

117TH CONGRESS
2D SESSION

S. 3672

To require the head of each agency to establish a plan to resume in-person operations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2022

Mr. WICKER (for himself, Mr. HEINRICH, Mr. GRASSLEY, and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the head of each agency to establish a plan to resume in-person operations, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Return Employees to
5 Understaffed Work Sites to Reopen Now Act of 2022”
6 or the “RETURN Act of 2022”.

7 **SEC. 2. AGENCY PLANS TO RESUME IN-PERSON OPER-** 8 **ATIONS.**

9 (a) **DEFINITIONS.**— In this section:

1 (1) AGENCY.—The term “agency” has the
2 meaning given the term in section 101 of title 31,
3 United States Code.

4 (2) COVERED AGREEMENT.—The term “covered
5 agreement” means an agreement between an agency
6 and a labor organization that—

7 (A) is entered into before the date on
8 which the agency submits a plan under sub-
9 section (b)(1); and

10 (B) relates to the resumption of in-person
11 operations by the agency.

12 (3) EMPLOYEE.—The term “employee” means
13 an employee of an agency.

14 (4) ESSENTIAL GOVERNMENT SERVICE.—The
15 term “essential Government service”, with respect to
16 an agency, includes—

17 (A) the facilitation of the delivery, receipt,
18 processing, or issuance of a document, fund, or
19 permit;

20 (B) the facilitation of access to public
21 lands or another public space that is open to
22 the public for use;

23 (C) the conduction of an in-person activity
24 or interaction that is required by law to be per-
25 formed in person; and

1 (D) the conduction of an inspection or
2 other in-person activity that cannot be rep-
3 licated virtually or without a physical presence.

4 (5) OFFICIAL WORK SITE.—The term “official
5 work site” means the place where an employee
6 works, or at which the activities of an employee are
7 based, as determined by the employing agency.

8 (6) REMOTE WORK.—The term “remote work”
9 means an arrangement under which an employee is
10 scheduled to perform the work of the employee at an
11 alternative work site.

12 (b) PLANS.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the date of enactment of this Act, the head of each
15 agency shall submit to Congress and publish on the
16 website of the agency a plan for the agency to re-
17 sume in-person operations.

18 (2) CONTENTS.—Subject to paragraph (3), the
19 plan of an agency required under paragraph (1)
20 shall include—

21 (A) the policy of the agency with respect to
22 permitting permanent remote work capabilities
23 for employees who can successfully achieve the
24 duties of those employees away from the official
25 work sites of those employees, which shall in-

1 clude, if applicable, the policy of the agency
2 under section 6502(a)(1) of title 5, United
3 States Code;

4 (B) requirements for employees that, as
5 part of the duties of those employees, handle
6 original documents issued by the Federal Gov-
7 ernment or a State government that contain
8 sensitive or private information to return to the
9 official work sites of those employees;

10 (C) explicit guidelines for protecting sen-
11 sitive or private information if any employee de-
12 scribed in subparagraph (B) must perform re-
13 mote work;

14 (D) metrics to measure the work produc-
15 tivity of employees performing remote work to
16 identify employees that fail to fulfill the duties
17 of those employees;

18 (E) a plan to provide essential Government
19 services in person for individuals in the United
20 States;

21 (F) a contingency plan in the event that
22 the rate of COVID–19 transmission increases
23 in a region in which official work sites of em-
24 ployees of the agency are located, which shall be
25 based on metrics for COVID–19 transmission

1 to trigger the contingency plan established by
2 the agency;

3 (G) an assurance that the agency will up-
4 date the physical address of any employee of
5 the agency who permanently moves for the pur-
6 poses of determining whether the employee is
7 eligible to receive a comparability payment
8 under section 5304 of title 5, United States
9 Code; and

10 (H) measures to prepare for future public
11 health emergencies that can be quickly imple-
12 mented if remote work becomes necessary.

13 (3) LABOR AGREEMENTS.—If a plan submitted
14 by an agency under paragraph (1) conflicts with any
15 provision of a covered agreement to which the agen-
16 cy is a party, the head of the agency shall, not later
17 than 60 days after the date on which the agency
18 submits the plan under that paragraph, after con-
19 sultation with the applicable labor organization, and
20 notwithstanding any other provision of law or regu-
21 lation regarding the covered agreement, modify the
22 covered agreement so that the covered agreement is
23 consistent with, and complies with, the terms of that
24 plan.

1 (c) GSA REPORT.—Not later than 60 days after the
2 date of enactment of this Act, the head of each agency
3 shall submit to the Administrator of General Services a
4 report on the physical work spaces used by the agency that
5 recommends the termination of any leases of the agency
6 for physical work spaces that are underused by the agency.

○