

MOTION TO RECOMMIT H.R. 1722
OFFERED BY MR. ISSA OF CALIFORNIA

Mr. Issa of California moves to recommit the bill H.R. 1722 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

Page 5, strike line 11 and all that follows through page 6, line 9, and insert the following:

1 “(b) LIMITATIONS.—

2 “(1) CERTAIN EMPLOYEES NOT AUTHORIZED
3 TO TELEWORK.—An employee may not telework
4 under a policy established under this chapter if any
5 of the following apply to the employee:

6 “(A) The employee has a seriously delin-
7 quent tax debt (as determined under paragraph
8 (2)).

9 “(B) The employee has been officially dis-
10 ciplined for violations of subpart G of the
11 Standards of Ethical Conduct for Employees of
12 the Executive Branch for viewing, downloading,
13 or exchanging pornography, including child por-
14 nography, on a Federal Government computer

1 or while performing official Federal Govern-
2 ment duties.

3 “(C) The employee received a payment
4 under the Low-Income Home Energy Assist-
5 ance Act of 1981 (42 U.S.C. 8621 et seq.) but
6 was ineligible to receive the payment under the
7 criteria described in section 2605(b)(2) of such
8 Act (42 U.S.C. 8624(b)(2)).

9 “(D) The employee has been officially dis-
10 ciplined for being absent without permission for
11 more than 5 days in any calendar year.

12 “(2) DETERMINATION OF SERIOUSLY DELIN-
13 QUENT TAX DEBT.—

14 “(A) IN GENERAL.—For purposes of para-
15 graph (1)(A), a ‘seriously delinquent tax debt’
16 means an outstanding debt under the Internal
17 Revenue Code of 1986 for which a notice of lien
18 has been filed in public records pursuant to sec-
19 tion 6323 of such Code, except that such term
20 does not include—

21 “(i) a debt that is being paid in a
22 timely manner pursuant to an agreement
23 under section 6159 or section 7122 of such
24 Code;

1 “(ii) a debt with respect to which a
2 levy has been issued under section 6331 of
3 such Code upon accrued salary or wages
4 (or, in the case of an applicant for employ-
5 ment, a debt with respect to which the ap-
6 plicant agrees to be subject to a levy issued
7 under such section upon accrued salary or
8 wages); and

9 “(iii) a debt with respect to which a
10 collection due process hearing under sec-
11 tion 6330 of such Code, or relief under
12 subsection (a), (b), or (f) of section 6015
13 of such Code, is requested or pending.

14 “(B) REGULATIONS.—The Office of Per-
15 sonnel Management shall, for purposes of car-
16 rying out this paragraph, prescribe any regula-
17 tions which the Office considers necessary, ex-
18 cept that such regulations shall provide that an
19 individual shall be given a reasonable amount of
20 time to demonstrate that the individual’s debt
21 is described in clause (i), (ii), or (iii) of sub-
22 paragraph (A).

23 “(3) CERTIFICATION OF SAVINGS.—An agency
24 may not permit employees to telework under a policy
25 established under this chapter unless the head of the

1 agency certifies to the Director of the Office of Per-
2 sonnel Management that the implementation of the
3 policy will result in savings to the agency.

4 “(4) PROVISIONS RELATING TO CERTAIN CIR-
5 CUMSTANCES.—Nothing in subsection (a) shall be
6 considered—

7 “(A) to require the head of an agency to
8 authorize teleworking in the case of an em-
9 ployee whose duties and responsibilities—

10 “(i) require daily direct handling of
11 classified information; or

12 “(ii) are such that their performance
13 requires on-site activity which cannot be
14 carried out from a site removed from the
15 employee’s regular place of employment; or

16 “(B) to prevent the temporary denial of
17 permission for an employee to telework if, in
18 the judgment of the agency head, the employee
19 is needed to respond to an emergency.

20 “(c) PROHIBITING COLLECTIVE BARGAINING ACTIVI-
21 TIES WHILE TELEWORKING.—Notwithstanding any provi-
22 sion of chapter 71, any time during which an employee
23 teleworks may not be treated as ‘official time’ for purposes
24 of the authority to carry out any activity under section
25 7131 of this title.

1 “(d) REQUIREMENT THAT PRESIDENTIAL AND VICE-
2 PRESIDENTIAL RECORDS CREATED ON NON-OFFICIAL
3 ELECTRONIC MAIL OR SOCIAL MEDIA ACCOUNTS WHILE
4 TELEWORKING BE COPIED TO OFFICIAL ELECTRONIC
5 MAIL ACCOUNTS.—In the case of any employee who, while
6 teleworking pursuant to a policy established under this
7 chapter, creates or receives a Presidential record or Vice-
8 Presidential record within the meaning of chapter 22 of
9 title 44, United States Code, through a non-official elec-
10 tronic mail account, a social media account, or any other
11 method (electronic or otherwise), the employee shall elec-
12 tronically copy the record into the employee’s official elec-
13 tronic mail account.

14 “(e) RULE OF CONSTRUCTION.—Nothing in this
15 chapter shall—

16 “(1) be considered to require any employee to
17 telework; or

18 “(2) prevent an agency from permitting an em-
19 ployee to telework as part of a continuity of oper-
20 ations plan.”.

