

Telework for Executive Agency Employees: A Side-by-Side Comparison of Legislation Pending in the 111th Congress

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Summary

Legislation to augment telework in executive agencies of the federal government is currently pending in the 111th Congress. S. 707, the Telework Enhancement Act of 2010, and H.R. 1722, the Telework Improvements Act of 2010, were introduced on March 25, 2009, by Senator Daniel Akaka and Representative John Sarbanes, respectively. The Senate passed S. 707, amended, under unanimous consent on May 24, 2010. The House passed H.R. 1722, amended, on July 14, 2010, on a 290-131 (Roll No. 441) vote. The Senate agreed to an amendment in the nature of a substitute to H.R. 1722, and then passed H.R. 1722, as amended, under unanimous consent on September 30, 2010. Any House action to concur in the Senate amendment may occur in the lame duck session scheduled to convene on November 15, 2010.

H.R. 1722, as passed by the House and the Senate, would amend Title 5 of the *United States Code* by adding a new Chapter 65 entitled "Telework." The bill defines telework as a work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. The heads of executive agencies would be required to establish policies under which employees (with some exceptions) could be eligible to participate in telework. Employee participation in telework must not diminish either employee performance or agency operations (Senate-passed H.R. 1722) or agency operations and performance (House-passed H.R. 1722). Executive agency employees not eligible for telework generally would include those whose duties require the daily direct handling of secure materials determined to be inappropriate for telework by the agency head or on-site activity that cannot be handled remotely or at an alternative worksite (Senate-passed H.R. 1722) or the daily direct handling of classified information or are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment (House-passed H.R. 1722). The Senate-passed version of the bill would require an employee to enter into a written agreement with the agency before participating in telework. The Senate- and House-passed H.R. 1722 would require each executive agency to appoint a Telework Managing Officer, who would be responsible for implementing the telework policies; provide training to managers, supervisors, and employees participating in telework; provide for telework to be incorporated into Continuity of Operations (COOP) plans; require the Director of the Office of Personnel Management (OPM) to submit annual reports on telework to Congress, and require the Comptroller General (CG) to review the OPM report and then annually report to Congress on the progress of executive agencies in implementing telework; and require the CG to annually submit a report to Congress on telework at the Government Accountability Office (GAO). The Senate-passed H.R. 1722 would require the agency Chief Human Capital Officers (CHCOs) to annually report to the chair and vice-chair of the CHCO Council on telework in their organizations. Test programs for telework travel expenses would be authorized by the Senate- and House-passed H.R. 1722. This report presents a side-by-side comparison of the provisions of S. 707, as passed by the Senate, and H.R. 1722, as passed by the House and the Senate. It will be updated as events dictate.

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Background

The 111th Congress is considering legislation (S. 707 and H.R. 1722) to foster the development of telework in executive agencies of the federal government.

Senator Daniel Akaka, for himself and Senator George Voinovich, introduced S. 707, the Telework Enhancement Act of 2009, on March 25, 2009, and it was referred to the Senate Committee on Homeland Security and Governmental Affairs. In his statement upon introducing the bill, Senator Akaka stated that the legislation would "provide Federal agencies with an important tool to remain competitive in the modern workplace and would offer a flexible option for human capital management." Furthermore, he stated that the bill "prohibits discrimination against employees who chose to telework, guaranteeing those employees will not be disadvantaged in performance evaluations, pay, or benefits."[1] Senator Voinovich's statement emphasized that the legislation "helps ensure that executive agencies better integrate telework into their human capital planning, establishes a level playing field for employees who voluntarily elect to telework, and improves program accountability." He noted that, telework "participation is far short of what it should be and what the Federal workforce needs if our government is to remain an employer of choice."[2] The committee marked up the legislation on May 20, 2009, and, by voice vote, ordered it to be reported with an amendment favorably. The amendment, offered by Senator Tom Coburn and agreed to by voice vote, would amend 5 U.S.C. §5710 by amending subsections (a)(1) and (e) and adding a subsection (f) to authorize a test program for travel expenses at the Patent and Trademark Office. An estimate prepared by the Congressional Budget Office determined that administrative costs in the federal agencies would increase by $5 million in 2010, and by $25 million over the 2010-2014 period as S. 707 is implemented.[3] The Senate Committee on Homeland Security and Governmental Affairs reported S. 707 (S.Rept. 111-177) on May 3, 2010.[4] The Senate agreed to the committee amendments, including a title change, and passed S. 707, the Telework Enhancement Act of 2010, under unanimous consent on May 24, 2010.[5]

Representative John Sarbanes, for himself and Representatives Frank Wolf, Gerald Connolly, Stephen Lynch, Danny Davis, Jim Moran, and C.A. Dutch Ruppersberger, introduced H.R. 1722, the Telework Improvements Act of 2010, on March 25, 2009, and the bill was referred to the House Committee on Oversight and Government Reform. The legislation would amend Title 5 of the *United States Code* by adding a new Chapter 65 entitled "Telework." Representative Sarbanes, upon introducing the bill, stated that it "encourages a uniform and consistent telework policy across the federal government, while imposing strict oversight and accountability that will ensure the success of this pragmatic yet innovative workforce management policy." He expressed the expectation that the bill will "bolster the federal workforce, reduce traffic and carbon emissions, and improve the quality of life for our dedicated civil servants."[6] The House

[1] Statement of Senator Daniel Akaka, *Congressional Record*, daily edition, vol. 155, March 25, 2009, p. S3795.

[2] Ibid., p. S3797.

[3] U.S. Congressional Budget Office, Cost Estimate, *S. 707, Telework Enhancement Act of 2009*, June 1, 2009.

[4] U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *Telework Enhancement Act of 2010*, report to accompany S. 707, 111th Cong., 2nd sess., S.Rept. 111-177 (Washington: GPO, 2010).

[5] *Congressional Record*, daily edition, vol. 156, May 24, 2010, pp. S4157-S4161.

[6] Statement of Representative John P. Sarbanes, "The Telework Improvements Act of 2009," *Congressional Record*, daily edition, vol. 155, March 25, 2009, pp. E764-E765.

Subcommittee on Federal Workforce, Postal Service, and the District of Columbia marked up H.R. 1722 on March 24, 2010. The subcommittee, by voice vote, agreed to a manager's amendment, offered by Subcommittee Chairman Representative Lynch, and an amendment, offered by Representative Connolly, related to continuity of operations and telework, and then reported the bill to the House Committee on Oversight and Government Reform, favorably, as amended. Representative Connolly withdrew a second amendment before it could be considered that would have provided for the establishment and operation of a National Telework Research Center at an institution of higher education. The full committee marked up the bill on April 14, 2010, and, by voice vote, agreed to a manager's amendment, offered by Committee Chairman Representative Edolphus Towns, and amendments offered by Representatives Jason Chaffetz, related to telework managing officers, and Gerald Connolly, related to OPM research on telework. The committee then ordered H.R. 1722 to be reported, as amended, to the House of Representatives. The House Committee on Oversight and Government Reform reported H.R. 1722 (H.Rept. 111-474) on May 4, 2010.[7] An estimate prepared by the CBO determined that administrative costs in the federal agencies would increase by $2 million in 2010, and by $30 million over the 2010-2015 period as H.R. 1722 is implemented.[8] The House began consideration of the bill on May 5, 2010. A motion to suspend the rules and pass H.R. 1722, as amended, failed by the Yeas and Nays (2/3 required) 268-147 (Roll No. 251) on May 6, 2010.[9]

On July 13, 2010, the House Committee on Rules reported the rule for the consideration of H.R. 1722, H.Res. 1509, to the House.[10] The next day the House agreed to the rule on a 238-180 (Roll No. 438) vote after the previous question was ordered on a 232-184 (Roll No. 437) vote. Pursuant to the rule, the amendment in the nature of a substitute recommended by the House Committee on Oversight and Government Reform was considered as adopted. Following debate on the bill, the House agreed to a motion offered by Representative Darrell Issa to recommit the bill to the committee with instructions to report the bill back to the House forthwith with an amendment. The House agreed to the motion on a 303-119 (Roll No. 440) vote. Subsequently, Representative Lynch reported the bill back to the House with the amendment and the amendment was agreed to by voice vote. The House passed H.R. 1755, as amended, on a 290-131 (Roll No. 441) vote on July 14, 2010. The title of the bill also was amended.[11] The amendment placed specific limitations on the authorization of telework. An employee would not be authorized to telework if any of the following apply to him or her:

> (A) The employee has a seriously delinquent tax debt. Such a debt would be defined as an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code. Not included under the definition would be a debt that is being paid in a timely manner under an agreement under sections 6159 or 7122 of the Code; a debt for which a levy has been issued under section 6331 of the Code upon accrued salary or wages (or, in the case of an applicant for employment, a debt for which the applicant agrees to be subject to a levy issued upon

[7] U.S. Congress, House Committee on Oversight and Government Reform, *Telework Improvements Act of 2010*, report to accompany H.R. 1722, 111th Cong., 2nd sess., H.Rept. 111-474 (Washington: GPO, 2010).

[8] U.S. Congressional Budget Office, Cost Estimate, *H.R. 1722, Telework Improvements Act of 2010*, April 29, 2010.

[9] *Congressional Record*, daily edition, vol. 156, May 5, 2010, pp. H3158-H3163, and May 6, 2010, p. H3216.

[10] U.S. Congress, House Committee on Rules, *Providing for Consideration of the Bill (H.R. 1722) to Improve Teleworking in Executive Agencies by Developing a Telework Program That Allows Employees to Telework at Least 20 Percent of the Hours Worked in Every 2 Administrative Workweeks and For Other Purposes*, report to accompany H.Res. 1509, 111th Cong., 2nd sess., H.Rept. 111-535 (Washington: GPO, 2011).

[11] *Congressional Record*, daily edition, vol. 156, July 14, 2010, pp. H5567-H5590.

> accrued salary or wages); and a debt for which a collection due process hearing under section 6330 of the Code, or relief under subsection (a), (b), or (f) of section 6105 of the Code, is requested or pending. OPM would prescribe regulations to implement this provision. The regulations would provide that an individual would be given a reasonable amount of time to demonstrate that his or her debt is not included under the definition of a seriously delinquent tax debt.
>
> (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.
>
> (C) The employee received a payment under the Low-Income Home Energy Assistance Act of 1981 but was ineligible to receive the payment under the criteria described in 42 U.S.C. §8624(b)(2).
>
> (D) The employee has been officially disciplined for being absent without permission for more than five days in any calendar year.

Furthermore,

> An agency could not permit employees to telework unless the agency head certifies to the OPM Director that implementation of the policy will result in savings to the agency.
>
> Any time during which an employee teleworks may not be treated as 'official time' for purposes of the authority to carry out any activity under 5 U.S.C. §7131[on official time for negotiation of collective bargaining agreement].
>
> Any employee who, while teleworking pursuant to a policy established under Chapter 65 of Title 5, *United States Code*, creates or receives a Presidential record or Vice-Presidential record within the meaning of Chapter 22 of Title 44, *United States Code*, through a non-official electronic mail account, a social media account, or any other method (electronic or otherwise), would electronically copy the record into the employee's official electronic mail account.

The Senate received H.R. 1722 on July 15, 2010, and it was referred to the Committee on Homeland Security and Governmental Affairs. The committee discharged the bill under unanimous consent on September 29, 2010. The Senate agreed to an amendment (S.Amndt. 4689) in the nature of a substitute to H.R. 1722, offered by Senator Richard Durbin, under unanimous consent, and then passed H.R. 1722, as amended, under unanimous consent, on September 30, 2010. The amendment, among other provisions, incorporated several provisions from the House-passed bill related to employees who would not be eligible to telework, information and security protections for systems used while teleworking, guidance on purchasing computer systems that enable and support telework, and research on telework to be undertaken by the OPM Director. The amendment added a provision that would require OPM to consult with the National Archives and Records Administration on policy and guidance for telework related to efficient and effective records management and preservation, including records of the President and Vice President.[12] Any House action to concur in the Senate amendment may occur in the lame duck session scheduled to convene on November 15, 2010.

[12] *Congressional Record*, daily edition, vol. 156, September 29, 2010, pp. S7760-S7762 and S7770.

As passed by both the Senate and the House, H.R. 1722 would define telework as a work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

The bill would require the heads of executive agencies to establish policies under which employees (with some exceptions) could be eligible to participate in telework. The policies on telework would have to be established within 180 days after enactment (Senate-passed H.R. 1722) or within one year after the enactment (House-passed H.R. 1722) of the new Chapter 65 of Title 5 *United States Code*. Employee participation in telework must not diminish either employee performance or agency operations (Senate-passed H.R. 1722) or agency operations and performance (House-passed H.R. 1722).

In the executive agencies, employees not eligible for telework generally would include those whose duties involve the daily direct handling of secure materials determined to be inappropriate for telework by the agency head or on-site activity that cannot be handled remotely or at an alternative worksite (Senate-passed H.R. 1722) or the daily direct handling of classified information or are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment (House-passed H.R. 1722). Under the Senate-passed version of the bill, an employee would have to enter into a written agreement with the agency to participate in telework. H.R. 1722, as passed by the Senate and the House, would require that a Telework Managing Officer, who would be responsible for implementing the telework policies, be appointed for each executive agency. Each agency also would be required to provide training to managers, supervisors, and employees participating in telework.

Telework would be incorporated into Continuity of Operations (COOP) plans under the legislation. The Senate-passed H.R. 1722 provides that each executive agency would incorporate telework into its COOP plan and, when operating under COOP, that plan would supersede any telework policy. Under the House-passed H.R. 1722, the agency head, for agencies named in 31 U.S.C. §901(b)(1)(2), would be required to ensure that telework is incorporated into its COOP plans and uses telework in response to emergencies.

The Senate-passed and House-passed H.R. 1722 also would require the Director of the Office of Personnel Management (OPM) to submit annual reports on telework to Congress, and the Comptroller General (CG) to review the OPM report and then annually report to Congress on the progress of executive agencies in implementing telework. The CG would be required to annually submit a report to Congress on telework at the Government Accountability Office (GAO). H.R. 1722, as passed by the Senate, would require the Chief Human Capital Officers (CHCOs) to annually report to the CHCO Council chair and vice-chair on telework implementation by their agencies.

Under the Senate-passed and House-passed H.R. 1722, test programs for telework travel expenses would be authorized. Such programs would be authorized for seven years and no more than 10 programs could be conducted simultaneously. As passed by the Senate, H.R. 1722 also would authorize a test program for telework travel expenses at the Patent and Trademark Office.

Table 1, below, compares the provisions of S. 707, as passed by the Senate, and H.R. 1722, as passed by the House of Representatives and the Senate.

Table 1. Legislation on Telework: Provisions in S. 707 and H.R. 1722 Compared

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
Definition of Telework	A work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.	A work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.	A work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.
Executive Agency Telework Policies	Within 180 days after the act's enactment, the head of each executive agency would establish a telework policy, determine the eligibility of employees to participate in telework, and notify all employees of their eligibility. "Agency" means an executive agency as defined in 5 U.S.C. §105—an executive department, government corporation, or independent establishment—except as otherwise stated below.	Not later than one year after the enactment of Chapter 65 of Title 5 *United States Code*, the head of each executive agency would establish a policy under which employees would be authorized to telework. "Agency" means an executive agency as defined in 5 U.S.C. §105—an executive department, government corporation, or independent establishment—except as otherwise stated below. Each agency head would ensure that the telework policy established conforms to Office of Personnel Management (OPM) regulations. Those regulations would be prescribed by the OPM Director not later than 180 days after the enactment of the new Chapter 65 of Title 5 *United States Code*, in consultation with the Administrator of the GSA. The regulations would not be applicable to the GAO.	Within 180 days after the enactment of Chapter 65, the head of each executive agency would establish a telework policy, determine the eligibility of employees to participate in telework, and notify all employees of their eligibility. "Agency" means an executive agency as defined in 5 U.S.C. §105—an executive department, government corporation, or independent establishment—except as otherwise stated below.
Provisions on Employee Participation in Telework	The telework policy would ensure that telework does not diminish employee performance or agency operations.	The telework policy would authorize employees to telework to the maximum extent possible without diminishing agency operations and performance. The policy also would include information on whether a position is eligible for telework in descriptions of available positions and recruiting materials.	The telework policy would ensure that telework does not diminish employee performance or agency operations.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	An agency manager and an employee authorized to telework would enter into a written agreement that outlines the specific work arrangement that is agreed to. The agreement is mandatory for any employee to participate in telework.		An agency manager and an employee authorized to telework would enter into a written agreement that outlines the specific work arrangement that is agreed to. The agreement is mandatory for any employee to participate in telework.
	If the employee's performance does not comply with the written agreement, he or she may not be authorized to telework.		If the employee's performance does not comply with the written agreement, he or she may not be authorized to telework.
		An employee would not be authorized to telework if any of the following apply to him or her:	
		(A) The employee has a seriously delinquent tax debt. Such a debt would be defined as an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code. Not included under the definition would be a debt that is being paid in a timely manner under an agreement under sections 6159 or 7122 of the Code; a debt for which a levy has been issued under section 6331 of the Code upon accrued salary or wages (or, in the case of an applicant for employment, a debt for which the applicant agrees to be subject to a levy issued upon accrued salary or wages); and a debt for which a collection due process hearing under section 6330 of the Code, or relief under subsection (a), (b), or (f) of section 6105 of the Code, is requested or pending. OPM would prescribe regulations to implement this provision. The regulations would provide that an individual would be given a reasonable amount of time to demonstrate that his or her debt is not included under the definition of a seriously delinquent tax debt.	
		(B) The employee has been officially disciplined for violations of subpart G of the Standards of	An employee would not be authorized to telework if the employee has been officially

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
		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. (C) The employee received a payment under the Low-Income Home Energy Assistance Act of 1981 but was ineligible to receive the payment under the criteria described in 42 U.S.C. §8624(b)(2). (D) The employee has been officially disciplined for being absent without permission for more than five days in any calendar year. An agency could not permit employees to telework unless the agency head certifies to the OPM Director that implementation of the policy will result in savings to the agency.	disciplined for being absent without permission for more than five days in any calendar year; or 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.
	An employee whose official duties require on a daily basis (every work day) direct handling of secure materials or on-site activity that cannot be handled remotely or at an alternate worksite would not be eligible to telework, except in emergency situations, as determined by the agency head.	Nothing in the provision that requires executive agencies to establish telework policies would be considered to require an agency head to authorize telework for an employee whose duties and responsibilities require daily direct handling of classified information, or are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment, or to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head, the employee is needed to respond to an emergency. Any time during which an employee teleworks may not be treated as 'official time' for purposes of the authority to carry out any activity under 5 U.S.C. §7131 on official time for negotiation of collective bargaining agreement. Any employee who, while teleworking pursuant to a policy established under Chapter 65 of Title	An employee whose official duties require on a daily basis (every work day) direct handling of secure materials determined to be inappropriate for telework by the agency head or on-site activity that cannot be handled remotely or at an alternate worksite would not be eligible to telework, except in emergency situations, as determined by the agency head.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
		5, *United States Code*, creates or receives a Presidential record or Vice Presidential record within the meaning of Chapter 22 of Title 44, *United States Code*, through a non-official electronic mail account, a social media account, or any other method (electronic or otherwise), would electronically copy the record into the employee's official electronic mail account. Nothing in Chapter 65 of Title 5 *United States Code* would be considered to require any employee to telework, or prevent an agency from permitting an employee to telework as part of a continuity of operations plan.	
Training and Monitoring	The head of each executive agency would ensure that employees eligible to telework and managers of employees who telework receive an interactive training program on telework. The agency head also would ensure that an employee has successfully completed the interactive training program before the employee enters into a written telework agreement. The agency head could exempt an employee from the training requirement upon his or her determination that the training would be unnecessary because the employee is already teleworking under an arrangement in effect before the act's enactment. Those employees who telework and those who do not would be treated the same for purposes of periodic appraisals of employee performance; training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees; work requirements; or other acts involving the discretion of managers. OPM guidelines on performance management would be consulted by the agency when	Each agency head would ensure that appropriate training is provided to supervisors and managers and to all employees who are authorized to telework as directed by the agency's Telework Managing Officer (TMO). The training would cover the information security guidelines issued by the Office of Management and Budget Director. No distinction would be made between those employees who telework and those who do not for purposes of periodic appraisals of employee performance; training, rewarding, reassigning, promoting, reducing in grade, retaining, or removing employees; work requirements; or other acts involving the discretion of managers. OPM guidelines on performance management would be consulted by the agency when making determinations on diminished employee	The head of each executive agency would ensure that employees eligible to telework and managers of employees who telework receive an interactive training program on telework. The agency head also would ensure that an employee has successfully completed the interactive training program before the employee enters into a written telework agreement. The agency head could exempt an employee from the training requirement upon his or her determination that the training would be unnecessary because the employee is already teleworking under an arrangement in effect before the enactment of Chapter 65. Those employees who telework and those who do not would be treated the same for purposes of periodic appraisals of employee performance; training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees; work requirements; or other acts involving the discretion of managers. OPM guidelines on performance management would be consulted by the agency when making determinations on diminished employee

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	making determinations on diminished employee performance.	performance.	performance.
Technology	No similar provision	Within 120 days after the act's enactment, the OMB Director would issue policy guidance requiring executive agencies, when purchasing computer systems, to purchase computer systems that enable and support telework, unless the agency head determines that there is a mission-specific reason not to do so.	Within 120 days after the enactment of Chapter 65, the OMB Director would issue policy guidance requiring executive agencies, when purchasing computer systems, to purchase computer systems that enable and support telework, unless the agency head determines that there is a mission-specific reason not to do so.
Roles of OPM, GSA, OMB, FEMA, and NIST	Each executive agency would consult with OPM in developing telework policies. OPM would provide policies and guidance on pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities during telework. OPM would assist agencies in establishing appropriate qualitative and quantitative measures and telework goals. OPM would consult with the Federal Emergency Management Agency (FEMA) on policies and guidance for telework during COOP and long-term emergencies. OPM would consult with the GSA on policies and guidance on telework centers, travel, technology, equipment, and dependent care during telework.	The OPM Director would provide advice, assistance, and any necessary training, to agencies with respect to the requirements of 5 U.S.C. Chapter 65, including on questions of eligibility to telework, such as the effect of employee performance on eligibility, and making telework part of the agency's (including individual supervisor's and manager's) goals.	Each executive agency would consult with OPM in developing telework policies. OPM would provide policies and guidance on pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities during telework. OPM would assist agencies in establishing appropriate qualitative and quantitative measures and telework goals. OPM would consult with the Federal Emergency Management Agency (FEMA) on policies and guidance for telework during COOP and long-term emergencies. OPM would consult with the GSA on policies and guidance on telework centers, travel, technology, equipment, and dependent care during telework. OPM would consult with the National Archives and Records Administration on policies and guidance on telework related to the efficient and effective management and preservation of records, including records of the President and Vice President.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
		The OMB Director, in coordination with the National Institute of Standards and Technology (NIST), would issue guidelines, within 180 days after the enactment of Chapter 65 of Title 5 *United States Code*, to ensure the adequacy of information and security protections for information and information systems used while teleworking. The guidelines would, at a minimum, include requirements necessary to (1) control access to agency information and information systems, (2) protect agency information (including personally identifiable information) and information systems, (3) limit the introduction of vulnerabilities, (4) protect information systems not under the control of the agency that are used for teleworking, (5) safeguard the use of wireless and other telecommunications capabilities used for telework, and (6) 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.	The OMB Director, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology (NIST), would issue guidelines, not later than 180 days after the enactment of Chapter 65 of Title 5 *United States Code*, to ensure the adequacy of information and security protections for information and information systems used while teleworking. The guidelines would, at a minimum, include requirements necessary to (1) control access to agency information and information systems, (2) protect agency information (including personally identifiable information) and information systems, (3) limit the introduction of vulnerabilities, (4) protect information systems not under the control of the agency that are used for teleworking, (5) safeguard the use of wireless and other telecommunications capabilities used for telework, and (6) 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.
	OPM would maintain a central website on telework that would include links to information on telework, announcements, OPM guidance, and FEMA and GSA guidance transmitted to OPM to be posted no later than 10 business days following submission.	The OPM Director, in consultation with the GSA Administrator, would maintain a central website on telework that would be publicly available. Regulations on telework and other information that the OPM Director considers appropriate would be included on the website. Posted on the website would be an e-mail address that could be used to submit comments to the OPM Director on agency telework programs or agreements and a copy of OPM's annual reports evaluating telework in the agencies.	OPM would maintain a central website on telework that would include links to information on telework, announcements, OPM guidance, and FEMA and GSA guidance transmitted to OPM to be posted no later than 10 business days following submission.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
Research	No similar provision	The OPM Director would conduct studies on the use of telework by public and private sector entities that identify best practices and recommendations for the federal government. The Director also would review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, the environment, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency. Any such studies or reviews would be available to the public. The Director could carry out this provision through a contract entered into by him or her using competitive procedures.	The OPM Director would research the use of telework by public and private sector entities that identify best practices and recommendations for the federal government. The Director also would 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. Federal agency heads with relevant jurisdiction over these subjects would work cooperatively with the OPM Director if the Director determines that such coordination is necessary. Any such studies or reviews would be available to the public. The Director could carry out this provision through a contract entered into by him or her using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. §253).
Continuity of Operations Plans	An agency's telework policy would be incorporated as part of its continuity of operations (COOP) plans in the event of an emergency. Each executive agency would incorporate telework into its COOP plan. When an executive agency is operating under a COOP plan, that plan would supersede any telework policy.	"COOP" refers to measures designed to ensure that functions essential to the mission of the agency can continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, public health emergencies, and technological or attack-related emergencies. An agency could permit an employee to telework as part of a COOP plan. For agencies named in 31 U.S.C. §901(b)(1)(2), the agency head would ensure that telework is incorporated into the agency's COOP plans and uses telework in response to emergencies.	An agency's telework policy would be incorporated as part of its COOP plans in the event of an emergency. Each executive agency would incorporate telework into its COOP plan. When an executive agency is operating under a COOP plan, that plan would supersede any telework policy.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
Telework Managing Officer (TMO)	The head of each executive agency would designate an employee of the agency as the TMO. The position would be established within the office of the CHCO or a comparable office with similar functions.	The CHCO of an agency or the agency head (if the agency does not have a CHCO) would designate a TMO.	The head of each executive agency would designate an employee of the agency as the TMO. The position would be established within the office of the CHCO or a comparable office with similar functions.
		The TMO would be a senior official who has direct access to the agency head. An individual could not hold the TMO position as a noncareer appointee (as defined at 5 U.S.C. §3132(a)(7)), and the position could not be considered or determined to be of a confidential, policy-determining, policy-making, or policy-advocating character.	The TMO would be a senior official who has direct access to the agency head.
	Section 623 of P.L. 108-7 (117 Stat. 103), Section 627 of P.L. 108-199 (118 Stat. 99), Section 622 of P.L. 108-447 (118 Stat. 2919), and Section 617 of P.L. 109-108 (119 Stat. 2340) would be amended by replacing "Telework Coordinator" with TMO.	Section 622 of P.L. 108-447 would be amended by striking "designate a Telework Coordinator" and inserting "designate a Telework Managing Officer or designate the Chief Human Capital Officer or other career employee to be.... "	Section 623 of P.L. 108-7 (117 Stat. 103), Section 627 of P.L. 108-199 (118 Stat. 99), Section 622 of P.L. 108-447 (118 Stat. 2919), and Section 617 of P.L. 109-108 (119 Stat. 2340) would be amended by replacing "Telework Coordinator" with TMO.
	The TMO would develop policy for and implement the agency's telework programs; serve as an advisor to the agency's leadership (including the CHCO), a resource for managers and employees, and the liaison between the agency and OPM on telework matters; and perform other duties as assigned by the applicable delegating authority.	The TMO would provide advice to the agency head and the CHCO on telework; serve as a resource on telework for agency supervisors, managers, and employees; serve as the primary point of contact on telework matters for agency employees and, with respect to the agency, for Congress and other agencies. The TMO would work with the agency's senior management to develop and implement a plan to incorporate telework into the agency's regular business strategies and its continuity of operations strategies, taking into consideration factors including cost-effectiveness, equipment, training, and data collection. The TMO also would (1) ensure that the agency's telework policy is communicated to employees; (2) ensure that each employee is notified, electronically or in writing, of specific telework programs and the	The TMO would develop policy for and implement the agency's telework programs; serve as an advisor to the agency's leadership (including the CHCO), a resource for managers and employees, and the liaison between the agency and OPM on telework matters; and perform other duties as assigned by the applicable delegating authority.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
		agency's telework policy, including authorization criteria and application procedures; (3) develop and administer a system to track compliance with requirements for government-wide telework reporting; (4) provide to the OPM Director and the CG such information as they may require to prepare the required annual reports, including the techniques used to verify and validate data on telework [except that this provision would not apply to the GAO]; (5) establish a system for receiving feedback from employees on the agency's telework policy; (6) develop and implement a program to identify and remove barriers to telework and maximize opportunities to telework; (7) track and retain information on all denials of permission to telework for employees who are authorized to telework, and annually report such information to the agency's CHCO (or, if the agency does not have a CHCO, to the agency head), and the OPM Director, for purposes of preparing the annual report [GAO would not report to the OPM Director]; (8) ensure that employees are notified of any grievance procedures available to address disputes on telework; and (9) perform such other duties and responsibilities relating to telework as the agency head may require.	
		Nothing in the section on the TMO would be construed to prohibit an individual who holds another office or position in the agency from serving as the agency's TMO.	Nothing in the section on the TMO would be construed to prohibit an individual who holds another office or position in the agency from serving as the agency's TMO.
OPM Report to Congress	The OPM Director, in consultation with the CHCO Council, would submit a report on executive agency telework programs to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform and transmit a copy of the report to the CG and OMB.	The OPM Director would submit an annual report to the CG and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform that would evaluate the extent to which each agency is in compliance with 5 U.S.C. Chapter 65.	The OPM Director, in consultation with the CHCO Council, would submit a report on executive agency telework programs to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform and transmit a copy of the report to the CG and OMB.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	The report would include the degree to which employees of each executive agency participate in telework, and the degree of participation in each bureau, division, or other major administrative unit of a Cabinet Agency, and provide data on (1) the total number of employees in the agency; (2) the number and percent of employees in the agency who are eligible to telework; and (3) the number and percent of eligible employees in the agency who are teleworking three or more days per pay period, one or two days per pay period, once a month, and on an occasional, episodic, or short-term basis.	The report also would evaluate the degree of participation by agency employees in telework. For executive departments, the evaluation would include information on the degree of participation by employees of each component within the department, including the total number of employees overall, and the number and percentage of employees, (1) who are eligible to telework; and (2) who do telework, broken down by the number and percentage who telework three or more days per week, one or two days per week, and less frequently than one day per week.	The report would include the degree to which employees of each executive agency participate in telework, and the degree of participation in each bureau, division, or other major administrative unit of a Cabinet Agency, and provide data on (1) the total number of employees in the agency; (2) the number and percent of employees in the agency who are eligible to telework; and (3) the number and percent of eligible employees in the agency who are teleworking three or more days per pay period, one or two days per pay period, once a month, and on an occasional, episodic, or short-term basis.
	It also would include information on the method used to gather telework data in each agency; the reasons for variation if the total number of employees teleworking is 10% higher or lower than the previous year in any agency; and the agency's goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees who are teleworking in each category of frequency stated above.	Additionally, the report would evaluate the method used by the agency to gather telework data and the techniques used to verify and validate such data; whether the total number of employees who telework is at least 10% higher or lower than the number who teleworked during the previous reporting period and the reasons identified for any such change; the agency's goal to increase the number of employees who telework in the next reporting period.	It also would include information on the method used to gather telework data in each agency; the reasons for variation if the total number of employees teleworking is 10% higher or lower than the previous year in any agency; and the agency's goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees who are teleworking in each category of frequency stated above.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	The report would include 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; an assessment of the progress each agency has made in meeting agency goals for participation rates during the reporting period, and other agency goals relating to telework, such as the impact of telework on emergency readiness, energy use, recruitment and retention, performance, productivity, and employee attitudes and opinions regarding telework; and best practices in agency telework programs.	The report also would evaluate the extent to which the agency met the goal described for its previous report, and, if the goal was not met, actions the agency plans to take to meet the goal during the next reporting period; best practices in agency telework programs; and, for agencies named in 31 U.S.C. §901(b)(1)(2), the extent to which the agency incorporated telework in its COOP plans and used telework in response to emergencies.	The report would include 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; an assessment of the progress each agency has made in meeting agency goals for participation rates during the reporting period, and other agency goals relating to telework, such as the impact of telework on emergency readiness, energy use, recruitment and retention, performance, productivity, and employee attitudes and opinions regarding telework; and best practices in agency telework programs.
		For purposes of the annual report, the OPM Director would determine that an agency is in compliance with the 5 U.S.C. Chapter 65 requirements if the Director finds that the agency (1) reported the requested data accurately and in a timely manner and (2) either met or exceeded the agency's established telework goals, or provided explanations as to why the goals were not met and the steps being taken by the agency to meet them.	
	The report would be submitted no later than 18 months after the act's enactment and annually thereafter.	The Director would submit a report for the first year in which the OPM regulations on telework are effective and for each of the four succeeding years. Each report would be submitted within six months after the last day of the period to which the report relates.	The report would be submitted no later than 18 months after the enactment of Chapter 65 and annually thereafter.
	In this section, the term executive agency would not include the GAO.	The OPM Director would not submit a report with respect to the GAO.	In this section, the term executive agency would not include the GAO.
Telework at the GAO	The CG would submit a report on the telework program at the GAO to the Senate Committee on Homeland Security and Governmental Affairs and the House	The CG would submit a report on the telework program at the GAO to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and	The CG would submit a report on the telework program at the GAO to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	Committee on Oversight and Government Reform. The report would include the same information, applicable to the GAO, as the OPM report to Congress discussed immediately above. It would be submitted no later than 18 months after the act's enactment and annually thereafter.	Government Reform. The report would be submitted in the same manner and in accordance with the same requirements applicable to the OPM Director's report with respect to any other agency discussed immediately above.	Government Reform. The report would include the same information, applicable to the GAO, as the OPM report to Congress discussed immediately above. It would be submitted no later than 18 months after the enactment of Chapter 65 and annually thereafter.
Comptroller General Report to Congress	The CG would review the OPM report submitted to Congress and then submit a report to Congress on the progress each executive agency has made toward its established goals on telework. The CG's report would be submitted no later than six months after OPM submits its first report to Congress.	The CG would review the OPM report and then submit to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform a report evaluating the OPM report. The CG's report would be submitted not later than six months after the OPM Director submits a report to Congress. The CG's report would evaluate the compliance of OPM and agencies with the 5 U.S.C. Chapter 65 provisions, address the overall progress of agencies in carrying out the provisions, and include such other information and recommendations that the CG considers appropriate.	The CG would review the OPM report submitted to Congress and then submit a report to Congress on the progress each executive agency has made toward its established goals on telework. The CG's report would be submitted no later than six months after OPM submits its first report to Congress.
Reports by Chief Human Capital Officers	The CHCO of each executive agency, in consultation with the agency's TMO, would submit an annual report to the Chair and Vice Chair of the CHCO Council on the agency's management efforts to promote telework. The Council Chair and Vice Chair would review the reports, include relevant information therein in the annual report to Congress prepared by OPM (in consultation with the CHCO Council), and use relevant information therein for other purposes related to managing human capital.	No similar provision	The CHCO of each executive agency, in consultation with the agency's TMO, would submit an annual report to the Chair and Vice Chair of the CHCO Council on the agency's management efforts to promote telework. The Council Chair and Vice Chair would review the reports, include relevant information therein in the annual report to Congress prepared by OPM (in consultation with the CHCO Council), and use relevant information therein for other purposes related to the strategic management of human capital.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
Test Programs on Telework Travel Expenses	5 U.S.C. Chapter 57 on travel, transportation, and subsistence, would be amended by adding a new section 5711 on "Authority for telework travel expenses test programs." Nothing in this section would limit the authority of any agency to conduct test programs. Notwithstanding any other provision of 5 U.S.C. Chapter 57, Subchapter I, under a test program which the GSA Administrator determines to be in the interest of the government and approves, an agency could pay, through the proper disbursing official, any necessary travel expenses for employees participating in a telework program in lieu of any payment otherwise authorized or required under 5 U.S.C. Chapter 57, Subchapter I. Accompanying an agency's request to the GSA Administrator for a test program would be an analysis of the expected costs and benefits of and evaluation criteria for the program. Any such program would be designed to enhance cost savings or other efficiencies that accrue to the government. If an employee voluntarily relocates from his or her pre-existing duty station, the GSA Administrator could authorize the agency to establish a reasonable maximum number of occasional visits to that pre-existing duty station before the employee is eligible to receive payment for any accrued travel expenses.	Same as Senate-passed S. 707, except, adds this text: Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under Subchapter I.	Same as Senate-passed S. 707, except, provides that the appropriate committees of Congress are the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform and Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under Subchapter I.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	At least 30 days before a test program becomes effective, the GSA Administrator would submit a copy of any approved program and the rationale for the approval to the appropriate committees of Congress. No later than three months after the completion of a test program, an agency authorized to conduct a program would provide a report to the GSA Administrator, the agency's TMO, and the appropriate committees of Congress on its results. Such results could include the number of visits an employee makes to his or her pre-existing duty station, travel expenses paid by the agency and by the employee, or any other information the agency determines to be useful in helping the GSA Administrator, the agency's TMO, and Congress to understand the test program and its impact. Up to 10 test programs could be conducted simultaneously.	would require the Administrator to "transmit a description of any test program approved"	
	This authority would expire seven years after the act's enactment.		The authority to conduct test programs under 5 U.S.C. §5711 would expire seven years after the enactment date of the Telework Enhancement Act of 2010.
	5 U.S.C. §5710 on travel expenses test programs would be amended at subsection (a)(1) by striking the limitation of up to 24 months in the authorization for such test programs.	No similar provision.	No similar provision.
	The section also would be amended at subsection (e) and by adding a subsection (f) to authorize the Patent and Trademark Office (PTO) to conduct a test program on travel expenses.	No similar provision.	Same as Senate-passed S. 707, except, as noted below.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	The PTO would conduct a test program and could pay any travel expenses of an employee for travel to and from a PTO worksite if (1) the employee is employed at a PTO worksite and enters into an approved telework arrangement; (2) the employee requests to telework from a location beyond the local commuting area of the PTO worksite; and (3) the PTO approves the requested arrangement for reasons of employee convenience instead of the agency's need for the employee to relocate in order to perform duties specific to the new location. The PTO would establish an oversight committee comprised of members representing management and labor in equal numbers, including representatives from each collective bargaining unit. The committee would develop the operating procedures for the program to provide for its effective and appropriate functioning and to ensure that (1) reasonable technological or other alternatives to employee travel, including teleconferencing, videoconferencing or internet-based technologies, are used before requiring travel; the program is applied consistently and equitably throughout the PTO; and an optimal operating standard is developed and implemented to maximize the use of the telework arrangement while minimizing agency travel expenses and employee travel requirements. The test program would be designed to enhance cost savings or other efficiencies that accrue to the government. The Director of the PTO would prepare an analysis of the expected costs and benefits and criteria to evaluate the program's effectiveness. Before the program is implemented, the director		The PTO would conduct a test program, including the provision of reports, and could pay any travel expenses of an employee for travel to and from a PTO worksite or provide an employee with the option to waive any payment authorized or required under Subchapter 1, if ... (remainder is the same as the Senate-passed S. 707, except as noted below).

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	would submit the analysis and criteria to the Administrator of GSA and to the Senate Committees on Homeland Security and Governmental Affairs and the Judiciary and the House Committees on Oversight and Government Reform and the Judiciary.		
	For a PTO employee who voluntarily relocates from his or her pre-existing duty station, the program's operating procedures could include a reasonable maximum number of occasional visits to the pre-existing duty station before he or she is eligible for payment of any accrued travel expenses by the PTO.		
	Within three months after the test program is completed, the PTO Director would report on the program's results to the GSA Administrator and to the Senate and House Committees stated above. Such results could include (1) the number of visits an employee makes to his or her pre-existing duty station, (2) travel expenses paid by the PTO, (3) travel expenses paid by the employee, or (4) any other information determined by the director to be useful in assisting the GSA Administrator and Congress to understand the program and its impact.		No similar provision.
	These amendments would become effective as though enacted as part of P.L. 105-264, the Travel and Transportation Reform Act of 1998, enacted on October 19, 1998. The authority for the PTO to conduct a test program would expire 20 years after the enactment date of P.L. 105-264.		No similar provision.

Legislative Provision	S. 707, Telework Enhancement Act of 2010, as passed by the Senate	H.R. 1722, Telework Improvements Act, as of 2010, as passed by the House of Representatives	H.R. 1722, Telework Enhancement Act of 2010, as passed by the Senate
	The authority to conduct test programs under 5 U.S.C. §5710 would expire seven years after the enactment date of P.L. 105-264.		The authority to conduct test programs under 5 U.S.C. §5711 would expire seven years after the enactment date of the Telework Enhancement Act of 2010.

Sources: The texts of S. 707, as passed by the Senate, and H.R. 1722, as passed by the Senate, from the Legislative Information System of the U.S. Congress and staff of the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, and H.R. 1722 from the Legislative Information System of the U.S. Congress and staff of the House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia and the House Committee on Oversight and Government Reform.

Notes: S. 707, as passed by the Senate, and H.R. 1722, as passed by the Senate, provide that "employee" would have the meaning stated at 5 U.S.C. §2105—For the purpose of Title 5,"employee," except as otherwise provided by 5 U.S.C. §2105 or when specifically modified, means an officer and an individual who is (1) appointed in the civil service by one of the following acting in an official capacity: the President; a Member or Members of Congress, or the Congress; a member of a uniformed service; an individual who is an employee under this section; the head of a Government controlled corporation; or an adjutant general designated by the Secretary concerned under 32 U.S.C. §709(c); (2) engaged in the performance of a Federal function under authority of law or an Executive act; and 3) subject to the supervision of an individual named under (1) while engaged in the performance of the duties of his position. See 5 U.S.C. §2105 for application of the definition to other types of employees.

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