

118TH CONGRESS
1ST SESSION

H. R. 139

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. COMER (for himself, Mr. DONALDS, Mr. BIGGS, and Mr. CLOUD) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. REINSTATEMENT OF PRE-PANDEMIC TELEWORK**
2 **POLICIES, PRACTICES, AND LEVELS FOR EX-**
3 **ECUTIVE AGENCIES.**

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

12 **SEC. 3. STUDY, PLAN, AND CERTIFICATION REGARDING EX-**
13 **ECUTIVE AGENCY TELEWORK POLICIES,**
14 **PRACTICES, AND LEVELS FOR EXECUTIVE**
15 **AGENCIES.**

16 (a) IN GENERAL.—Not later than 6 months after the
17 date of enactment of this Act, the head of each agency,
18 in consultation with the Director, shall submit to Con-
19 gress—

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

24 (A) any adverse impacts of that expansion
25 on the agency's performance of its mission, in-

1 including the performance of customer service by
2 the agency;

3 (B) any costs to the agency during that ex-
4 pansion attributable to—

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

7 (ii) paying higher rates of locality pay
8 to teleworking employees as a result of in-
9 correctly classifying such employees as
10 teleworkers rather than remote workers;

11 (C) any degree to which the agency failed
12 during that expansion to provide teleworking
13 employees with secure network capacity, com-
14 munications tools, necessary and secure access
15 to appropriate agency data assets and Federal
16 records, and equipment sufficient to enable each
17 such employee to be fully productive;

18 (D) any degree to which that expansion fa-
19 cilitated dispersal of the agency workforce
20 around the Nation; and

21 (E) any other impacts of that expansion
22 that the agency or the Director considers ap-
23 propriate;

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

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

6 (A) have a substantial positive effect on—

7 (i) the performance of the agency's
8 mission, including the performance of cus-
9 tomer service;

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

12 and

13 (iii) the reversal of any adverse im-
14 pact set forth pursuant to paragraph
15 (1)(D);

16 (B) substantially lower the agency's costs
17 of owning, leasing, or maintaining real prop-
18 erty;

19 (C) substantially lower the agency's costs
20 attributable to paying locality pay to agency
21 personnel working from locations outside the
22 pay locality of their position's official worksite;
23 and

24 (D) ensure that teleworking employees will
25 be provided with secure network capacity, com-

1 communications tools, necessary and secure access
2 to appropriate agency data assets and Federal
3 records, and equipment sufficient to enable each
4 such employee to be fully productive, without
5 substantially increasing the agency’s overall
6 costs for secure network capacity, communica-
7 tions tools, and equipment.

8 (b) LIMITATION.—

9 (1) IN GENERAL.—An agency may not imple-
10 ment the plan submitted under subsection (a)(2) un-
11 less a certification by the Director was issued under
12 subsection (a)(3).

13 (2) SUBSEQUENT PLANS.—In the event an ini-
14 tial agency plan submitted under subsection (a)(2)
15 fails to receive such certification, the agency may
16 submit to the Director subsequent plans until such
17 certification is received, and submit such plan and
18 certification to Congress.

19 (c) DEFINITIONS.—In this Act—

20 (1) the term “agency” has the meaning given
21 the term “Executive agency” in section 105 of title
22 5, United States Code;

23 (2) the term “Director” means the Director of
24 the Office of Personnel Management;

1 (3) the term “locality pay” means locality pay
2 provided for under section 5304 or 5304a of such
3 title; and

4 (4) the terms “telework” and “teleworking”
5 have the meaning given those terms in section 6501
6 of such title, and include remote work.

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