

118TH CONGRESS
1ST SESSION

H. R. 139

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2023

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. REINSTATEMENT OF PRE-PANDEMIC TELEWORK**
6 **POLICIES, PRACTICES, AND LEVELS FOR EX-**
7 **ECUTIVE AGENCIES.**

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

16 **SEC. 3. STUDY, PLAN, AND CERTIFICATION REGARDING EX-**
17 **ECUTIVE AGENCY TELEWORK POLICIES,**
18 **PRACTICES, AND LEVELS FOR EXECUTIVE**
19 **AGENCIES.**

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

24 (1) a study on the impacts on the agency and
25 its mission of expanding telework by its employees

1 during the SARS-CoV-2 pandemic that commenced
2 in 2019, including an analysis of—

3 (A) any adverse impacts of that expansion
4 on the agency's performance of its mission, in-
5 cluding the performance of customer service by
6 the agency;

7 (B) any costs to the agency during that ex-
8 pansion attributable to—

9 (i) owning, leasing, or maintaining
10 under-utilized real property; or

11 (ii) paying higher rates of locality pay
12 to teleworking employees as a result of in-
13 correctly classifying such employees as
14 teleworkers rather than remote workers;

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

22 (D) any degree to which that expansion fa-
23 cilitated dispersal of the agency workforce
24 around the Nation; and

1 (E) any other impacts of that expansion
2 that the agency or the Director considers ap-
3 propriate;

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

7 (3) a certification by the Director that such
8 plan will—

9 (A) have a substantial positive effect on—

10 (i) the performance of the agency's
11 mission, including the performance of cus-
12 tomer service;

13 (ii) increasing the level of dispersal of
14 agency personnel throughout the Nation;
15 and

16 (iii) the reversal of any adverse im-
17 pact set forth pursuant to paragraph
18 (1)(D);

19 (B) substantially lower the agency's costs
20 of owning, leasing, or maintaining real prop-
21 erty;

22 (C) substantially lower the agency's costs
23 attributable to paying locality pay to agency
24 personnel working from locations outside the

1 pay locality of their position's official worksite;
2 and

3 (D) ensure that teleworking employees will
4 be provided with secure network capacity, com-
5 munications tools, necessary and secure access
6 to appropriate agency data assets and Federal
7 records, and equipment sufficient to enable each
8 such employee to be fully productive, without
9 substantially increasing the agency's overall
10 costs for secure network capacity, communica-
11 tions tools, and equipment.

12 (b) LIMITATION.—

13 (1) IN GENERAL.—An agency may not imple-
14 ment the plan submitted under subsection (a)(2) un-
15 less a certification by the Director was issued under
16 subsection (a)(3).

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

23 (c) DEFINITIONS.—In this Act—

