

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 3015

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. LANKFORD (for himself and Ms. SINEMA)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telework Reform Act

5 of 2024”.

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

7 (a) AMENDMENTS TO DEFINITIONS.—Section 6501

8 of title 5, United States Code, is amended—

9 (1) by striking paragraph (3);

10 (2) by redesignating paragraphs (1) and (2) as

11 paragraphs (3) and (4), respectively;

1 (3) by inserting before paragraph (3), as so re-
2 designated, the following:

3 “(1) AGENCY-DESIGNATED WORKSITE.—The
4 term ‘agency-designated worksite’ means a location,
5 established by the head of an executive agency (or
6 the designee of such an official), from which an em-
7 ployee of the executive agency would otherwise work
8 when not teleworking.

9 “(2) APPROVED ALTERNATIVE WORKSITE.—
10 The term ‘approved alternative worksite’ means a
11 worksite, approved by the head of an executive agen-
12 cy (or the designee of such an official), where an
13 employee of the executive agency, through telework,
14 performs the duties and responsibilities of the posi-
15 tion of the employee, and other authorized activities,
16 on a routine, situational, or full-time basis.”; and

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

18 “(5) REMOTE WORK.—The term ‘remote work’
19 or ‘working remotely’ means a category of telework
20 under which an employee performs the duties and
21 responsibilities of the position of the employee, and
22 other authorized activities, on a full-time basis from
23 an approved alternative worksite other than the
24 agency-designated worksite with respect to the em-
25 ployee.

1 “(6) TELEWORK.—The term ‘telework’ or ‘tele-
2 working’ means a work flexibility arrangement under
3 which an employee performs the duties and respon-
4 sibilities of the position of the employee, and other
5 authorized activities, on a routine, situational, or
6 full-time basis from an approved alternative worksite
7 other than the agency-designated worksite with re-
8 spect to the employee.”.

9 (b) EXECUTIVE AGENCIES TELEWORK REQUIRE-
10 MENT.—

11 (1) IN GENERAL.—Section 6502 of title 5,
12 United States Code, is amended—

13 (A) in subsection (b)—

14 (i) in the subsection heading, by strik-
15 ing “PARTICIPATION” and inserting “RE-
16 QUIREMENTS”;

17 (ii) in paragraph (2)—

18 (I) in subparagraph (A), by strik-
19 ing “and” at the end; and

20 (II) by adding at the end the fol-
21 lowing:

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

24 “(D) the supervisor of the applicable em-
25 ployee, in consultation with the Telework Man-

1 “(7) address the extent to which telework may
2 be restricted for an employee if—

3 “(A) the employee has been officially dis-
4 ciplined for being absent without permission for
5 any period of time while teleworking under a
6 written agreement entered into under para-
7 graph (2);

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

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

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

17 “(d) LIMITATIONS ON REMOTE WORK.—The fol-
18 lowing shall apply with respect to an employee working
19 remotely:

20 “(1) The employee may be expected to report to
21 the agency-designated worksite of the employee on a
22 periodic basis.

23 “(2) Notwithstanding any other provision of
24 law or regulation, if the employee is working re-
25 motely from an approved alternative worksite that is

1 located within a radius of not less than 75 miles
2 from the agency-designated worksite of the em-
3 ployee, the employee may not be compensated or re-
4 imbursed for any travel to or from that agency-des-
5 ignated worksite unless that travel is—

6 “(A) required during the workday; and

7 “(B) approved by the head of the applica-
8 ble executive agency (or the designee of such an
9 official), in the sole and exclusive discretion of
10 that official.”.

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

15 (A) such subparagraph (C) shall not be en-
16 forced to the extent that such subparagraph
17 conflicts with any applicable agreement de-
18 scribed in section 7103(a)(8) of such title 5, if
19 the agreement was in effect before October 1,
20 2024; and

21 (B) to the extent that an agreement de-
22 scribed in subparagraph (A) of this paragraph
23 conflicts with the requirements of such subpara-
24 graph (C), such subparagraph (C) shall become
25 enforceable beginning on the earlier of—

1 (i) the date on which the agreement
2 expires or becomes subject to renegoti-
3 ation; or

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

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

8 (1) in paragraph (1)—

9 (A) in subparagraph (A)—

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

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

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

18 “(i) be provided on an annual basis;

19 and

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

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

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

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

4 “(5) the executive agency has established a sys-
5 tem to confirm that employees of the executive agen-
6 cy are performing the duties, responsibilities, and
7 authorized activities of the positions of those em-
8 ployees solely at approved worksites under guidelines
9 of the Office of Personnel Management, developed in
10 consultation with the Director of the Office of Man-
11 agement and Budget.”.

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

14 (1) in subsection (b)—

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

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

20 (2) in subsection (c)—

21 (A) in paragraph (1), by striking “guide-
22 lines not later than” and all that follows
23 through the period at the end and inserting the
24 following: “guidelines—

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

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

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

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

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

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

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

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
7 following:

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,
12 at a minimum, the effectiveness of—

13 “(i) performance management with
14 respect 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
2 Managing Officer shall submit to the leadership
3 of the executive agency, including the Chief
4 Human 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
10 work and telework coordinators, and remote work
11 and 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
25 employees are not required to report

1 to the agency-designated worksites of
2 those employees on a regular and re-
3 curring 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”;
18 and

19 (2) in subsection (c)(1)(A)(ii), by striking
20 “Government Reform” and inserting “Account-
21 ability”.

22 (g) REGULATIONS.—

23 (1) IN GENERAL.—Chapter 65 of title 5, United
24 States Code, is amended by adding at the end the
25 following:

1 **“§ 6507. Regulations**

2 “(a) IN GENERAL.—The Director of the Office of
3 Personnel Management shall prescribe regulations to
4 carry out 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 ex-
11 ecutive 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-
15 designated worksite and approved alternative
16 worksite 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
24 employee;

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

4 “(4) if necessary, defining a limited geo-
5 graphical boundary within which the approved alter-
6 native worksite of an employee must be located,
7 which shall be based on—

8 “(A) the need of the executive agency, as
9 determined by the head of the executive agency;

10 or

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

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

17 “(6) for an employee working remotely, the
18 ability of whom to continue working remotely is not
19 offered by the applicable executive agency after the
20 expiration of a written agreement entered into under
21 section 6502(b)(2) for a reason that does not include
22 the conduct or performance of the employee, enter-
23 ing into a written remote work transition agreement,
24 which shall—

1 “(A) be for a period of not longer than 1
2 year;

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

7 “(C) otherwise satisfy the requirements of
8 section 6502(b)(2).”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—The table of sections for chapter 65 of title
11 5, United States Code, is amended by adding at the
12 end the following:

“6507. Regulations.”.

13 (h) REPORTS.—

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

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

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

5 (B) recommendations regarding ways in
6 which to update matters relating to telework
7 and remote work practices, including practices
8 relating to core business hours, flexible sched-
9 ules, performance management, and employee
10 satisfaction;

11 (C) recommended solutions to barriers that
12 prevent the executive agency from delivering
13 consistent and reliable data with respect to
14 telework and remote work to the Office of Per-
15 sonnel Management;

16 (D) metrics used by the executive agency
17 to evaluate the performance of employees of the
18 executive agency; and

19 (E) methods used by the executive agency
20 to track and evaluate the productivity of em-
21 ployees of the executive agency when those em-
22 ployees are teleworking.

23 (3) EXECUTIVE AGENCIES.—Not later than 1
24 year after the date of enactment of this Act, the
25 head of each executive agency, in coordination with

1 the Director of the Office of Personnel Management,
2 the Chief Human Capital Officer of the executive
3 agency, the Chief Financial Officer of the executive
4 agency, the Chief Information Officer of the execu-
5 tive agency, the Director of the Office of Manage-
6 ment and Budget, and the Administrator of General
7 Services, shall submit to the Committee on Home-
8 land Security and Governmental Affairs of the Sen-
9 ate and the Committee on Oversight and Account-
10 ability of the House of Representatives a report that
11 identifies—

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

16 (B) the potential disadvantages that would
17 result from increasing remote work and other
18 teleworking opportunities for employees of par-
19 ticular departments within the executive agency,
20 including the effects of remote work on—

- 21 (i) newly appointed employees;
- 22 (ii) collaboration between employees;
- 23 (iii) the ability of managers to effec-
24 tively supervise other employees; and
- 25 (iv) employee productivity;

1 (C) which job classifications within the ex-
2 ecutive agency could benefit from being per-
3 formed exclusively through remote work;

4 (D) which job classifications within the ex-
5 ecutive agency could suffer from being per-
6 formed primarily or exclusively through
7 telework;

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

11 (F) actionable strategies for enhancing co-
12 ordination between the head of the executive
13 agency and the Secretary of Defense to recruit
14 the spouses of members of the Armed Forces
15 for positions, the responsibilities of which are
16 performed through remote work;

17 (G) expected cost savings as a result of in-
18 creased remote work and telework by employees
19 of the executive agency, taking into consider-
20 ation the fact that the executive agency may
21 need to reinvest those future cost savings to
22 meet increased demands with respect to tech-
23 nology;

24 (H) expected cost increases as a result of
25 increased remote work and telework by employ-

1 ees of the executive agency, taking into consid-
2 eration costs associated with changes in cyber-
3 security and information technology infrastruc-
4 ture and the extra equipment required for
5 telework;

6 (I) expected productivity outcomes from
7 the increased use of remote work and telework;

8 (J) cybersecurity and information tech-
9 nology infrastructure changes necessitated by
10 the increased use of remote work and telework;
11 and

12 (K) barriers that prevent the executive
13 agency from meeting in-person work targets, if
14 applicable.

15 (4) OFFICE OF MANAGEMENT AND BUDGET.—

16 Not later than 30 days after the date of enactment
17 of this Act, and on the fifth day of each month
18 thereafter for 60 months, the Director of the Office
19 of Management and Budget, in consultation with the
20 Administrator of General Services and the Director
21 of the Office of Personnel Management, shall submit
22 to Congress a report regarding, for the period cov-
23 ered by the report, in-person attendance by employ-
24 ees of executive agencies.

1 (5) COMPTROLLER GENERAL OF THE UNITED
2 STATES.—

3 (A) STUDY.—The Comptroller General of
4 the United States shall conduct a study com-
5 paring the processing times for constituent
6 services provided by executive agencies, as of
7 the date on which the study is completed, with
8 those average processing times during 2019,
9 which shall include a comparison of the number
10 of constituents seeking services and the per-
11 sonnel available in each executive agency to
12 service constituent requests.

13 (B) REPORT.—Not later than 90 days
14 after the date of enactment of this Act, the
15 Comptroller General of the United States shall
16 submit to the Committee on Homeland Security
17 and Governmental Affairs of the Senate and the
18 Committee on Oversight and Accountability of
19 the House of Representatives a report con-
20 taining the results of the study conducted under
21 subparagraph (A).

22 (i) AMENDMENTS TO REGULATIONS.—

23 (1) DEFINITIONS.—In this subsection, the
24 terms “approved alternative worksite” and “working
25 remotely” have the meanings given those terms in

1 section 6501 of title 5, United States Code, as
2 amended by this section.

3 (2) REQUIREMENT.—Not later than 1 year
4 after the date of enactment of this Act, the Director
5 of the Office of Personnel Management shall amend
6 section 531.605 of title 5, Code of Federal Regula-
7 tions, or any successor regulation, to—

8 (A) clarify that the official worksite of an
9 employee working remotely is the regular work-
10 site established as an approved alternative
11 worksite of the employee under the written
12 agreement entered into by the employee under
13 section 6502(b)(2) of title 5, United States
14 Code, as amended by this section; and

15 (B) distinguish between remotely working
16 employees and employees whose work location
17 varies on a recurring basis.

18 **SEC. 3. NONCOMPETITIVE APPOINTMENT TO REMOTE**
19 **WORK POSITIONS.**

20 (a) DEFINITIONS.—In this section:

21 (1) DIRECTOR.—The term “Director” means
22 the Director of the Office of Personnel Management.

23 (2) EXECUTIVE AGENCY.—The term “Executive
24 agency” has the meaning given the term in section
25 105 of title 5, United States Code.

1 efficient and effective custody, man-
2 agement, and disposition of seized and
3 forfeited property.

4 (4) QUALIFIED COVERED VETERAN.—The term
5 “qualified covered veteran” has the meaning given
6 the term in section 4212(a)(3) of title 38, United
7 States Code.

8 (5) REMOTE WORK.—The term “remote work”
9 has the meaning given the term in section 6501 of
10 title 5, United States Code, as amended by section
11 2 of this Act.

12 (6) REMOTE WORK POSITION.—The term “re-
13 mote work position” means a position determined by
14 the head of an Executive agency to be eligible for re-
15 mote work under regulations prescribed by the Di-
16 rector under section 6507 of title 5, United States
17 Code, as added by section 2 of this Act.

18 (b) NONCOMPETITIVE APPOINTMENT.—An Executive
19 agency may noncompetitively appoint, for other than tem-
20 porary employment, to a remote work position an indi-
21 vidual who is a qualified covered veteran or who is married
22 to a member of the Armed Forces, if the head of that
23 Executive agency determines that the individual is quali-
24 fied for the position.

25 (c) LAW ENFORCEMENT SPOUSE PILOT PROGRAM.—

1 (1) IN GENERAL.—During the period beginning
2 on the date of enactment of this Act and ending on
3 the last day of the fiscal year in which the date that
4 is 7 years after the date of enactment of this Act
5 falls, an Executive agency may noncompetitively ap-
6 point, for other than temporary employment, to a re-
7 mote work position an individual who is married to
8 a law enforcement officer, if the head of that Execu-
9 tive agency determines that the individual is quali-
10 fied for the position.

11 (2) REPORTS.—Not later than the last day of
12 the fiscal year in which the date that is 4 years after
13 the date of enactment of this Act falls, and annually
14 thereafter until the authority to carry out the pilot
15 program under paragraph (1) expires, the Director
16 shall submit to the Committee on Homeland Secu-
17 rity and Governmental Affairs of the Senate and the
18 Committee on Oversight and Accountability of the
19 House of Representatives a report that addresses
20 the results of that pilot program, which shall in-
21 clude—

22 (A) the number, pay or grade level, loca-
23 tion, and longevity in Federal service of each
24 individual appointed under that pilot program;
25 and

1 (B) any other information that the Direc-
2 tor determines relevant to consider the effec-
3 tiveness of that pilot program in recruiting and
4 retaining law enforcement officers.

5 (d) REGULATIONS.—Not later than 180 days after
6 the date of enactment of this Act, the Director shall issue
7 or amend regulations, to the extent necessary, to carry out
8 this section.