118TH CONGRESS  
1ST Session

S. ______

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

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

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Reform Act of 2023”.

SEC. 2. TELEWORK AND REMOTE WORK.

(a) Amendments to Definitions.—Section 6501 of title 5, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by adding at the end the following:
“(3) Remote Work.—The term ‘remote work’, ‘remotely work’, or ‘remotely working’ refers to a work flexibility arrangement under which an employee routinely performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite—

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

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

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

“(4) Telework.—The term ‘telework’ or ‘teleworking’—

“(A) refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work; and

“(B) includes remote work or remotely working.”.
(b) Executive Agencies Telework Requirement.—Section 6502(b)(2) of title 5, United States Code, is amended—

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

(2) by adding at the end the following:

“(C) is for a 1-year period; and

“(D) the agency manager, in consultation with the supervisor of the applicable employee, shall review annually to determine whether to renew the agreement, taking into consideration—

“(i) whether the scope of the agreement, or the duties of the employee, have changed;

“(ii) the performance of the employee;

and

“(iii) the needs of the agency;”.

(c) Training and Monitoring.—Section 6503(a)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting “, which shall include training on accurate reporting of remote work and telework usage” after “agency”; and
(2) by striking subparagraph (B) and inserting the following:

“(B) all managers and supervisors of teleworkers and remote workers, which shall—

“(i) be provided on an annual basis;

and

“(ii) include training on accurate reporting of employee remote work and telework eligibility and participation in agency time and attendance systems;”.

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

(1) in subsection (b)—

(A) in paragraph (1), by striking “performance management,”; and

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

(2) in subsection (c)—

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

“(A) not later than 180 days after the date of enactment of this chapter to ensure the ade-
quacy of information and security protections for information and information systems used while teleworking; and

“(B) not later than 180 days after the date of enactment of the Telework Reform Act of 2023 to ensure the adequacy of information and security protections for information and information systems used while remotely working.”; and

(B) by adding at the end the following:

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

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

“(B) make any updates to the guidelines issued under this subsection that are determined to be appropriate as a result of a review conducted under subparagraph (A).”.

(e) DUTIES OF TELEWORK MANAGING OFFICER.—

Section 6505(b) of title 5, United States Code, is amended—

(1) in paragraph (2)(C), by striking “and” at the end;
(2) by redesignating paragraph (3) as paragraph (5); and

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

````(3) issue to employees of the applicable executive agency a biannual remote work and telework survey—
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"``(A) which shall be designed to evaluate, at a minimum, the effectiveness of—
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``````(i) performance management with respect to executive agency employees who participate in the telework program of the executive agency, as compared to the effectiveness of performance management for other employees;
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``````(ii) strategies for engaging with executive agency employees while those employees participate in the telework program of the executive agency; and
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``````(iii) remote work and telework training for executive agency managers and employees; and
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``````(B) the results of which the Telework Managing Officer shall submit to the leadership
of the executive agency, including the Chief Human Capital Officer of the executive agency;

“(4) maintain an executive agency remote work and telework web page that serves as an information portal for employees of the executive agency who are seeking information with respect to remote work and telework policies, contact information for remote work and telework coordinators, and remote work and telework training resources; and”.

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

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking “Government Reform” and inserting “Accountability”; and

(B) in paragraph (2)—

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

“(iii) the number and percent of eligible employees in the agency who are remotely working or teleworking—

“(I) full-time, such that those employees are not required to report to the locations from which those em-
ployees would otherwise work on a regular and recurring basis;

“(II) 3 or more days per pay period;

“(III) 1 or 2 days per pay period;

and

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

(ii) in subparagraph (F)—

(I) in clause (v), by inserting “and cost savings” after “productivity”; and

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

(2) in subsection (e)(1)(A)(ii), by striking “Government Reform” and inserting “Accountability”.

(g) REPORTS.—

(1) DEFINITIONS.—In this subsection, the terms “executive agency”, “remote work”, and “telework” have the meanings given those terms in section 6501 of title 5, United States Code, as amended by subsection (a) of this section.
(2) **Chief Human Capital Officers.**—Not later than 180 days after the date of enactment of this Act, the Chief Human Capital Officer of each executive agency shall submit to the Director of the Office of Personnel Management and Congress a report that contains—

(A) an overview of a process to update current (as of the date on which the report is submitted) remote work and telework eligibility requirements of the executive agency;

(B) recommendations regarding ways in which to update matters relating to remote work and telework practices, including practices relating to core business hours, flexible schedules, performance management, and employee satisfaction; and

(C) recommended solutions to barriers that prevent the executive agency from delivering consistent and reliable data with respect to remote work and telework to the Office of Personnel Management.

(3) **Executive Agencies.**—Not later than 1 year after the date of enactment of this Act, the head of each executive agency, in coordination with the Chief Human Capital Officer of the executive agency,
agency, the Chief Financial Officer of the executive agency, the Director of the Office of Management and Budget, and the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives a report that identifies—

(A) the potential value that would result from increasing remote work and other telework opportunities for employees of particular departments within the executive agency;

(B) which job classifications within the executive agency could benefit from being performed exclusively through remote work;

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

(D) expected cost savings as a result of increased remote work and telework by employees of the executive agency, taking into consideration the fact that the executive agency may need to reinvest those future cost savings to
meet increased demands with respect to technology;

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

(F) cybersecurity and information technology infrastructure changes necessitated by the increased use of remote work and telework.

(h) Amendments to Regulations.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall amend section 531.605(d)(1) of title 5, Code of Federal Regulations, or any successor regulation—

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

(2) to eliminate the material in the second sentence of that provision.

SEC. 3. NONCOMPETITIVE APPOINTMENT TO REMOTE WORK POSITIONS.

(a) Definitions.—In this section:
(1) **COMPETITIVE SERVICE.**—The term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code.

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

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

(4) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” means an individual occupying a position in the 1801 or 1811 occupational series, as established by the Director.

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

(6) **REMOTE WORK POSITION.**—The term “remote work position” means a position in the competitive service in which the individual occupying the position remotely works.

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

(b) **REGULATIONS.**—Under such regulations as the Director shall issue, an Executive agency may noncompeti-
tively appoint, for other than temporary employment, to
a remote work position any of the following individuals,
if the head of that Executive agency determines that the
individual is qualified for the position:

(1) An individual who—

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

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

(2) A veteran.

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