

118TH CONGRESS
2D SESSION

S. _____

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

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on _____

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 locality rate, as defined in section
24 531.602 of title 5, Code of Federal Regulations

1 (or any successor regulation), for those employ-
2 ees;

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, which shall include
18 a mechanism to protect personal and sensitive
19 information; and

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

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

4 “(1) establish a system to track office building
5 utilization rates that aligns with guidance and
6 benchmarks issued by the Director of the Office of
7 Management and Budget, in coordination with the
8 Administrator of General Services and the Federal
9 Real Property Council established by section 623(a)
10 of title 40, 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 impacts of telework policy on the performance of
14 the executive agency, including indicators related
15 to—

16 “(A) customer experience and service, in-
17 cluding backlogs and wait times;

18 “(B) security;

19 “(C) cost to operations;

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

22 “(E) investments in network capacity or
23 communications infrastructure, including tech-
24 nology capabilities to improve efficiency and re-
25 duce the use of outdated technology; and

1 “(F) the ability of the executive agency to
2 recruit and retain top talent;

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

6 “(A) submit to the Director of the Office
7 of Personnel Management a description of the
8 indicators and routines described in paragraph
9 (2); and

10 “(B) make publicly available on the
11 website of the executive agency the most cur-
12 rent version of the indicators and routines de-
13 scribed in paragraph (2); and

14 “(4) with respect to the office building utiliza-
15 tion rates described in paragraph (1)—

16 “(A) include those rates in the budget jus-
17 tification materials (as defined in section
18 3(b)(2) of the Federal Funding Accountability
19 and Transparency Act of 2006 (31 U.S.C. 6101
20 note)) of the executive agency; and

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

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

24 (A) in subparagraph (A), by striking
25 “telework links” and inserting the following:

1 “links to Government websites, including a
2 compilation of links to executive agency
3 websites with descriptions of telework policies
4 and indicators and routines described in sec-
5 tions 6502(a)(1)(D) and 6503(d)(2), respec-
6 tively”; and

7 (B) in subparagraph (D)—

8 (i) by striking “, and the General
9 Services Administration” and inserting “,
10 the General Services Administration, and
11 the Department of State”; and

12 (ii) by striking “10” and inserting
13 “30”.

14 (b) ESTABLISHING BENCHMARKS AND PROVIDING
15 GUIDANCE.—Section 6504(b) of title 5, United States
16 Code, is amended—

17 (1) in paragraph (3), by redesignating subpara-
18 graphs (A), (B), and (C) as clauses (i), (ii), and
19 (iii), respectively, and adjusting the margins accord-
20 ingly;

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

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

1 “(1) OFFICE OF PERSONNEL MANAGEMENT.—

2 The Office of Personnel Management shall”; and

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

4 “(2) OFFICE OF MANAGEMENT AND BUDGET.—

5 The Director of the Office of Management and

6 Budget shall take the following actions:

7 “(A) In coordination with the Adminis-

8 trator of General Services and the Federal Real

9 Property Council established by section 623(a)

10 of title 40, the following actions:

11 “(i) Develop benchmarks for meas-

12 uring office building utilization that ac-

13 count for the use of telework.

14 “(ii) Provide guidance to each execu-

15 tive agency for collecting office building oc-

16 cupancy data regarding the average daily

17 onsite attendance in the office buildings

18 used by the executive agency.

19 “(iii) Establish office building utiliza-

20 tion rate goals for each executive agency of

21 not less than 60 percent.

22 “(iv) Until the benchmarks described

23 in clause (i) are developed, and the guid-

24 ance described in clause (ii) is provided,

25 ensure that each executive agency, not less

1 frequently than quarterly, uses the fol-
2 lowing formula to calculate office building
3 utilization with respect to each building in
4 which the executive agency leases or owns
5 office space:

6 “(I) Calculate the usable amount
7 of square footage of the office space
8 so leased or owned, which shall be cal-
9 culated—

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 measure-
17 ment developed by the Building
18 Owners and Managers Associa-
19 tion International, as approved
20 by the American National Stand-
21 ards Institute.

22 “(II) Divide the number of usa-
23 ble square feet calculated under sub-
24 clause (I) by the number of individ-

1 uals who work in the space that is the
2 subject of the calculation.

3 “(III) Divide the quotient ob-
4 tained under subclause (II) by the
5 daily average of the number of indi-
6 viduals who work in the space that is
7 the subject of the calculation under
8 subclause (I).

9 “(B) In coordination with the Director of
10 the Office of Personnel Management and the
11 Administrator of General Services, provide pol-
12 icy and policy guidance for the indicators and
13 routines described in section 6503(d)(2).”.

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

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

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

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

22 “(1) EMERGENCY INCIDENTS.—

23 “(A) DEFINITION.—In this paragraph, the
24 term ‘emergency incident’ means an event that,
25 as determined by the head of an executive agen-

1 cy, would pose a threat to the life, health, or
2 safety of an employee, or a group of employees,
3 of the executive agency if the employee, or
4 group of employees, were to report to the work-
5 site of the employee or group of employees.

6 “(B) TELEWORK DURING EMERGENCY IN-
7 CIDENTS.—Notwithstanding any other provision
8 of law, the head of an executive agency may re-
9 quire that an employee, or a group of employ-
10 ees, of the executive agency telework during an
11 emergency incident under procedures estab-
12 lished by the Director of the Office of Personnel
13 Management.”.

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

16 (1) in paragraph (2)—

17 (A) by striking subparagraphs (D) and
18 (E);

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

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

23 (i) in the matter preceding clause (i),
24 by striking “agency participation rate

1 goals during the reporting period, and
2 other”;

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

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

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

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

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

17 “(viii) customer experience and serv-
18 ice, including backlogs and wait times;”;
19 and

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

22 “(E) an explanation of whether or not each
23 executive agency met the goals described in sub-
24 paragraph (D) for the last reporting period
25 and, if not, what actions are being taken to

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

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

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

9 “(ii) increase the utilization rates of
10 office buildings occupied by the executive
11 agency to not less than 60 percent (or any
12 higher rate established by the Director of
13 the Office of Management and Budget
14 under section 6504(b)(2)(A)); and”;

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

16 “(3) USE OF ONLINE TOOL.—Notwithstanding
17 any other provision of this subsection, the Director
18 of the Office of Personnel Management may elect to
19 carry out this subsection, in whole or in part,
20 through the online tool established under section
21 6503(c)(4).”.

22 (e) REGULATORY AUTHORITY OVER AGENCY
23 TELEWORK POLICY.—

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

4 **“§ 6507. Regulatory authority**

5 “The Director of the Office of Personnel Manage-
6 ment may prescribe regulations to carry out this chap-
7 ter.”.

8 (2) TECHNICAL AND CONFORMING AMEND-
9 MENT.—The table of sections for chapter 65 of title
10 5, United States Code, is amended by adding at the
11 end the following:

“6507. Regulatory authority.”.

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

13 (a) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 (B) the Committee on Oversight and Ac-
20 countability of the House of Representatives;
21 and

22 (C) any other congressional committee de-
23 termined appropriate by the Comptroller Gen-
24 eral.

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

4 (3) EMPLOYEE; EXECUTIVE AGENCY;
5 TELEWORK.—The terms “employee”, “executive
6 agency”, and “telework” have the meanings given
7 those terms in section 6501 of title 5, United States
8 Code.

9 (4) EXECUTIVE DEPARTMENT.—The term “Ex-
10 ecutive department” has the meaning given the term
11 in section 101 of title 5, United States Code.

12 (5) LOCALITY RATE; OFFICIAL WORKSITE.—
13 The terms “locality rate” and “official worksite”
14 have the meanings given those terms in section
15 531.602 of title 5, Code of Federal Regulations, or
16 any successor regulation.

17 (b) BUILDING UTILIZATION.—The Comptroller Gen-
18 eral shall conduct the following audits:

19 (1) An audit of the benchmarks established 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 established.

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

5 (B) The Comptroller General shall conduct the
6 audit required under subparagraph (A) with respect
7 to each of the first 3 fiscal years that begins after
8 the date of enactment of this Act, after which the
9 Comptroller General shall conduct that audit—

10 (i) not more frequently than once each fis-
11 cal year; and

12 (ii) upon request by any Member of Con-
13 gress.

14 (c) VERIFYING OFFICIAL WORKSITE AND LOCALITY
15 RATE ACCURACY.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Comp-
18 troller General shall submit to the appropriate con-
19 gressional committees a report on how executive
20 agencies determine the official worksite for an em-
21 ployee who teleworks, especially for the purpose of
22 determining the locality rate of such an employee.

23 (2) REPORT.—The report required under para-
24 graph (1) shall include an assessment of—

25 (A) how Executive departments—

1 (i) ensure that employees regularly re-
2 port to the official worksite of those em-
3 ployees; and

4 (ii) use the authorities under section
5 531.605(d)(2) of title 5, Code of Federal
6 Regulations, or any successor regulation,
7 including an assessment of—

8 (I) the frequency with which Ex-
9 ecutive departments use those au-
10 thorities; and

11 (II) the average duration that
12 employees telework under an excep-
13 tion granted under such section
14 531.605(d)(2); and

15 (B) the oversight practices that executive
16 agencies use to review and verify the locality
17 rate for employees who telework.

18 (3) RECURRING ANALYSIS.—With respect to the
19 practices described in subparagraphs (A) and (B) of
20 paragraph (2), the Comptroller General shall take
21 the following actions:

22 (A) Assess those practices for each of the
23 5 fiscal years after the fiscal year in which the
24 Comptroller General submits the report re-
25 quired under paragraph (1) and submit to the

1 appropriate congressional committees a report
2 if the Comptroller General determines that
3 there have been any changes to those practices
4 since the last such assessment performed by the
5 Comptroller General.

6 (B) After carrying out subparagraph (A)
7 of this paragraph, conduct an assessment de-
8 scribed in such subparagraph (A)—

9 (i) not more frequently than once each
10 fiscal year, which shall include the submis-
11 sion to the appropriate congressional com-
12 mittees of a report if the Comptroller Gen-
13 eral determines that there have been any
14 changes to those practices since the last
15 such assessment performed by the Comp-
16 troller General; and

17 (ii) upon request by any Member of
18 Congress.