urge a "yes" vote on the Telework Enhancement Act of 2010.

Mr. LYNCH. Madam Speaker, I thank the gentleman for his long time, 18 years, of leadership on this issue.

At this time, I yield 2 minutes to the gentleman from New York (Mr. TOWNS), our distinguished chairman and a champion of this cause as well for many years.

Mr. TOWNS. Madam Speaker, let me just say that I'm happy today to be here. And of course Congresswoman Wolf just indicated that he's been working on this for 18 years. And of course I think that the time is right to move this legislation forward.

As chairman of the Committee on Oversight and Government Reform, I rise in strong support of H.R. 1722, the Telework Enhancement Act of 2010.

I want to congratulate Representative SARBANES for his persistence and his hard work on the legislation. I also want to commend Representative LYNCH, the chairman of the Federal Workforce Committee, for his help in guiding this legislation through the process. I also want to thank the ranking member on the Republican side, of course, for his work as well.

H.R. 1722 will increase the Federal Government's use of telework. This will make the Federal workforce more efficient and better prepared to handle all emergencies. Telework saves the government money, reduces energy consumption, and increases worker productivity.

This bill passed the House by an overwhelming margin on July 14, 2010. The Senate amended the bill and passed it by unanimous consent on September 29, 2010. It is time for us to send this bill to the President for his signature.

The Senate changes in H.R. 1722 represent a compromise between the House-passed bill and Senate legislation introduced by Senator AKAKA. And of course I fully support this bipartisan compromise.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LYNCH. I yield the gentleman an additional 30 seconds.

Mr. TOWNS. The Senate amendment includes key provisions from the House bill, including language drafted by the ranking member of the Oversight Committee, Representative ISSA, and ranking member of the Federal Workforce Subcommittee, Representative CHAFETZ. This discussion that led to the compromise we have before us today included Members from both sides of the aisle and both sides of the Capitol. This bill is the fruit of an inclusive and comprehensive process.

I strongly support this bipartisan, good government bill, and I urge all of my colleagues to vote "aye."

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from Indiana

(Mr. BURTON), the former chairman of the full committee.

Mr. BURTON of Indiana. Madam Speaker, I support this bill, but I think there's something of an immediate import that needs to be discussed, so I'm going to diverge just a little bit from the subject matter.

Yesterday, Ahmed Ghailani, 36, who was involved in the killing of Americans at the embassies in Tanzania and elsewhere in Kenya that killed 224 people, including 12 Americans—the military tribunal down at Guantanamo was prepared to try him, but the administration and our Justice Department said he should be tried in civil court in New York and there would be justice meted out. He was indicted on 286 counts for murdering Americans and others at our embassies in those two countries, and he was let off on all but one count. Two hundred eighty-five counts were ruled out.

He killed Americans. He's a terrorist. He worked with Osama Bin Laden. He bought dynamite. He bought the telephone that set off the dynamite. He took the detonators to his house and stored them there. He is a murderer. He is a terrorist.

Now, right now we have American men and women serving in our embassies around the world, and this is the kind of message we're sending, that terrorists can get away with killing Americans in our embassies. It's unconscionable that this administration and the Justice Department should let this happen.

If you look back in history, this kind of an incident would have been tried in a military tribunal, and they wanted to do it. But our Justice Department and our President said no, they would get justice in the civil court. They got justice all right. But did we, the American people?

□ 1220

We've sent a message to terrorists around the world that, hey, you can kill Americans, but you'll get off pretty light if you get into an American courtroom. Isn't that tragic? It's tragic.

They're cutting off heads of people, they're blowing up embassies, they're blowing up ships. They flew a plane into the World Trade Center on 9/11. The mastermind behind that is down at Guantanamo. Are we going to try him in a civil case in New York? That's what they want to do. And if they do that, are we going to let him off? He was the mastermind behind 9/11 that killed over 3,000 people.

I would just say, if I were talking to the President—and I wish I could—I would say, "Mr. President, this is a travesty of justice, and your Justice Department should be instructed to try these people in military tribunals."

No more of this baloney. American lives are at stake and the security of America is at stake.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the gentleman from Vir-

ginia (Mr. CONNOLLY) who has been at the forefront of this debate and who has been a great advocate and champion on behalf of Federal workers.

Mr. CONNOLLY of Virginia. Madam Speaker, I thank my colleague from Massachusetts for his leadership, and particularly cite Congressman SARBANES for his leadership, and my Republican colleague from Virginia, FRANK WOLF, who laid out the merits of the case of the Telework Improvements Act.

I have spent the last 10 years here in the national capital region encouraging the public sector to follow the lead of the private sector in promoting telework.

In my district, for example, AT&T, a private employer, one-third of its workforce teleworks; not because it adds to corporate costs, but because in fact it detracts from corporate costs; not because it takes away efficiency, but in fact it improves productivity.

In the national capital region, there is almost no region in the country that lends itself better to telework because of the nature of the white-collar workforce than does this.

In the private sector, we are looking at close to 20 percent telework rates, improving productivity, improving retention and recruitment, improving the air quality of this region, and in fact contributing to the bottom line.

Unfortunately, in the public sector, we fall behind. We are only at 6 or 7 percent in the Federal workforce, and that is the largest single employer in the national capital region. And we are a nonattainment region in terms of air quality. We can and we must do better.

Telework is an important and cost-effective component of efforts to reduce congestion, greenhouse gas pollution, and smog. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually, and reduce Persian Gulf oil imports by 40 percent, something many of my colleagues on the other side of the aisle I know are concerned about.

Reducing greenhouse gas emissions would lead to a reduction in ground-level ozone in our region, which is critically important to protect the health of our region's seniors and those with respiratory ailments.

Today, as I said, 6 to 7 percent of eligible Federal employees telework on a regular basis, even though the largely white collar workforce in our region is so well suited for it.

When I was the chairman of Fairfax County, we started an aggressive program to get to 20 percent of our eligible workforce teleworking by 2005. We met the goal, we exceeded the goal, we have sustained that rate ever since. I am here to tell my colleagues that it improved our efficiency, it saved taxpayer money, it improved productivity, and it gave us a tool to recruit and retain the workforce of the future.

We must remember that with the baby boom generation ready to retire,

47 percent of the entire Federal workforce will be eligible to retire this decade. We've got to have flexible tools that help us to replace those skilled workers. Telework is a great way that costs us no money that can make a big difference.

The Telework Improvements Act is an extraordinarily important piece of legislation because it will help us meet critical policy goals: savings of taxpayer money, improved federal efficiency, reduction of dependence on foreign oil, and improvement in Continuity of Operations Plans. I thank Congressman SARBANES, Congressman WOLF, Office of Personnel Management Director John Berry, and Subcommittee Chairman STEPHEN LYNCH for their leadership.

This legislation will save taxpayer money, and is PAYGO compliant. My colleagues will recall that the federal government was shut down for a week this winter due to snow. Regardless of whether future federal closures are due to snow, other natural disasters, or a potential terrorist attack, telework is an essential part of our Continuity of Operations Plans that allow the federal government to stay open despite disruptions to our transportation infrastructure. This February, the federal government saved \$30 million every day by achieving a 30 percent telework rate during the snow storm. Each additional percentage point of telework achievement would have represented another million dollars saved for taxpayers. Let us not forgo that savings for taxpayers in the future.

Telework is an essential part of federal personnel policy because it can help recruit and retain federal employees, maintain continuity of operations in the event of an emergency, and reduce congestion and related air pollution. With 48 percent of the federal workforce eligible for retirement within the next 5 to 10 years, we must provide benefits that attract highly qualified employees.

Telework is an important and cost-effective component of efforts to reduce congestion, greenhouse gas pollution, and smog. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually and reduce Persian Gulf oil imports by 40 percent. Reducing greenhouse gas emissions would lead to a reduction in ground level ozone in our region, which is critically important to protect the health of our region's seniors and other residents suffering from respiratory ailments or asthma.

Today, less than 10 percent of eligible federal employees telework on a regular basis, even though the largely white collar workforce in our region is well suited for telework. By contrast, Fairfax County, the largest suburb of the National Capital Region, has 20 percent of eligible employees teleworking at least 1 day per week, and other jurisdictions from this region are approaching that regional target. The Telework Improvements Act provides a vehicle to increase telework participation by designating a Telework Managing Officer from within current staff for each agency and by integrating Continuity of Operations Planning performance metrics. According to a recently completed survey from the Office of Personnel Management, at least 64 percent of federal employees are eligible to telework, yet most are not allowed to do so by their managers. The Telework Improvements Act will help

change management culture to support telework.

I urge my colleagues to support the Telework Improvements Act, which will improve the efficiency of the federal government, reduce our dependence on foreign oil, and improve our national security.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from the First District of Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I would like to thank the gentleman from California for yielding. I would like to thank him, also, for his leadership in this issue.

I rise today in support of the Senate amendment to H.R. 1722, the Telework Improvement Act.

This legislation will foster the use of telework by Federal agencies by ensuring that each agency has a telework policy, and that employees are informed about their eligibility to telework. This bill would ensure that those Federal employees who are eligible to telework are able to do so, with an emphasis on enhancing agency operations and productivity.

Virginia's First District is home to thousands of Federal employees, many of whom commute hours each day. Despite the fact that there are such numerous benefits to teleworking, such as reduced traffic congestion and energy consumption, cost savings, competitive hiring and retention, readiness and emergency preparedness, many Federal agencies continue to underutilize telework.

The snowstorm last winter, as we have heard referred to today, which closed the Federal Government several days is a good example of how teleworking programs can achieve cost savings. We saw during that time that 30 percent of our Federal workers actually teleworked during that snowstorm, achieving \$30 million daily in reduced costs for that Federal workforce being offsite. As Representative WOLF so stated there, that, I think, is a great example of the potential savings that can be achieved through teleworking.

Under this legislation, Federal employees handling classified information, though, would not be eligible to telework. This policy effectively prevents the use of teleworking programs by employees who need access to classified information specifically in the areas of defense, homeland security, law enforcement, and intelligence.

The Director of the National Intelligence Agency's Vision 2015 states that there is a definite need for cross-organizational collaboration, cross-functional teams, and joint duty amongst the intelligence agencies, and this is going to require a much more agile infrastructure.

Vision 2015, as it is identified, suggests that the intelligence community will have to shift from the current centralized model, where employees are consolidated in a single location, to a model where a dispersed workforce can

rapidly come together in a virtual environment to respond to new tasks and missions. This workforce is going to have to be flexible and is going to have to be spread out so that strategically we can meet whatever challenges this Nation may face in the future.

I look forward to working with my colleagues to further explore the potential of secure teleworking. Robust teleworking programs at Federal agencies will get cars off congested roads, enhance productivity, reduce costs, and ensure continuity of operations.

I urge my colleagues to support this bill.

Mr. LYNCH. Madam Speaker, I appreciate the gentleman from Virginia's remarks.

At this time, I would yield 2 minutes to the gentledady from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I want to thank Chairman LYNCH and Mr. SARBANES for this important bill which takes telework from policy to practice. What progress we have made in telework we owe largely to members of this region, but especially to Mr. WOLF.

The Telework Enhancement Act takes telework all the way from a piece of policy lying on paper to be picked up at will, or not picked up, to a real practice with savings in productivity flowing directly to the Federal Government. The bill converts telework from a passive to an affirmative policy of the Federal Government, along with all the productivity and savings that have been documented to occur. It essentially makes going to work by telework the functional equivalent of getting on the road or getting on a crowded Metro car.

Although this bill will be implemented nationwide, the two snowstorms in this region should have shocked private and public entities alike into telework. Admittedly, though, those are exceptional circumstances—9/11, natural disasters, continuity of operations—all are important, but they are far from the only reasons for this bill.

Government has spent billions of dollars in state-of-the-art technology. This technology is underutilized as long as telework itself is underutilized. Nothing is more inefficient for employees and the government alike than compelling an employee to fight some of the worst traffic congestion in the Nation to get to a Federal office. Nothing is more costly to the government than requiring every employee lock-step to come to a physical place and do the work that could be accomplished with increased productivity and output at home. Nothing is of greater benefit to the oil cartels and to the trade deficit than forcing people on the road. Nothing is more disruptive to two-parent and single-parent families alike than time spent from home, sometimes an hour or two each day in this region, which can now be converted to family life and more work accomplished right there at home.

□ 1230

This bill had a bipartisan vote in committee because there was no addition to the deficit, because management, training limits on who can qualify, and emergency measures are all in place. Going to the office to do a job that can be done in less time, more output, greater savings to the government is so 20th century. This is not 1950. It's time our government came into the 21st century to have in place a set of alternatives that provide employees a better way to get the same job done.

Mr. ISSA. Madam Speaker, could I inquire how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from California has 18½ minutes remaining. The gentleman from Massachusetts has 11 minutes remaining.

Mr. ISSA. Could I further inquire as to how many additional speakers the majority has?

Mr. LYNCH. I have one additional speaker.

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

Madam Speaker, this is a bill, an underlying bill, an underlying concept that not only do I endorse and appreciate, but I knew and worked with extensively in the private sector. There's no question in the private sector telecommuting continues to grow. But there are a couple of things I would like to straighten up out here today in consideration of this bill.

First of all, Madam Speaker, every Member of Congress has a Blackberry. So do most major members of the Federal workforce. Many of us have portable devices like this iPad. The fact is there is no shortage of telecommuting tools presently at use in the Federal workforce. We are not talking about the ability to telecommute. We are talking about a new bureaucratic mandate within the Federal regime that requires each agency have a specific entity for that purpose, and we are doing so without the safeguards that my motion to recommit offered and overwhelmingly was accepted before the election.

When I say before the election, I think it's also important to note, this will be the first vote after the American people said "no" to government waste, fraud, and abuse; government growth, government spending. And yet the Senate, before the election, stripped out of this bill something as innocuous as each agency having to show that telecommuting additions were going to be net cost savings. In other words, with all the bravado about how this wasn't going to cost but it was going to save, what was stripped out of this was any kind of assertion, not an assertion that required an audit, but just an assertion by the agency head that their efforts were going to save money.

I was here for the snowstorm of last year, and I just want the American people who may not have been able to

be here in Washington, D.C., to understand that it was quite a snowstorm. And I appreciate the estimate of \$30 million a day of savings. But I might also remind the American people that every restaurant was open and doing great business and the parks were filled with people having snowball fights. In fact, what really happened was the Federal workforce got a paid holiday while people who had to figure out how to make a buck found a way to get their people to work so they could still sell to those Federal workers who were having a holiday.

It is, in fact, more common for the Federal workforce to say, go ahead, stay at home. That probably begs the question of telecommuting. But then the question is where in this bill do we require people who are telecommuting not to get a day off because it snows since they are in their home where the snow shouldn't be affecting them?

We have a lot of safeguards not in the bill. I'm convinced today with the current majority that this bill will probably pass as it is. I intend to bring back in the next Congress additional reforms and hold oversight as appropriate to make sure that we improve that which is not being dealt with today. I expect I will have the same bipartisan support that we had throughout this process in the House. I am mostly disappointed that with an overwhelming, over 303 votes here in the House for the bill as it was, that it came back to us without things that we thought should be in it.

Madam Speaker, I don't want to be a partisan. But I do believe it's important that we consider that one of the items that was in this bill when it left the House was a prohibition on basically union work outside of the cover of office. We have collective bargaining agreements almost universally within the Federal Government. We also have regulations about these people whether they have to do other work or not. This bill lacks the safeguard so that somebody can basically take a Blackberry and a notebook, disappear forever and be almost unaccountable as to whether they ever did any of their core work while doing their union organizing and running activity. That's not in the best interest of the taxpayers. It's not what the last election was about. It's not what I had hoped to see.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the former chairman of the Federal Workforce Subcommittee, Mr. Danny Davis of Illinois.

Mr. DAVIS of Illinois. Madam Speaker, I want to first of all thank Chairman LYNCH for yielding time. I also want to commend Mr. SARBANES for the continuous work that he has done to bring this legislation before us today. I also want to commend Mr. WOLF because for a long time he has been the champion of this legislation, and all of us appreciate his work.

I'm pleased to be a cosponsor of this bill which provides opportunities to do

a number of things. First of all, it saves money. All of us have talked about saving, trying to make sure that we are as efficient and as effective as a Federal Government, as any workforce, as we can possibly be. I don't think that there is any doubt in anyone's mind that we can save money.

It also provides an opportunity to deal with another issue, and that's the issue of the environment. How do we reduce the smog emissions? How do we help clean up and clear up the environment? Well if you could imagine, reducing not only in the Washington, D.C., area, but in other large metropolitan areas, the large number of vehicles that we have moving to and from, and especially in instances where we know the work can be done. And I think the U.S. Patent Office has proven without a doubt that you can, in fact, be effective, you can be efficient, you can do a good job, and you can get the job done.

So I commend all of those who are in support of this legislation. Again, I want to thank Chairman LYNCH for giving me time to participate.

Mr. ISSA. I yield myself the balance of my time.

Madam Speaker, I have said most of what has to be said, and I'm not going to use all of the time that the minority has. This bill, as I said, will probably pass, and it will be a shame. I would hope that all Republicans and Democrats who know this could be better and voted for it when it was better would also vote against it, not because the outcome is certain, but because we have an opportunity to say we're not going to produce a new bureaucracy without some reservation when we know it could have been better.

This is not a bill that creates the opportunity for telework. Every agency that sees this bill will look and say, darn, I've got to create a special entity that is a telework czar entity. They will know that for what it is. What it doesn't do is it doesn't give them the kind of additional new guidelines that really would keep this from being, in some cases, just a mandate for a perk, and in other cases a mandate for an agency creation within an agency.

I think that's the most dangerous part of what we do. We should never, never give the Federal Government a requirement to do something and not give them the guidance, authority, and statute necessary to make sure they do it right. We have that responsibility. The executive branch is, in fact, the administrative branch. For them to administer, we either need to give them the rules or require that they create rules that are sensible and then create oversight for it.

That's not what this bill does today. As I said, in no case will this create one new telework job. It simply will create a new bureaucracy, and it does so without any of the protections the motion to recommit, widely accepted by the House, brought before the elections.

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Additionally, creating efficiency in government is now essential. When we reconvene in January, our problem will be \$1.4 trillion worth of spending—spending greater than what the American people are willing to pay or are able to pay to fund our government. That means to us that we're going to have to find a way to have less Federal workers, Federal workers that cost less, Federal workers that need less facilities. So I will continue to support telework if it means that we're not building new Federal buildings, we're not causing the infrastructure to grow; in other words, Madam Speaker, that we're saving money.

I'm sad to say that this bill, when it is signed by the President, will do none of that. But the President knows, the Director of the Office of Management and Budget knows, the Vice President knows, the House knows, and certainly the Senate knows that we have a long way to go when we talk about private sector telecommuting to be as efficient as the private sector. We are not. What we do is in fact we use the word "telecommute" often to say, Well, look, we're using the gadgets. We must be doing better.

Madam Speaker, we can do better. We should do better. I understand this is an important vote to many people who feel that the Federal workforce needs a perk, a symbol that we're going to do something for them. Madam Speaker, this is not doing something for the Federal workforce unless the American people have confidence that the Federal workforce is becoming leaner, more efficient, more effective in doing what the people want done for them. In that case, Madam Speaker, I will recommend that all of my side and as many of those that will listen on the other side of the aisle vote "no" today as a symbol that in fact we can do better.

The guidance from the Congress should be to increase efficiency and to describe that in a way in which the Federal workforce can have confidence that we're on the same team, we're on the same side. We want them to avoid excessive commuting. We want this to be more efficient and effective. But we also want to be a Congress that provides such guidelines as necessary rather than simply a mandate for a new bureaucracy in every agency that is now going to be the telecommuting agency.

With that, Madam Speaker, I thank my colleagues on both sides of the aisle because we did work long and hard to try to get a better bill. We sent the Senate a better bill. We now, today, can only consider what has been brought before us.

I recommend a "no" vote and yield back the balance of my time.

Mr. LYNCH. At this time I just want to thank Mr. WOLF and Mr. WITTMAN, my colleagues across the other side of the aisle who stood and spoke in favor of this bill. Despite the highlight of our

differences, I would like to remind our colleagues that this bill was entirely acceptable to all of the Democratic and Republicans on the Oversight Committee prior to this bill reaching the floor.

H.R. 1722 received full consideration by the Federal Workforce Subcommittee that I chair. It was referred unanimously by the subcommittee to the full Oversight Committee. And during the full committee consideration, I am proud to say that Republican amendments were offered and they were accepted and the legislation was then advanced to the House without a single objection by any Republican member. And I am proud of that fact. That is bipartisanship. My friends on the other side of the aisle, good Republicans, had every opportunity to attempt to add additional provisions in the committee, where they would have received full consideration rather than the 5 minutes of hurried debate prior to the vote on the Republican motion to recommit.

But today I'm pleased that we have the opportunity to consider the excellent, comprehensive, bipartisan compromise we were able to negotiate with the Senate. And I would also like to add that all the House and Senate committee staff, majority and minority, met following Senate passage to discuss possible alternatives that would be acceptable.

This has been a bipartisan process. This is something I think we can agree on. I would not want the perfect to be the enemy of the good in this case. I think we have a good bill here. I think there's been good input from both sides of the aisle here, and it shows in the end product.

Mr. VAN HOLLEN. Madam Speaker, as a representative of a district with a large number of Federal employees, I rise in strong support of H.R. 1722, The Telework Improvements Act. I want to thank Chairmen TOWNS and LYNCH and Representative SARBANES for their leadership in crafting this important bipartisan bill.

The Telework Improvements Act makes administrative, fiscal and environmental sense. If passed, the measure will save money for the American taxpayers, make government operations more efficient, and put the Federal Government on equal footing with many private sector employers and State governments which allow their employees to perform many of their duties and responsibilities from home or at another work site.

Passing this bill will help attract more workers to government service. There is an effort under way to encourage more young people to work for the Federal Government to offset the growing number of older employees who are retiring. Offering prospective employees the option to telework increases the possibility that those employees with families will join the Federal workforce.

Passing this bill is smart fiscal policy. According to the Office of Personnel Management, during the blizzard that hit Washington, DC last winter, the government lost tens of millions of dollars worth of productivity for each day it remained closed. This number

might have been far larger had some Federal workers not had the opportunity to work from home. The bill will also reduce costs for taxpayers by lowering absenteeism.

Passing this bill makes environmental sense. Increasing teleworking opportunities for employees of the country's largest employer means fewer cars on the roads and lower carbon emissions. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually and reduce Persian Gulf oil imports by 40 percent.

Madam Speaker, passing The Telework Improvements Act will save money for the taxpayer, help ease pressure on the environment and make the government run more efficiently. The bill is also PAYGO compliant.

I encourage my colleagues to join me in supporting the bill and I urge its immediate passage.

Mr. LYNCH. I ask all Members to vote in favor of H.R. 1722, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

PARLIAMENTARY INQUIRY

Mr. ISSA. Madam Speaker, a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ISSA. At the end of debate, isn't it appropriate to call for the vote prior to postponing for the yeas and nays? I heard no request for it. Are we postponing further debate, even though debate has concluded, rather than a House vote and then postponing a recorded vote?

The SPEAKER pro tempore. Time for debate has expired. Pursuant to clause 1(c) of rule XIX, further consideration of the motion has been postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

EMERGENCY UNEMPLOYMENT COMPENSATION CONTINUATION ACT

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6419) to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6419

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 "Emergency Unemployment Compensation Continuation Act".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "November 30, 2010" each place it appears and inserting "February 28, 2011";

(B) in the heading for paragraph (2) of subsection (b), by striking "NOVEMBER 30, 2010" and inserting "FEBRUARY 28, 2011"; and

(C) in subsection (b)(3), by striking "April 30, 2011" and inserting "July 31, 2011".

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(A) by striking "December 1, 2010" each place it appears and inserting "March 1, 2011"; and

(B) in subsection (c), by striking "May 1, 2011" and inserting "August 1, 2011".

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "April 30, 2011" and inserting "July 31, 2011".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking "and" at the end; and

(2) by inserting after subparagraph (F) the following:

"(G) the amendments made by section 2(a)(1) of the Emergency Unemployment Compensation Continuation Act; and"

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205; 124 Stat. 2236).

SEC. 3. OPTION FOR STATES TO TEMPORARILY MODIFY CERTAIN "ON" AND "OFF" INDICATORS RELATING TO EXTENDED BENEFITS.

(a) INDICATORS BASED ON RATE OF INSURED UNEMPLOYMENT.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by inserting before the last sentence the following: "Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Compensation Continuation Act (or, if later, the date established pursuant to State law), and ending on or before March 1, 2011, the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1)(A) had been amended by striking 'the preceding two calendar years' and inserting 'the preceding three calendar years'; except that, notwithstanding any such provision of State law, any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator."

(b) INDICATORS BASED ON RATE OF TOTAL UNEMPLOYMENT.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and