

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 4043

To amend title 5, United States Code, to make executive agency telework policies transparent, to track executive agency use of telework, 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. PETERS (for himself and Ms. ERNST)

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 Trans-
5 parency Act of 2024”.

6 **SEC. 2. TELEWORK POLICY TRANSPARENCY AND TRACK-**
7 **ING.**

8 (a) **MONITORING EXECUTIVE AGENCY TELEWORK**
9 **POLICIES AND REQUIRING TRANSPARENCY.—**

1 (1) TELEWORK ELIGIBILITY POLICY.—Section
2 6502(a)(1) of title 5, United States Code, is amend-
3 ed—

4 (A) in the matter preceding subparagraph
5 (A), by striking “Not later than 180 days after
6 the date of enactment of this chapter, the” and
7 inserting “The”;

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

10 (C) in subparagraph (C), by striking the
11 period at the end and inserting “; and”; and

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

13 “(D) not later than 180 days after the
14 date of enactment of this subparagraph, and as
15 updates are made thereafter—

16 “(i) submit to the Director of the Of-
17 fice of Personnel Management a descrip-
18 tion of the policy established under sub-
19 paragraph (A), or any successor policy;
20 and

21 “(ii) make publicly available on the
22 website of the executive agency the most
23 current version of the policy described in
24 clause (i).”.

1 (2) TRAINING AND MONITORING.—Section 6503
2 of title 5, United States Code, is amended—

3 (A) in subsection (a)—

4 (i) by redesignating paragraphs (3)
5 and (4) as paragraphs (4) and (5), respec-
6 tively; and

7 (ii) by inserting after paragraph (2)
8 the following:

9 “(3) managers of teleworkers, using appropriate
10 methods, track and evaluate the performance of tele-
11 workers, including with respect to the completion of
12 tasks associated with the duties, responsibilities, and
13 authorized activities of teleworkers;” and

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

15 “(c) MONITORING EMPLOYEE USE OF TELEWORK.—

16 “(1) DEFINITION.—In this subsection, the term
17 ‘Shared Service Centers’ has the meaning given the
18 term in section 850.103 of title 5, Code of Federal
19 Regulations, or any successor regulation.

20 “(2) ESTABLISHMENT OF COMMON DATA
21 STANDARDS; DATA REPORTING REQUIREMENTS.—

22 Not later than 180 days after the date of enactment
23 of this subsection, in part to aid in the collection of
24 data for the purposes of satisfying the reporting re-

1 requirements under section 6506, the Director of the
2 Office of Personnel Management shall establish—

3 “(A) executive agency telework data re-
4 porting requirements, including required time-
5 frames for reporting;

6 “(B) data standards and protocols for
7 tracking employee use of telework;

8 “(C) best practices and training for man-
9 agers of employees who telework to review and
10 verify the amount of a locality payment, as de-
11 fined in section 531.602 of title 5, Code of Fed-
12 eral Regulations (or any successor regulation),
13 paid to such an employee;

14 “(D) internal controls for data quality with
15 respect to the use of telework, including proce-
16 dures to—

17 “(i) consistently monitor system-gen-
18 erated errors;

19 “(ii) produce reports on adherence to
20 data standards and edit rules; and

21 “(iii) ensure prompt action to address
22 issues identified in clauses (i) and (ii); and

23 “(E) mechanisms to provide regular feed-
24 back to executive agencies and Shared Service
25 Centers on data quality with respect to

1 telework, which shall include the provision of
2 any human capital data needed to evaluate
3 telework practices.

4 “(3) ESTABLISHMENT OF AUTOMATED
5 TELEWORK TRACKING SYSTEMS WITHIN PAYROLL
6 SYSTEMS.—The head of each executive agency, in
7 consultation (where applicable) with each Shared
8 Service Center that provides payroll or human re-
9 sources services to that executive agency, shall es-
10 tablish telework tracking within each payroll system
11 that—

12 “(A) is automated; and

13 “(B) conforms to—

14 “(i) the telework data standards and
15 coding requirements issued by the Director
16 of the Office of Personnel Management;
17 and

18 “(ii) the requirements established by
19 the Director of the Office of Personnel
20 Management under paragraph (2).

21 “(4) ESTABLISHMENT OF ONLINE TOOL.—Not
22 later than 2 years after the date of enactment of
23 this subsection, the Director of the Office of Per-
24 sonnel Management shall establish and maintain a
25 publicly available online tool that—

1 “(A) makes the data required to be re-
2 ported under paragraph (2), including the aver-
3 age number of days per period that eligible em-
4 ployees telework, available in an appropriate
5 and readable format;

6 “(B) incorporates appropriate protections
7 for personal and sensitive information reported
8 under paragraph (2); and

9 “(C) uses data visualization or other data
10 presentation techniques to support strategic ex-
11 ecutive agency workforce planning and talent
12 management objectives.

13 “(d) MONITORING THE EFFECTS OF TELEWORK ON
14 OFFICE SPACE UTILIZATION AND EXECUTIVE AGENCY
15 PERFORMANCE.—The head of each executive agency
16 shall—

17 “(1) establish a system to track office space
18 utilization rates that aligns with guidance and
19 benchmarks issued by the Director of the Office of
20 Management and Budget, in coordination with the
21 Administrator of General Services and the Federal
22 Real Property Council established by section 623(a)
23 of title 40, under section 6504(b)(2)(A);

24 “(2) identify a set of indicators, and establish
25 routines using the indicators, to assess and monitor

1 the effects of telework policy on the performance of
2 the executive agency, including, as applicable to the
3 mission of the executive agency—

4 “(A) indicators related to—

5 “(i) customer experience and service,
6 including backlogs and wait times;

7 “(ii) security;

8 “(iii) cost to operations;

9 “(iv) the management of real property
10 and related personal property;

11 “(v) investments in network capacity
12 or communications infrastructure, includ-
13 ing technology capabilities to improve effi-
14 ciency and reduce the use of outdated tech-
15 nology; and

16 “(vi) the ability of the executive agen-
17 cy to recruit and retain top talent; and

18 “(B) any other indicator determined ap-
19 propriate by the head of the executive agency,
20 including as the result of policy and policy guid-
21 ance provided under section 6504(b)(2)(B);

22 “(3) not later than 180 days after the date of
23 enactment of this subsection, and as updates are
24 made thereafter—

1 “(A) submit to the Director of the Office
2 of Management and Budget and the Director of
3 the Office of Personnel Management a descrip-
4 tion of the indicators and routines described in
5 paragraph (2); and

6 “(B) make publicly available on the
7 website of the executive agency the most cur-
8 rent version of the indicators and routines de-
9 scribed in paragraph (2); and

10 “(4) with respect to the office space utilization
11 rates described in paragraph (1)—

12 “(A) include those rates in the budget jus-
13 tification materials (as defined in section
14 3(b)(2) of the Federal Funding Accountability
15 and Transparency Act of 2006 (31 U.S.C. 6101
16 note)) of the executive agency; and

17 “(B) make those rates publicly available.”.

18 (3) TELEWORK WEBSITE.—Section 6504(e)(2)
19 of title 5, United States Code, is amended—

20 (A) in subparagraph (A), by striking
21 “telework links” and inserting the following:
22 “links to Government websites, including a
23 compilation of links to executive agency
24 websites with descriptions of telework policies
25 and indicators and routines described in sec-

1 tions 6502(a)(1)(D) and 6503(d)(2), respec-
2 tively”; and

3 (B) in subparagraph (D)—

4 (i) by striking “, and the General
5 Services Administration” and inserting “,
6 the General Services Administration, and
7 the Department of State”; and

8 (ii) by striking “10” and inserting
9 “30”.

10 (b) ESTABLISHING BENCHMARKS AND PROVIDING
11 GUIDANCE.—Section 6504(b) of title 5, United States
12 Code, is amended—

13 (1) in paragraph (3), by redesignating subpara-
14 graphs (A), (B), and (C) as clauses (i), (ii), and
15 (iii), respectively, and adjusting the margins accord-
16 ingly;

17 (2) by redesignating paragraphs (1), (2), and
18 (3) as subparagraphs (A), (B), and (C), respectively,
19 and adjusting the margins accordingly;

20 (3) by striking “The Office of Personnel Man-
21 agement shall” and inserting the following:

22 “(1) OFFICE OF PERSONNEL MANAGEMENT.—
23 The Office of Personnel Management shall”; and

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

1 or unscheduled leave and the duration
2 of that leave; and

3 “(III) data collected from swipes
4 of Personal Identity Verification
5 Cards or Common Access Cards, as
6 applicable, with appropriate protec-
7 tions for personally identifiable infor-
8 mation.

9 “(iii) Establish office space utilization
10 rate goals for each executive agency—

11 “(I) of not less than 60 percent;
12 and

13 “(II) that takes into consider-
14 ation the matters described in sub-
15 clauses (I) and (II) of clause (ii).

16 “(iv) Until the benchmarks described
17 in clause (i) are developed, and the guid-
18 ance described in clause (ii) is provided,
19 ensure that each executive agency, not less
20 frequently than quarterly, uses the fol-
21 lowing formula to calculate office space
22 utilization with respect to the office space
23 that the executive agency leases or owns:

1 “(I) Calculate the usable square
2 feet of the office space so leased or
3 owned, which shall be calculated—

4 “(aa) by using the portion of
5 that office space that is available
6 for occupants, including offices,
7 team rooms, and conference
8 rooms; and

9 “(bb) in accordance with the
10 standard methods of measure-
11 ment developed by the Building
12 Owners and Managers Associa-
13 tion International, as approved
14 by the American National Stand-
15 ards Institute.

16 “(II) Divide the number of usa-
17 ble square feet calculated under sub-
18 clause (I) by 180.

19 “(III) Divide the daily average of
20 the number of individuals, including
21 contractors, who are present working
22 in the space that is the subject of the
23 calculation under subclause (I) by the
24 quotient obtained under subclause

1 (II), which shall be expressed as a
2 percentage.

3 “(B) In coordination with the Director of
4 the Office of Personnel Management and the
5 Administrator of General Services, provide pol-
6 icy and policy guidance for the indicators and
7 routines described in section 6503(d)(2), includ-
8 ing with respect to the identification of addi-
9 tional indicators under section 6503(d)(2)(B).”.

10 (c) REPORTS.—Section 6506(b) of title 5, United
11 States Code, is amended—

12 (1) in paragraph (2)—

13 (A) by striking subparagraphs (D) and
14 (E);

15 (B) by redesignating subparagraph (F) as
16 subparagraph (D);

17 (C) in subparagraph (D), as so redesign-
18 nated—

19 (i) in the matter preceding clause (i),
20 by striking “agency participation rate
21 goals during the reporting period, and
22 other”;

23 (ii) in clause (ii), by inserting “and
24 carbon emissions” after “use”;

1 (iii) in clause (v), by striking “and” at
2 the end;

3 (iv) in clause (vi), by striking “and”
4 at the end; and

5 (v) by inserting after clause (vi) the
6 following:

7 “(vii) the ability of the agency to dis-
8 pose of or consolidate unnecessary and un-
9 derutilized space or property, including to
10 reduce the monetary and environmental
11 cost of maintaining that space or property;
12 and

13 “(viii) customer experience and serv-
14 ice, including backlogs and wait times;”;
15 and

16 (D) by inserting after subparagraph (D),
17 as so redesignated, the following:

18 “(E) an explanation of whether or not each
19 executive agency met the goals described in sub-
20 paragraph (D) for the last reporting period
21 and, if not, what actions are being taken to
22 identify and eliminate barriers to meeting those
23 goals for the next reporting period; and

24 “(F) what actions each executive agency
25 has taken since the last reporting period, and

1 any additional steps the executive agency is
2 planning to take, to—

3 “(i) ensure oversight and quality con-
4 trol with respect to telework; and

5 “(ii) increase the utilization rates of
6 office space owned or leased by the execu-
7 tive agency to not less than 60 percent (or
8 any higher rate established by the Director
9 of the Office of Management and Budget
10 under section 6504(b)(2)(A)); and”; and

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

12 “(3) USE OF ONLINE TOOL.—Notwithstanding
13 any other provision of this subsection, the Director
14 of the Office of Personnel Management may elect to
15 carry out this subsection, in whole or in part,
16 through the online tool established under section
17 6503(e)(4).”.

18 (d) REGULATORY AUTHORITY OVER AGENCY
19 TELEWORK POLICY.—

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

1 **“§ 6507. Regulatory authority**

2 “The Director of the Office of Personnel Manage-
3 ment may prescribe regulations to carry out this chap-
4 ter.”.

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

“6507. Regulatory authority.”.

9 (e) REPORT FROM EXECUTIVE AGENCIES.—

10 (1) DEFINITIONS.—In this subsection, the
11 terms “employee”, “executive agency”, and
12 “telework” have the meanings given those terms in
13 section 6501 of title 5, United States Code.

14 (2) REQUIREMENT.—Not later than 1 year
15 after the date of enactment of this Act, the head of
16 each executive agency, in coordination with the Di-
17 rector of the Office of Personnel Management, the
18 Chief Human Capital Officer of the executive agen-
19 cy, the Chief Information Officer of the executive
20 agency, the Director of the Office of Management
21 and Budget, and the Administrator of General Serv-
22 ices, shall submit to the Committee on Homeland
23 Security and Governmental Affairs of the Senate
24 and the Committee on Oversight and Accountability

1 of the House of Representatives a report that identi-
2 fies—

3 (A) what metrics and methods the execu-
4 tive agency has used to determine the produc-
5 tivity of employees who telework;

6 (B) any effects of telework, including the
7 effects of telework on—

8 (i) costs;

9 (ii) security;

10 (iii) employee morale;

11 (iv) employee productivity; and

12 (v) waste, fraud, or abuse;

13 (C) barriers that prevent the executive
14 agency from meeting in-person work targets, if
15 applicable; and

16 (D) any initiatives of the executive agency
17 to address the barriers described in subpara-
18 graph (C).

19 **SEC. 3. GAO AUDITS AND REPORTS.**

20 (a) DEFINITIONS.—In this section:

21 (1) AGENCY.—The term “agency” means an
22 agency described in section 901(b) of title 31,
23 United States Code.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate;

6 (B) the Committee on Oversight and Ac-
7 countability of the House of Representatives;
8 and

9 (C) any other congressional committee de-
10 termined appropriate by the Comptroller Gen-
11 eral.

12 (3) COMPTROLLER GENERAL.—The term
13 “Comptroller General” means the Comptroller Gen-
14 eral of the United States.

15 (4) EMPLOYEE; EXECUTIVE AGENCY;
16 TELEWORK.—The terms “employee”, “executive
17 agency”, and “telework” have the meanings given
18 those terms in section 6501 of title 5, United States
19 Code.

20 (5) LOCALITY PAYMENT; OFFICIAL WORK-
21 SITE.—The terms “locality payment” and “official
22 worksite” have the meanings given those terms in
23 section 531.602 of title 5, Code of Federal Regula-
24 tions, or any successor regulation.

1 (b) OFFICE SPACE UTILIZATION.—The Comptroller
2 General shall conduct, and submit to Congress a report
3 with respect to, the following audits:

4 (1) For each of the first 3 fiscal years that be-
5 gins after the date of enactment of this Act, an
6 audit of—

7 (A) the measurements made under the
8 benchmarks developed under section
9 6504(b)(2)(A)(i) of title 5, United States Code,
10 as added by section 2 of this Act; or

11 (B) if the Director of the Office of Man-
12 agement and Budget has not developed the
13 benchmarks described in subparagraph (A) as
14 of the first day of the fiscal year in which the
15 audit is scheduled to be performed, the calcula-
16 tions made by executive agencies under section
17 6504(b)(2)(A)(iv) of title 5, United States
18 Code, as added by section 2 of this Act.

19 (2) An audit of the benchmarks developed by
20 the Director of the Office of Management and Budg-
21 et under section 6504(b)(2)(A)(i) of title 5, United
22 States Code, as added by section 2 of this Act, in-
23 cluding any changes to those benchmarks that are
24 made after the benchmarks are first developed.

1 (3)(A) An audit of each system established to
2 track office space utilization rates, as required under
3 section 6503(d)(1) of title 5, United States Code, as
4 added by section 2 of this Act.

5 (B) The Comptroller General shall conduct the
6 audit required under subparagraph (A) once for
7 each of the first 3 fiscal years that begins after the
8 fiscal year in which the Director of the Office of
9 Management and Budget develops the benchmarks
10 required under section 6504(b)(2)(A)(i) of title 5,
11 United States Code, as added by section 2 of this
12 Act, after which the Comptroller General shall con-
13 duct that audit—

14 (i) not more frequently than once each fis-
15 cal year; and

16 (ii) upon request by any Member of Con-
17 gress.

18 (c) VERIFYING OFFICIAL WORKSITE AND LOCALITY
19 PAYMENT ACCURACY.—

20 (1) IN GENERAL.—The Comptroller General
21 shall—

22 (A) not later than 180 days after the date
23 of enactment of this Act, brief the appropriate
24 congressional committees on how agencies de-
25 termine the official worksite for an employee

1 tion granted under such section
2 531.605(d)(2); and

3 (B) the oversight practices that agencies
4 use to review and verify the amount of a local-
5 ity payment paid to an employee who teleworks.

6 (3) **ADDITIONAL REPORTS.**—With respect to
7 the practices described in subparagraphs (A) and
8 (B) of paragraph (2), the Comptroller General
9 shall—

10 (A) assess those practices as of the date
11 that is 2 years, and as of the date that is 4
12 years, after the date on which the Comptroller
13 General submits the report required under
14 paragraph (1)(B); and

15 (B) submit to the appropriate congress-
16 sional committees a report regarding each as-
17 sessment conducted under subparagraph (A) of
18 this paragraph, which shall include a descrip-
19 tion of any changes to those practices since the
20 last such assessment conducted by the Com-
21 troller General.

22 **SEC. 4. NO ADDITIONAL FUNDS.**

23 No additional funds are authorized to be appro-
24 priated for the purpose of carrying out this Act or the
25 amendments made by this Act.