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118TH CONGRESS
2^D SESSION**S. 3015****[Report No. 118–312]**

To amend title 5, United States Code, to address telework for Federal employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Mr. LANKFORD (for himself, Ms. SINEMA, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 5, United States Code, to address telework for Federal employees, 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 “Telework Reform Act
5 of ~~2023~~”.

1 **SEC. 2. TELEWORK AND REMOTE WORK.**

2 (a) **AMENDMENTS TO DEFINITIONS.**—Section 6501
3 of title 5, United States Code, is amended—

4 (1) by striking paragraph (3); and

5 (2) by adding at the end the following:

6 “(3) **REMOTE WORK.**—The term ‘remote work’,
7 ‘remotely work’, or ‘remotely working’ refers to a
8 work flexibility arrangement under which an em-
9 ployee routinely performs the duties and responsibil-
10 ities of such employee’s position, and other author-
11 ized activities, from an approved worksite—

12 “(A) other than the location from which
13 the employee would otherwise work;

14 “(B) that may be inside or outside the
15 local commuting area of the location from
16 which the employee would otherwise work; and

17 “(C) that is typically the residence of the
18 employee.

19 “(4) **TELEWORK.**—The term ‘telework’ or ‘tele-
20 working’—

21 “(A) refers to a work flexibility arrange-
22 ment under which an employee performs the
23 duties and responsibilities of such employee’s
24 position, and other authorized activities, from
25 an approved worksite other than the location

1 from which the employee would otherwise work;
2 and

3 “(B) includes remote work or remotely
4 working.”.

5 (b) EXECUTIVE AGENCIES TELEWORK REQUIRE-
6 MENT.—Section 6502(b)(2) of title 5, United States Code,
7 is amended—

8 (1) in subparagraph (A), by striking “and” at
9 the end; and

10 (2) by adding at the end the following:

11 “(C) is for a 1-year period; and

12 “(D) the agency manager, in consultation
13 with the supervisor of the applicable employee,
14 shall review annually to determine whether to
15 renew the agreement, taking into consider-
16 ation—

17 “(i) whether the scope of the agree-
18 ment, or the duties of the employee, have
19 changed;

20 “(ii) the performance of the employee;
21 and

22 “(iii) the needs of the agency;”.

23 (c) TRAINING AND MONITORING.—Section
24 6503(a)(1) of title 5, United States Code, is amended—

25 (1) in subparagraph (A)—

1 (A) by inserting “, which shall include
 2 training on accurate reporting of remote work
 3 and telework usage” after “agency”; and
 4 (2) by striking subparagraph (B) and inserting
 5 the following:

6 “~~(B) all managers and supervisors of tele-~~
 7 workers and remote workers, which shall—

8 “(i) be provided on an annual basis;
 9 and

10 “(ii) include training on accurate re-
 11 porting of employee remote work and
 12 telework eligibility and participation in
 13 agency time and attendance systems;”.

14 (d) POLICY AND SUPPORT.—Section 6504 of title 5,
 15 United States Code, is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1), by striking “per-
 18 formance management;” and

19 (B) in paragraph (2), by inserting “remote
 20 work and telework performance management”
 21 before “measures”; and

22 (2) in subsection (c)—

23 (A) in paragraph (1), by striking “guide-
 24 lines not later than” and all that follows

1 through the period at the end and inserting the
2 following: “guidelines—

3 “(A) not later than 180 days after the date
4 of enactment of this chapter to ensure the ade-
5 quacy of information and security protections
6 for information and information systems used
7 while teleworking; and

8 “(B) not later than 180 days after the
9 date of enactment of the Telework Reform Act
10 of 2023 to ensure the adequacy of information
11 and security protections for information and in-
12 formation systems used while remotely work-
13 ing.”; and

14 (B) by adding at the end the following:

15 “(3) REVIEW.—The Director of the Office of
16 Management and Budget, in coordination with the
17 Department of Homeland Security and the National
18 Institute of Standards and Technology, shall—

19 “(A) perform an annual review of the
20 guidelines issued under this subsection; and

21 “(B) make any updates to the guidelines
22 issued under this subsection that are deter-
23 mined to be appropriate as a result of a review
24 conducted under subparagraph (A).”.

1 (e) DUTIES OF TELEWORK MANAGING OFFICER.—
2 Section 6505(b) of title 5, United States Code, is amend-
3 ed—

4 (1) in paragraph (2)(C), by striking “and” at
5 the end;

6 (2) by redesignating paragraph (3) as para-
7 graph (5); and

8 (3) by inserting after paragraph (2)(C), as
9 amended by paragraph (1) of this subsection, the
10 following:

11 “~~(3)~~ issue to employees of the applicable execu-
12 tive agency a biannual remote work and telework
13 survey—

14 “~~(A)~~ which shall be designed to evaluate,
15 at a minimum, the effectiveness of—

16 “~~(i)~~ performance management with
17 respect to executive agency employees who
18 participate in the telework program of the
19 executive agency, as compared to the effec-
20 tiveness of performance management for
21 other employees;

22 “~~(ii)~~ strategies for engaging with execu-
23 tive agency employees while those employ-
24 ees participate in the telework program of
25 the executive agency; and

1 ~~“(iii) remote work and telework train-~~
 2 ~~ing for executive agency managers and em-~~
 3 ~~ployees; and~~

4 ~~“(B) the results of which the Telework~~
 5 ~~Managing Officer shall submit to the leadership~~
 6 ~~of the executive agency, including the Chief~~
 7 ~~Human Capital Officer of the executive agency;~~

8 ~~“(4) maintain an executive agency remote work~~
 9 ~~and telework web page that serves as an information~~
 10 ~~portal for employees of the executive agency who are~~
 11 ~~seeking information with respect to remote work and~~
 12 ~~telework policies; contact information for remote~~
 13 ~~work and telework coordinators; and remote work~~
 14 ~~and telework training resources; and”.~~

15 ~~(f) OPM REPORTS.—Section 6506 of title 5, United~~
 16 ~~States Code, is amended—~~

17 ~~(1) in subsection (b)—~~

18 ~~(A) in paragraph (1)(A)(ii), by striking~~
 19 ~~“Government Reform” and inserting “Account-~~
 20 ~~ability”;~~ and

21 ~~(B) in paragraph (2)—~~

22 ~~(i) in subparagraph (A), by striking~~
 23 ~~clause (iii) and inserting the following:~~

1 “~~(iii)~~ the number and percent of eligi-
2 ble employees in the agency who are re-
3 motely working or teleworking—

4 “~~(I)~~ full-time, such that those
5 employees are not required to report
6 to the locations from which those em-
7 ployees would otherwise work on a
8 regular and recurring basis;

9 “~~(II)~~ 3 or more days per pay pe-
10 riod;

11 “~~(III)~~ 1 or 2 days per pay period;
12 and

13 “~~(IV)~~ on a situational, episodic,
14 or short-term basis;” and

15 ~~(ii) in subparagraph (F)—~~

16 ~~(I) in clause (v), by inserting~~
17 ~~“and cost savings” after “product-~~
18 ~~ivity”;~~ and

19 ~~(II) in clause (vi), by inserting~~
20 ~~“well-being and” after “employee”;~~
21 and

22 ~~(2) in subsection (c)(1)(A)(ii), by striking~~
23 ~~“Government Reform” and inserting “Account-~~
24 ~~ability”.~~

25 ~~(g) REPORTS.—~~

1 (1) DEFINITIONS.—In this subsection, the
2 terms “executive agency”, “remote work”, and
3 “telework” have the meanings given those terms in
4 section 6501 of title 5, United States Code, as
5 amended by subsection (a) of this section.

6 (2) CHIEF HUMAN CAPITAL OFFICERS.—Not
7 later than 180 days after the date of enactment of
8 this Act, the Chief Human Capital Officer of each
9 executive agency shall submit to the Director of the
10 Office of Personnel Management and Congress a re-
11 port that contains—

12 (A) an overview of a process to update cur-
13 rent (as of the date on which the report is sub-
14 mitted) remote work and telework eligibility re-
15 quirements of the executive agency;

16 (B) recommendations regarding ways in
17 which to update matters relating to remote
18 work and telework practices, including practices
19 relating to core business hours, flexible sched-
20 ules, performance management, and employee
21 satisfaction; and

22 (C) recommended solutions to barriers that
23 prevent the executive agency from delivering
24 consistent and reliable data with respect to re-

1 mote work and telework to the Office of Per-
2 sonnel Management.

3 ~~(3) EXECUTIVE AGENCIES.~~—Not later than 1
4 year after the date of enactment of this Act, the
5 head of each executive agency, in coordination with
6 the Chief Human Capital Officer of the executive
7 agency, the Chief Financial Officer of the executive
8 agency, the Director of the Office of Management
9 and Budget, and the Administrator of General Serv-
10 ices, shall submit to the Committee on Homeland
11 Security and Governmental Affairs of the Senate
12 and the Committee on Oversight and Accountability
13 of the House of Representatives a report that identi-
14 fies—

15 (A) the potential value that would result
16 from increasing remote work and other telework
17 opportunities for employees of particular de-
18 partments within the executive agency;

19 (B) which job classifications within the ex-
20 ecutive agency could benefit from being per-
21 formed exclusively through remote work;

22 (C) the ways that the executive agency
23 could coordinate with the Secretary of Defense
24 to recruit the spouses of members of the Armed

1 Forces for positions, the responsibilities of
2 which are performed through remote work;

3 ~~(D)~~ expected cost savings as a result of in-
4 creased remote work and telework by employees
5 of the executive agency, taking into consider-
6 ation the fact that the executive agency may
7 need to reinvest those future cost savings to
8 meet increased demands with respect to tech-
9 nology;

10 ~~(E)~~ expected productivity outcomes from
11 the increased use of remote work and telework;
12 and

13 ~~(F)~~ cybersecurity and information tech-
14 nology infrastructure changes necessitated by
15 the increased use of remote work and telework.

16 (h) AMENDMENTS TO REGULATIONS.—Not later
17 than 90 days after the date of enactment of this Act, the
18 Director of the Office of Personnel Management shall
19 amend section 531.605(d)(1) of title 5, Code of Federal
20 Regulations, or any successor regulation—

21 ~~(1)~~ to provide that the regular worksite of an
22 employee (where an employee's work activities are
23 based) is the employee's official worksite if the em-
24 ployee is scheduled to work at least twice each bi-
25 weekly pay period on a regular basis at the regular

1 worksite, or within the locality pay area for that
 2 worksite, for the employee's position of record; and

3 ~~(2)~~ to eliminate the material in the second sen-
 4 tence of that provision.

5 **SEC. 3. NONCOMPETITIVE APPOINTMENT TO REMOTE**
 6 **WORK POSITIONS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMPETITIVE SERVICE.—The term “com-
 9 petitive service” has the meaning given the term in
 10 section 2102 of title 5, United States Code.

11 ~~(2)~~ DIRECTOR.—The term “Director” means
 12 the Director of the Office of Personnel Management.

13 ~~(3)~~ EXECUTIVE AGENCY.—The term “Executive
 14 agency” has the meaning given the term in section
 15 105 of title 5, United States Code.

16 (4) LAW ENFORCEMENT OFFICER.—The term
 17 “law enforcement officer” means an individual occu-
 18 pying a position in the 1801 or 1811 occupational
 19 series, as established by the Director.

20 (5) REMOTELY WORK.—The term “remotely
 21 work” has the meaning given the term in section
 22 6501 of title 5, United States Code, as amended by
 23 section 2 of this Act.

24 (6) REMOTE WORK POSITION.—The term “re-
 25 mote work position” means a position in the com-

1 petitive service in which the individual occupying the
2 position remotely works.

3 (7) ~~VETERAN.~~—The term “veteran” has the
4 meaning given the term in section 2108 of title 5,
5 United States Code.

6 (b) ~~REGULATIONS.~~—Under such regulations as the
7 Director shall issue, an Executive agency may noncompeti-
8 tively appoint, for other than temporary employment, to
9 a remote work position any of the following individuals,
10 if the head of that Executive agency determines that the
11 individual is qualified for the position:

12 (1) An individual who—

13 (A) is certified by the Director as having
14 been a high-performing employee in a former
15 position in the competitive service; and

16 (B) has been separated from the former
17 position described in subparagraph (A) for less
18 than 6 years.

19 (2) A veteran.

20 (3) An individual who is married to a member
21 of the Armed Forces or to a law enforcement officer.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Telework Reform Act*
24 *of 2024”.*

1 **SEC. 2. TELEWORK AND REMOTE WORK.**

2 (a) *AMENDMENTS TO DEFINITIONS.*—Section 6501 of
3 title 5, United States Code, is amended—

4 (1) *by striking paragraph (3);*

5 (2) *by redesignating paragraphs (1) and (2) as*
6 *paragraphs (3) and (4), respectively;*

7 (3) *by inserting before paragraph (3), as so re-*
8 *designated, the following:*

9 “(1) *AGENCY-DESIGNATED WORKSITE.*—The term
10 ‘agency-designated worksite’ means a location, estab-
11 lished by the head of an executive agency (or the des-
12 ignee of such an official), from which an employee of
13 the executive agency would otherwise work when not
14 teleworking.

15 “(2) *APPROVED ALTERNATIVE WORKSITE.*—The
16 term ‘approved alternative worksite’ means a work-
17 site, approved by the head of an executive agency (or
18 the designee of such an official), where an employee
19 of the executive agency, through telework, performs the
20 duties and responsibilities of the position of the em-
21 ployee, and other authorized activities, on a routine,
22 situational, or full-time basis.”; and

23 (4) *by adding at the end the following:*

24 “(5) *REMOTE WORK.*—The term ‘remote work’ or
25 ‘working remotely’ means a category of telework
26 under which an employee performs the duties and re-

1 *sponsibilities of the position of the employee, and*
 2 *other authorized activities, on a full-time basis from*
 3 *an approved alternative worksite other than the agen-*
 4 *cy-designated worksite with respect to the employee.*

5 *“(6) TELEWORK.—The term ‘telework’ or ‘tele-*
 6 *working’ means a work flexibility arrangement under*
 7 *which an employee performs the duties and respon-*
 8 *sibilities of the position of the employee, and other au-*
 9 *thorized activities, on a routine, situational, or full-*
 10 *time basis from an approved alternative worksite*
 11 *other than the agency-designated worksite with respect*
 12 *to the employee.”.*

13 *(b) EXECUTIVE AGENCIES TELEWORK REQUIRE-*
 14 *MENT.—*

15 *(1) IN GENERAL.—Section 6502 of title 5,*
 16 *United States Code, is amended—*

17 *(A) in subsection (b)—*

18 *(i) in the subsection heading, by strik-*
 19 *ing “PARTICIPATION” and inserting “RE-*
 20 *QUIREMENTS”;*

21 *(ii) in paragraph (2)—*

22 *(I) in subparagraph (A), by strik-*
 23 *ing “and” at the end; and*

24 *(II) by adding at the end the fol-*
 25 *lowing:*

1 “(C) is for a period of not longer than 1
2 year; and

3 “(D) the supervisor of the applicable em-
4 ployee, in consultation with the Telework Man-
5 aging Officer of the agency, shall review not less
6 frequently than annually based on the needs of
7 the agency, which shall include an analysis of—

8 “(i) whether agency telework policies
9 and procedures, the duties of the employee,
10 or the approved alternative worksite or
11 agency-designated worksite of the employee
12 need to be changed;

13 “(ii) the performance of the employee,
14 as determined under the performance ap-
15 praisal system of the agency developed
16 under section 4302 (or under a similar
17 legal authority for an executive agency or
18 employee to which section 4302 does not
19 apply); and

20 “(iii) the needs of the agency, as deter-
21 mined by the head of the agency;”;

22 (iii) in paragraph (5), by striking
23 “and” at the end;

1 (iv) in paragraph (6), by striking the
2 period at the end and inserting “; and”;
3 and

4 (v) by adding at the end the following:
5 “(7) address the extent to which telework may be
6 restricted for an employee if—

7 “(A) the employee has been officially dis-
8 ciplined for being absent without permission for
9 any period of time while teleworking under a
10 written agreement entered into under paragraph
11 (2);

12 “(B) the performance of the employee falls
13 below acceptable levels, as determined under the
14 performance appraisal system of the agency de-
15 veloped under section 4302 (or under a similar
16 legal authority for an executive agency or em-
17 ployee to which section 4302 does not apply); or

18 “(C) the conduct of the employee violates
19 other terms or conditions of the policy.”; and

20 (B) by adding at the end the following:

21 “(d) *LIMITATIONS ON REMOTE WORK.*—The following
22 shall apply with respect to an employee working remotely:

23 “(1) The employee may be expected to report to
24 the agency-designated worksite of the employee on a
25 periodic basis.

1 “(2) Notwithstanding any other provision of law
2 or regulation, if the employee is working remotely
3 from an approved alternative worksite that is located
4 within a radius of not more than 75 miles from the
5 agency-designated worksite of the employee, the em-
6 ployee may not be compensated or reimbursed for any
7 travel to or from that agency-designated worksite un-
8 less that travel is—

9 “(A) required during the workday; and

10 “(B) approved by the head of the applicable
11 executive agency (or the designee of such an offi-
12 cial), in the sole and exclusive discretion of that
13 official.”.

14 (2) *APPLICABILITY.*—With respect to subpara-
15 graph (C) of section 6502(b)(2) of title 5, United
16 States Code, as added by paragraph (1) of this sub-
17 section—

18 (A) such subparagraph (C) shall not be en-
19 forced to the extent that such subparagraph con-
20 flicts with any applicable agreement described in
21 section 7103(a)(8) of such title 5, if the agree-
22 ment was in effect before October 1, 2024; and

23 (B) to the extent that an agreement de-
24 scribed in subparagraph (A) of this paragraph
25 conflicts with the requirements of such subpara-

1 *graph (C), such subparagraph (C) shall become*
2 *enforceable beginning on the earlier of—*

3 *(i) the date on which the agreement ex-*
4 *pires or becomes subject to renegotiation; or*

5 *(ii) the date that is 2 years after the*
6 *date of enactment of this Act.*

7 *(c) TRAINING AND MONITORING.—Section 6503(a) of*
8 *title 5, United States Code, is amended—*

9 *(1) in paragraph (1)—*

10 *(A) in subparagraph (A)—*

11 *(i) by inserting “, which shall include*
12 *training on accurate reporting of remote*
13 *work and telework usage” after “agency”;*
14 *and*

15 *(ii) by striking subparagraph (B) and*
16 *inserting the following:*

17 *“(B) all managers and supervisors of tele-*
18 *workers and remote workers, which shall—*

19 *“(i) be provided on an annual basis;*
20 *and*

21 *“(ii) include training on accurate re-*
22 *porting of employee remote work and*
23 *telework eligibility and participation in*
24 *agency time and attendance systems;”;*

1 (2) in paragraph (3)(D), by striking “and” at
2 the end;

3 (3) in paragraph (4), by striking the period at
4 the end and inserting “; and”; and

5 (4) by adding at the end the following:

6 “(5) the executive agency has established a sys-
7 tem to confirm that employees of the executive agency
8 are performing the duties, responsibilities, and au-
9 thorized activities of the positions of those employees
10 solely at approved worksites under guidelines of the
11 Office of Personnel Management, developed in con-
12 sultation with the Director of the Office of Manage-
13 ment and Budget.”.

14 (d) *POLICY AND SUPPORT*.—Section 6504 of title 5,
15 United States Code, is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1), by striking “perform-
18 ance management,”; and

19 (B) in paragraph (2), by inserting “remote
20 work and telework performance management” be-
21 fore “measures”; and

22 (2) in subsection (c)—

23 (A) in paragraph (1), by striking “guide-
24 lines not later than” and all that follows through

1 *the period at the end and inserting the following:*

2 *“guidelines—*

3 *“(A) not later than 180 days after the date*
4 *of enactment of this chapter to ensure the ade-*
5 *quacy of information and security protections*
6 *for information and information systems used*
7 *while teleworking; and*

8 *“(B) not later than 180 days after the date*
9 *of enactment of the Telework Reform Act of 2024*
10 *to ensure the adequacy of information and secu-*
11 *rity protections for information and information*
12 *systems used while teleworking.”; and*

13 *(B) by adding at the end the following:*

14 *“(3) REVIEW.—The Director of the Office of*
15 *Management and Budget, in coordination with the*
16 *Department of Homeland Security and the National*
17 *Institute of Standards and Technology, shall—*

18 *“(A) perform an annual review of the*
19 *guidelines issued under this subsection; and*

20 *“(B) make any updates to the guidelines*
21 *issued under this subsection that are determined*
22 *to be appropriate as a result of a review con-*
23 *ducted under subparagraph (A).”.*

24 *(e) DUTIES OF TELEWORK MANAGING OFFICER.—Sec-*
25 *tion 6505(b) of title 5, United States Code, is amended—*

1 (1) in paragraph (2)(C), by striking “and” at
2 *the end;*

3 (2) by redesignating paragraph (3) as para-
4 *graph (5); and*

5 (3) by inserting after paragraph (2)(C), as
6 *amended by paragraph (1) of this subsection, the fol-*
7 *lowing:*

8 “(3) issue to employees of the applicable execu-
9 *tive agency a biennial remote work and telework sur-*
10 *vey—*

11 “(A) which shall be designed to evaluate, at
12 *a minimum, the effectiveness of—*

13 “(i) performance management with re-
14 *spect to executive agency employees who*
15 *participate in the telework program of the*
16 *executive agency, as compared to the effec-*
17 *tiveness of performance management for*
18 *other employees;*

19 “(ii) strategies for engaging with execu-
20 *tive agency employees while those employ-*
21 *ees participate in the telework program of*
22 *the executive agency; and*

23 “(iii) remote work and telework train-
24 *ing for executive agency managers and em-*
25 *ployees; and*

1 “(B) the results of which the Telework Man-
2 aging Officer shall submit to the leadership of
3 the executive agency, including the Chief Human
4 Capital Officer of the executive agency;

5 “(4) maintain an executive agency remote work
6 and telework web page that serves as an information
7 portal for employees of the executive agency who are
8 seeking information with respect to remote work and
9 telework policies, contact information for remote work
10 and telework coordinators, and remote work and
11 telework training resources; and”.

12 (f) OPM REPORTS.—Section 6506 of title 5, United
13 States Code, is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (1)(A)(ii), by striking
16 “Government Reform” and inserting “Account-
17 ability”; and

18 (B) in paragraph (2)—

19 (i) in subparagraph (A), by striking
20 clause (iii) and inserting the following:

21 “(iii) the number and percent of eligi-
22 ble employees in the agency who are re-
23 motely working or teleworking—

24 “(I) full-time, such that those em-
25 ployees are not required to report to

1 *the agency-designated worksites of those*
 2 *employees on a regular and recurring*
 3 *basis;*

4 “(II) 7 or more days per pay pe-
 5 *riod;*

6 “(III) 5 or 6 days per pay period;

7 “(IV) 3 or 4 days per pay period;

8 “(V) 1 or 2 days per pay period;

9 *and*

10 “(VI) on a situational, episodic,
 11 *or short-term basis;”;* and

12 *(ii) in subparagraph (F)—*

13 *(I) in clause (v), by inserting*
 14 *“and cost savings” after “produc-*
 15 *tivity”; and*

16 *(II) in clause (vi), by inserting*
 17 *“well-being and” after “employee”; and*

18 *(2) in subsection (c)(1)(A)(ii), by striking “Gov-*
 19 *ernment Reform” and inserting “Accountability”.*

20 *(g) REGULATIONS.—*

21 *(1) IN GENERAL.—Chapter 65 of title 5, United*
 22 *States Code, is amended by adding at the end the fol-*
 23 *lowing:*

1 **“§ 6507. Regulations**

2 “(a) *IN GENERAL.*—*The Director of the Office of Per-*
3 *sonnel Management shall prescribe regulations to carry out*
4 *this chapter.*

5 “(b) *CONTENTS.*—*The regulations prescribed under*
6 *subsection (a) shall include appropriate procedures for—*

7 “(1) *establishing the process through which an*
8 *executive agency shall evaluate a position for eligi-*
9 *bility and approval for telework (including remote*
10 *work) under this chapter, which shall require an exec-*
11 *utive agency to—*

12 “(A) *consider the duties of the position;*

13 “(B) *establish a process through which the*
14 *executive agency shall determine the agency-des-*
15 *ignated worksite and approved alternative work-*
16 *site for the position; and*

17 “(C) *consider the potential costs and sav-*
18 *ings associated with approving a position as eli-*
19 *gible for telework or remote work;*

20 “(2) *processing a change in the eligibility for an*
21 *employee working remotely from an approved alter-*
22 *native worksite within a radius of more than 75*
23 *miles from the agency-designated worksite of the em-*
24 *ployee;*

1 “(3) *establishing which officials within an execu-*
2 *utive agency may designate a position within the execu-*
3 *utive agency as eligible for remote work;*

4 “(4) *if necessary, defining a limited geographical*
5 *boundary within which the approved alternative*
6 *worksites of an employee must be located, which shall*
7 *be based on—*

8 “(A) *the need of the executive agency, as de-*
9 *termined by the head of the executive agency; or*

10 “(B) *the requirements of the applicable po-*
11 *sition;*

12 “(5) *for an employee working remotely, proc-*
13 *essing and approving a change of the approved alter-*
14 *native worksite of the employee when the employee re-*
15 *quests such a change; and*

16 “(6) *for an employee working remotely, the abil-*
17 *ity of whom to continue working remotely is not of-*
18 *fered by the applicable executive agency after the ex-*
19 *piration of a written agreement entered into under*
20 *section 6502(b)(2) for a reason that does not include*
21 *the conduct or performance of the employee, entering*
22 *into a written remote work transition agreement,*
23 *which shall—*

24 “(A) *be for a period of not longer than 1*
25 *year;*

1 “(B) provide the employee with the ability
2 to participate in remote work during the period
3 in which the transition agreement is in effect;
4 and

5 “(C) otherwise satisfy the requirements of
6 section 6502(b)(2).”.

7 (2) *TECHNICAL AND CONFORMING AMEND-*
8 *MENT.*—The table of sections for chapter 65 of title 5,
9 United States Code, is amended by adding at the end
10 the following:

“6507. Regulations.”.

11 (h) *REPORTS.*—

12 (1) *DEFINITIONS.*—In this subsection, the terms
13 “executive agency”, “remote work”, and “telework”
14 have the meanings given those terms in section 6501
15 of title 5, United States Code, as amended by this sec-
16 tion.

17 (2) *CHIEF HUMAN CAPITAL OFFICERS.*—Not
18 later than 180 days after the date of enactment of this
19 Act, the Chief Human Capital Officer of each execu-
20 tive agency shall submit to the Director of the Office
21 of Personnel Management and Congress a report that
22 contains—

23 (A) an overview of a process to update cur-
24 rent (as of the date on which the report is sub-

1 *mitted) telework and remote work eligibility re-*
2 *quirements of the executive agency;*

3 *(B) recommendations regarding ways in*
4 *which to update matters relating to telework and*
5 *remote work practices, including practices relat-*
6 *ing to core business hours, flexible schedules, per-*
7 *formance management, and employee satisfac-*
8 *tion;*

9 *(C) recommended solutions to barriers that*
10 *prevent the executive agency from delivering con-*
11 *sistent and reliable data with respect to telework*
12 *and remote work to the Office of Personnel Man-*
13 *agement;*

14 *(D) metrics used by the executive agency to*
15 *evaluate the performance of employees of the ex-*
16 *ecutive agency; and*

17 *(E) methods used by the executive agency to*
18 *track and evaluate the productivity of employees*
19 *of the executive agency when those employees are*
20 *teleworking.*

21 (3) *EXECUTIVE AGENCIES.—Not later than 1*
22 *year after the date of enactment of this Act, the head*
23 *of each executive agency, in coordination with the Di-*
24 *rector of the Office of Personnel Management, the*
25 *Chief Human Capital Officer of the executive agency,*

1 *the Chief Financial Officer of the executive agency,*
2 *the Chief Information Officer of the executive agency,*
3 *the Director of the Office of Management and Budget,*
4 *and the Administrator of General Services, shall sub-*
5 *mit to the Committee on Homeland Security and*
6 *Governmental Affairs of the Senate and the Com-*
7 *mittee on Oversight and Accountability of the House*
8 *of Representatives a report that identifies—*

9 *(A) the potential value that would result*
10 *from increasing remote work and other telework*
11 *opportunities for employees of particular compo-*
12 *ponents within the executive agency;*

13 *(B) the potential disadvantages that would*
14 *result from increasing remote work and other*
15 *teleworking opportunities for employees of par-*
16 *ticular components within the executive agency,*
17 *including the effects of remote work on—*

18 *(i) newly appointed employees;*

19 *(ii) collaboration between employees;*

20 *(iii) the ability of managers to effec-*
21 *tively supervise other employees; and*

22 *(iv) employee productivity;*

23 *(C) which job classifications within the ex-*
24 *ecutive agency could benefit from being per-*
25 *formed exclusively through remote work;*

1 (D) which job classifications within the ex-
2 ecutive agency could suffer from being performed
3 primarily or exclusively through telework;

4 (E) which job classifications within the ex-
5 ecutive agency could benefit from being per-
6 formed exclusively through in-person work;

7 (F) actionable strategies for enhancing co-
8 ordination between the head of the executive
9 agency and the Secretary of Defense to recruit
10 the spouses of members of the Armed Forces for
11 positions, the responsibilities of which are per-
12 formed through remote work;

13 (G) expected cost savings as a result of in-
14 creased remote work and telework by employees
15 of the executive agency, taking into consideration
16 the fact that the executive agency may need to
17 reinvest those future cost savings to meet in-
18 creased demands with respect to technology;

19 (H) expected cost increases as a result of in-
20 creased remote work and telework by employees
21 of the executive agency, taking into consideration
22 costs associated with changes in cybersecurity
23 and information technology infrastructure and
24 the extra equipment required for telework;

1 (I) *expected productivity outcomes from the*
2 *increased use of remote work and telework;*

3 (J) *cybersecurity and information tech-*
4 *nology infrastructure changes necessitated by the*
5 *increased use of remote work and telework; and*

6 (K) *barriers that prevent the executive agen-*
7 *cy from meeting in-person work targets, if appli-*
8 *cable.*

9 (4) *OFFICE OF MANAGEMENT AND BUDGET.—Not*
10 *later than 30 days after the date of enactment of this*
11 *Act, and on the fifth day of each month thereafter for*
12 *60 months, the Director of the Office of Management*
13 *and Budget, in consultation with the Administrator*
14 *of General Services and the Director of the Office of*
15 *Personnel Management, shall submit to Congress a re-*
16 *port regarding, for the period covered by the report,*
17 *in-person attendance by employees of executive agen-*
18 *cies.*

19 (5) *COMPTROLLER GENERAL OF THE UNITED*
20 *STATES.—*

21 (A) *STUDY.—The Comptroller General of*
22 *the United States shall conduct a study com-*
23 *paring the processing times for constituent serv-*
24 *ices provided by executive agencies, as of the date*
25 *on which the study is completed, with those aver-*

1 *age processing times during 2019, which shall*
2 *include a comparison of the number of constitu-*
3 *ents seeking services and the personnel available*
4 *in each executive agency to service constituent*
5 *requests.*

6 *(B) REPORT.—Not later than 90 days after*
7 *the date of enactment of this Act, the Comptroller*
8 *General of the United States shall submit to the*
9 *Committee on Homeland Security and Govern-*
10 *mental Affairs of the Senate and the Committee*
11 *on Oversight and Accountability of the House of*
12 *Representatives a report containing the results of*
13 *the study conducted under subparagraph (A).*

14 *(i) AMENDMENTS TO REGULATIONS.—*

15 *(1) DEFINITIONS.—In this subsection, the terms*
16 *“approved alternative worksite” and “working re-*
17 *motely” have the meanings given those terms in sec-*
18 *tion 6501 of title 5, United States Code, as amended*
19 *by this section.*

20 *(2) REQUIREMENT.—Not later than 1 year after*
21 *the date of enactment of this Act, the Director of the*
22 *Office of Personnel Management shall amend section*
23 *531.605 of title 5, Code of Federal Regulations, or*
24 *any successor regulation, to—*

1 (A) clarify that the official worksite of an
 2 employee working remotely is the regular work-
 3 site established as an approved alternative work-
 4 site of the employee under the written agreement
 5 entered into by the employee under section
 6 6502(b)(2) of title 5, United States Code, as
 7 amended by this section; and

8 (B) distinguish between remotely working
 9 employees and employees whose work location
 10 varies on a recurring basis.

11 **SEC. 3. NONCOMPETITIVE APPOINTMENT TO REMOTE**
 12 **WORK POSITIONS.**

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

14 (1) *DIRECTOR.*—*The term “Director” means the*
 15 *Director of the Office of Personnel Management.*

16 (2) *EXECUTIVE AGENCY.*—*The term “Executive*
 17 *agency” has the meaning given the term in section*
 18 *105 of title 5, United States Code.*

19 (3) *LAW ENFORCEMENT OFFICER.*—*The term*
 20 *“law enforcement officer”—*

21 (A) *has the meaning given the term in sec-*
 22 *tion 8401 of title 5, United States Code; and*

23 (B) *includes—*

24 (i) *an employee (as defined in section*
 25 *8401 of title 5, United States Code)—*

1 (I) the duties of the position of
2 whom include the investigation or ap-
3 prehension of individuals suspected or
4 convicted of offenses against the crimi-
5 nal laws of the United States; and

6 (II) who is authorized to carry a
7 firearm;

8 (ii) an employee of the Department of
9 Veterans Affairs who is a Department police
10 officer under section 902 of title 38, United
11 States Code; and

12 (iii) an employee of U.S. Customs and
13 Border Protection—

14 (I) who is a seized property spe-
15 cialist in the GS-1801 job series; and

16 (II) the duties of the position of
17 whom include activities relating to the
18 efficient and effective custody, manage-
19 ment, and disposition of seized and
20 forfeited property.

21 (4) *QUALIFIED COVERED VETERAN.*—The term
22 “qualified covered veteran” has the meaning given the
23 term in section 4212(a)(3) of title 38, United States
24 Code.

1 (5) *REMOTE WORK.*—The term “remote work”
2 has the meaning given the term in section 6501 of
3 title 5, United States Code, as amended by section 2
4 of this Act.

5 (6) *REMOTE WORK POSITION.*—The term “remote
6 work position” means a position determined by the
7 head of an Executive agency to be eligible for remote
8 work under regulations prescribed by the Director
9 under section 6507 of title 5, United States Code, as
10 added by section 2 of this Act.

11 (b) *NONCOMPETITIVE APPOINTMENT.*—An Executive
12 agency may noncompetitively appoint, for other than tem-
13 porary employment, to a remote work position an indi-
14 vidual who is a qualified covered veteran or who is married
15 to a member of the Armed Forces, if the head of that Execu-
16 tive agency determines that the individual is qualified for
17 the position.

18 (c) *LAW ENFORCEMENT SPOUSE PILOT PROGRAM.*—

19 (1) *IN GENERAL.*—During the period beginning
20 on the date of enactment of this Act and ending on
21 the last day of the fiscal year in which the date that
22 is 7 years after the date of enactment of this Act falls,
23 an Executive agency may noncompetitively appoint,
24 for other than temporary employment, to a remote
25 work position an individual who is married to a law

1 enforcement officer, if the head of that Executive agency
2 determines that the individual is qualified for the
3 position.

4 (2) *REPORTS.*—Not later than the last day of the
5 fiscal year in which the date that is 4 years after the
6 date of enactment of this Act falls, and annually
7 thereafter until the authority to carry out the pilot
8 program under paragraph (1) expires, the Director
9 shall submit to the Committee on Homeland Security
10 and Governmental Affairs of the Senate and the Com-
11 mittee on Oversight and Accountability of the House
12 of Representatives a report that addresses the results
13 of that pilot program, which shall include—

14 (A) the number, pay or grade level, location,
15 and longevity in Federal service of each indi-
16 vidual appointed under that pilot program; and

17 (B) any other information that the Director
18 determines relevant to consider the effectiveness
19 of that pilot program in recruiting and retain-
20 ing law enforcement officers.

21 (d) *REGULATIONS.*—Not later than 180 days after the
22 date of enactment of this Act, the Director shall issue or
23 amend regulations, to the extent necessary, to carry out this
24 section.

Calendar No. 732

118TH CONGRESS
2^D SESSION

S. 3015

[Report No. 118-312]

A BILL

To amend title 5, United States Code, to address telework for Federal employees, and for other purposes.

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported with an amendment