

Calendar No. 735

118TH CONGRESS
2D SESSION**S. 4043****[Report No. 118–315]**

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

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Telework Trans-
3 parency Act of 2024”.

4 **SEC. 2. TELEWORK POLICY TRANSPARENCY AND TRACK-**
5 **ING.**

6 (a) **MONITORING EXECUTIVE AGENCY TELEWORK**
7 **POLICIES AND REQUIRING TRANSPARENCY.—**

8 (1) **TELEWORK ELIGIBILITY POLICY.**—Section
9 6502(a)(1) of title 5, United States Code, is amend-
10 ed—

11 (A) in the matter preceding subparagraph
12 (A), by striking “Not later than 180 days after
13 the date of enactment of this chapter, the” and
14 inserting “The”;

15 (B) in subparagraph (B), by striking
16 “and” at the end;

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

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

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

23 “(i) submit to the Director of the Of-
24 fice of Personnel Management a descrip-
25 tion of the policy established under sub-

paragraph (A), or any successor policy;
and

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

(2) TRAINING AND MONITORING.—Section 6503
of title 5, United States Code, is amended by adding
at the end the following:

“(c) MONITORING EMPLOYEE USE OF TELEWORK.—

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

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

Not later than 180 days after the date of enactment
of this subsection, in part to aid in the collection of
data for the purposes of satisfying the reporting re-
quirements under section 6506, the Director of the
Office of Personnel Management shall establish—

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

1 ~~“(B) data standards and protocols for~~
2 ~~tracking employee use of telework;~~

3 ~~“(C) best practices and training for man-~~
4 ~~agers of employees who telework to review and~~
5 ~~verify the amount of a locality payment, as de-~~
6 ~~finied in section 531.602 of title 5, Code of Fed-~~
7 ~~eral Regulations (or any successor regulation);~~
8 ~~paid to such an employee;~~

9 ~~“(D) internal controls for data quality with~~
10 ~~respect to the use of telework, including proce-~~
11 ~~dures to—~~

12 ~~“(i) consistently monitor system-gen-~~
13 ~~erated errors;~~

14 ~~“(ii) produce reports on adherence to~~
15 ~~data standards and edit rules; and~~

16 ~~“(iii) ensure prompt action to address~~
17 ~~issues identified in clauses (i) and (ii); and~~

18 ~~“(E) mechanisms to provide regular feed-~~
19 ~~back to executive agencies and Shared Service~~
20 ~~Centers on data quality with respect to~~
21 ~~telework, which shall include the provision of~~
22 ~~any human capital data needed to evaluate~~
23 ~~telework practices.~~

24 ~~“(3) ESTABLISHMENT OF AUTOMATED~~
25 ~~TELEWORK TRACKING SYSTEMS WITHIN PAYROLL~~

1 SYSTEMS.—The head of each executive agency, in
 2 consultation (where applicable) with each Shared
 3 Service Center that provides payroll or human re-
 4 sources services to that executive agency, shall es-
 5 tablish telework tracking within each payroll system
 6 that—

7 “(A) is automated; and

8 “(B) conforms to—

9 “(i) the telework data standards and
 10 coding requirements issued by the Director
 11 of the Office of Personnel Management;
 12 and

13 “(ii) the requirements established by
 14 the Director of the Office of Personnel
 15 Management under paragraph (2).

16 “(4) ESTABLISHMENT OF ONLINE TOOL.—Not
 17 later than 2 years after the date of enactment of
 18 this subsection, the Director of the Office of Per-
 19 sonnel Management shall establish and maintain a
 20 publicly available online tool that—

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

24 “(B) incorporates appropriate protections
 25 for personal and sensitive information; and

1 ~~“(C) uses data visualization or other data~~
 2 ~~presentation techniques to support strategic ex-~~
 3 ~~ecutive agency workforce planning and talent~~
 4 ~~management objectives.~~

5 ~~“(d) MONITORING THE EFFECTS OF TELEWORK ON~~
 6 ~~OFFICE BUILDING SPACE UTILIZATION AND EXECUTIVE~~
 7 ~~AGENCY PERFORMANCE.—The head of each executive~~
 8 ~~agency shall—~~

9 ~~“(1) establish a system to track office building~~
 10 ~~space utilization rates that aligns with guidance and~~
 11 ~~benchmarks issued by the Director of the Office of~~
 12 ~~Management and Budget, in coordination with the~~
 13 ~~Administrator of General Services and the Federal~~
 14 ~~Real Property Council established by section 623(a)~~
 15 ~~of title 40, under section 6504(b)(2)(A);~~

16 ~~“(2) identify a set of indicators, and establish~~
 17 ~~routines using the indicators, to assess and monitor~~
 18 ~~the effects of telework policy on the performance of~~
 19 ~~the executive agency, including, as applicable to the~~
 20 ~~mission of the executive agency—~~

21 ~~“(A) indicators related to—~~

22 ~~“(i) customer experience and service,~~
 23 ~~including backlogs and wait times;~~

24 ~~“(ii) security;~~

25 ~~“(iii) cost to operations;~~

1 “(iv) the management of real property
2 and personal property;

3 “(v) investments in network capacity
4 or communications infrastructure, includ-
5 ing technology capabilities to improve effi-
6 ciency and reduce the use of outdated tech-
7 nology; and

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

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

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

17 “(A) submit to the Director of the Office
18 of Management and Budget and the Director of
19 the Office of Personnel Management a descrip-
20 tion of the indicators and routines described in
21 paragraph (2); and

22 “(B) make publicly available on the
23 website of the executive agency the most cur-
24 rent version of the indicators and routines de-
25 scribed in paragraph (2); and

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

3 “(A) include those rates in the budget jus-
4 tification materials (as defined in section
5 3(b)(2) of the Federal Funding Accountability
6 and Transparency Act of 2006 (31 U.S.C. 6101
7 note)) of the executive agency; and

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

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

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

19 (B) in subparagraph (D)—

20 (i) by striking “, and the General
21 Services Administration” and inserting “,
22 the General Services Administration, and
23 the Department of State”; and

24 (ii) by striking “10” and inserting
25 “20”.

1 (b) ESTABLISHING BENCHMARKS AND PROVIDING
 2 GUIDANCE.—Section 6504(b) of title 5, United States
 3 Code, is amended—

4 (1) in paragraph (3), by redesignating subpara-
 5 graphs (A), (B), and (C) as clauses (i), (ii), and
 6 (iii), respectively, and adjusting the margins accord-
 7 ingly;

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

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

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

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

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

19 “(A) In coordination with the Adminis-
 20 trator of General Services and the Federal Real
 21 Property Council established by section 623(a)
 22 of title 40, the following actions:

23 “(i) Develop benchmarks for meas-
 24 uring office building space utilization that
 25 account for the use of telework.

1 “(ii) Provide guidance to each execu-
2 tive agency for collecting office building
3 space occupancy data regarding the aver-
4 age daily onsite attendance in the office
5 building space owned or leased by the execu-
6 tive agency.

7 “(iii) Establish office building space
8 utilization rate goals for each executive
9 agency of not less than 60 percent.

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

19 “(I) Calculate the usable square
20 feet of the office building space so
21 leased or owned, which shall be cal-
22 culated—

23 “(aa) by using the portion of
24 that office building space that is
25 available for occupants, including

1 offices, team rooms, and con-
2 ference rooms; and

3 “(bb) in accordance with the
4 standard methods of measure-
5 ment developed by the Building
6 Owners and Managers Associa-
7 tion International, as approved
8 by the American National Stand-
9 ards Institute.

10 “(H) Divide the number of usa-
11 ble square feet calculated under sub-
12 clause (I) by 180.

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

20 “(B) In coordination with the Director of
21 the Office of Personnel Management and the
22 Administrator of General Services, provide pol-
23 icy and policy guidance for the indicators and
24 routines described in section 6503(d)(2), includ-

1 ing with respect to the identification of addi-
 2 tional indicators under section 6503(d)(2)(B).”.

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

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

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

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

11 “(1) EMERGENCY INCIDENTS.—

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

20 “(B) TELEWORK DURING EMERGENCY IN-
 21 CIDENTS.—Notwithstanding any other provision
 22 of law, the head of an executive agency may re-
 23 quire that an employee, or a group of employ-
 24 ees, of the executive agency telework during an
 25 emergency incident under procedures estab-

1 lished by the Director of the Office of Personnel
2 Management.”.

3 (d) ~~REPORTS.~~—Section ~~6506(b)~~ of title ~~5~~, United
4 States Code, is amended—

5 (1) in paragraph (2)—

6 (A) by striking subparagraphs (D) and
7 (E);

8 (B) by redesignating subparagraph (F) as
9 subparagraph (D);

10 (C) in subparagraph (D), as so redesign-
11 ated—

12 (i) in the matter preceding clause (i),
13 by striking “agency participation rate
14 goals during the reporting period, and
15 other”;

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

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

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

22 (v) by inserting after clause (vi) the
23 following:

24 “(vii) the ability of the agency to dis-
25 pose of or consolidate unnecessary and un-

1 derutilized space or property, including to
2 reduce the monetary and environmental
3 cost of maintaining that space or property;
4 and

5 “(viii) customer experience and serv-
6 ice, including backlogs and wait times;”
7 and

8 (D) by inserting after subparagraph (D),
9 as so redesignated, the following:

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

16 “(F) what actions each executive agency
17 has taken since the last reporting period; and
18 any additional steps the executive agency is
19 planning to take, to—

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

22 “(ii) increase the utilization rates of
23 office building space owned or leased by
24 the executive agency to not less than 60
25 percent (or any higher rate established by

1 the Director of the Office of Management
 2 and Budget under section 6504(b)(2)(A));
 3 and"; and

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

5 "(3) USE OF ONLINE TOOL.—Notwithstanding
 6 any other provision of this subsection, the Director
 7 of the Office of Personnel Management may elect to
 8 carry out this subsection, in whole or in part,
 9 through the online tool established under section
 10 6503(c)(4).".

11 (e) REGULATORY AUTHORITY OVER AGENCY
 12 TELEWORK POLICY.—

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

16 **"§ 6507. Regulatory authority**

17 "The Director of the Office of Personnel Manage-
 18 ment may prescribe regulations to carry out this chap-
 19 ter.".

20 (2) TECHNICAL AND CONFORMING AMEND-
 21 MENT.—The table of sections for chapter 65 of title
 22 5, United States Code, is amended by adding at the
 23 end the following:

"6507. Regulatory authority.".

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

25 (a) DEFINITIONS.—In this section:

1 ~~(1) 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 Ae-~~
 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 ~~(2) COMPTROLLER GENERAL.—The term~~
 13 ~~“Comptroller General” means the Comptroller Gen-~~
 14 ~~eral of the United States.~~

15 ~~(3) 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 ~~(4) EXECUTIVE DEPARTMENT.—The term “Ex-~~
 21 ~~ecutive department” has the meaning given the term~~
 22 ~~in section 101 of title 5, United States Code.~~

23 ~~(5) LOCALITY PAYMENT; OFFICIAL WORK-~~
 24 ~~SITE.—The terms “locality payment” and “official~~
 25 ~~worksite” have the meanings given those terms in~~

1 section 531.602 of title 5, Code of Federal Regula-
 2 tions, or any successor regulation.

3 (b) OFFICE BUILDING SPACE UTILIZATION.—The
 4 Comptroller General shall conduct, and submit to Con-
 5 gress a report with respect to, the following audits:

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

9 (A) the measurements made under the
 10 benchmarks developed under section
 11 6504(b)(2)(A)(i) of title 5, United States Code,
 12 as added by section 2 of this Act; or

13 (B) if the Director of the Office of Man-
 14 agement and Budget has not developed the
 15 benchmarks described in subparagraph (A) as
 16 of the first day of the fiscal year in which the
 17 audit is scheduled to be performed, the calcula-
 18 tions made by executive agencies under section
 19 6504(b)(2)(A)(iv) of title 5, United States
 20 Code, as added by section 2 of this Act.

21 (2) An audit of the benchmarks developed by
 22 the Director of the Office of Management and Budg-
 23 et under section 6504(b)(2)(A)(i) of title 5, United
 24 States Code, as added by section 2 of this Act, in-

cluding any changes to those benchmarks that are made after the benchmarks are first developed.

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

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

(i) not more frequently than once each fiscal year; and

(ii) upon request by any Member of Congress.

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

~~(1) IN GENERAL.—~~The Comptroller General shall—

~~(A)~~ not later than 180 days after the date of enactment of this Act, brief the appropriate

1 congressional committees on how Executive de-
 2 partments determine the official worksite for an
 3 employee who teleworks; especially for the pur-
 4 pose of determining the amount of a locality
 5 payment paid to such an employee; and

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

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

15 (A) how Executive departments—

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

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

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

1 (H) the average duration that
 2 employees telework under an excep-
 3 tion granted under such section
 4 531.605(d)(2); and

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

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

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

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

(i) not more frequently than once each fiscal year, which shall include the submission to the appropriate congressional committees of a report if the Comptroller General determines that there have been any changes to those practices since the last such assessment performed by the Comptroller General; and

(ii) upon request by any Member of Congress.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Transparency Act of 2024”.

SEC. 2. TELEWORK POLICY TRANSPARENCY AND TRACKING.

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

(1) TELEWORK ELIGIBILITY POLICY.—Section 6502(a)(1) of title 5, United States Code, is amended—

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

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

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

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

4 “(D) not later than 180 days after the date
5 of enactment of this subparagraph, and as up-
6 dates are made thereafter—

7 “(i) submit to the Director of the Office
8 of Personnel Management a description of
9 the policy established under subparagraph
10 (A), or any successor policy; and

11 “(ii) make publicly available on the
12 website of the executive agency the most cur-
13 rent version of the policy described in clause
14 (i).”.

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

17 (A) in subsection (a)—

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

21 (ii) by inserting after paragraph (2)
22 the following:

23 “(3) managers of teleworkers, using appropriate
24 methods, track and evaluate the performance of tele-
25 workers, including with respect to the completion of

1 *tasks associated with the duties, responsibilities, and*
 2 *authorized activities of teleworkers;”;* and

3 *(B) by adding 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 STAND-*
 10 *ARDS; DATA REPORTING REQUIREMENTS.—Not later*
 11 *than 180 days after the date of enactment of this sub-*
 12 *section, in part to aid in the collection of data for the*
 13 *purposes of satisfying the reporting requirements*
 14 *under section 6506, the Director of the Office of Per-*
 15 *sonnel Management shall establish—*

16 *“(A) executive agency telework data report-*
 17 *ing requirements, including required timeframes*
 18 *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 *finied 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 telework,*
 15 *which shall include the provision of any human*
 16 *capital data needed to evaluate telework prac-*
 17 *tices.*

18 *“(3) ESTABLISHMENT OF AUTOMATED*
 19 *TELEWORK TRACKING SYSTEMS WITHIN PAYROLL SYS-*
 20 *TEMS.—The head of each executive agency, in con-*
 21 *sultation (where applicable) with each Shared Service*
 22 *Center that provides payroll or human resources serv-*
 23 *ices to that executive agency, shall establish telework*
 24 *tracking within each payroll system that—*

25 *“(A) is automated; and*

1 “(B) conforms to—

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

5 “(ii) the requirements established by
6 the Director of the Office of Personnel Man-
7 agement under paragraph (2).

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

13 “(A) makes the data required to be reported
14 under paragraph (2), including the average
15 number of days per period that eligible employ-
16 ees telework, available in an appropriate and
17 readable format;

18 “(B) incorporates appropriate protections
19 for personal and sensitive information reported
20 under paragraph (2); and

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

1 “(d) *MONITORING THE EFFECTS OF TELEWORK ON*
 2 *OFFICE SPACE UTILIZATION AND EXECUTIVE AGENCY PER-*
 3 *FORMANCE.*—*The head of each executive agency shall—*

4 “(1) *establish a system to track office space utili-*
 5 *zation rates that aligns with guidance and bench-*
 6 *marks issued by the Director of the Office of Manage-*
 7 *ment and Budget, in coordination with the Adminis-*
 8 *trator of General Services and the Federal Real Prop-*
 9 *erty Council established by section 623(a) of title 40,*
 10 *under section 6504(b)(2)(A);*

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

16 “(A) *indicators related to—*

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

19 “(ii) *security;*

20 “(iii) *cost to operations;*

21 “(iv) *the management of real property*
 22 *and related personal property;*

23 “(v) *investments in network capacity*
 24 *or communications infrastructure, includ-*
 25 *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 agency*
4 *to recruit and retain top talent; and*

5 *“(B) any other indicator determined appro-*
6 *priate by the head of the executive agency, in-*
7 *cluding 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 en-*
10 *actment of this subsection, and as updates are made*
11 *thereafter—*

12 *“(A) submit to the Director of the Office of*
13 *Management and Budget and the Director of the*
14 *Office of Personnel Management a description of*
15 *the indicators and routines described in para-*
16 *graph (2); and*

17 *“(B) make publicly available on the website*
18 *of the executive agency the most current version*
19 *of the indicators and routines described in para-*
20 *graph (2); and*

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

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

1 *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) of*
 5 *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 com-*
 9 *pilation of links to executive agency websites*
 10 *with descriptions of telework policies and indica-*
 11 *tors and routines described in sections*
 12 *6502(a)(1)(D) and 6503(d)(2), respectively”; and*

13 (B) *in subparagraph (D)—*

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

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

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

23 (1) *in paragraph (3), by redesignating subpara-*
 24 *graphs (A), (B), and (C) as clauses (i), (ii), and (iii),*
 25 *respectively, and adjusting the margins accordingly;*

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

4 (3) by striking “The Office of Personnel Manage-
 5 ment shall” and inserting the following:

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

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

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

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

16 “(i) Develop benchmarks for measuring
 17 office space utilization that account for the
 18 use of telework.

19 “(ii) Provide guidance to each execu-
 20 tive agency for collecting office space occu-
 21 pancy data regarding the average daily on-
 22 site attendance in the office space owned or
 23 leased by the executive agency, which shall
 24 take into consideration—

1 “(I) duties of employees of the ex-
 2 ecutive agency that involve official
 3 travel, mobile work, or other job func-
 4 tions requiring such an employee to
 5 temporarily report to an offsite loca-
 6 tion;

7 “(II) variation within a year
 8 with respect to the number of employ-
 9 ees of the executive agency taking
 10 scheduled or unscheduled leave and the
 11 duration of that leave; and

12 “(III) data collected from swipes
 13 of Personal Identity Verification Cards
 14 or Common Access Cards, as applica-
 15 ble, with appropriate protections for
 16 personally identifiable information.

17 “(iii) Establish office space utilization
 18 rate goals for each executive agency—

19 “(I) of not less than 60 percent;
 20 and

21 “(II) that takes into consideration
 22 the matters described in subclauses (I)
 23 and (II) of clause (ii).

24 “(iv) Until the benchmarks described
 25 in clause (i) are developed, and the guid-

1 *ance described in clause (ii) is provided, en-*
2 *sure that each executive agency, not less fre-*
3 *quently than quarterly, uses the following*
4 *formula to calculate office space utilization*
5 *with respect to the office space that the exec-*
6 *utive agency leases or owns:*

7 *“(I) Calculate the usable square*
8 *feet of the office space so leased or*
9 *owned—*

10 *“(aa) by using the portion of*
11 *that office space that is available*
12 *for occupants, including offices,*
13 *team rooms, and conference*
14 *rooms; and*

15 *“(bb) in accordance with the*
16 *standard methods of measurement*
17 *developed by the Building Owners*
18 *and Managers Association Inter-*
19 *national, as approved by the*
20 *American National Standards In-*
21 *stitute.*

22 *“(II) Divide the number of usable*
23 *square feet calculated under subclause*
24 *(I) by 180.*

1 “(III) Divide the daily average of
 2 the number of individuals, including
 3 contractors, who are present working
 4 in the space that is the subject of the
 5 calculation under subclause (I) by the
 6 quotient obtained under subclause (II),
 7 which shall be expressed as a percent-
 8 age.

9 “(B) In coordination with the Director of
 10 the Office of Personnel Management and the Ad-
 11 ministrators of General Services, provide policy
 12 and policy guidance for the indicators and rou-
 13 tines described in section 6503(d)(2), including
 14 with respect to the identification of additional
 15 indicators under section 6503(d)(2)(B).”.

16 (c) *REPORTS*.—Section 6506(b) of title 5, United
 17 States Code, is amended—

18 (1) in paragraph (2)—

19 (A) by striking subparagraphs (D) and (E);

20 (B) by redesignating subparagraph (F) as
 21 subparagraph (D);

22 (C) in subparagraph (D), as so redesign-
 23 nated—

1 (i) in the matter preceding clause (i),
 2 by striking “agency participation rate goals
 3 during the reporting period, and other”;

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

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

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

10 (v) by inserting after clause (vi) the
 11 following:

12 “(vii) the ability of the agency to dis-
 13 pose of or consolidate unnecessary and un-
 14 derutilized space or property, including to
 15 reduce the monetary and environmental cost
 16 of maintaining that space or property; and

17 “(viii) customer experience and service,
 18 including backlogs and wait times;”;

19 (D) by inserting after subparagraph (D), as
 20 so redesignated, the following:

21 “(E) an explanation of whether each execu-
 22 tive agency met the goals described in subpara-
 23 graph (D) for the last reporting period and, if
 24 not, what actions are being taken to identify and

eliminate barriers to meeting those goals for the next reporting period; and

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

“(i) ensure oversight and quality control with respect to telework; and

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

(2) by adding at the end the following:

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

(d) *REGULATORY AUTHORITY OVER AGENCY TELEWORK POLICY.*—

(1) *IN GENERAL.*—Chapter 65 of title 5, United States Code, is amended by adding inserting after section 6505 the following:

1 **“§ 6505A. Regulatory authority**

2 *“The Director of the Office of Personnel Management*
 3 *may prescribe regulations to carry out this chapter.”.*

4 (2) *TECHNICAL AND CONFORMING AMEND-*
 5 *MENT.—The table of sections for chapter 65 of title 5,*
 6 *United States Code, is amended by inserting after the*
 7 *item relating to section 6505 the following:*

“6505A. Regulatory authority.”.

8 (e) *REPORT FROM EXECUTIVE AGENCIES.—*

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

13 (2) *REQUIREMENT.—Not later than 1 year after*
 14 *the date of enactment of this Act, the head of each ex-*
 15 *ecutive agency, in coordination with the Director of*
 16 *the Office of Personnel Management, the Chief*
 17 *Human Capital Officer of the executive agency, the*
 18 *Chief Information Officer of the executive agency, the*
 19 *Director of the Office of Management and Budget,*
 20 *and the Administrator of General Services, shall sub-*
 21 *mit to the Committee on Homeland Security and*
 22 *Governmental Affairs of the Senate and the Com-*
 23 *mittee on Oversight and Accountability of the House*
 24 *of Representatives a report that identifies—*

1 (A) *what metrics and methods the executive*
 2 *agency has used to determine the productivity of*
 3 *employees who telework;*

4 (B) *any effects of telework, including the ef-*
 5 *fects of telework on—*

6 (i) *costs;*

7 (ii) *security;*

8 (iii) *employee morale;*

9 (iv) *employee productivity; and*

10 (v) *waste, fraud, or abuse;*

11 (C) *barriers that prevent the executive agen-*
 12 *cy from meeting in-person work targets, if appli-*
 13 *cable; and*

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

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

18 (a) *DEFINITIONS.—In this section:*

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

22 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
 23 *TEES.—The term “appropriate congressional commit-*
 24 *tees” 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; and*

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

8 (3) *COMPTROLLER GENERAL.—The term “Comp-*
 9 *troller General” means the Comptroller General of the*
 10 *United States.*

11 (4) *EMPLOYEE; EXECUTIVE AGENCY;*
 12 *TELEWORK.—The terms “employee”, “executive agen-*
 13 *cy”, and “telework” have the meanings given those*
 14 *terms in section 6501 of title 5, United States Code.*

15 (5) *LOCALITY PAYMENT; OFFICIAL WORKSITE.—*
 16 *The terms “locality payment” and “official worksite”*
 17 *have the meanings given those terms in section*
 18 *531.602 of title 5, Code of Federal Regulations, or*
 19 *any successor regulation.*

20 (b) *OFFICE SPACE UTILIZATION.—The Comptroller*
 21 *General shall conduct, and submit to Congress a report with*
 22 *respect to, the following audits:*

23 (1) *For each of the first 3 fiscal years that begins*
 24 *after the date of enactment of this Act, an audit of—*

1 (A) the measurements made under the
 2 benchmarks developed under paragraph (2)(A)(i)
 3 of section 6504(b) of title 5, United States Code,
 4 as added by section 2 of this Act; or

5 (B) if the Director of the Office of Manage-
 6 ment and Budget has not developed the bench-
 7 marks described in subparagraph (A) as of the
 8 first day of the fiscal year in which the audit is
 9 scheduled to be performed, the calculations made
 10 by executive agencies under paragraph (2)(A)(iv)
 11 of section 6504 of title 5, United States Code, as
 12 added by section 2 of this Act.

13 (2) An audit of the benchmarks developed by the
 14 Director of the Office of Management and Budget
 15 under paragraph (2)(A)(i) of section 6504(b) of title
 16 5, United States Code, as added by section 2 of this
 17 Act, including any changes to those benchmarks that
 18 are made after the benchmarks are first developed.

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

23 (B) The Comptroller General shall conduct the
 24 audit required under subparagraph (A) once for each
 25 of the first 3 fiscal years that begins after the fiscal

1 *year in which the Director of the Office of Manage-*
 2 *ment and Budget develops the benchmarks required*
 3 *under paragraph (2)(A)(i) of section 6504(b) of title*
 4 *5, United States Code, as added by section 2 of this*
 5 *Act, after which the Comptroller General shall con-*
 6 *duct that audit—*

7 *(i) not more frequently than once each fiscal*
 8 *year; and*

9 *(ii) upon request by any Member of Con-*
 10 *gress.*

11 *(c) VERIFYING OFFICIAL WORKSITE AND LOCALITY*
 12 *PAYMENT ACCURACY.—*

13 *(1) IN GENERAL.—The Comptroller General*
 14 *shall—*

15 *(A) not later than 180 days after the date*
 16 *of enactment of this Act, brief the appropriate*
 17 *congressional committees on how agencies deter-*
 18 *mine the official worksite for an employee who*
 19 *teleworks, especially for the purpose of deter-*
 20 *mining the amount of a locality payment paid*
 21 *to such an employee; and*

22 *(B) not later than 1 year after the date on*
 23 *which the Comptroller General provides the brief-*
 24 *ing required under subparagraph (A), submit to*
 25 *the appropriate congressional committees a re-*

1 *port regarding the matters described in that sub-*
 2 *paragraph.*

3 (2) *CONTENTS OF REPORT.*—*The report required*
 4 *under paragraph (1)(B) shall include an assessment*
 5 *of—*

6 *(A) how agencies—*

7 *(i) ensure that employees regularly re-*
 8 *port to the official worksite of those employ-*
 9 *ees; and*

10 *(ii) use the authorities under section*
 11 *531.605(d)(2) of title 5, Code of Federal*
 12 *Regulations, or any successor regulation,*
 13 *including an assessment of—*

14 *(I) the frequency with which agen-*
 15 *cies use those authorities; and*

16 *(II) the average duration that em-*
 17 *ployees telework under an exception*
 18 *granted under such section*
 19 *531.605(d)(2); and*

20 *(B) the oversight practices that agencies use*
 21 *to review and verify the amount of a locality*
 22 *payment paid to an employee who teleworks.*

23 (3) *ADDITIONAL REPORTS.*—*With respect to the*
 24 *practices described in subparagraphs (A) and (B) of*
 25 *paragraph (2), the Comptroller General shall—*

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

6 (B) submit to the appropriate congressional
7 committees a report regarding each assessment
8 conducted under subparagraph (A) of this para-
9 graph, which shall include a description of any
10 changes to those practices since the last such as-
11 sessment conducted by the Comptroller General.

12 **SEC. 4. NO ADDITIONAL FUNDS.**

13 No additional funds are authorized to be appropriated
14 for the purpose of carrying out this Act or the amendments
15 made by this Act.

Calendar No. 735

118TH CONGRESS
2D Session

S. 4043

[Report No. 118-315]

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.

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported with an amendment