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.

A BILL

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.

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

SECTION 1. SHORT TITLE.

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

In this Act:

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

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

(3) LOCALITY PAY.—The term “locality pay” means locality pay provided for under section 5304 or 5304a of title 5, United States Code.

(4) TELEWORK; TELEWORKING.—The terms “telework” and “teleworking”—

(A) have the meaning given those terms in section 6501 of title 5, United States Code; and

(B) include remote work.

SEC. 3. REINSTATEMENT OF PRE-PANDEMIC TELEWORK POLICIES, PRACTICES, AND LEVELS FOR EXECUTIVE AGENCIES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the head of each agency shall reinstate and apply the telework policies, practices, and levels of the agency that were in effect on December 31, 2019.

(b) PROHIBITION.—The head of an agency may not expand any policy, practice, or level described in sub-
section (a) until the date on which the head of the agency submits to Congress—

(1) an agency plan under section 4(a)(2); and

(2) a certification under section 4(a)(3).

SEC. 4. STUDY, PLAN, AND CERTIFICATION REGARDING EXECUTIVE AGENCY TELEWORK POLICIES, PRACTICES, AND LEVELS FOR EXECUTIVE AGENCIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each agency, in consultation with the Director, shall submit to Congress—

(1) a study on the impacts on the agency and the mission of the agency of expanding telework for employees as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, including an analysis of—

(A) any adverse impacts of that expansion on the performance by the agency of the mission of the agency, including the performance of customer service by the agency;

(B) any costs to the agency during that expansion attributable to—
(i) owning, leasing, or maintaining underutilized real property; or

(ii) paying higher rates of locality pay to teleworking employees as a result of incorrectly classifying those employees as teleworkers rather than remote workers;

(C) any degree to which the agency failed during that expansion to provide teleworking employees with secure network capacity, communications tools, necessary and secure access to appropriate agency data assets and Federal records, and equipment sufficient to enable teleworking employee to be fully productive;

(D) any degree to which that expansion facilitated dispersal of the agency workforce around the United States; and

(E) any other impacts of that expansion that the head of the agency or the Director considers appropriate;

(2) any agency plan to expand telework policies, practices, or levels beyond the telework policies, practices, and levels of the agency that were in effect on December 31, 2019; and

(3) a certification by the Director that the agency plan described in paragraph (2) will—
(A) have a substantial positive effect on—

(i) the performance of the mission of the agency, including the performance of customer service;

(ii) increasing the level of dispersal of agency personnel throughout the United States; and

(iii) the reversal of any adverse impacts described in paragraph (1)(A);

(B) substantially lower the costs of the agency relating to owning, leasing, or maintaining real property;

(C) substantially lower the costs of the agency attributable to paying locality pay to agency personnel working from locations outside the pay locality of their position’s official worksite; and

(D) ensure that teleworking employees will be provided with secure network capacity, communications tools, necessary and secure access to appropriate agency data assets and Federal records, and equipment sufficient to enable each teleworking employee to be fully productive, without substantially increasing the agency’s
overall costs for secure network capacity, communications tools, and equipment.

(b) LIMITATION.—

(1) IN GENERAL.—The head of an agency may not implement an agency plan described in subsection (a)(2) for which the Director does not issue a certification described in subsection (a)(3).

(2) SUBSEQUENT PLANS.—If the head of an agency unsuccessfully submits an agency plan described in subsection (a)(2) to the Director for the certification described in subsection (a)(3), the head of the agency may—

(A) submit to the Director subsequent agency plans until the head of the agency receives the certification; and

(B) submit a subsequent agency plan described in subparagraph (A) that is certified by the Director to Congress.