

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend title 5, United States Code, to address telework for Federal employees, 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 Reform Act  
5 of 2023”.

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); and

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

1           “(3) REMOTE WORK.—The term ‘remote work’,  
2           ‘remotely work’, or ‘remotely working’ refers to a  
3           work flexibility arrangement under which an em-  
4           ployee routinely performs the duties and responsibil-  
5           ities of such employee’s position, and other author-  
6           ized activities, from an approved worksite—

7                   “(A) other than the location from which  
8                   the employee would otherwise work;

9                   “(B) that may be inside or outside the  
10                  local commuting area of the location from  
11                  which the employee would otherwise work; and

12                  “(C) that is typically the residence of the  
13                  employee.

14           “(4) TELEWORK.—The term ‘telework’ or ‘tele-  
15           working’—

16                   “(A) refers to a work flexibility arrange-  
17                   ment under which an employee performs the  
18                   duties and responsibilities of such employee’s  
19                   position, and other authorized activities, from  
20                   an approved worksite other than the location  
21                   from which the employee would otherwise work;  
22                   and

23                   “(B) includes remote work or remotely  
24                   working.”.

1           (b) EXECUTIVE AGENCIES TELEWORK REQUIRE-  
2   MENT.—Section 6502(b)(2) of title 5, United States Code,  
3   is amended—

4           (1) in subparagraph (A), by striking “and” at  
5   the end; and

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

7           “ (C) is for a 1-year period; and

8           “ (D) the agency manager, in consultation  
9   with the supervisor of the applicable employee,  
10   shall review annually to determine whether to  
11   renew the agreement, taking into consider-  
12   ation—

13           “ (i) whether the scope of the agree-  
14   ment, or the duties of the employee, have  
15   changed;

16           “ (ii) the performance of the employee;  
17   and

18           “ (iii) the needs of the agency;”.

19           (c) TRAINING AND MONITORING.—Section  
20   6503(a)(1) of title 5, United States Code, is amended—

21           (1) in subparagraph (A)—

22           (A) by inserting “, which shall include  
23   training on accurate reporting of remote work  
24   and telework usage” after “agency”; and

1           (2) by striking subparagraph (B) and inserting  
2           the following:

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

5                           “(i) be provided on an annual basis;  
6                   and

7                           “(ii) include training on accurate re-  
8                   porting of employee remote work and  
9                   telework eligibility and participation in  
10                  agency time and attendance systems;”.

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

13                  (1) in subsection (b)—

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

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

19                  (2) in subsection (c)—

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

24                                  “(A) not later than 180 days after the date  
25                          of enactment of this chapter to ensure the ade-

1 quacy of information and security protections  
2 for information and information systems used  
3 while teleworking; and

4 “(B) not later than 180 days after the  
5 date of enactment of the Telework Reform Act  
6 of 2023 to ensure the adequacy of information  
7 and security protections for information and in-  
8 formation systems used while remotely work-  
9 ing.”; and

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

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

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

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

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

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

1           (2) by redesignating paragraph (3) as para-  
2           graph (5); and

3           (3) by inserting after paragraph (2)(C), as  
4           amended by paragraph (1) of this subsection, the  
5           following:

6           “(3) issue to employees of the applicable execu-  
7           tive agency a biannual remote work and telework  
8           survey—

9           “(A) which shall be designed to evaluate,  
10          at a minimum, the effectiveness of—

11          “(i) performance management with  
12          respect to executive agency employees who  
13          participate in the telework program of the  
14          executive agency, as compared to the effec-  
15          tiveness of performance management for  
16          other employees;

17          “(ii) strategies for engaging with execu-  
18          tive agency employees while those employ-  
19          ees participate in the telework program of  
20          the executive agency; and

21          “(iii) remote work and telework train-  
22          ing for executive agency managers and em-  
23          ployees; and

24          “(B) the results of which the Telework  
25          Managing Officer shall submit to the leadership

1 of the executive agency, including the Chief  
2 Human Capital Officer of the executive agency;  
3 “(4) maintain an executive agency remote work  
4 and telework web page that serves as an information  
5 portal for employees of the executive agency who are  
6 seeking information with respect to remote work and  
7 telework policies, contact information for remote  
8 work and telework coordinators, and remote work  
9 and telework training resources; and”.

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

12 (1) in subsection (b)—

13 (A) in paragraph (1)(A)(ii), by striking  
14 “Government Reform” and inserting “Account-  
15 ability”; and

16 (B) in paragraph (2)—

17 (i) in subparagraph (A), by striking  
18 clause (iii) and inserting the following:

19 “(iii) the number and percent of eligi-  
20 ble employees in the agency who are re-  
21 motely working or teleworking—

22 “(I) full-time, such that those  
23 employees are not required to report  
24 to the locations from which those em-

1 ployees would otherwise work on a  
2 regular and recurring basis;

3 “(II) 3 or more days per pay pe-  
4 riod;

5 “(III) 1 or 2 days per pay period;  
6 and

7 “(IV) on a situational, episodic,  
8 or short-term basis;”; and

9 (ii) in subparagraph (F)—

10 (I) in clause (v), by inserting  
11 “and cost savings” after “produc-  
12 tivity”; and

13 (II) in clause (vi), by inserting  
14 “well-being and” after “employee”;  
15 and

16 (2) in subsection (c)(1)(A)(ii), by striking  
17 “Government Reform” and inserting “Account-  
18 ability”.

19 (g) REPORTS.—

20 (1) DEFINITIONS.—In this subsection, the  
21 terms “executive agency”, “remote work”, and  
22 “telework” have the meanings given those terms in  
23 section 6501 of title 5, United States Code, as  
24 amended by subsection (a) of this section.

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

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

11           (B) recommendations regarding ways in  
12 which to update matters relating to remote  
13 work and telework practices, including practices  
14 relating to core business hours, flexible sched-  
15 ules, performance management, and employee  
16 satisfaction; and

17           (C) recommended solutions to barriers that  
18 prevent the executive agency from delivering  
19 consistent and reliable data with respect to re-  
20 mote work and telework to the Office of Per-  
21 sonnel Management.

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

1 agency, the Chief Financial Officer of the executive  
2 agency, the Director of the Office of Management  
3 and Budget, and the Administrator of General Serv-  
4 ices, shall submit to the Committee on Homeland  
5 Security and Governmental Affairs of the Senate  
6 and the Committee on Oversight and Accountability  
7 of the House of Representatives a report that identi-  
8 fies—

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

13 (B) which job classifications within the ex-  
14 ecutive agency could benefit from being per-  
15 formed exclusively through remote work;

16 (C) the ways that the executive agency  
17 could coordinate with the Secretary of Defense  
18 to recruit the spouses of members of the Armed  
19 Forces for positions, the responsibilities of  
20 which are performed through remote work;

21 (D) expected cost savings as a result of in-  
22 creased remote work and telework by employees  
23 of the executive agency, taking into consider-  
24 ation the fact that the executive agency may  
25 need to reinvest those future cost savings to

1 meet increased demands with respect to tech-  
2 nology;

3 (E) expected productivity outcomes from  
4 the increased use of remote work and telework;  
5 and

6 (F) cybersecurity and information tech-  
7 nology infrastructure changes necessitated by  
8 the increased use of remote work and telework.

9 (h) AMENDMENTS TO REGULATIONS.—Not later  
10 than 90 days after the date of enactment of this Act, the  
11 Director of the Office of Personnel Management shall  
12 amend section 531.605(d)(1) of title 5, Code of Federal  
13 Regulations, or any successor regulation—

14 (1) to provide that the regular worksite of an  
15 employee (where an employee's work activities are  
16 based) is the employee's official worksite if the em-  
17 ployee is scheduled to work at least twice each bi-  
18 weekly pay period on a regular basis at the regular  
19 worksite, or within the locality pay area for that  
20 worksite, for the employee's position of record; and

21 (2) to eliminate the material in the second sen-  
22 tence of that provision.

23 **SEC. 3. NONCOMPETITIVE APPOINTMENT TO REMOTE**  
24 **WORK POSITIONS.**

25 (a) DEFINITIONS.—In this section:

1           (1) COMPETITIVE SERVICE.—The term “com-  
2           petitive service” has the meaning given the term in  
3           section 2102 of title 5, United States Code.

4           (2) DIRECTOR.—The term “Director” means  
5           the Director of the Office of Personnel Management.

6           (3) EXECUTIVE AGENCY.—The term “Executive  
7           agency” has the meaning given the term in section  
8           105 of title 5, United States Code.

9           (4) LAW ENFORCEMENT OFFICER.—The term  
10          “law enforcement officer” means an individual occu-  
11          pying a position in the 1801 or 1811 occupational  
12          series, as established by the Director.

13          (5) REMOTELY WORK.—The term “remotely  
14          work” has the meaning given the term in section  
15          6501 of title 5, United States Code, as amended by  
16          section 2 of this Act.

17          (6) REMOTE WORK POSITION.—The term “re-  
18          mote work position” means a position in the com-  
19          petitive service in which the individual occupying the  
20          position remotely works.

21          (7) VETERAN.—The term “veteran” has the  
22          meaning given the term in section 2108 of title 5,  
23          United States Code.

24          (b) REGULATIONS.—Under such regulations as the  
25          Director shall issue, an Executive agency may noncompeti-

1 tively appoint, for other than temporary employment, to  
2 a remote work position any of the following individuals,  
3 if the head of that Executive agency determines that the  
4 individual is qualified for the position:

5 (1) An individual who—

6 (A) is certified by the Director as having  
7 been a high-performing employee in a former  
8 position in the competitive service; and

9 (B) has been separated from the former  
10 position described in subparagraph (A) for less  
11 than 6 years.

12 (2) A veteran.

13 (3) An individual who is married to a member  
14 of the Armed Forces or to a law enforcement officer.