

118TH CONGRESS  
1ST SESSION

# H. R. 139

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. COMER (for himself, Mr. DONALDS, Mr. BIGGS, and Mr. CLOUD) introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## 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.

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 “Stopping Home Office  
5       Work’s Unproductive Problems Act of 2023” or the  
6       “SHOW UP Act of 2023”.

1 **SEC. 2. REINSTATEMENT OF PRE-PANDEMIC TELEWORK**  
2 **POLICIES, PRACTICES, AND LEVELS FOR EX-**  
3 **ECUTIVE AGENCIES.**

4 Not later than 30 days after the date of enactment  
5 of this Act, each agency shall reinstate and apply the  
6 telework policies, practices, and levels of the agency as in  
7 effect on December 31, 2019, and may not expand any  
8 such policy, practices, or levels until the date that an agen-  
9 cy plan is submitted to Congress with a certification by  
10 the Director of the Office of Personnel Management under  
11 section 3.

12 **SEC. 3. STUDY, PLAN, AND CERTIFICATION REGARDING EX-**  
13 **ECUTIVE AGENCY TELEWORK POLICIES,**  
14 **PRACTICES, AND LEVELS FOR EXECUTIVE**  
15 **AGENCIES.**

16 (a) IN GENERAL.—Not later than 6 months after the  
17 date of enactment of this Act, the head of each agency,  
18 in consultation with the Director, shall submit to Con-  
19 gress—

20 (1) a study on the impacts on the agency and  
21 its mission of expanding telework by its employees  
22 during the SARS-CoV-2 pandemic that commenced  
23 in 2019, including an analysis of—

24 (A) any adverse impacts of that expansion  
25 on the agency's performance of its mission, in-

cluding the performance of customer service by  
the agency;

(B) any costs to the agency during that expansion attributable to—

(i) owning, leasing, or maintaining  
under-utilized real property; or

(ii) paying higher rates of locality pay  
to teleworking employees as a result of in-  
correctly classifying such 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, com-  
munications tools, necessary and secure access  
to appropriate agency data assets and Federal  
records, and equipment sufficient to enable each  
such employee to be fully productive;

(D) any degree to which that expansion fa-  
cilitated dispersal of the agency workforce  
around the Nation; and

(E) any other impacts of that expansion  
that the agency or the Director considers ap-  
propriate;

1           (2) any agency plan to expand telework policies,  
2           practices, or levels beyond those in place as a result  
3           of section 2; and

4           (3) a certification by the Director that such  
5           plan will—

6                   (A) have a substantial positive effect on—

7                           (i) the performance of the agency's  
8                           mission, including the performance of cus-  
9                           tomer service;

10                           (ii) increasing the level of dispersal of  
11                           agency personnel throughout the Nation;  
12                           and

13                           (iii) the reversal of any adverse im-  
14                           pact set forth pursuant to paragraph  
15                           (1)(D);

16                   (B) substantially lower the agency's costs  
17                   of owning, leasing, or maintaining real prop-  
18                   erty;

19                   (C) substantially lower the agency's costs  
20                   attributable to paying locality pay to agency  
21                   personnel working from locations outside the  
22                   pay locality of their position's official worksite;  
23                   and

24                   (D) ensure that teleworking employees will  
25                   be provided with secure network capacity, com-

1           munications tools, necessary and secure access  
2           to appropriate agency data assets and Federal  
3           records, and equipment sufficient to enable each  
4           such employee to be fully productive, without  
5           substantially increasing the agency's overall  
6           costs for secure network capacity, communica-  
7           tions tools, and equipment.

8       (b) LIMITATION.—

9           (1) IN GENERAL.—An agency may not imple-  
10          ment the plan submitted under subsection (a)(2) un-  
11          less a certification by the Director was issued under  
12          subsection (a)(3).

13          (2) SUBSEQUENT PLANS.—In the event an ini-  
14          tial agency plan submitted under subsection (a)(2)  
15          fails to receive such certification, the agency may  
16          submit to the Director subsequent plans until such  
17          certification is received, and submit such plan and  
18          certification to Congress.

19       (c) DEFINITIONS.—In this Act—

20           (1) the term “agency” has the meaning given  
21           the term “Executive agency” in section 105 of title  
22           5, United States Code;

23           (2) the term “Director” means the Director of  
24           the Office of Personnel Management;

1           (3) the term “locality pay” means locality pay  
2       provided for under section 5304 or 5304a of such  
3       title; and

4           (4) the terms “telework” and “teleworking”  
5       have the meaning given those terms in section 6501  
6       of such title, and include remote work.

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