

118TH CONGRESS
2D SESSION

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.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2024

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

A BILL

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.

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 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 by adding
3 at the end the following:

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

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

9 “(2) ESTABLISHMENT OF COMMON DATA
10 STANDARDS; DATA REPORTING REQUIREMENTS.—
11 Not later than 180 days after the date of enactment
12 of this subsection, in part to aid in the collection of
13 data for the purposes of satisfying the reporting re-
14 quirements under section 6506, the Director of the
15 Office of Personnel Management shall establish—

16 “(A) executive agency telework data re-
17 porting requirements, including required time-
18 frames for reporting;

19 “(B) data standards and protocols for
20 tracking employee use of telework;

21 “(C) best practices and training for man-
22 agers of employees who telework to review and
23 verify the amount of a locality payment, as de-
24 fined in section 531.602 of title 5, Code of Fed-

1 eral Regulations (or any successor regulation),
2 paid to such an employee;

3 “(D) internal controls for data quality with
4 respect to the use of telework, including proce-
5 dures to—

6 “(i) consistently monitor system-gen-
7 erated errors;

8 “(ii) produce reports on adherence to
9 data standards and edit rules; and

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

12 “(E) mechanisms to provide regular feed-
13 back to executive agencies and Shared Service
14 Centers on data quality with respect to
15 telework, which shall include the provision of
16 any human capital data needed to evaluate
17 telework practices.

18 “(3) ESTABLISHMENT OF AUTOMATED
19 TELEWORK TRACKING SYSTEMS WITHIN PAYROLL
20 SYSTEMS.—The head of each executive agency, in
21 consultation (where applicable) with each Shared
22 Service Center that provides payroll or human re-
23 sources services to that executive agency, shall es-
24 tablish telework tracking within each payroll system
25 that—

1 “(A) is automated; and

2 “(B) conforms to—

3 “(i) the telework data standards and
4 coding requirements issued by the Director
5 of the Office of Personnel Management;
6 and

7 “(ii) the requirements established by
8 the Director of the Office of Personnel
9 Management under paragraph (2).

10 “(4) ESTABLISHMENT OF ONLINE TOOL.—Not
11 later than 2 years after the date of enactment of
12 this subsection, the Director of the Office of Per-
13 sonnel Management shall establish and maintain a
14 publicly available online tool that—

15 “(A) makes available the data required to
16 be reported under paragraph (2) in an appro-
17 priate and readable format;

18 “(B) incorporates appropriate protections
19 for personal and sensitive information; and

20 “(C) uses data visualization or other data
21 presentation techniques to support strategic ex-
22 ecutive agency workforce planning and talent
23 management objectives.

24 “(d) MONITORING THE EFFECTS OF TELEWORK ON
25 OFFICE BUILDING SPACE UTILIZATION AND EXECUTIVE

1 AGENCY PERFORMANCE.—The head of each executive
2 agency shall—

3 “(1) establish a system to track office building
4 space utilization rates that aligns with guidance and
5 benchmarks issued by the Director of the Office of
6 Management and Budget, in coordination with the
7 Administrator of General Services and the Federal
8 Real Property Council established by section 623(a)
9 of title 40, under section 6504(b)(2)(A);

10 “(2) identify a set of indicators, and establish
11 routines using the indicators, to assess and monitor
12 the effects of telework policy on the performance of
13 the executive agency, including, as applicable to the
14 mission of the executive agency—

15 “(A) indicators related to—

16 “(i) customer experience and service,
17 including backlogs and wait times;

18 “(ii) security;

19 “(iii) cost to operations;

20 “(iv) the management of real property
21 and personal property;

22 “(v) investments in network capacity
23 or communications infrastructure, includ-
24 ing technology capabilities to improve effi-

1 ciency and reduce the use of outdated tech-
2 nology; and

3 “vi) the ability of the executive agen-
4 cy to recruit and retain top talent; and

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

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

12 “(A) submit to the Director of the Office
13 of Management and Budget and the Director of
14 the Office of Personnel Management a descrip-
15 tion of the indicators and routines described in
16 paragraph (2); and

17 “(B) make publicly available on the
18 website of the executive agency the most cur-
19 rent version of the indicators and routines de-
20 scribed in paragraph (2); and

21 “(4) with respect to the office building space
22 utilization rates described in paragraph (1)—

23 “(A) include those rates in the budget jus-
24 tification materials (as defined in section
25 3(b)(2) of the Federal Funding Accountability

1 and Transparency Act of 2006 (31 U.S.C. 6101
2 note)) of the executive agency; and

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

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

6 (A) in subparagraph (A), by striking
7 “telework links” and inserting the following:
8 “links to Government websites, including a
9 compilation of links to executive agency
10 websites with descriptions of telework policies
11 and indicators and routines described in sec-
12 tions 6502(a)(1)(D) and 6503(d)(2), respec-
13 tively”; and

14 (B) in subparagraph (D)—

15 (i) by striking “, and the General
16 Services Administration” and inserting “,
17 the General Services Administration, and
18 the Department of State”; and

19 (ii) by striking “10” and inserting
20 “30”.

21 (b) ESTABLISHING BENCHMARKS AND PROVIDING
22 GUIDANCE.—Section 6504(b) of title 5, United States
23 Code, is amended—

24 (1) in paragraph (3), by redesignating subpara-
25 graphs (A), (B), and (C) as clauses (i), (ii), and

1 (iii), respectively, and adjusting the margins accord-
2 ingly;

3 (2) by redesignating paragraphs (1), (2), and
4 (3) as subparagraphs (A), (B), and (C), and adjust-
5 ing the margins accordingly;

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

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

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

11 “(2) OFFICE OF MANAGEMENT AND BUDGET.—
12 The Director of the Office of Management and
13 Budget shall take the following actions:

14 “(A) In coordination with the Adminis-
15 trator of General Services and the Federal Real
16 Property Council established by section 623(a)
17 of title 40, the following actions:

18 “(i) Develop benchmarks for meas-
19 uring office building space utilization that
20 account for the use of telework.

21 “(ii) Provide guidance to each execu-
22 tive agency for collecting office building
23 space occupancy data regarding the aver-
24 age daily onsite attendance in the office

1 building space owned or leased by the execu-
2 tive agency.

3 “(iii) Establish office building space
4 utilization rate goals for each executive
5 agency of not less than 60 percent.

6 “(iv) Until the benchmarks described
7 in clause (i) are developed, and the guid-
8 ance described in clause (ii) is provided,
9 ensure that each executive agency, not less
10 frequently than quarterly, uses the fol-
11 lowing formula to calculate office building
12 space utilization with respect to the office
13 building space that the executive agency
14 leases or owns:

15 “(I) Calculate the usable square
16 feet of the office building space so
17 leased or owned, which shall be cal-
18 culated—

19 “(aa) by using the portion of
20 that office building space that is
21 available for occupants, including
22 offices, team rooms, and con-
23 ference rooms; and

24 “(bb) in accordance with the
25 standard methods of measure-

1 ment developed by the Building
2 Owners and Managers Associa-
3 tion International, as approved
4 by the American National Stand-
5 ards Institute.

6 “(II) Divide the number of usa-
7 ble square feet calculated under sub-
8 clause (I) by 180.

9 “(III) Divide the daily average of
10 the number of individuals who are
11 present working in the space that is
12 the subject of the calculation under
13 subclause (I) by the quotient obtained
14 under subclause (II), which shall be
15 expressed as a percentage.

16 “(B) In coordination with the Director of
17 the Office of Personnel Management and the
18 Administrator of General Services, provide pol-
19 icy and policy guidance for the indicators and
20 routines described in section 6503(d)(2), includ-
21 ing with respect to the identification of addi-
22 tional indicators under section 6503(d)(2)(B).”.

23 (c) CONTINUITY OF OPERATIONS.—Section 6504(d)
24 of title 5, United States Code, is amended—

1 (1) in the subsection heading, by striking
2 “PLANS”;

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

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

7 “(1) EMERGENCY INCIDENTS.—

8 “(A) DEFINITION.—In this paragraph, the
9 term ‘emergency incident’ means an event that,
10 as determined by the head of an executive agen-
11 cy, would pose a threat to the life, health, or
12 safety of an employee, or a group of employees,
13 of the executive agency if the employee, or
14 group of employees, were to report to the work-
15 site of the employee or group of employees.

16 “(B) TELEWORK DURING EMERGENCY IN-
17 CIDENTS.—Notwithstanding any other provision
18 of law, the head of an executive agency may re-
19 quire that an employee, or a group of employ-
20 ees, of the executive agency telework during an
21 emergency incident under procedures estab-
22 lished by the Director of the Office of Personnel
23 Management.”.

24 (d) REPORTS.—Section 6506(b) of title 5, United
25 States Code, is amended—

1 (1) in paragraph (2)—

2 (A) by striking subparagraphs (D) and
3 (E);

4 (B) by redesignating subparagraph (F) as
5 subparagraph (D);

6 (C) in subparagraph (D), as so redesign-
7 nated—

8 (i) in the matter preceding clause (i),
9 by striking “agency participation rate
10 goals during the reporting period, and
11 other”;

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

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

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

18 (v) by inserting after clause (vi) the
19 following:

20 “(vii) the ability of the agency to dis-
21 pose of or consolidate unnecessary and un-
22 derutilized space or property, including to
23 reduce the monetary and environmental
24 cost of maintaining that space or property;
25 and

1 “(viii) customer experience and serv-
2 ice, including backlogs and wait times;”;
3 and

4 (D) by inserting after subparagraph (D),
5 as so redesignated, the following:

6 “(E) an explanation of whether or not each
7 executive agency met the goals described in sub-
8 paragraph (D) for the last reporting period
9 and, if not, what actions are being taken to
10 identify and eliminate barriers to meeting those
11 goals for the next reporting period; and

12 “(F) what actions each executive agency
13 has taken since the last reporting period, and
14 any additional steps the executive agency is
15 planning to take, to—

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

18 “(ii) increase the utilization rates of
19 office building space owned or leased by
20 the executive agency to not less than 60
21 percent (or any higher rate established by
22 the Director of the Office of Management
23 and Budget under section 6504(b)(2)(A));
24 and”;

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

1 “(3) USE OF ONLINE TOOL.—Notwithstanding
 2 any other provision of this subsection, the Director
 3 of the Office of Personnel Management may elect to
 4 carry out this subsection, in whole or in part,
 5 through the online tool established under section
 6 6503(c)(4).”.

7 (e) REGULATORY AUTHORITY OVER AGENCY
 8 TELEWORK POLICY.—

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

12 **“§ 6507. Regulatory authority**

13 “The Director of the Office of Personnel Manage-
 14 ment may prescribe regulations to carry out this chap-
 15 ter.”.

16 (2) TECHNICAL AND CONFORMING AMEND-
 17 MENT.—The table of sections for chapter 65 of title
 18 5, United States Code, is amended by adding at the
 19 end the following:

“6507. Regulatory authority.”.

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

21 (a) DEFINITIONS.—In this section:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 23 TEES.—The term “appropriate congressional com-
 24 mittees” means—

1 (A) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 (B) the Committee on Oversight and Ac-
4 countability of the House of Representatives;
5 and

6 (C) any other congressional committee de-
7 termined appropriate by the Comptroller Gen-
8 eral.

9 (2) COMPTROLLER GENERAL.—The term
10 “Comptroller General” means the Comptroller Gen-
11 eral of the United States.

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

17 (4) EXECUTIVE DEPARTMENT.—The term “Ex-
18 ecutive department” has the meaning given the term
19 in section 101 of title 5, United States 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 BUILDING SPACE UTILIZATION.—The
2 Comptroller General shall conduct, and submit to Con-
3 gress a report 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 building space utilization rates, as re-
3 quired under section 6503(d)(1) of title 5, United
4 States Code, as 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 Executive de-
25 partments determine the official worksite for an

1 employee who teleworks, especially for the pur-
2 pose of determining the amount of a locality
3 payment paid to such an employee; and

4 (B) not later than 1 year after the date on
5 which the Comptroller General provides the
6 briefing required under subparagraph (A), sub-
7 mit to the appropriate congressional committees
8 a report regarding the matters described in that
9 subparagraph.

10 (2) CONTENTS OF REPORT.—The report re-
11 quired under paragraph (1)(B) shall include an as-
12 sessment of—

13 (A) how Executive departments—

14 (i) ensure that employees regularly re-
15 port to the official worksite of those em-
16 ployees; and

17 (ii) use the authorities under section
18 531.605(d)(2) of title 5, Code of Federal
19 Regulations, or any successor regulation,
20 including an assessment of—

21 (I) the frequency with which Ex-
22 ecutive departments use those au-
23 thorities; and

24 (II) the average duration that
25 employees telework under an excep-

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

3 (B) the oversight practices that Executive
4 departments use to review and verify the
5 amount of a locality payment paid to an em-
6 ployee who teleworks.

7 (3) RECURRING ANALYSIS.—With respect to the
8 practices described in subparagraphs (A) and (B) of
9 paragraph (2), the Comptroller General shall take
10 the following actions:

11 (A) Assess those practices once for each of
12 the 5 fiscal years that begins after the fiscal
13 year in which the Comptroller General submits
14 the report required under paragraph (1)(B) and
15 submit to the appropriate congressional com-
16 mittees a report if the Comptroller General de-
17 termines that there have been any changes to
18 those practices since the last such assessment
19 performed by the Comptroller General.

20 (B) After carrying out subparagraph (A)
21 of this paragraph, conduct an assessment de-
22 scribed in such subparagraph (A)—

23 (i) not more frequently than once each
24 fiscal year, which shall include the submis-
25 sion to the appropriate congressional com-

1 mittees of a report if the Comptroller Gen-
2 eral determines that there have been any
3 changes to those practices since the last
4 such assessment performed by the Comp-
5 troller General; and

6 (ii) upon request by any Member of
7 Congress.

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