H. R. 139

IN THE SENATE OF THE UNITED STATES

February 2, 2023

Received; read twice and referred to the Committee on Homeland Security and Governmental Affairs

AN ACT

To require Executive agencies to submit to Congress a study of the impacts of expanded telework and remote work by agency employees during the COVID–19 pandemic and a plan for the agency’s future use of telework and remote work, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Stopping Home Office Work’s Unproductive Problems Act of 2023” or the “SHOW UP Act of 2023”.

SEC. 2. REINSTATEMENT OF PRE-PANDEMIC TELEWORK POLICIES, PRACTICES, AND LEVELS FOR EXECUTIVE AGENCIES.

Not later than 30 days after the date of enactment of this Act, each agency shall reinstate and apply the telework policies, practices, and levels of the agency as in effect on December 31, 2019, and may not expand any such policy, practices, or levels until the date that an agency plan is submitted to Congress with a certification by the Director of the Office of Personnel Management under section 3.

SEC. 3. STUDY, PLAN, AND CERTIFICATION REGARDING EXECUTIVE AGENCY TELEWORK POLICIES, PRACTICES, AND LEVELS FOR EXECUTIVE AGENCIES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the head of each agency, in consultation with the Director, shall submit to Congress—

(1) a study on the impacts on the agency and its mission of expanding telework by its employees
during the SARS–CoV–2 pandemic that commenced in 2019, including an analysis of—

(A) any adverse impacts of that expansion on the agency’s performance of its mission, including the performance of customer service by the agency;

(B) any costs to the agency during that expansion attributable to—

   (i) owning, leasing, or maintaining under-utilized real property; or

   (ii) paying higher rates of locality pay to teleworking employees as a result of incorrectly classifying such employees as teleworkers rather than remote workers;

(C) any degree to which the agency failed during that expansion to provide teleworking employees with secure network capacity, communications tools, necessary and secure access to appropriate agency data assets and Federal records, and equipment sufficient to enable each such employee to be fully productive;

(D) any degree to which that expansion facilitated dispersal of the agency workforce around the Nation; and
(E) any other impacts of that expansion that the agency or the Director considers appropriate;

(2) any agency plan to expand telework policies, practices, or levels beyond those in place as a result of section 2; and

(3) a certification by the Director that such plan will—

(A) have a substantial positive effect on—

(i) the performance of the agency’s mission, including the performance of customer service;

(ii) increasing the level of dispersal of agency personnel throughout the Nation; and

(iii) the reversal of any adverse impact set forth pursuant to paragraph (1)(D);

(B) substantially lower the agency’s costs of owning, leasing, or maintaining real property;

(C) substantially lower the agency’s costs attributable to paying locality pay to agency personnel working from locations outside the
pay locality of their position’s official worksite;
and

(D) ensure that teleworking employees will be provided with secure network capacity, communications tools, necessary and secure access to appropriate agency data assets and Federal records, and equipment sufficient to enable each such employee to be fully productive, without substantially increasing the agency’s overall costs for secure network capacity, communications tools, and equipment.

(b) LIMITATION.—

(1) IN GENERAL.—An agency may not implement the plan submitted under subsection (a)(2) unless a certification by the Director was issued under subsection (a)(3).

(2) SUBSEQUENT PLANS.—In the event an initial agency plan submitted under subsection (a)(2) fails to receive such certification, the agency may submit to the Director subsequent plans until such certification is received, and submit such plan and certification to Congress.

(e) DEFINITIONS.—In this Act—
(1) the term “agency” has the meaning given
the term “Executive agency” in section 105 of title
5, United States Code;
(2) the term “Director” means the Director of
the Office of Personnel Management;
(3) the term “locality pay” means locality pay
provided for under section 5304 or 5304a of such
title; and
(4) the terms “telework” and “teleworking”
have the meaning given those terms in section 6501
of such title, and include remote work.
Passed the House of Representatives February 1,
2023.
Attest: CHERYL L. JOHNSON,
Clerk.