

HR 1722

Telework Enhancement Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 25, 2009

Current Status: Became Public Law No: 111-292.

Latest Action: Became Public Law No: 111-292. (Dec 9, 2010)

Law: 111-292 (Enacted Dec 9, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/1722>

Sponsor

Name: Rep. Sarbanes, John P. [D-MD-3]

Party: Democratic • **State:** MD • **Chamber:** House

Cosponsors (14 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		Mar 25, 2009
Rep. Davis, Danny K. [D-IL-7]	D · IL		Mar 25, 2009
Rep. Lynch, Stephen F. [D-MA-9]	D · MA		Mar 25, 2009
Rep. Moran, James P. [D-VA-8]	D · VA		Mar 25, 2009
Rep. Ruppersberger, C. A. Dutch [D-MD-2]	D · MD		Mar 25, 2009
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Mar 25, 2009
Rep. Himes, James A. [D-CT-4]	D · CT		Jul 13, 2009
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Jul 13, 2009
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Oct 6, 2009
Rep. Doggett, Lloyd [D-TX-25]	D · TX		Oct 6, 2009
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Oct 6, 2009
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 24, 2010
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Mar 24, 2010
Rep. Towns, Edolphus [D-NY-10]	D · NY		Apr 26, 2010

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Discharged From	Sep 30, 2010
Oversight and Government Reform Committee	House	Reported by	Mar 24, 2010

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
111 HRES 1721	Related bill	Nov 18, 2010: Motion to reconsider laid on the table Agreed to without objection.
111 HRES 1509	Procedurally related	Jul 14, 2010: Motion to reconsider laid on the table Agreed to without objection.

(This measure has not been amended since it was passed by the Senate on September 30, 2010. The summary of that version is repeated here.)

Telework Enhancement Act of 2010 - (Sec. 2) Requires the head of each executive agency to: (1) establish a policy under which eligible agency employees may be authorized to telework; (2) determine employee eligibility to participate in telework; and (3) notify all employees of their eligibility to telework.

Requires the telework policy to: (1) ensure that telework does not diminish employee performance or agency operations; (2) require a written agreement between an agency manager and an employee that outlines the specific work arrangement agreed to; (3) provide that an employee may not be authorized to telework if that employee's performance does not comply with the terms of the agreement; (4) not apply to any agency employee whose official duties require, on a daily basis, direct handling of secure materials determined to be inappropriate for telework or on-site activity that cannot be handled remotely or at an alternate worksite; and (5) be incorporated as part of the agency's continuity of operations plans.

Prohibits participation in telework by an employee who has been officially disciplined for being absent without permission for more than five days in any calendar year or for viewing, downloading, or exchanging pornography on a government computer or while performing official government duties.

Directs each agency head to ensure that: (1) an interactive telework training program is provided to eligible employees and their managers; (2) an employee has successfully completed that program before entering into a written telework agreement; (3) teleworkers and nonteleworkers are treated the same for purposes of performance appraisals, training, rewarding, reassigning, promotions, reducing in grade, retaining, and removing employees, work requirements, or other acts involving managerial discretion; and (4) the agency shall consult the performance management guidelines of the Office of Personnel Management (OPM) when determining what constitutes diminished employee performance.

Requires each agency, in developing telework policies, to consult with OPM, which shall: (1) provide policy guidance; (2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and (3) consult with the Federal Emergency Management Agency (FEMA), the General Services Administration (GSA), and the National Archives and Records Administration (NARA) on telework policy in areas including continuation of operations, telework centers, technology, equipment, dependent care, and records management.

Requires the Director of the Office of Management and Budget (OMB), in coordination with the Department of Homeland Security (DHS) and the National Institute of Standards and Technology (NIST), to issue guidelines to ensure the adequacy of information and security protections for information and information systems used while teleworking.

Requires each agency to incorporate telework into its continuity of operations plan.

Directs: (1) OPM to maintain a central telework website that includes telework links, announcements, and guidance developed by OPM or submitted by FEMA and GSA; and (2) the Director of OMB to issue policy guidance requiring each agency, when purchasing computer systems, to purchase systems that enable and support telework, unless the agency head determines that there is a mission-specific reason not to do so.

Directs each agency to designate a Telework Managing Officer, who shall: (1) be devoted to policy development and implementation related to agency telework programs; (2) serve as an advisor for agency leadership, a resource for

managers and employees, and a primary agency point of contact for OPM on telework matters; and (3) be a senior agency official who has direct access to the agency head.

Requires: (1) the Director of OPM to submit annual reports on the telework programs of each agency (excluding the General Accountability Office [GAO]) to specified congressional committees, the Comptroller General, and OMB; (2) the Comptroller General to submit annual reports on GAO's telework program to such committees; and (3) the Chief Human Capital Officer of each agency to report annually to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

(Sec. 3) Authorizes an agency, under a test program approved by the Administrator of General Services, to pay necessary travel expenses for employees participating in a telework program in lieu of otherwise authorized travel or transportation expenses. Requires: (1) an agency to include in any request for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating program effectiveness; and (2) any such test program to be designed to enhance cost savings or other efficiencies for the government. Prohibits more than 10 test programs from being conducted simultaneously.

Requires the Patent and Trademark Office (PTO) to conduct such a test program, under which it may pay travel expenses of an employee for travel to and from a PTO worksite or provide an employee with the option to waive such payment if PTO approves the requested arrangement for reasons of employee convenience instead of an agency need.

Terminates the authority to conduct such test programs seven years after enactment of this Act.

(Sec. 4) Requires the Director of OPM to: (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 findings available to the public.

Actions Timeline

- **Dec 9, 2010:** Signed by President.
- **Dec 9, 2010:** Became Public Law No: 111-292.
- **Nov 29, 2010:** Presented to President.
- **Nov 18, 2010:** Pursuant to the provisions of H.Res. 1721, Mr. Lynch took from the Speaker's table H.R. 1722 with the Senate amendment thereto, and was recognized for a motion.
- **Nov 18, 2010:** Mr. Lynch moved that the House agree to the Senate amendment (consideration: CR H7560-7569, H7575)
- **Nov 18, 2010:** Pursuant to the provisions of H.Res. 1721, the House proceeded with one hour of debate on the Lynch motion to agree to the Senate amendment to H.R. 1722.
- **Nov 18, 2010:** POSTPONED PROCEEDINGS - Pursuant to H.Res. 1721, further proceedings on the motion to agree to the Senate amendment to H.R. 1722 has been postponed.
- **Nov 18, 2010:** The previous question was ordered pursuant to the rule. (consideration: CR H7575)
- **Nov 18, 2010:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment Agreed to by the Yeas and Nays: 254 - 152 (Roll no. 578). (consideration: CR H7563-7568, H7575; text as House agreed to Senate amendment: CR H7560-7563)
- **Nov 18, 2010:** On motion that the House agree to the Senate amendment Agreed to by the Yeas and Nays: 254 - 152 (Roll no. 578). (consideration: CR H7563-7568, H7575; text as House agreed to Senate amendment: CR H7560-7563)
- **Nov 18, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 18, 2010:** Cleared for White House.
- **Sep 30, 2010:** Message on Senate action sent to the House.
- **Sep 29, 2010:** Senate Committee on Homeland Security and Governmental Affairs discharged by Unanimous Consent.
- **Sep 29, 2010:** Measure laid before Senate by unanimous consent. (consideration: CR S7770)
- **Sep 29, 2010:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 29, 2010:** Passed Senate with an amendment by Unanimous Consent.
- **Jul 15, 2010:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Jul 14, 2010:** Rule H. Res. 1509 passed House.
- **Jul 14, 2010:** Considered under the provisions of rule H. Res. 1509. (consideration: CR H5577-5590; text of amendment in the nature of a substitute: CR H5577-5579)
- **Jul 14, 2010:** Rule provides for consideration of H.R. 1722 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill, modified by the amendment printed in the report of the Committee on Rules, shall be considered as adopted. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Jul 14, 2010:** DEBATE - The House proceeded with one hour of debate on H.R. 1722.
- **Jul 14, 2010:** The previous question was ordered pursuant to the rule. (consideration: CR H5586)
- **Jul 14, 2010:** Mr. Issa moved to recommit with instructions to Oversight and Government. (consideration: CR H5586-5589; text: CR H5586-5587)
- **Jul 14, 2010:** Floor summary: DEBATE - The House proceeded with ten minutes of debate on the motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to add certain limitations to certain employees authorized to telework.
- **Jul 14, 2010:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5588)
- **Jul 14, 2010:** On motion to recommit with instructions Agreed to by the Yeas and Nays: 303 - 119 (Roll no. 440).
- **Jul 14, 2010:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 290 - 131 (Roll no. 441).
- **Jul 14, 2010:** On passage Passed by the Yeas and Nays: 290 - 131 (Roll no. 441).
- **Jul 14, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 13, 2010:** Rules Committee Resolution H. Res. 1509 Reported to House. Rule provides for consideration of H.R. 1722 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform

now printed in the bill, modified by the amendment printed in the report of the Committee on Rules, shall be considered as adopted. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

- **May 6, 2010:** Considered as unfinished business. (consideration: CR H3216)
- **May 6, 2010:** Failed of passage/not agreed to in House: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 268 - 147 (Roll no. 251).
- **May 6, 2010:** On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 268 - 147 (Roll no. 251).
- **May 5, 2010:** Mr. Lynch moved to suspend the rules and pass the bill, as amended.
- **May 5, 2010:** Considered under suspension of the rules. (consideration: CR H3158-3163; text of measure as introduced: CR H3158-3160)
- **May 5, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1722.
- **May 5, 2010:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **May 4, 2010:** Reported (Amended) by the Committee on Oversight and Government. H. Rept. 111-474.
- **May 4, 2010:** Placed on the Union Calendar, Calendar No. 269.
- **Apr 14, 2010:** Committee Consideration and Mark-up Session Held.
- **Apr 14, 2010:** Ordered to be Reported (Amended) by Voice Vote.
- **Mar 24, 2010:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 24, 2010:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **May 4, 2009:** Referred to the Subcommittee on Federal Workforce, Post Office, and the District of Columbia.
- **Mar 25, 2009:** Introduced in House
- **Mar 25, 2009:** Sponsor introductory remarks on measure. (CR E764-765)
- **Mar 25, 2009:** Referred to the House Committee on Oversight and Government Reform.