

118TH CONGRESS
1ST SESSION

S. 1565

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 SENATE OF THE UNITED STATES

MAY 11, 2023

Mrs. BLACKBURN (for herself, Mr. CRAMER, Mr. HAGERTY, Mr. SCOTT of Florida, Mr. RUBIO, Mr. BRAUN, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “agency” has the
4 meaning given the term “Executive agency” in sec-
5 tion 105 of title 5, United States Code.

6 (2) DIRECTOR.—The term “Director” means
7 the Director of the Office of Personnel Management.

8 (3) LOCALITY PAY.—The term “locality pay”
9 means locality pay provided for under section 5304
10 or 5304a of title 5, United States Code.

11 (4) TELEWORK; TELEWORKING.—The terms
12 “telework” and “teleworking”—

13 (A) have the meaning given those terms in
14 section 6501 of title 5, United States Code; and

15 (B) include remote work.

16 **SEC. 3. REINSTATEMENT OF PRE-PANDEMIC TELEWORK**
17 **POLICIES, PRACTICES, AND LEVELS FOR EX-**
18 **ECUTIVE AGENCIES.**

19 (a) IN GENERAL.—Not later than 30 days after the
20 date of enactment of this Act, the head of each agency
21 shall reinstate and apply the telework policies, practices,
22 and levels of the agency that were in effect on December
23 31, 2019.

24 (b) PROHIBITION.—The head of an agency may not
25 expand any policy, practice, or level described in sub-

1 section (a) until the date on which the head of the agency
2 submits to Congress—

3 (1) an agency plan under section 4(a)(2); and

4 (2) a certification under section 4(a)(3).

5 **SEC. 4. STUDY, PLAN, AND CERTIFICATION REGARDING EX-**
6 **ECUTIVE AGENCY TELEWORK POLICIES,**
7 **PRACTICES, AND LEVELS FOR EXECUTIVE**
8 **AGENCIES.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the head of each agency,
11 in consultation with the Director, shall submit to Con-
12 gress—

13 (1) a study on the impacts on the agency and
14 the mission of the agency of expanding telework for
15 employees as a result of the public health emergency
16 relating to the Coronavirus Disease 2019 (COVID-
17 19) pandemic declared under section 319 of the
18 Public Health Service Act (42 U.S.C. 247d) on Jan-
19 uary 31, 2020, including an analysis of—

20 (A) any adverse impacts of that expansion
21 on the performance by the agency of the mis-
22 sion of the agency, including the performance of
23 customer service by the agency;

24 (B) any costs to the agency during that ex-
25 pansion attributable to—

1 (i) owning, leasing, or maintaining un-
2 derutilized real property; or

3 (ii) paying higher rates of locality pay
4 to teleworking employees as a result of in-
5 correctly classifying those employees as
6 teleworkers rather than remote workers;

7 (C) any degree to which the agency failed
8 during that expansion to provide teleworking
9 employees with secure network capacity, com-
10 munications tools, necessary and secure access
11 to appropriate agency data assets and Federal
12 records, and equipment sufficient to enable tele-
13 working employee to be fully productive;

14 (D) any degree to which that expansion fa-
15 cilitated dispersal of the agency workforce
16 around the United States; and

17 (E) any other impacts of that expansion
18 that the head of the agency or the Director con-
19 siders appropriate;

20 (2) any agency plan to expand telework policies,
21 practices, or levels beyond the telework policies,
22 practices, and levels of the agency that were in effect
23 on December 31, 2019; and

24 (3) a certification by the Director that the
25 agency plan described in paragraph (2) will—

1 (A) have a substantial positive effect on—

2 (i) the performance of the mission of
3 the agency, including the performance of
4 customer service;

5 (ii) increasing the level of dispersal of
6 agency personnel throughout the United
7 States; and

8 (iii) the reversal of any adverse im-
9 pacts described in paragraph (1)(A);

10 (B) substantially lower the costs of the
11 agency relating to owning, leasing, or maintain-
12 ing real property;

13 (C) substantially lower the costs of the
14 agency attributable to paying locality pay to
15 agency personnel working from locations out-
16 side the pay locality of their position's official
17 worksite; and

18 (D) ensure that teleworking employees will
19 be provided with secure network capacity, com-
20 munications tools, necessary and secure access
21 to appropriate agency data assets and Federal
22 records, and equipment sufficient to enable each
23 teleworking employee to be fully productive,
24 without substantially increasing the agency's

1 overall costs for secure network capacity, com-
2 munications tools, and equipment.

3 (b) LIMITATION.—

4 (1) IN GENERAL.—The head of an agency may
5 not implement an agency plan described in sub-
6 section (a)(2) for which the Director does not issue
7 a certification described in subsection (a)(3).

8 (2) SUBSEQUENT PLANS.—If the head of an
9 agency unsuccessfully submits an agency plan de-
10 scribed in subsection (a)(2) to the Director for the
11 certification described in subsection (a)(3), the head
12 of the agency may—

13 (A) submit to the Director subsequent
14 agency plans until the head of the agency re-
15 ceives the certification; and

16 (B) submit a subsequent agency plan de-
17 scribed in subparagraph (A) that is certified by
18 the Director to Congress.

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